



MARINE MAMMAL COMMISSION

18 August 2014

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

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 application seeking authorization under section 101(a)(5)(D) of the Marine Mammal Protection Act (the MMPA) to take marine mammals by harassment. The taking would be incidental to pile driving and removal in association with a pier maintenance project in Puget Sound at Naval Base Kitsap in Bremerton, Washington (NBKB). The authorization would be in effect from 1 October 2014 to 1 March 2015. The Commission also has reviewed the National Marine Fisheries Service's (NMFS) 6 August 2014 notice (79 Fed. Reg. 45765) announcing receipt of the application and proposing to issue the authorization, subject to certain conditions. The Commission has commented on a previous incidental harassment authorization for pile driving and removal at NBKB.

The Navy plans to remove and install piles during repair of a pier at NBKB. The project would last for three years, but the requested incidental harassment authorization would be valid for one year. This is the second authorization that would be issued. During the three-year period, the Navy would remove up to 400 12-in timber or steel fender piles using a vibratory hammer and install up to 330 (240 18-in and 90 24-in) pre-stressed concrete fender piles using an impact hammer. For the proposed incidental harassment authorization, the Navy proposes to conduct 15 days of vibratory pile removal and 45 days of impact pile installation. 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 temporarily would modify the behavior of small numbers of harbor seals, California sea lions, 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 and monitoring measures. Those measures include—

- conducting empirical in-air and -water measurements of vibratory removal of timber piles and impact driving of concrete piles;
- using no more than one vibratory hammer at any given time to remove/install piles;
- using soft-start, delay, and shut-down procedures;

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- using delay and shut-down procedures if large whales approach the Level B harassment zone;
- using four land-based and one vessel-based protected species observers to monitor the harassment zones for 15 minutes before, during, and for 30 minutes after pile-removal activities;
- using one land-based protected species observer to monitor the harassment zones for 15 minutes before, during, and for 30 minutes after pile-driving activities;
- obtaining in-situ marine mammal sightings and acoustic detection data from the Orca Network and/or the Center for Whale Research on a daily basis and;
- reporting injured and dead marine mammals to the Service and local stranding network using the Service'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 requested incidental harassment authorization, subject to inclusion of the proposed mitigation and monitoring measures. Please contact me if you have questions regarding the Commission's recommendation.

Sincerely,



Rebecca J. Lent, Ph.D.
Executive Director