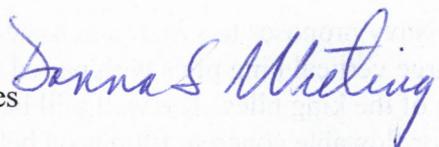




NOV 20 2013

MEMORANDUM FOR: The Record

FROM: Donna S. Wieting, Director
Office of Protected Resources 

SUBJECT: Adoption of the U.S. Navy's Environmental Assessment on *Wharf C-2 Recapitalization at Naval Station Mayport, FL* -- DECISION MEMORANDUM

I. Background

I.A. NMFS' Proposed Action

NMFS is proposing to issue an Incidental Harassment Authorization (IHA) for the unintentional taking of marine mammals incidental to pile driving associated with the Navy's wharf recapitalization project in Mayport, FL for the period of December 1, 2013 through November 30, 2014.

Under the Marine Mammal Protection Act (MMPA), the Secretary of Commerce shall allow the incidental taking of marine mammals if the Secretary finds that the total of such taking will have a negligible impact on the species or stock, and will not have an unmitigable adverse impact on the availability of the species or stock for subsistence uses, provided that the permissible methods of taking pursuant to the specified activity and other means of effecting the least practicable adverse impact on the species or stock and its habitat are prescribed. In addition, requirements related to monitoring and reporting must be set forth.

On August 7, 2013, NMFS received a complete and final application from the Navy requesting authorization for the incidental taking of two species of marine mammal incidental to construction activity associated with the wharf project at Naval Station Mayport (NSM). The requested authorization is for incidental take by Level B harassment only, as a result of sound produced by the specified activities.

The IHA would allow for the incidental take of marine mammals during the described activities and specified timeframes, and would prescribe the permissible methods of taking and other means of effecting the least practicable impact on marine mammal species and their habitat, as well as requirements pertaining to the monitoring and reporting of such taking. NMFS' preliminary determinations under the MMPA were made after analyzing the Navy's proposed action, as presented in the Navy's EA and application for incidental take authorization.

I.B. U.S. Navy's Proposed Action



NSM maintains and operates facilities which provide support to the operations of deploying home-based and transient Navy ships, aviation units, and staff. NSM also provides logistic support for operating forces, dependent activities, and other commands as assigned. Wharf C-2 is a single level, general purpose berthing wharf that was constructed in 1960. The wharf is one of two primary deep draft berths and is one of the primary ordnance handling wharfs for NSM. The wharf is in a state of advanced deterioration, resulting in the institution of load restrictions.

The Navy proposes to install a new steel king pile/sheet pile bulkhead at Wharf C-2, consisting of large vertical king piles with paired steel sheet piles driven in between and connected to the ends of the king piles. The wall will be anchored at the top and fill consisting of clean gravel and/or flowable concrete fill placed behind the wall. A concrete cap will be formed along the top and outside face of the wall to tie the entire structure together and provide a berthing surface for vessels. Overall, the project will include installation of approximately 120 single sheet piles, 119 king piles and 50 polymeric (plastic) fender piles. A maximum of 70 days of in-water pile driving work will take place over the 12-month period of the proposed IHA. Of the 70 days, 50 days are reserved for vibratory hammer driving and the remaining 20 days are reserved for contingency impact driving.

I.C. Comparison of U.S. Navy's Proposed Action to NMFS' Proposed Action

NMFS' proposed action (issuance of an IHA) would authorize take of marine mammals incidental to a subset of the activities analyzed in the Navy's EA that are anticipated to result in the take of marine mammals, i.e., pile installation activities. Thus, these components of the Navy's proposed action are the subject of NMFS' proposed MMPA regulatory action. Other components of construction not expected to result in incidental take of marine mammals are not the subject of NMFS' proposed action. The Navy's EA contains a thorough analysis of the environmental consequences of their proposed action on the human environment, including specific sections addressing the effects of underwater sound on marine mammals and describing potential mitigation measures specific to marine mammals.

NMFS participated in the development of the Navy's EA by identifying additional mitigation measures (for marine mammals) that should be considered in the Navy's analysis and by ensuring that any additional information and analyses necessary to support NMFS' proposed action and allow for consideration of adoption of the document for NMFS' NEPA compliance were included in the EA.

II. Alternatives and Impact Assessment

II.A. Summary of the Alternatives Considered by the Navy

The Navy's EA considers a No-Action Alternative and one Action Alternative.

No-Action Alternative: The No-Action Alternative is required by Council on Environmental Quality (CEQ) regulations as a baseline against which the impacts of the Proposed Action are compared. Under the No-Action Alternative, the Navy would not implement the recapitalization

of Wharf C-2, resulting in continued deterioration. This would place the structural integrity of the wharf and the continuation of operational requirements in jeopardy. The No-Action alternative was rejected as not meeting the purpose and need of the proposed action, which is to resolve the increasing deterioration of the bulkhead so facilities can provide adequate ship berthing, cold iron support and ordnance handling capability, but is carried forward as a baseline for the analysis.

Action Alternative (Preferred Alternative): Under the proposed action, the Navy would repair the existing pier.

