

**FINDING OF NO SIGNIFICANT IMPACT  
FOR THE ISSUANCE OF AN INCIDENTAL HARASSMENT AUTHORIZATION  
TO THE U.S. NAVY FOR THE TAKE OF MARINE MAMMALS INCIDENTAL TO  
PIER MAINTENANCE AT NAVAL BASE KITSAP, BREMERTON WASHINGTON**

**NATIONAL MARINE FISHERIES SERVICE**

**BACKGROUND**

The National Marine Fisheries Service (NMFS), a division of the National Oceanic and Atmospheric Administration (NOAA), is proposing to issue an Incidental Harassment Authorization (IHA) to the United States Navy (Navy) pursuant to Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. §§ 1371 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 Code of Federal Regulations [CFR] Part 216, Subpart I). The IHA would be valid from December 1, 2015, through November 30, 2016, and would authorize take, by Level B harassment, of marine mammals incidental to pier maintenance activities at Naval Base Kitsap Bremerton, WA (NBKB). Pier maintenance includes the removal of deteriorated timber piles and the installation of steel piles by vibratory pile driving.

NMFS' proposed action is a direct outcome of Navy's IHA request (received on June 12, 2015), which involves the use of acoustic sources that have the potential to cause marine mammals in the vicinity of the pier maintenance activity to be behaviorally disturbed and, therefore, warrants an authorization from NMFS. NMFS' IHA issuance criteria require that the unintentional taking of marine mammals authorized by an IHA will have a negligible impact on the species or stock(s) and, where relevant, will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, the IHA must set forth the permissible methods of taking, other means of effecting the least practicable impact on the species or stock and its habitat, and requirements pertaining to the monitoring and reporting of such taking.

**ANALYSIS**

NOAA Administrative Order (NAO) 216-6 contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality (CEQ) regulations at 40 CFR 1508.27 state that the significance of an action should be analyzed both in terms of "context" and "intensity". Each criterion listed below is relevant to making a finding of no significant impact and has been considered individually, as well as in combination with the others. The U.S. Navy finalized an Environmental Assessment (EA) titled "*Environmental Assessment, Fender Pile Removal and Replacement at Pier 4, Naval Base Kitsap, Bremerton Washington*", which we subsequently adopted. We incorporate that document here by reference. The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ's context and intensity criteria. These include:

1. *Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat (EFH) as defined under the Magnuson-Stevens Act and identified in FMPs?*

The Navy's project is of short-term duration and will involve pile extraction and installation. This work will be accomplished largely by vibratory hammer.

The area encompassed by the Navy's proposed project (project area) includes habitats for various life stages of groundfish, five coastal pelagic species, and three species of Pacific salmon. As a result, the Navy's proposed project may occur within areas designated as EFH.

The effects of the Navy's project will primarily be from increased levels of sound resulting from pile installation and removal, which will temporarily reduce the quality of water column EFH; these effects are temporary and will result in no long-term impacts to the environment. Pile installation and removal would also locally increase turbidity and the temporary removal of habitat that provides shelter and/or prey resources in the immediate project vicinity. The water column may experience increased sedimentation and turbidity during operational periods. While some disruption to fish and fish habitat is unavoidable as a result of the activity, these impacts will be temporary in duration, with a minimal and localized zone of influence. Most species may already avoid this area due to the large amount of vessel traffic through the area; further, any behavioral avoidance by fish would not appreciably reduce the amount of fish and marine mammal foraging habitat in the nearby vicinity.

With implementation of protective measures, the Navy has determined the proposed project will not significantly affect EFH. The above information pertains to the Navy's pile driving activity. The NMFS proposed project, which is the authorization of marine mammal take incidental to the project, would result in no damage to ocean and coastal habitats or EFH.

2. *Can the proposed action be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)?*

The authorization of marine mammal take incidental to the Navy's project would not have a substantial impact on biodiversity or ecosystem function. The Navy's project may temporarily impact ecosystem function by i) temporarily creating elevated levels of underwater sound, thereby disturbing forage fish; ii) degrading water quality as a result of resuspension of bottom sediments from pile driving and removal operations; and iii) directly damaging the benthos through pile driving and anchoring. Bottom disturbance would be temporary over a short-term project period and sediments would settle back in the general vicinity from which they rose, or would be dissipated by tidal currents in the area. The temporary increase in turbidity, as well as direct impact to the benthos, is expected to decrease the light available for marine vegetation and to impact benthic organisms; however, these impacts would be minor and temporary in nature.

