



Incidental Harassment Authorization

United States Coast Guard (USCG), Civil Engineering Unit Oakland, 1301 Clay Street, Suite 700N, Oakland, California 95612, is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)(5)(D)) and 50 CFR 216.107 to take, by Level B harassment only, small numbers of marine mammals incidental to conducting waterfront repair at its Station Monterey facility, contingent upon the following conditions:

- 1 This Authorization is valid from October 1, 2014, through September 30, 2015.
- 2 This Authorization is valid only for activities associated with waterfront repair project at the USCG's Monterey Station in Monterey, California.
- 3 (a) The species authorized for incidental harassment takings, Level B harassment only, are: Pacific harbor seal (*Phoca vitulina richardsi*), California sea lion (*Zalophus californianus*), harbor porpoise (*Phocoena phocoena*), transient and offshore killer whales (*Orcinus orca*), Risso's dolphin (*Grampus griseus*), bottlenose dolphin (*Tursiops truncatus*), and gray whale (*Eschrichtius robustus*). The allowed take numbers of these species are shown in Table 1.

Table 1. Species/stocks and numbers of marine mammals allowed under this IHA.

Species	Estimated marine mammal takes
Pacific harbor seal	70
California sea lion	4,231
Harbor porpoise	77
Killer whale (west coast transient)	6
Killer whale (Eastern N. Pacific offshore)	6
Risso's dolphin	10
Bottlenose dolphin	10
Gray whale	6



(b) The authorization for taking by harassment is limited to the following acoustic sources and from the following activities:

- Impact and vibratory pile driving;
- Pile removal; and
- Work associated with above piling activities.

(c) The taking of any marine mammal in a manner prohibited under this Authorization must be reported within 24 hours of the taking to the West Coast Regional Administrator (562) 980-4000, National Marine Fisheries Service (NMFS) and the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at (301) 427-8401, or his designee (301-427-8401).

4 The holder of this Authorization must notify the Chief of the Permits and Conservation Division, Office of Protected Resources, at least 48 hours prior to the start of activities identified in 3(b) (unless constrained by the date of issuance of this Authorization in which case notification shall be made as soon as possible).

5 Prohibitions

(a) The taking, by incidental harassment only, is limited to the species listed under condition 3(a) above and by the numbers listed in Table 4. The taking by Level A harassment, injury or death of these species or the taking by harassment, injury or death of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this Authorization.

(b) The taking of any marine mammal is prohibited whenever the required protected species observers (PSOs), required by condition 7(a), are not present in conformance with condition 7(a) of this Authorization.

6 Mitigation

(a) Use of Noise Attenuation Devices

Pile driving energy attenuator (such as air bubble curtain system) shall be used for all impact pile driving.

(b) Time Restriction

In-water construction work shall occur only during daylight hours when visual monitoring of marine mammals can be implemented.

(c) Establishment of Level B Harassment Zones of Influence

(i) Before the commencement of in-water pile driving activities, USCG shall establish Level B behavioral harassment zones of influence (ZOIs) where received underwater sound pressure levels (SPLs) are higher than 160 dB (rms) and 120 dB (rms) re 1 μ Pa for impulse noise sources (impact pile driving) and non-impulses noise sources (vibratory pile driving and mechanic dismantling), respectively. The modeled isopleths for ZOIs are listed in Table 2.

Table 2. Modeled Level B harassment zones of influence for various pile driving activities

Pile Driving Activities	Distance to 120 dB re 1 μ Pa (rms) (m)	Distance to 160 dB re 1 μ Pa (rms) (m)
Vibratory pile driving	2,400	NA
Impact pile driving (with bubble curtain)	NA	465

(ii) Once the underwater acoustic measurements are conducted during initial test pile driving, USCG shall adjust the size of the ZOIs, and monitor these zones as described under the Proposed Monitoring section below.

(d) Monitoring for marine mammal presence shall take place 30 minutes before and 30 minutes after pile driving.

(e) Soft Start

(i) For vibratory hammers, the contractor shall initiate the driving for 15 seconds at reduced energy, followed by a 1 minute waiting period when there has been downtime of 30 minutes or more. This procedure shall be repeated two additional times before continuous driving is started. This procedure shall also apply to vibratory pile extraction.

