



MEMORANDUM FOR: The Record

FROM: Donna S. Wieting, Director *PERRY GAYARD*
for Office of Protected Resources

SUBJECT: Adoption of the U.S. Navy's Environmental Assessment on *EHW-1 Wharf maintenance and Maintenance, Naval Base Kitsap Bangor, Silverdale, Washington* -- DECISION MEMORANDUM

I. Background

In November 2014, The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) received an application from the U.S. Navy (Navy) requesting an incidental harassment authorization (IHA) for the take of five species of marine mammals (two cetaceans and three pinnipeds) incidental to maintenance work at an explosives handling wharf (EHW-1) at Naval Base Kitsap Bangor (NBKB), Washington. The Navy requested authorization to take individuals of five species of marine mammals by Level B harassment, as a result of sound produced by pile driving and removal activities.

I.A. NMFS' Proposed Action

NMFS is proposing to issue an IHA pursuant to Section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA) for the unintentional taking of marine mammals incidental to the Navy's wharf maintenance project within the Hood Canal for the period of July 16, 2015 through January 15, 2016.

Under the 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 methods of take from the specified activity and 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 established.

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 adverse impact on marine mammal species and their habitat, as well as requirements pertaining to the monitoring and reporting of such taking. NMFS' determinations under the MMPA were made after analyzing the Navy's proposed action, as presented in the Navy's Environmental Assessment (EA) and application for an IHA.

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

The Navy will conduct a wharf maintenance project to maintain the structural integrity of EHW-1 and ensure its continued functionality to support necessary operational requirements. The project includes the removal of four 24-in hollow prestressed octagonal concrete piles, which will be replaced with four new 30-in concrete filled steel pipe piles. Existing piles will be removed using a pneumatic hammer and a crane. Vibratory pile driving will be the primary method used to install new piles, though an impact hammer may be used if substrate conditions prevent the advancement of piles to the required depth or to verify the load-bearing capacity.

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 driving and removal activities. Thus, these components of the Navy's proposed action are the subject of NMFS' proposed MMPA regulatory action. Any purely terrestrial or above-water activities described in the EA are not a component 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 a specific section addressing the effects of underwater sound on marine mammals.

NMFS participated in the development of the Navy's EA to ensure that the necessary information and analyses were included in the Navy's EA to support NMFS' proposed action and allow for consideration of adoption of the document as an EA for NMFS NEPA purposes.

II. Alternatives and Impact Assessment

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

Two Alternatives were evaluated in the Navy's EA: 1) to conduct the wharf maintenance project and 2) No Action.

No-Action Alternative: The No Action Alternative is required by CEQ regulations as a baseline against which the impacts of the Proposed Action are compared. The No Action alternative was rejected as not meeting the purpose and need of the proposed action, because structural integrity of EHW-1 will remain in jeopardy, leading to the continued deterioration of the piles and the eventual structural failure of the wharf.

Alternative 1 (Preferred Alternative) – Conduct Rehabilitation of EHW-1: Under the proposed action, four 24-in diameter concrete piles would be removed, thirty-nine 12-in steel fender piles would be removed and replaced with four 30-in concrete filled steel pipe piles. The proposed action would occur over eight days between July 16 and January 31.

II.B. Summary of Alternatives Considered by NMFS

For the Preferred Alternative identified above, the Navy includes an associated list of standard protective measures specifically developed to minimize adverse impacts on marine mammals.

NMFS worked closely with the Navy throughout the development of the EA to identify additional mitigation measures (for marine mammals) that the Navy should consider in their analysis. As a result of this interaction, the Navy discussed and considered additional mitigation measures in its EA that will reduce impacts to marine mammals to the least practicable adverse impact. The inclusion of the analysis of these mitigation measures strengthens the EA support and coverage of NMFS alternatives, which are listed below.

- NMFS is unable to reach the required determinations under the MMPA, and denies the Navy's request for an incidental take authorization (for NMFS, this constitutes the NEPA-required No Action Alternative).
- NMFS issues an IHA authorizing take of marine mammals incidental to activities described in Navy's preferred alternative, with the mitigation, monitoring and reporting measures presented in the Navy's EA.
- NMFS issues an IHA authorizing take of marine mammals incidental to activities described in Navy's preferred alternative, but with additional mitigation requirements for marine mammals, potentially including measures developed by NMFS or suggested to NMFS via public comment on the proposed IHA.

II.C. Environmental Consequences

The anticipated impacts of the proposed action are primarily from increased levels of underwater sound resulting from pile driving and removal. The analysis in the Navy's EA indicated these impacts would be short term in nature (a total of eight days from July 16-January 31). Airborne and underwater sound associated with pile driving could have an effect on wildlife as well as on humans in Hood Canal. As such, the Navy's EA analyzed the impacts to wildlife as well as impacts to humans, marine vegetation, essential fish habitat and benthic invertebrates and other environmental resources. The Navy's EA concludes the impacts associated with the proposed action are minor and temporary and result in no significant impacts to marine vegetation or benthic invertebrates. The analysis found that underwater sound pressure levels may injure threatened and endangered fish species if they are present in the study area during pile driving. Critical habitat would not be affected for any fish species. Marine mammals are not likely to be adversely affected by pile driving, and no marine mammals would be exposed to sound levels resulting in injury or mortality during pile driving 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 affects to minority and low income populations, including Indian tribes. Recent and proposed projects at NBKB and other projects in northern Hood Canal were examined to determine possible cumulative impacts. All resource areas analyzed in the Navy's 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 for reasons of geographical distance, the relative scale of projects, and the nature and magnitude of specific impacts. The Navy's analysis indicates that the wharf maintenance 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, birds, and fish.

III. NMFS Review

The NMFS Office of Protected Resources has reviewed the Navy's EA and concludes that the impacts evaluated by the Navy are substantially the same as the impacts of NOAA's proposed action to issue an IHA to the Navy. In addition, the Office of Protected Resources has evaluated the Navy's 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 need for the proposed action;
- a listing of the alternatives to the proposed action;
- brief discussion of the environmental impacts of the proposed action and alternatives; and
- list of agencies and persons consulted.

As a result of this review, the Office of Protected Resources has determined that it is not necessary to prepare a separate EA or environmental impact statement to issue an IHA to the Navy and that adoption of the Navy's 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 maintenance 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 timing restrictions, the establishment of shutdown and buffer zones around each driven pile, monitoring of the action area for marine mammals, and the use of sound attenuation devices.

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.