



MARINE MAMMAL COMMISSION

21 April 2010

Mr. P. Michael Payne, Chief
Permits, Conservation, and Education Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, Room 13635
Silver Spring, Maryland 20910

Dear Mr. Payne:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the application submitted by the Washington State Department of Transportation under section 101(a)(5)(D) of the Marine Mammal Protection Act. The agency is seeking authorization to take small numbers of Pacific harbor seals, California sea lions, and gray whales incidental to replacing the Manette Bridge in Bremerton, Washington. The principal means of taking would be by disturbance resulting from construction activity and noise, primarily from pile driving. The Commission also has reviewed the National Marine Fisheries Service's 22 March 2010 *Federal Register* notice (75 Fed. Reg. 13513), announcing receipt of the application and requesting comments on its proposal to issue the authorization, subject to certain conditions.

The Service has preliminarily determined that, taking into consideration implementation of the proposed mitigation and monitoring measures (e.g., limited use of impact hammers for pile driving, the use of an air-bubble curtain during impact pile driving, safety zones and shutdown requirements, and visual and acoustic monitoring of safety zones), the Manette Bridge replacement project will result in the incidental take of small numbers of Pacific harbor seals, California sea lions, and gray whales by Level B harassment only, and that the total taking from the activity will have a negligible impact on the affected species or stocks.

RECOMMENDATION

Based on the information provided, the Marine Mammal Commission concurs with the Service's preliminary determination and recommends that the National Marine Fisheries Service issue the requested authorization, provided that the monitoring and mitigation activities proposed in the *Federal Register* notice are carried out as described.

Please contact me if you have any questions concerning this recommendation.

Sincerely,

A handwritten signature in blue ink that reads "Timothy J. Ragen".

Timothy J. Ragen, Ph.D.
Executive Director