

**Finding of No Significant Impact
on Issuance of an Incidental Harassment Authorization to the U.S. Navy for Take of
Marine Mammals Incidental to a Test Pile Program**

National Marine Fisheries Service

National Oceanic and Atmospheric Administration Administrative Order (NAO) 216-6 (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality (CEQ) regulations at 40 CFR 1508.27 state that the significance of an action should be analyzed both in terms of ‘context’ and ‘intensity’. Each criterion listed below is relevant to making a finding of no significant impact and has been considered individually, as well as in combination with the others. The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ’s context and intensity criteria. These include:

1. *Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat (EFH) as defined under the Magnuson-Stevens Act and identified in FMPs?*

The Navy’s test pile program is short-term in duration and will involve the driving and removal of a limited number of piles (29). The effects of the action will primarily be from increased levels of sound resulting from pile driving, which will temporarily reduce the quality of water column EFH; these effects are temporary and will result in no long-term impacts to the environment. Pile driving would also locally increase turbidity and disturb benthic habitats and forage fish in the immediate project vicinity. Potentially a maximum area of 1.82 m² (based on a 60-inch diameter pile) of foraging habitat may have decreased foraging value as each pile is driven. The water column may experience increased sedimentation and turbidity during operational periods. However, due to the relatively low levels of organic contaminants and metals contained within the sediments at Naval Base Kitsap Bangor (NBKB), there will be only temporary and minimal degradation of the water column, with little to no impact on dissolved oxygen levels in the vicinity of the proposed project area. All except one of the test piles have been placed to avoid eelgrass and kelp beds along the NBKB waterfront. While some disruption to marine vegetation and benthic communities is unavoidable as a result of the placement and recovery of the test piles, these impacts will be temporary in duration, with a minimal and localized zone of influence. Areas of disruption are expected to recover to pre-disruption levels within a single growing season. Any behavioral avoidance by fish of the disturbed area would still leave significantly large areas of fish and marine mammal foraging habitat in the Hood Canal and nearby vicinity. Pile driving-related impacts to salmonid populations, which include ESA-listed species, would be minimized by adhering to the in-water work period designated for northern Hood Canal waters, when less than five percent of all salmonids that occur in NBKB nearshore waters are expected to be present.

The above information pertains to the Navy’s test pile program. The proposed action, which is the authorization of marine mammal take incidental to the test pile program, will result in no damage to ocean and coastal habitats or EFH.

2. *Can the proposed action be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)?*

The authorization of marine mammal take incidental to the Navy's test pile program will have no impact on biodiversity or ecosystem function. The Navy's test pile program may temporarily impact ecosystem function by i) temporarily creating elevated levels of underwater sound, thereby disturbing forage fish; ii) degrading water quality as a result of resuspension of bottom sediments from pile installation and barge and tug operations; and iii) directly damaging the benthos through pile driving and anchoring. Bottom disturbance would be temporary over a short-term project period and would be minimized due to the use of a bubble curtain or similar device to contain sediment plumes. Sediments would settle back in the general vicinity from which they rose, or would be dissipated by the strong tidal currents in the area. The temporary increase in turbidity, as well as direct impact to the benthos, is expected to decrease the light available for marine vegetation and to impact benthic invertebrates; however, these impacts would be minor and temporary in nature. Benthic organisms are very resilient to habitat disturbance and are likely to recover to pre-disturbance levels well within two years; however, due to the limited and temporary disturbance benthic organisms may recover even more quickly.

3. *Can the proposed action reasonably be expected to have a substantial adverse impact on public health or safety?*

The proposed action is not expected to result in any impacts related to public health and safety. Construction activities are not likely to release hazardous materials into the environment. Construction crews would follow applicable state and federal laws to ensure a safe working environment. The airborne noise associated with the Navy's proposed action would be no higher than 60 dB during construction, which is consistent with the Washington Noise Regulations under the Washington Administrative Code. The proposed action would not result in significant impacts to health and safety.

4. *Can the proposed action reasonably be expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species?*

Endangered or threatened fish and marine mammal species occur in the vicinity of the Navy's test pile program. The proposed action – NMFS' authorization of incidental marine mammal take – is not expected to have a significant impact on endangered or threatened species. Timing restrictions preclude interactions with threatened Steller sea lions, the only ESA-listed marine mammal known to occur within the action area. Through informal consultation under Section 7 of the Endangered Species Act (ESA), NMFS determined that potential effects to endangered or threatened species are discountable or insignificant and agreed that the proposed action may affect, but is not likely to adversely affect, these species. Similarly, the U.S. Fish and Wildlife Service (USFWS) concurred with the Navy's determination that the test pile program may affect, but is not likely to adversely affect, species under USFWS jurisdiction.

5. *Are significant social or economic impacts interrelated with natural or physical environmental effects?*

The proposed action will not have any social or economic impacts. The impacts resulting from NMFS' authorization of marine mammal take incidental to the Navy's test pile program will be limited to, at most, temporary behavioral harassment of small numbers of marine mammals. No social or economic impacts will be associated with this authorization.

6. *Are the effects on the quality of the human environment likely to be highly controversial?*

NMFS' issuance of an incidental harassment authorization (IHA) will not have effects on the human environment that are likely to be highly controversial. There is not substantial debate over the proposed action's size, nature, or effect, nor is there such debate over the underlying action (the Navy's test pile program). Due to the limited duration and intensity of the project, and the implementation of appropriate mitigation and monitoring measures, there will not be significant impacts to natural resources in the project area. As such, the effects of this action are not likely to be controversial.

