



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

Commanding Officer, Naval Base Kitsap  
120 South Dewey Street  
Bremerton, WA 98314-5020

Dear Captain Schrader,

Enclosed is an Incidental Harassment Authorization (IHA), issued pursuant to Section 101(a)(5)(D) of the Marine Mammal Protection Act, to take small numbers of marine mammals, by Level A and Level B harassment, incidental to work associated with the Pier and Support Facilities for Transit Protection System U.S. Coast Guard Air Station/Sector Field Office Port Angeles, Washington.

You are required to comply with the conditions contained in the IHA, including all mitigation, monitoring and reporting requirements. Along with mitigation measures to be incorporated, the IHA requires monitoring for the presence and behavior of marine mammals prior to, during, and after all pile driving events.

If you have any questions concerning the IHA or its requirements, please contact Laura McCue, Office of Protected Resources, at 301-427-8496.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donna S. Wieting".

Donna S. Wieting  
Director, Office of Protected Resources

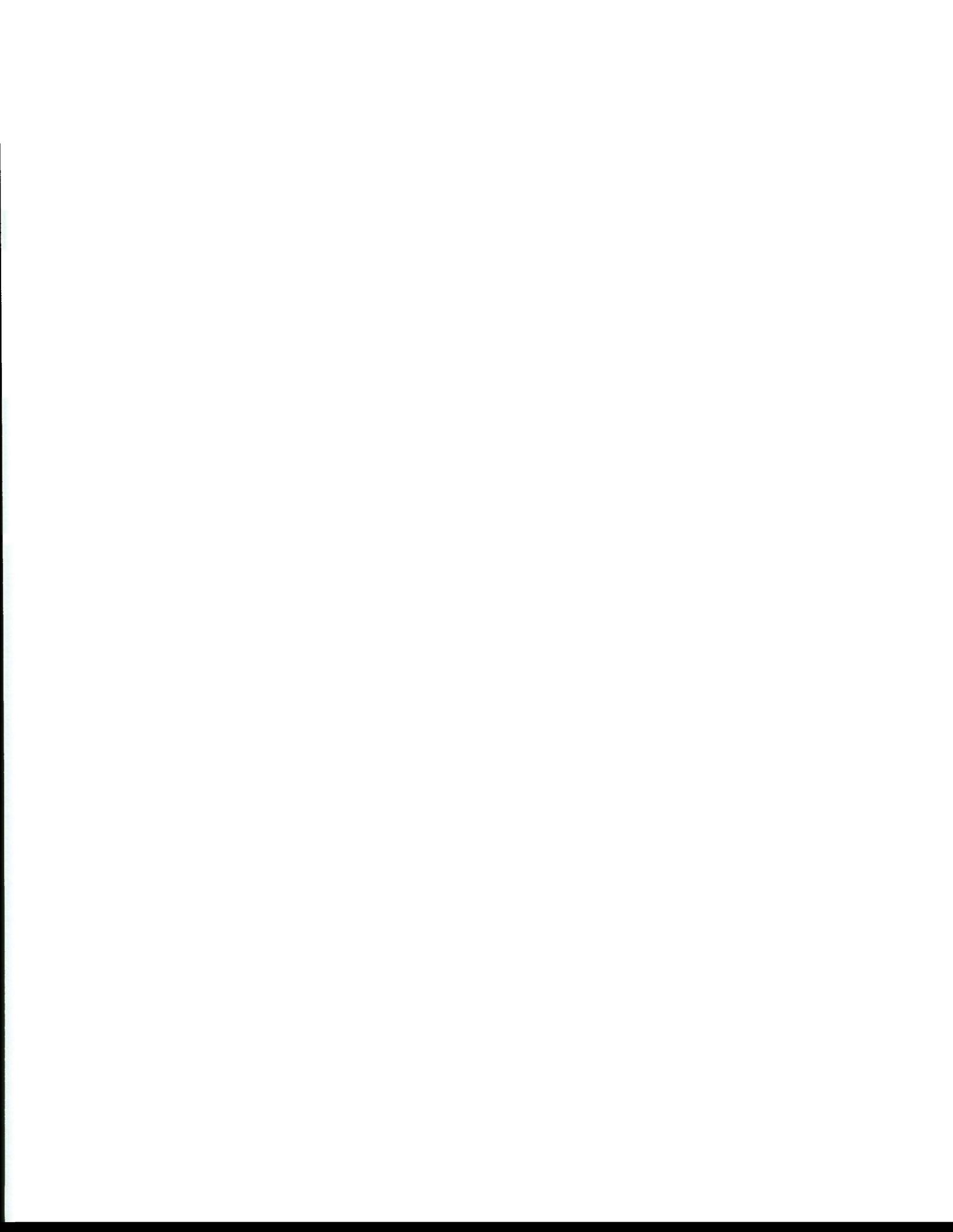
SEP 20 2016

Enclosure



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## INCIDENTAL HARASSMENT AUTHORIZATION

