

**DEPARTMENT OF TRANSPORTATION**

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July 8, 2010

James Lecky  
Director of Office of Protected Resources  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Mr. Lecky,

The purpose of this letter is to request renewal of the Incidental Harassment Authorization (IHA) originally issued to the California Department of Transportation (Department) on November 4, 2003. The existing IHA is valid from August 14, 2009 through August 13, 2010. The IHA, issued under the authority of Section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1316 et.seq.), provides for the taking, by level B harassment, of small numbers of marine mammals incidental to the construction of the San Francisco-Oakland Bay Bridge East Span Seismic Safety Project (SFOBB Project) over the San Francisco Bay in California.

This request for renewal of the IHA is based on documents previously prepared by or submitted to the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA-Fisheries) in support of, or in compliance with, the existing IHA for the above named project. These documents include the following:

- The original application for the IHA submitted by the Department in September 2001;
- The IHA issued on November 4, 2003;
- The Marine Mammal Monitoring Plan for the SFOBB Project approved in May 2002;
- Four Federal Register Notices, dated November 26, 2001, November 14, 2003, July 3, 2008, and August 18, 2009.
- A letter from the Department requesting revision to the IHA, dated December 16, 2003;
- A letter issued by NOAA-Fisheries on June 28, 2004 in response to the December 16, 2003 Department request;
- Marine mammal monitoring report submitted to NOAA-Fisheries between November 2003 and the present;
- The marine mammal monitoring report, Marine Mammal and Acoustic Monitoring for the Eastbound Structure, dated June 2004;
- The marine mammal monitoring report, Marine Mammal and Acoustic Monitoring for the Westbound Structure, dated January 2005;

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- Hydroacoustic Measurements at Piers T1 and E2 Report, dated August 2006;
- The marine mammal monitoring report, Marine Mammal and Acoustic Monitoring for the Marine Foundations Piers T1 and E2, dated December 2006;
- Two letters from the Department providing a description of pile driving activities for the construction of Self Anchored Suspension Span, Temporary Towers and hydroacoustic measurements for temporary piles installed without and an air bubble curtain, dated September 15, 2008 and January 29, 2009; and
- The marine mammal monitoring report, Marine Mammal Monitoring for the Self-Anchored Suspension Span Temporary Towers June 2008 – May 2009, dated June 2010.

The installation of in-water large diameter permanent piles for the construction of the SFOBB Project was completed in 2006. The Department has not scheduled any in-water pile driving for the 2010-2011 permit year. However, due to the possibility of unforeseen construction changes, the Department believes it is important to maintain a current IHA during SFOBB Project construction operations. Currently, no further in-water driving is expected to be performed until the dismantling of the existing SFOBB, scheduled to begin in 2013 or 2014. Any further potential in-water vibratory or impact pile driving required for the construction of the SFOBB will be for the installation of smaller diameter temporary piles.

Should you have any questions or need further clarification please do not hesitate to contact Stefan Galvez, SFOBB Environmental Compliance Manager at (510) 867-6785 or his staff, Courtney Cacace at (650) 520-3254.

Sincerely,

TONY ANZIANO  
Program Manager  
Toll Bridge Program

By

  
STEFAN GALVEZ-ABADIA  
SFOBB Environmental Compliance Manager

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c: Rod McInnis, Regional Administrator, NOAA-Fisheries Southwest Region  
Shane Guan, Fisheries Biologist, NOAA-Fisheries Office of Protected Resources  
Monica DeAngelis, Marine Mammal Biologist, NOAA-Fisheries Southwest Region