3. *Can the proposed action reasonably be expected to have a substantial adverse impact on public health or safety?*

NMFS' proposed action – the authorization of marine mammal take incidental to the Navy's project – is not expected to result in any impacts related to public health and safety. The Navy's project would not result in significant adverse impacts to health and safety. Construction activities are not likely to release hazardous materials into the environment. Construction crews

would follow applicable state and federal laws to ensure a safe working environment. Increases in noise levels in public areas adjacent to Naval Base Kitsap Bremerton (NBKB) would be temporary and intermittent, and would attenuate to residential thresholds or be within the allowable exceedances of temporary daytime construction. Adverse effects would be limited to behavioral disturbance of marine mammals, and would not be expected to significantly impact recreational users of Sinclair Inlet.

4. *Can the proposed action reasonably be expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species?*

Endangered or threatened fish, bird, and marine mammal species may occur in the general vicinity of the Navy's project, but are not anticipated to be impacted. The proposed action – NMFS' authorization of incidental marine mammal take – is not expected to have a significant adverse impact on endangered or threatened species. Southern resident killer whales are rarely observed in the vicinity of the project area. This species is listed as endangered under the Endangered Species Act (ESA), but is not expected to be affected by the Navy's project. Therefore, no incidental take of the species is authorized under the Marine Mammal Protection Act (MMPA) or exempted under the ESA. The Navy found that their proposed project would have less than significant effects on ESA-listed species; therefore, NMFS' proposed action would have no significant effects on listed species that may occur in the area.

5. *Are significant social or economic impacts interrelated with natural or physical environmental effects?*

The proposed action would not have any social or environmental impacts. The impacts resulting from NMFS' authorization of marine mammal take incidental to the Navy's project would be limited to, at most, temporary behavioral harassment of small numbers of marine mammals. No social or economic impacts would be associated with this authorization.

6. *Are the effects on the quality of the human environment likely to be highly controversial?*

NMFS' issuance of an incidental harassment authorization (IHA) would not have effects on the human environment that are likely to be highly controversial. There is no substantial disagreement over the proposed action's size, nature, or effect, nor is there such debate over the underlying action (the Navy's project). Due to the limited duration and intensity of the project, and the implementation of appropriate mitigation and monitoring measures, there will not be significant impacts to natural resources in the project area. During the public comment period on the proposed IHA, NMFS only received comments from the Marine Mammal Commission, which did not indicate that the environmental effects of NMFS' action were significantly controversial.

7. *Can the proposed action reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, essential fish habitat, or ecologically critical areas?*

Access to NBKB, including the project site, is controlled by the Navy and is restricted to authorized military personnel, civilians, and contractors. Since no public recreational uses occur at the project site, the proposed action would have no direct impact to recreational uses or access in the surrounding community. Traditional resources would not be impacted. The project would occur in a shoreline area that already contains multiple built structures, and would not significantly degrade the existing environment. No other unique characteristics of the geographic area are known. NMFS' issuance of an IHA would not result in substantial impacts to any such places.

8. *Are the proposed action's effects on the human environment likely to be highly uncertain or involve unique or unknown risks?*

The effects of the Navy's proposed project are primarily related to the input of sound, resulting from pile driving, into the environment. Pile driving is a relatively well-studied action, and wildlife and the environment in the vicinity of Bremerton are relatively well understood. The implementation of mitigation and monitoring measures included in NMFS' IHA would ensure that no marine mammals are injured or killed, and that impacts to marine mammals are limited to, at most, temporary behavioral harassment. Monitoring of marine mammals that are behaviorally harassed, as well as numerous documented accounts of marine mammal behavior before, during, and after behavioral harassment, demonstrates that behavioral harassment of limited duration would not result in any permanent changes to the manner in which marine mammals utilize the vicinity of the Navy's project. While NMFS' judgments on impact thresholds are based on limited data, enough is known for NMFS and the regulated entity (here the Navy) to develop precautionary monitoring and mitigation measures to minimize the potential for significant impacts on biological resources. As such, the effects of NMFS' issuance of an IHA are not highly uncertain, and the action does not involve unique or unknown risks. Direct effects of NMFS' proposed action – the authorization of incidental take of marine mammals – are limited to marine mammals. Indirect effects of NMFS' proposed action on other aspects of the human environment are expected to be limited to less than significant impacts to prey species.

