



MARINE MAMMAL COMMISSION

15 April 2014

Ms. Jolie Harrison, Supervisor
Incidental Take Program
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 U.S. Coast Guard (USCG) 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 replacement of structures at USCG's Station Monterey in Monterey, California. The incidental harassment authorization would be valid for one year. The Commission also has reviewed the National Marine Fisheries Service's (NMFS) 12 March 2014 notice (79 Fed. Reg. 13991) announcing receipt of the application and proposing to issue the authorization, subject to certain conditions.

RECOMMENDATION

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the incidental harassment authorization, subject to inclusion of the proposed mitigation and monitoring measures.

RATIONALE

USCG plans to replace piles at its patrol boat pier, repair the deck and floating docks, and replace the potable waterline at the Station. During the project, operators would remove 17 14-in PVC-covered timber piles using a vibratory hammer. They also would install 17 18-in steel piles using a vibratory hammer and/or impact hammer. USCG expects pile removal and installation to take 10 days between 15 June and 15 October 2014. It would limit activities to daylight hours only from 2 hours after sunrise until 2 hours before sunset.

NMFS preliminarily has determined that, at most, the proposed activities temporarily would modify the behavior of small numbers of six marine mammal species or stocks. 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 and monitoring measures. Those measures include—

- using no more than one hammer at any given time to remove/install piles;

- using a sound attenuation device (i.e., bubble curtain) during impact pile driving;
- conducting in-water and -air empirical sound measurements and adjusting the sizes of the Level A and B harassment zones, as necessary;
- using ramp-up, delay, and shut-down procedures;
- using NMFS-approved protected species observers (PSOs) to conduct baseline monitoring for two days during the week prior to pile removal and driving;
- using land-based PSOs to monitor the Level A harassment zone and the nearshore portions of the Level B harassment zones 30 minutes prior to, during, and 30 minutes after pile removal and driving;
- using vessel-based PSOs to monitor the extent of the Level B harassment zones for up to 10 percent of pile-removal and -driving activities;
- reporting injured and dead marine mammals to NMFS and the local stranding network using NMFS's phased approach and suspending activities, if appropriate, and
- submitting weekly monitoring reports and a final report.

After discussions with the Commission, and consultation with the Southwest Regional Office, NMFS indicated that USCG would update the harbor porpoise density estimate using data from Carretta et al. (2009)¹ and recalculate the number of takes accordingly. Therefore, the Commission recommends that NMFS issue the incidental harassment authorization, subject to inclusion of the proposed mitigation and monitoring measures.

Thank you for the opportunity to provide comments on USCG's application. Please contact me if you have questions regarding the Commission's recommendation.

Sincerely,



Rebecca J. Lent, Ph.D.
Executive Director

Reference

Carretta, J.V., K.A. Forney, and S.R. Benson. 2009. Preliminary estimates of harbor porpoise abundance in California waters from 2002 to 2007. NOAA Technical Memorandum NMFS-SWFSC-435. National Oceanic and Atmospheric Administration, La Jolla, California. 14 pages.

¹ Specifically an inshore density of 0.999 porpoises/km².