



MARINE MAMMAL COMMISSION

12 January 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 UniSea, Inc.'s (UniSea) 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 and removal in association with replacement of a dock in Unalaska, Alaska. The authorization would be in effect for one year¹. The Commission also has reviewed the National Marine Fisheries Service's (NMFS) 23 December 2015 notice (80 Fed. Reg. 79822) announcing receipt of the application and proposing to issue the authorization, subject to certain conditions.

UniSea plans to replace the partially condemned G1 dock at its seafood processing facility within Iliuliuk Harbor in Unalaska. UniSea would install up to 887 sheet piles, 78 18- to 24-in permanent pipe piles, and 180 18-in temporary pipe piles using a vibratory hammer, impact hammer, and/or down-the-hole drilling technique. It also would remove up to 145 pipe/timber piles and the temporary piles. UniSea would use only one method (vibratory or impact hammer or down-the-hole drilling) at any given time. Activities are expected to occur on 180 days and 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 harbor seals and Steller sea lions. 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 a sound attenuation device (e.g., bubble curtain) during impact pile driving;
- 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 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;

¹ UniSea 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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- using two qualified protected species observers to monitor the Level A and B harassment zones² for 15 minutes before, during, and for 30 minutes after pile-driving and -removal activities;
- 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 initial "R".

Rebecca J. Lent, Ph.D.
Executive Director

² The Commission understands that NMFS plans to amend the Level A and B harassment zones for impact pile driving based on a source level of 189 rather than 184 dB re 1 μ Pa as referenced in the *Federal Register* notice.