The U.S. Navy, is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1371(a)(5)(D)), to harass marine mammals incidental to The Pier Construction and Support Facilities Project, Port Angeles, WA when adhering to the following terms and conditions.

1. This Incidental Harassment Authorization (IHA) is valid from November 1, 2016 through October 31, 2017.
2. This IHA is valid only for pile driving and removal activities associated with construction of pier and support facilities for the transit protection system U.S. Coast Guard Air Station/Sector Field Office Port Angeles, Washington
3. General Conditions
  - (a) A copy of this IHA must be in the possession of the Navy, its designees, and work crew personnel operating under the authority of this IHA.
  - (b) The species authorized for taking are the harbor seal (*Phoca vitulina*), Northern elephant seal (*Mirounga angustirostris*), California sea lion (*Zalophus californianus*), Steller sea lion (*Eumetopias jubatus*), and harbor porpoise (*Phocoena phocoena*).
  - (c) The taking, by Level A and Level B harassment only, is limited to the species listed in condition 3(b). See Table 1 below for numbers of take authorized.

**Table 1. Authorized Take Numbers.**

Species	Authorized Take	
	Level A	Level B
Harbor seal	75	12,000
Northern elephant seal	0	75
California sea lion	0	1,500
Steller sea lion	0	2,100
Harbor porpoise	0	225
Total	75	15,913

(d) The taking by serious injury or death of any of the species listed in condition 3(b) of the Authorization or any taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA.

(e) The Navy shall conduct briefings between construction supervisors and crews, marine mammal monitoring team, and Navy staff prior to the start of all pile driving and removal, and when new personnel join the work, in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.

(f) The entity may not conduct activities between the dates of February 16, 2017 and July 15, 2017.

(g) Prior to the start of pile driving or removal, the Navy will contact the Orca Network and/or Center for Whale Research to determine the location of the nearest marine mammal sightings. Daily sighting information reported on the Orca Network Twitter site (<https://twitter.com/orcanetwork>) will be checked several times a day. In addition, the SeaSound Remote Sensing Network will be monitored for real-time information on the presence or absence of whales before starting any pile driving or removal.

#### 4. Mitigation Measures

The holder of this Authorization is required to implement the following mitigation measures:

(a) During impact pile driving, the Navy shall implement a minimum shutdown zone of 10 m radius around the pile, to be effective for all marine mammal species. If a marine mammal comes within the relevant zone, operations shall cease. In addition, the Navy shall establish a 100 m shutdown for harbor seal and a 150 m shutdown zone for harbor porpoise.

- (b) During vibratory pile driving and removal, the Navy shall implement a minimum shutdown zone of 10 m radius around the pile for marine mammals. If a marine mammal comes within this zone, such operations shall cease.
- (c) The Navy shall similarly avoid direct interaction with marine mammals during in-water heavy machinery work other than pile driving that may occur in association with the wharf construction project. If a marine mammal comes within 10 m of such activity, operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions, as appropriate.
- (d) The Navy shall establish monitoring locations as described in the Marine Mammal Monitoring Plan. For all pile driving activities, a minimum of three PSOs will be present during all impact and vibratory pile driving/removal. PSOs would be positioned at the best practicable vantage points, taking into consideration security, safety, and space limitations at USCG AIRSTA/SFO Port Angeles. A minimum of three PSOs would be present during both impact and vibratory pile driving/removal. Both the injury and behavioral harassment zones would be monitored in order to remain in compliance with the MMPA. These observers shall record all observations of marine mammals, regardless of distance from the pile being driven, as well as behavior and potential behavioral reactions of the animals.
- (e) Monitoring shall take place from 15 minutes prior to initiation of pile driving activity through 30 minutes post-completion of pile driving activity. Pre-activity monitoring shall be conducted for 15 minutes to ensure that the shutdown zone is clear of marine mammals, and pile driving may commence when observers have declared the shutdown zone clear of marine mammals. In the event of a delay or shutdown of activity resulting from marine mammals in the shutdown zone, animals shall be allowed to remain in the shutdown zone (i.e., must leave of their

own volition) and their behavior shall be monitored and documented. Monitoring shall occur throughout the time required to drive a pile. The shutdown zone must be determined to be clear during periods of good visibility.