9. *Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?*

NMFS' issuance of an IHA is not related to other actions that may have cumulatively significant impacts. NMFS has previously issued IHAs for three separate pile driving projects in the action area. These were for work on the Manette Bridge, from June 29, 2010, through June 28, 2011, at the Bremerton Ferry Terminal, from September 1, 2013 through August 31, 2014, and include multiple IHAs issued for a similar wharf maintenance project at NBKB. All actions were expected to result in effects that would be insignificant and of a temporary nature, and were considered in the Navy's EA. The Navy considered cumulative impacts from its proposed project and other past, present, and reasonably foreseeable projects and found that they were not significant. Specifically, the Navy found that environmental impacts of their proposed project may result in only temporary changes to the noise environment and sediment and water quality of the project area at NBKB and, as such, there is limited potential for such temporary impacts to

affected resources to interact in cumulatively significant ways with impacts that may arise from other actions. NMFS has no other proposed or current actions in the project area.

*10. Is the proposed action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources?*

Pier 4 is a contributing element to the Puget Sound Naval Shipyard National Historic Landmark (NHL). However, the replacement of existing piles would have no impact to the characteristics that make Pier 4, the NHL or nearby National Register of Historic Properties (NRHP) historic districts eligible for inclusion in the NRHP or affect any known NRHP eligible archaeological sites. Construction activities would take place in previously disturbed areas along the industrial waterfront. The Washington State Historic Preservation Officer concurred with the Navy's determination that the proposed action would have no adverse effect on cultural resources.

*11. Can the proposed action reasonably be expected to result in the introduction or spread of a nonindigenous species?*

Neither the proposed action nor the underlying Navy project is expected to result in the spread of any nonindigenous species. Sufficient precautionary measures will be taken by the Navy to ensure that no introduction or spread of such species occurs.

*12. Is the proposed action likely to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?*

The Navy may have additional future projects at NBKB that involve pile driving. However, subsequent applications for incidental take authorizations would be independently analyzed on the basis of the best scientific information available. This finding of no significant impact for the Pier 4 project, and for NMFS' issuance of an IHA, may inform the environmental review for future projects but would not establish a precedent or represent a decision in principle about a future consideration. Numerous entities have implemented similar actions in the past, and NMFS has issued incidental take authorizations for similar activities. Therefore, neither the Navy's project nor NMFS' proposed actions are precedent-setting.

*13. Can the proposed action reasonably be expected to threaten a violation of Federal, state, or local law or requirements imposed for the protection of the environment?*

The proposed action – NMFS' issuance of an IHA – is conducted in conformance with the MMPA and other relevant laws. NMFS has made all appropriate determinations under other applicable statutes, and NMFS' action would not violate any laws or requirements. The Navy's project requires issuance of multiple permits. The Navy is pursuing all required permits; each agency will review the Navy project as appropriate to ensure that no federal, state, or local laws or requirements will be violated.

*14. Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?*

NMFS' issuance of an IHA is specifically designed to reduce the effects of the Navy's project to the least practicable impact to marine mammals, through the inclusion of appropriate mitigation and monitoring measures. NMFS has no other proposed or current actions in the project area, and the issuance of an IHA does not result in significant cumulative impacts when considered with all other past, present, and reasonably foreseeable projects.

Similarly, the cumulative effects of the Navy's project and other past, present, and reasonably foreseeable projects are not considered significant. Specifically, the Navy concluded that their proposed project is likely to result in no more than temporary changes to the noise environment and sediment and water quality. Therefore, there is limited potential for those effects to interact cumulatively with the effects of other past, present, and reasonably foreseeable projects. The Cumulative Impacts section of the Navy's EA addresses this topic in greater detail.

Implementation of the proposed action, in conjunction with other past, present, and reasonably foreseeable future actions, would not be expected to result in significant cumulative impacts to the environment. As such, the proposed action would not result in cumulative adverse effects that could have a substantial effect on species in the action area.

#### DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting EA prepared by the Navy and the application for an IHA, it is hereby determined that NMFS' issuance of an IHA would not significantly impact the quality of the human environment as described above and in the supporting documents. The proposed IHA was published in the *Federal Register*, and all public comments were considered and addressed. These public comments presented no new information that affects this determination. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an environmental impact statement for this action is not necessary.

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PERRY GAYACOD

Donna S. Wieting, Director  
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Date

for