



MARINE MAMMAL COMMISSION

12 April 2016

Ms. Jolie Harrison, Chief
Permits and Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910-3225

Dear Ms. Harrison:

The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the application submitted by the U.S. Navy (the Navy) seeking authorization under section 101(a)(5)(D) of the Marine Mammal Protection Act (the MMPA) to take small numbers of marine mammals by harassment. The taking would be incidental to conducting construction activities in Port Angeles, Washington. The incidental harassment authorization would be valid for one year. The Commission also has reviewed the National Marine Fisheries Service's (NMFS) 4 April 2016 notice (81 Fed. Reg. 19326) announcing receipt of the application and proposing to issue the authorization, subject to certain conditions.

The Navy plans to build a trestle, a pier, and floating docks at the U.S. Coast Guard Air Station/Sector Field Office Port Angeles in Washington. Those structures would provide a staging location for transit protection system vessels that escort Fleet Ballistic Missile Submarines between the Strait of Juan de Fuca and Naval Base Kitsap Bangor. Operators would install up to 60 steel sheet piles using a vibratory hammer and up to 144 18- to 36-in steel pipe piles using vibratory and impact hammers. They also would install and remove up to 80 temporary 24-in steel piles using vibratory and impact hammers. The Navy expects the activities to occur on 75 days, weather permitting. It would limit activities to daylight hours only during the timeframe¹ from 1 November 2016 to 15 February 2017 and from 16 July to 31 October 2017.

NMFS preliminarily has determined that, at most, the proposed activities temporarily would modify the behavior of small numbers of five marine mammal species or stocks². NMFS anticipates that any impact on the affected species and stocks would be negligible. NMFS also does not anticipate any take of marine mammals by death or serious injury and believes that the potential for disturbance will be at the least practicable level because of the proposed mitigation measures. The mitigation, monitoring, and reporting measures include—

- using a bubble curtain during impact pile-driving activities;

¹ To protect juvenile salmon and bull trout and foraging marbled murrelets.

² The Commission understands that NMFS has re-estimated the number of takes for California and Steller sea lions based on rounding the number of takes on a given day to a whole number before multiplying by the number of days of activities. Thus, California sea lion takes were reduced to 1,500, and Steller sea lion takes were increased to 2,100.

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- ceasing pile-driving and -removal activities if any marine mammal comes within 10 m of the equipment;
- using at least three qualified protected species observers (land- and/or vessel-based) to monitor the Level A and B harassment zones for 15 minutes before, during, and for 30 minutes after the proposed activities;
- using standard soft-start, delay, and shut-down procedures;
- 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;
- obtaining both marine mammal (1) sightings data from the Orca Network and/or Center for Whale Research and (2) acoustic detection data from the SeaSound Remote Sensing Network on a daily basis;
- reporting injured and dead marine mammals to the Office of Protected Resources and West Coast Regional Stranding Coordinator using NMFS's phased approach and suspending activities, if appropriate; and
- submitting a final report.

The Commission concurs with NMFS's preliminary finding and recommends that NMFS issue the incidental harassment authorization, subject to inclusion of the proposed mitigation, monitoring, and reporting measures.

Please contact me if you have questions regarding the Commission's recommendation.

Sincerely,



Rebecca J. Lent, Ph.D.
Executive Director