7. *Can the proposed action reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, essential fish habitat, or ecologically critical areas?*

Access to NBKB, including the project site, is controlled by the Navy and is restricted to authorized military personnel, civilians, contractors, and local tribes. Tribal access is restricted to the beach south of Delta Pier, which is not in the vicinity of the project. Since no public recreational uses occur at the project site, the proposed action would have no direct impact to recreational uses or access in the surrounding community. In addition, the Washington State Historic Preservation Office concurred with the Navy's finding of "no historic properties affected", and no submerged archaeological sites are expected to occur in the vicinity of the proposed action. Traditional resources would not be impacted. The test pile program will occur in a shoreline area that already contains multiple built structures, and will not significantly degrade the existing environment. No other unique characteristics of the geographic area are known. NMFS' issuance of an IHA would not result in substantial impacts to any such places.

8. *Are the proposed action's effects on the human environment likely to be highly uncertain or involve unique or unknown risks?*

The effects of the Navy's proposed action are primarily related to the input of sound, resulting from pile driving, into the environment. Pile driving is a relatively well-studied action, and wildlife and the environment in the Hood Canal are relatively well understood. The implementation of mitigation and monitoring measures included in NMFS' IHA will ensure that no marine mammals are injured or killed, and that impacts to marine mammals are limited to, at most, temporary behavioral harassment. Monitoring of marine mammals that are behaviorally harassed, as well as numerous documented accounts of marine mammal behavior before, during, and after behavioral harassment, demonstrates that behavioral harassment of limited duration will not result in any permanent changes to the manner in which marine mammals utilize the

vicinity of the Navy's test pile program. As such, the effects of NMFS' issuance of an IHA are not highly uncertain, and the action does not involve unique or unknown risks.

9. Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?

NMFS' issuance of an IHA is not related to other actions that may have cumulatively significant impacts. The Navy has requested the issuance of an IHA for a second, related action; however, NMFS has analyzed the potential cumulative impacts of these two projects and determined that impacts from these two projects are not cumulatively significant. Both actions are of limited scope and duration, and will result in, at most temporary behavioral effects on marine mammals. The Navy's test pile program may overlap somewhat, temporally and spatially, with the Navy's proposed EHW-1 Pile Replacement Project. Cumulative impacts from these two projects together were considered and found not significant. Additionally, mitigation measures specifically designed to reduce cumulative impacts from the two projects will be implemented as conditions in NMFS' IHAs. The Navy is currently conducting environmental analysis for a third project, the proposed construction of a second Explosives Handling Wharf (EHW-2).

The test pile program – designed to collect data in support of the proposed EHW-2 – will not overlap with EHW-2 temporally, although there would be spatial overlap. The test pile program will temporarily impact the local environment through i) creating elevated levels of underwater sound, thereby disturbing forage fish; ii) degrading water quality as a result of resuspension of bottom sediments from pile installation and barge and tug operations; and iii) directly damaging the benthos through pile driving and anchoring. Elevated levels of sound do not have a lasting impact beyond the cessation of pile driving activities. The limited impacts to the benthos and to water quality resulting from driving and removal of 29 test piles will likely be recovered by the time the any work would begin on the proposed EHW-2. While a full analysis of potential impacts of the proposed EHW-2 is not yet complete, there are not likely to be any cumulative effects resulting from the spatial overlap between the test pile program and EHW-2. As such, cumulative effects of NMFS authorizations – or of the Navy's test pile program and proposed EHW-2 – would not be considered cumulatively significant.

10. Is the proposed action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources?

The EHW-1 and Delta Pier are considered to be eligible for the NRHP due to their cold war era significance. However, these structures would not be impacted by the proposed action. No submerged archaeological sites are expected to occur in the project area, since most historical activity was associated with resource harvesting, such as logging that occurred primarily along the shoreline and upland areas. Traditional resources would not be impacted. The proposed action would not alter or impact the current access granted to the tribes.

11. Can the proposed action reasonably be expected to result in the introduction or spread of a nonindigenous species?

Neither the proposed action nor the underlying Navy action is expected to result in the spread of any nonindigenous species. Sufficient precautionary measures will be taken by the Navy to ensure that no introduction or spread of such species occurs.

12. Is the proposed action likely to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?

The Navy is planning other projects in the Hood Canal that involve pile driving; the test pile program is planned in part to collect information in support of the Navy's proposed EHW-2 project. However, subsequent applications for incidental take authorizations will be independently analyzed on the basis of the best scientific information available. A finding of no significant impact for this action, and for NMFS' issuance of an IHA, may inform the environmental review for future projects but would not establish a precedent or represent a decision in principle about a future consideration.

13. Can the proposed action reasonably be expected to threaten a violation of Federal, state, or local law or requirements imposed for the protection of the environment?

The proposed action – NMFS' issuance of an IHA – is conducted in conformance with the MMPA. NMFS has made all appropriate determinations under other applicable statutes, and NMFS' action will not violate any laws or requirements. The Navy's test pile program requires issuance of multiple permits. The Navy is pursuing all required permits; each agency will review the Navy action as appropriate to ensure that no federal, state, or local permits will be violated.

14. Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

NMFS' issuance of an IHA is specifically designed to reduce the effects of the Navy's test pile program to the least practicable adverse impact, through the inclusion of appropriate mitigation and monitoring measures. As such, the proposed action will not result in cumulative adverse effects that could have a substantial effect on species in the action area.

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for the Navy's test pile program and application for an IHA, it is hereby determined that NMFS' issuance of an IHA will not significantly impact the quality of the human environment as described above and in the supporting Environmental Assessment. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an environmental impact statement for this action is not necessary.



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Date