(ii) For impact driving, an initial set of three strikes would be made by the hammer at 40 percent energy, followed by a 1 minute waiting period, then two subsequent three-strike sets before initiating continuous driving.

(f) Shutdown Measures

Although no marine mammal exclusion zone exists due to the implementation of noise attenuation devices (i.e., bubble curtain), USCG shall discontinue pile driving or pile removal activities if a marine mammal within the ZOI appears disturbed by the work activity. Work may resume until the animal leaves the ZOI, or 30 minutes have passed before the disturbed animal is last sighted.

7 Monitoring:

(a) Protected Species Observers

USCG shall employ NMFS-approved protected species observers (PSOs) to conduct marine mammal monitoring for its Station Monterey waterfront repair project.

(b) Baseline Biological Monitoring

(i) Baseline biological monitoring shall be conducted to survey the potential Level A and B harassment zones on 2 separate days within 1 week before the first day of construction.

(ii) Biological information collected during baseline monitoring will be used for comparison with results of monitoring during pile driving and removal activities.

(c) Monitoring of marine mammals around the construction site shall be conducted using high-quality binoculars (e.g., Zeiss, 10 x 42 power).

(d) Marine mammal visual monitoring shall be conducted from the best vantage point available, including the USCG pier, jetty, adjacent docks within the harbor, to maintain an excellent view of the exclusion zone and adjacent areas during the survey period. Monitors would be equipped with radios or cell phones for maintaining contact with work crews.

(e) Vessel-based visual marine mammal monitoring within the 120 dB and 160 dB ZOIs shall be conducted during 10% of the vibratory pile driving and removal and impact pile driving activities, respectively.

(f) Data collection during marine mammal monitoring shall consist of a count of all marine mammals by species, a description of behavior (if possible), location, direction of movement, type of construction that is occurring, time that pile replacement work begins and ends, any acoustic or visual disturbance, and time of the observation. Environmental conditions such as weather, visibility, temperature, tide level, current and sea state would also be recorded.

8 Reporting:

(a) USCG shall submit weekly monitoring reports that summarize the monitoring results, construction activities and environmental conditions to NMFS.

(b) USCG shall provide NMFS with a draft monitoring report within 90 days of the conclusion of the construction work. This report shall detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed.

(c) If comments are received from the NMFS West Coast Regional Administrator or NMFS Office of Protected Resources on the draft report, a final report shall be submitted to NMFS within 30 days thereafter. If no comments are received from NMFS, the draft report will be considered to be the final report.

(d) In the unanticipated event that the construction activities clearly cause the take of a marine mammal in a manner prohibited by this Authorization (if issued), such as an injury, serious injury or mortality (e.g., ship-strike, gear interaction, and/or entanglement), USCG shall immediately cease all operations and immediately report the incident to the Supervisor of Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinators. The report must include the following information:

- (i) time, date, and location (latitude/longitude) of the incident;
- (ii) description of the incident;
- (iii) status of all sound source use in the 24 hours preceding the incident;

- (iv) environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, visibility, and water depth);
- (v) description of marine mammal observations in the 24 hours preceding the incident;
- (vi) species identification or description of the animal(s) involved;
- (vii) the fate of the animal(s); and
- (viii) photographs or video footage of the animal (if equipment is available).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with WSF to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. USCG may not resume their activities until notified by NMFS via letter, email, or telephone.

(e) In the event that USCG discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition as described in the next paragraph), USCG will immediately report the incident to the Supervisor of the Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinators. The report must include the same information identified above. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with WSF to determine whether modifications in the activities are appropriate.

(f) In the event that USCG discovers an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in the IHA (e.g., previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), USCG shall report the incident to the Supervisor of the Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinators, within 24 hours of the discovery. WSF shall provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network. USCG can continue its operations under such a case.

9 This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein or if the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals, or if there is an unmitigable adverse impact on the availability of such species or stocks for subsistence uses.

10 A copy of this Authorization must be in the possession of each contractor who performs the waterfront repair work at USCG Station Monterey.

Perry GAYARD

for Donna S. Wieting, Director
Office of Protected Resources
National Marine Fisheries Service

SEP 15 2014

Date