



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

Department Of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

INCIDENTAL HARASSMENT AUTHORIZATION

The U.S. Navy (Navy), Naval Base Kitsap Bangor, Washington, 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 a pile replacement project in the Hood Canal, Washington.

1. This Incidental Harassment Authorization (IHA) is valid from July 16, 2012 through February 15, 2013.
2. This IHA is valid only for pile removal activities associated with rehabilitation of Explosive Handling Wharf #1 (EHW-1) in the Hood Canal, 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*), California sea lion (*Zalophus californianus*), Steller sea lion (*Eumetopias jubatus*), killer whale (transient only) (*Orcinus orca*), Dall's porpoise (*Phocoenoides dalli*), and the harbor porpoise (*Phocoena phocoena*).
 - (c) The taking, by Level B harassment only, is limited to the species listed in condition 3(b). See Table 1 (attached) for numbers of take authorized.
 - (d) The taking by injury (Level A harassment), serious injury, or death of any of the species listed in item 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, acoustical monitoring team, and Navy staff prior to the start of all pile driving activity, and when new personnel join the work, in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.
 - (f) The Navy shall comply with applicable equipment noise standards of the U.S. Environmental Protection Agency and ensure that all construction equipment has noise control devices no less effective than those provided on the original equipment.



4. Mitigation Measures

In order to ensure the least practicable impact on the species listed in condition 3(b), the holder of this Authorization is required to implement the following mitigation measures:

- (a) The Navy shall implement a minimum shutdown zone of 10 m radius around all pile removal activity. If a marine mammal comes within 10 m, such operations shall cease. Shutdown zones should, at minimum, at all times encompass any area ensonified to levels equaling or exceeding 180/190 dB rms (re 1 μ Pa) for cetaceans and pinnipeds, respectively, in order to prevent unauthorized Level A harassment.
- (b) The Navy shall similarly avoid direct interaction with marine mammals during any other in-water activities that may occur in association with the pile replacement project. Working vessels shall avoid such interactions by reducing speed to the minimum level required to maintain steerage and safe working conditions, as appropriate.
- (c) The Navy shall establish monitoring locations as described in the Marine Mammal Monitoring Plan (MMP; attached). A minimum of two observers shall be deployed during all pile removal activities. One shall be positioned for optimal monitoring of the shutdown zone, while the second shall be positioned for optimal monitoring of the surrounding waters within the Waterfront Restricted Area (WRA). These observers shall record all observations of marine mammals, regardless of distance from the pile being removed, as well as behavior and potential behavioral reactions of the animals. The disturbance zone for removal of concrete piles is predicted to have a radius of 542 m, while the disturbance zone for vibratory pile removal is predicted to have an area of 35.9 km².
- (d) Monitoring shall take place from 15 minutes prior to initiation of pile removal activity through 30 minutes post-completion of pile removal activity. Pre-activity monitoring shall be conducted for 15 minutes to ensure that the shutdown zone is clear of marine mammals, and pile removal 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 remove a pile. The shutdown zone must be determined to be clear during periods of good visibility (i.e., the entire shutdown and surrounding waters within the WRA must be visible to the naked eye).
- (e) If a marine mammal approaches or enters the shutdown zone, all pile removal activities shall be halted. If pile removal is halted or delayed 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.

- (f) Monitoring shall be conducted by qualified observers, as described in the MMP. 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.
- (g) The Navy shall use soft-start techniques recommended by NMFS for vibratory pile driving/extraction. The soft-start requires contractors to initiate noise from vibratory hammers for 15 seconds at reduced energy followed by a 30-second waiting period. This procedure shall be repeated two additional times.
- (h) Pile removal shall only be conducted during daylight hours.

5. Monitoring

The holder of this Authorization is required to conduct acoustic and marine mammal monitoring during pile removal activity and to avoid direct interaction with marine mammals during all other in-water construction activities. These monitoring efforts shall be conducted in accordance with the relevant plans (attached).

- (a) The Navy shall collect sighting data and behavioral responses to pile removal 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 MMP.
- (c) The Navy shall conduct acoustic monitoring for removal of concrete piles in order to characterize the sound pressure levels produced by this activity.
- (d) Acoustic monitoring protocols shall be as described in the Acoustic Monitoring Plan (AMP).

6. Reporting

The holder of this Authorization is required to:

- (a) Submit a draft report to NMFS within 90 working days of the completion of acoustic measurements and marine mammal monitoring. A final report shall be prepared and submitted to NMFS within 30 working days following resolution of comments on the draft report from NMFS. This report must contain the informational elements described in the Plans, at minimum (see attached).
- (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 an injury (Level A harassment), serious injury, or mortality, Navy shall immediately

cease the specified activities and report the incident to the Chief of the Permits and Conservation Division (301-427-8425), Office of Protected Resources, NMFS, and the Northwest Regional Stranding Coordinator (206-526-6550), NMFS. The report must include the following information:

1. Time and date of the incident;
2. Description of the incident;
3. Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility);
4. Description of all marine mammal observations in the 24 hours preceding the incident;
5. Species identification or description of the animal(s) involved;
6. Fate of the animal(s); and
7. 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.

- (ii) 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 Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, and the Northwest Regional Stranding Coordinator, NMFS.

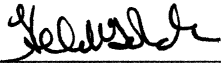
The report must include the same information identified in 6(b)(i) of this IHA. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with Navy to determine whether additional mitigation measures or modifications to the activities are appropriate.

- (iii) 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, or scavenger damage), Navy shall report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, and the

Northwest 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.

JUL 13 2012



Helen M. Golde,
Acting Director, Office of Protected Resources,
National Marine Fisheries Service.

Date

Table 1. Authorized take numbers, by species

Species	Authorized Take
Harbor seal (<i>Phoca vitulina</i>)	737
California sea lion (<i>Zalophus californianus</i>)	422
Steller sea lion (<i>Eumetopias jubatus</i>)	92
Killer whale (<i>Orcinus orca</i>)	15
Dall's porpoise (<i>Phocoenoides dalli</i>)	15
Harbor porpoise (<i>Phocoena phocoena</i>)	120