The following two alternatives were considered by the Navy in the EA, but not carried forward for analysis because, after careful consideration, the Navy determined that they did not meet the Navy's purpose and need for the Proposed Action:

- Leasing Berthing Space
- Constructing a New Wharf

II.B. Summary of Alternatives Considered by NMFS

For the proposed action, the EA includes an analysis of a variety of mitigation and monitoring measures. Some of these measures are specifically developed to minimize adverse impacts on marine mammals, while others may benefit marine mammals indirectly. NMFS aided in development of the EA by identifying additional mitigation measures (for marine mammals) that should be considered in the analysis. As a result of this interaction, additional mitigation measures were discussed and considered in the EA that will reduce impacts to marine mammals to the level of least practicable impact. The inclusion of the analysis of these mitigation measures strengthens the EA's support and coverage of NMFS alternatives, which are listed below.

- NMFS would not issue an IHA to the Navy for the take of marine mammals incidental to activities described in the preferred alternative (for NMFS, this constitutes the NEPA-required No Action Alternative).
- NMFS issues an IHA authorizing take of marine mammals incidental to activities described in the preferred alternative, with the mitigation, monitoring and reporting measures presented in the EA.

II.C. Environmental Consequences

The EA analyzed the impacts to biological resources as well as impacts to water and air quality, the physical environment, socioeconomic resources, and other aspects of the human environment. The principal types of impacts during project construction would include underwater noise (and its effects on marine biota), turbidity, and air pollutant emissions. The expected impacts are not considered significant. The action alternative would be expected to result in noise levels that may affect marine mammals; these effects are expected to be limited to behavioral disturbance. NMFS' proposed action concerns only the potential effects to the biological component of the marine environment.

The anticipated impacts of the proposed action are primarily from increased levels of underwater sound resulting from pile installation. The analysis in the EA indicated these impacts would be short term in nature (a maximum of 70 total days over the course of one year). Airborne and underwater sound associated with pile driving could have an effect on wildlife as well as on humans in the Mayport vicinity. As such, the EA analyzed the impacts to wildlife as well as impacts to humans, marine vegetation, fish and benthic invertebrates and other environmental resources. The EA concludes the impacts associated with the proposed action are minor and temporary and result in no significant impacts. No marine mammals are anticipated to be exposed to sound levels resulting in injury or mortality during construction activities. Socioeconomics, environmental justice, the protection of children and the regional economy would not be significantly impacted as a result of the proposed action. There will be no disproportionately high and adverse environmental, human health and socioeconomic effects to minority and low income populations. Recent and proposed projects at NSM and other projects in the area were examined to determine possible cumulative impacts. All resource areas analyzed in the EA have been evaluated for cumulative impacts including past, present and reasonably foreseeable future actions. The analysis indicates that no significant cumulative impacts are anticipated because of the relative scale of projects and the nature and magnitude of specific impacts. The Navy's analysis indicates that the wharf project would not result in significant impacts to the human environment; however, mitigation measures have been designed by the Navy and NMFS to further reduce project impacts to marine mammals and other resources.

II.D. Public Involvement

NEPA requires that environmental information supporting a decision be made available to the public, agencies, and other stakeholders. The Navy's public involvement process for the Proposed Action was designed to inform stakeholders of the Navy's proposed action early in the NEPA process, to provide stakeholders with the opportunity to comment on the Navy's proposed action and assessment of the proposed action and to keep stakeholders informed throughout the NEPA process. The Navy's public involvement plan for the proposed action included the following:

- Public Review of the Draft EA. The draft EA was made available to the public for review and comment. A notice of availability (NOA) was published in the local newspaper and the draft EA was posted on the internet for review and comment.
- Release of the Final EA and Decision Document. The final EA and decision document will be made available to the public.

In addition, NMFS made the draft EA available on the internet for public review concurrently with the publication of the proposed IHA. During the public comment period, NMFS received comments from the Marine Mammal Commission.

III. NMFS Review

The NMFS Office of Protected Resources has reviewed the EA and concludes that the impacts evaluated are substantially the same as the impacts of NOAA's proposed action to issue an IHA to the Navy. In particular, the EA contains an adequate evaluation of the direct, indirect and

cumulative impacts on marine mammals. In addition, the Office of Protected Resources has evaluated the EA and found that it includes all required components for adoption by NOAA:

- sufficient evidence and analysis for determining whether to prepare an environmental impact statement or finding of no significant impact (FONSI);
- brief discussion of the purpose and need for the proposed action;
- listing of the alternatives to the proposed action;
- description of the affected environment;
- description of the environmental impacts of the proposed action and alternatives, including cumulative impacts; and
- list of agencies and persons consulted.

As a result of this review, the Office of Protected Resources has determined that the Navy's EA is complete and adequate to support NMFS' proposal to issue an IHA. It is therefore not necessary to prepare a separate EA or environmental impact statement to issue an IHA to the Navy and that adoption of the EA is appropriate.

IV. Conclusion and Findings

NOAA's proposed action is to issue an IHA to the Navy for the incidental take of marine mammals, by Level B harassment only, related to the wharf project. NMFS' issuance of the IHA is conditioned upon the implementation of mitigation and monitoring measures as described in the Navy's EA and application.

These measures include the establishment of shutdown and buffer zones around each driven pile and monitoring of the action area for marine mammals.

Based on this review and analysis, NMFS' Office of Protected Resources has adopted the EA under the Council on Environmental Quality's Regulations for Implementing the National Environmental Policy Act (40 CFR 1506.3) and issued a separate FONSI.