MARINE MAMMAL COMMISSION

19 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 Port of Kalama (POK) 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 construction of the Kalama Manufacturing and Marine Export Facility on the Columbia River in Washington. The project is multi-year, but the incidental harassment authorization would be valid for the first year of activities only. The Commission also has reviewed the National Marine Fisheries Service's (NMFS) 21 March 2016 notice (81 Fed. Reg. 15064) announcing receipt of the application and proposing to issue the authorization, subject to certain conditions.

POK plans to construct a new marine terminal for loading methanol on the Columbia River. Operators would install up to 320 24-in concrete piles using an impact hammer and 16 12- or 18-in steel piles using both a vibratory and impact hammer. They also would install and remove temporary steel piles using a vibratory hammer throughout the project. POK expects activities to take 153 days[1], weather permitting. It would limit pile-driving and -removal activities to daylight hours only during the timeframe from 1 September 2016 to 31 January 2017.

NMFS preliminarily has determined that, at most, the proposed activities temporarily would modify the behavior of small numbers of harbor seals, California sea lions, and Steller sea lions[2]. 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 sound attenuation device (e.g., bubble curtain) during impact driving of steel piles;

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[1] NMFS erroneously included 120 days of activities in the *Federal Register* notice rather than the 153 days stipulated in POK's application.
[2] The Commission understands that NMFS plans to authorize 1,530 harbor seal takes, 372 California sea lion takes, and 372 Steller sea lion takes based on 153 days of activities and the corresponding sea lion take estimation method stipulated in POK's application rather than the method included in the *Federal Register* notice.

- ceasing pile-driving and -removal activities if any marine mammal comes within 10 m of the equipment;
- using up to three qualified land-based protected species observers to monitor the Level A and B harassment zones[3] for 15 minutes before, during, and for 30 minutes after the proposed activities;
- using standard soft-start, delay, and shut-down procedures;
- 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

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[3] The Level B harassment zone for impact pile driving would be monitored on all activity days. However, given that vibratory pile driving or removal would occur on nearly all 153 days, the Level B harassment zone for those activities would be monitored on the first two days of vibratory pile driving or removal and every third day thereafter.