(f) If a marine mammal approaches or enters the shutdown zone, all pile driving activities at that location shall be halted. If pile driving is halted or delayed at a specific location due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily left and been visually confirmed beyond the shutdown zone or 15 minutes have passed without re-detection of the animal. Using delay and shut-down procedures, if a species for which authorization has not been granted (including but not limited to Dall's porpoises, Pacific white-sided dolphins, killer whales, and humpback whales) or if a species for which authorization has been granted but the authorized takes are met, approaches or is observed within the Level B harassment zone, operations shall cease and the Navy will contact NMFS immediately.

(g) Monitoring shall be conducted by qualified observers, as described in the Monitoring Plan. Trained observers shall be placed from the best vantage point(s) practicable to monitor for marine mammals and implement shutdown or delay procedures when applicable through communication with the equipment operator.

(h) Approved sound attenuation devices shall be used during impact pile driving operations. The Navy shall implement the necessary contractual requirements to ensure that such devices are capable of achieving optimal performance, and that deployment of the device is implemented properly such that no reduction in performance may be attributable to faulty deployment.

(i) The Navy shall use soft start techniques recommended by NMFS for impact pile driving. The soft start requires contractors to provide an initial set of strikes from the impact hammer at reduced energy, followed by a 30-second waiting period, then two subsequent reduced energy strike sets. Soft start shall be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer.

(j) Pile driving shall only be conducted during daylight hours.

#### 5. Monitoring

The holder of this Authorization is required to conduct marine mammal monitoring during pile driving activity. Marine mammal monitoring and reporting shall be conducted in accordance with the Monitoring Plan.

(a) The Navy shall collect sighting data and behavioral responses to pile driving for marine mammal species observed in the region of activity during the period of activity. All observers shall be trained in marine mammal identification and behaviors, and shall have no other construction related tasks while conducting monitoring.

(b) For all marine mammal monitoring, the information shall be recorded as described in the Monitoring Plan.

#### 6. Reporting

The holder of this Authorization is required to:

(a) Submit a draft report on all marine mammal monitoring conducted under the IHA within 90 calendar days of the end of the in-water work period. A final report shall be prepared and submitted within 30 days following resolution of comments on the draft report from NMFS.

This report must contain the informational elements described in the Monitoring Plan, at minimum (see [www.nmfs.noaa.gov/pr/permits/incidental/construction.htm](http://www.nmfs.noaa.gov/pr/permits/incidental/construction.htm)).

(b) Reporting injured or dead marine mammals:

i. In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by this IHA, such as serious injury or mortality, Navy shall immediately cease the specified activities and report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS. The report must include the following information:

- A. Time and date of the incident;
- B. Description of the incident;
- C. Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- D. Description of all marine mammal observations in the 24 hours preceding the incident;
- E. Species identification or description of the animal(s) involved;
- F. Fate of the animal(s); and
- G. Photographs or video footage of the animal(s).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with Navy to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Navy may not resume their activities until notified by NMFS.

i. In the event that Navy discovers an injured or dead marine mammal, and the lead observer determines that the cause of the injury or death is unknown and the death is relatively

recent (e.g., in less than a moderate state of decomposition), Navy shall immediately report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS.

The report must include the same information identified in 6(b)(i) of this IHA. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with Navy to determine whether additional mitigation measures or modifications to the activities are appropriate.

ii. In the event that Navy discovers an injured or dead marine mammal, and the lead observer determines that the injury or death is not associated with or related to the activities authorized in the IHA (e.g., previously wounded animal, carcass with moderate to advanced decomposition, scavenger damage), Navy shall report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS, within 24 hours of the discovery. Navy shall provide photographs or video footage or other documentation of the stranded animal sighting to NMFS.

7. This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein, or if the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.

  
Donna S. Wieting

Director, Office of Protected Resources,  
National Marine Fisheries Service.

SEP 20 2016  
Date