



MARINE MAMMAL COMMISSION

26 June 2017

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 California Department of Transportation (CALTRANS) 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 demolition activities associated with replacement of the east span of the San Francisco-Oakland Bay Bridge in California during a one-year period. The Commission also has reviewed the National Marine Fisheries Service's (NMFS) 6 June 2017 notice (81 Fed. Reg. 48745) announcing receipt of the application and proposing to issue the authorization, subject to certain conditions.

Background

Demolition of Piers E6 through E18 would be conducted via controlled implosions. Each controlled implosion could include up to 455 individual delays of charges weighing between 20 and 35 lbs each—all of which would detonate in 4 seconds. Prior to the first implosion event, the blast attenuation system (BAS) would be tested using a charge of 0.0025 lbs or less. CALTRANS would conduct implosion activities on up to six days between September and November.

NMFS preliminarily has determined that, at most, the proposed activities temporarily would modify the behavior of small numbers of six marine mammal species. 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—

- conducting implosion activities during daylight hours¹ and slack tides only;
- implementing a BAS to reduce the shockwave from the implosion;
- conducting in-situ hydroacoustic monitoring of the BAS prior to the implosion and making adjustments as necessary;

¹ Allowing for enough time for pre- and post-implosion monitoring and good visibility to monitor visually the largest Level A harassment zone.

- using delay and shut-down procedures;
- using 10–15 NMFS-approved protected species observers to monitor the mortality and Level A and B harassment zones² 30 minutes prior to, during, and 60 minutes after each implosion;
- using delay and shut-down procedures, if a species for which authorization has not been granted (including but not limited to gray whales and Guadalupe fur seals) 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 zone³;
- conducting vessel- or shore-based surveys on each of the 3 days post-implosion to determine if any marine mammals were injured or stranded—if an injured or stranded animal is discovered, a NMFS-designated stranding team would retrieve the animal and veterinarians would treat the animal or conduct a necropsy;
- requiring the (1) NMFS-designated stranding facility to be prepared to evaluate, assess, and treat marine mammals injured from the implosion and (2) the stranding crew and a veterinarian to be on call near Pier E6 through E18 sites to recover and respond to any injured marine mammals;
- reporting injured and dead marine mammals to NMFS and the West Coast Regional Stranding Coordinators 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 the 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

² The Commission noted a few errors in the extent of the Level B harassment zones for bottlenose dolphins in Table 6 of the *Federal Register* notice. NMFS indicated it would fix those errors, as well as some other typos, in the final authorization.

³ NMFS informed the Commission that it omitted from the *Federal Register* notice this mitigation measure, which would be included in the final authorization.