



MARINE MAMMAL COMMISSION

6 October 2014

Mr. Steve Henry, Field Supervisor
Ventura Fish and Wildlife Office
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, California 93003

Dear Mr. Henry:

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 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, during a one-year period. The Commission also has reviewed the Fish and Wildlife Service's (FWS) 30 September 2014 notice (79 Fed. Reg. 58796) announcing receipt of the application and proposing to issue the authorization, subject to certain conditions.

USCG plans to replace piles at its patrol boat pier, repair the deck and floating docks, and replace the potable water line at the Station. During the project, operators would remove 17 14- to 16-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 and would use no more than one hammer at any given time to remove/install piles. USCG expects pile removal and installation to take 10 days between 15 June and 15 October 2015.

FWS preliminarily has determined that, at most, the proposed activities temporarily would modify the behavior of small numbers of sea otters. FWS anticipates that any impact on the affected species and stocks would be negligible. FWS 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—

- limiting the activities to daylight hours;
- 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 soft-start, delay, and shut-down¹ procedures;
- using FWS-approved protected species observers (PSOs) to conduct baseline monitoring for two days during the week prior to pile removal and driving;

¹ A minimum exclusion zone of 10 m would be used to prevent injury of sea otters from heavy machinery irrespective of the empirical sound measurements.

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- 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 FWS and the local stranding network using FWS's phased approach and suspending activities, if appropriate; and
- submitting weekly monitoring reports and a final report.

The Commission concurs with FWS's preliminary finding and recommends that FWS 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,

A handwritten signature in blue ink that reads "Rebecca J. Lent". The signature is written in a cursive style with a large initial "R" and a distinct "Lent" at the end.

Rebecca J. Lent, Ph.D.
Executive Director