



MARINE MAMMAL COMMISSION

2 September 2015

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 U.S. Navy's (the Navy) application seeking authorization under section 101(a)(5)(D) of the Marine Mammal Protection Act to take marine mammals by harassment. The taking would be incidental to pile driving in association with a wharf repair project in Mayport, Florida. The authorization would be in effect for one year—this will be the second and final year of activities. The Commission also has reviewed the National Marine Fisheries Service's (NMFS) 8 August 2015 notice (80 Fed. Reg. 46545) announcing receipt of the application and proposing to issue the authorization, subject to certain conditions.

The Navy plans to install piles during repair of a berthing wharf at Naval Station Mayport, east of Jacksonville, Florida. During this second year, the Navy would install up to 36 single sheet steel piles, 38 steel king piles, and 50 polymeric piles using a vibratory and/or an impact hammer. The Navy expects installation of the piles to take up to 47 days, 27 days of vibratory and 20 days of impact pile driving. It does not expect that impact pile driving would be needed for most of the piles. 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 would modify temporarily the behavior of small numbers of bottlenose dolphins. 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 measures. The mitigation, monitoring, and reporting measures include—

- using soft-start, delay, and shut-down procedures;
- using delay and shut-down procedures if a species for which authorization has not been granted, including spotted dolphins, approaches or is observed within the Level B harassment zone;
- using two qualified protected species observers to monitor the harassment zones for 15 minutes before, during, and for 30 minutes after pile-driving activities—including one observer that would be required to monitor the turning basin, the entrance to that basin, and portions of the Atlantic Ocean that would be ensonified, to the extent possible and a third

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shore-based observer to monitor solely the entrance to the turning basin and surrounding, observable portions of the Atlantic Ocean during vibratory pile driving on three separate days;

- reporting injured and dead marine mammals to NMFS and local stranding network using NMFS's phased reporting approach and suspending activities, if appropriate; and
- submitting a final monitoring report to NMFS.

Acoustic monitoring measures

In the previous incidental harassment authorization, NMFS required the Navy to conduct empirical in-water and in-air sound¹ measurements of (1) installation of the various types of piles using a vibratory and impact hammer and (2) ambient underwater sound². The Navy collected empirical in-water and in-air data during vibratory pile driving of the king and sheet piles. The polymeric piles have yet to be installed, and impact driving was not necessary during the first year of activities. The Commission understands that impact pile driving likely would not be necessary during the second year either but was included by the Navy as a contingency. Therefore, the Commission recommends that NMFS require the Navy to conduct empirical sound measurements of installation of the polymeric piles using a vibratory hammer and, opportunistically, of installation of any other piles that are driven with an impact hammer on those days that sound measurements of the polymeric piles are made.

The Commission hopes you find its comments useful. Please contact me if you have questions regarding the Commission's comments and recommendation.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca J. Lent". The signature is written in a cursive, flowing style.

Rebecca J. Lent, Ph.D.
Executive Director

¹ Which were overpowered by other construction sound.

² It is unclear if the Navy collected ambient sound measurements during the first year of activities.