



# MARINE MAMMAL COMMISSION

14 December 2015

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 U.S. Navy's (the Navy) application seeking authorization under section 101(a)(5)(D) of the Marine Mammal Protection Act to take marine mammals by harassment. The taking would be incidental to pile driving in association with a wharf recapitalization project in Mayport, Florida. The authorization would be in effect for one year<sup>1</sup>. The Commission also has reviewed the National Marine Fisheries Service's (NMFS) 7 December 2015 notice (80 Fed. Reg. 75978) announcing receipt of the application and proposing to issue the authorization, subject to certain conditions.

The Navy plans to install piles during repair of the Bravo berthing wharf at Naval Station Mayport. The Navy would install up to 880 sheet piles using a vibratory and/or an impact hammer. The Navy expects installation of the piles to take up to 130 days, with 110 days of vibratory and 20 days of impact pile driving. It does not expect that impact pile driving would be needed for most of the piles. The Navy would use only one hammer, either vibratory or impact, at any given time. Activities would be limited to daylight hours only.

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

- using soft-start, delay, and shut-down procedures;
- using delay and shut-down procedures if a species for which authorization has not been granted, including Atlantic spotted dolphins, approaches or is observed within the Level B harassment zone;
- using two qualified protected species observers to monitor the harassment zones for 15 minutes before, during, and for 30 minutes after pile-driving activities;

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<sup>1</sup> The Navy may need an authorization for a second year of activities if the proposed activities cannot be completed during the first year.

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- reporting injured and dead marine mammals to NMFS and the local stranding network using NMFS's phased reporting approach and suspending activities, if appropriate; and
- submitting a final monitoring report to NMFS.

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

The Commission hopes you find its comments useful. Please contact me if you have questions regarding the Commission's comments and recommendation.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca J. Lent". The signature is written in a cursive style with a large, sweeping initial "R".

Rebecca J. Lent, Ph.D.  
Executive Director