

Ms. Jolie Harrison  
Office of Protected Resources  
National Marine Fisheries Service  
National Oceanic and Atmospheric Administration  
1315 East-West Highway  
Silver Spring, MD 20910-3282

**Subject: Incidental Harassment Authorization (IHA) Renewal Request, Demolition and Reconstruction of Pier 3, Naval Station Norfolk, Norfolk, Virginia.**

Dear Ms. Harrison,

This letter serves as the United States Navy's (Navy) formal request to renew (Enclosure 1) the Incidental Harassment Authorization (IHA), pursuant to the Marine Mammal Protection Act of 1972 (MMPA) for the Demolition and Reconstruction of Pier 3 at Naval Station Norfolk in Norfolk, Virginia.

The Year 1 IHA for the replacement of Pier 3 was issued on March 15, 2022 with effective dates from April 1, 2022 through March 31, 2023. The Navy submitted a request to amend the IHA to NMFS in July 2022 and the amended IHA was issued in January 2023 (Enclosure 2). A request for a Letter of Authorization (LOA) was submitted to NMFS on April 8, 2022 (Enclosure 3) and is currently under review by NMFS staff.

The Navy is submitting this renewal request in order to allow construction activities to continue uninterrupted. Activities that will occur under the IHA renewal have previously been analyzed and approved under the current IHA from NMFS.

Should you have any questions regarding the proposed action or application package please contact Mr. Ronald B. Carmichael, Chief of Naval Operations, Energy & Environmental Readiness Division (N45) at (703) 624-6344 or via email at [ronald.b.carmichael2.civ@us.navy.mil](mailto:ronald.b.carmichael2.civ@us.navy.mil) and Ms. Jessica Bassi, Naval Facilities Engineering Systems Command Mid-Atlantic, at (757) 341-0493 or via email at [jessica.h.bassi.civ@us.navy.mil](mailto:jessica.h.bassi.civ@us.navy.mil).

Sincerely,

J.A. TABOR  
Director, Environmental Program  
NAVSTA Norfolk  
By direction of the Commanding Officer

Enclosures: 1. Renewal Request  
2. Issued IHA  
3. LOA Application  
4. Preliminary Monitoring Report – Year 1

Copy to: Kim Corcoran, NOAA Fisheries  
Ron Carmichael, OPNAV N4I

## Enclosure 1. Renewal Request

Issuance of the renewal is necessary to keep the project timeline on schedule and allow in-water construction activities to proceed uninterrupted. Under the renewal, the Navy is requesting coverage from April 1, 2023 through June 30, 2023 to allow previously analyzed and authorized activities to continue.

During the renewal period, the activities that will occur are those shown in Table 1 below. Activities include installation of 42-inch steel pipe piles, 28-inch steel sheet piles, 13-inch polymeric piles, and 24-inch precast concrete piles. Pre-drilling, consisting of a probe or rotary drill may be used where indicated in order to set the piles to depth. Additionally, of the concurrent activity scenarios authorized in the current IHA, the two scenarios listed in Table 2 could occur under the renewal period. These activities involve vibratory removal of 18-inch concrete piles with vibratory installation of 42-inch pipe piles and vibratory removal of 18-inch concrete piles with pre-drilling/probing for preparation of 24-inch concrete pile installation.

All activities that may occur during the renewal period are the same as were previously analyzed under the existing IHA.

**Table 1. In-Water Construction Activities During the Renewal Period from April 1, 2023 – June 30, 2023**

<i>Estimated Schedule</i>	<i>Activity</i>	<i>Total Amount and Estimated Dates</i>	<i>Activity Component</i>	<i>Method</i>	<i>Daily Production Rate</i>	<i>Total Production Days</i>
April 1, 2023 – June 30, 2023	CEP-176 Bulkhead	Install 80 bearing piles <i>Apr-23 to May-23</i>	42-inch diameter steel pipe	Impact or Vibratory Hammer	4 piles/day	20
April 1, 2023 – June 30, 2023	CEP-176 Bulkhead	Install 160 sheet piles <i>Apr-23 to May-23</i>	28-inch wide steel sheet	Impact or Vibratory Hammer	14 piles/day	12
April 1, 2023 – June 30, 2023	CEP-175 Bulkhead	Install 18 fender piles <i>Apr-23 to May-23</i>	13-inch dia. polymeric piles	Impact or Vibratory Hammer (Note 1)	5 piles/day	4
April 1, 2023 – June 30, 2023	CEP-102 Platform	Remove 11 fender piles <i>Apr-23 to Jun-23</i>	18-inch concrete square	Vibratory Hammer	4 piles/day	3
		Remove 9 fender piles <i>Apr-23 to Jun-23</i>	14-inch timber	Vibratory Hammer	4 piles/day	3
		Remove 4 fender piles <i>Apr-23 to Jun-23</i>	13-inch polymeric	Vibratory Hammer	4 piles/day	1
April 1, 2023 – June 30, 2023	CEP-102 Platform	Install 6 bearing piles <i>May-23</i>	24-inch square precast concrete	Impact Hammer (Note 1)	2 piles/day	3
		Install 4 bearing piles <i>Apr-23 to Jun-23</i>	42-inch steel pipe	Impact or Vibratory Hammer	2 piles/day	2
		Install 8 bulkhead sheet piles <i>Apr-23 to Jun-23</i>	28-inch steel sheet	Impact or Vibratory Hammer	4 piles/day	2

		Install 11 bearing piles <i>Apr-23 to Jun-23</i>	24-inch square precast concrete	Impact Hammer (Note 1)	2 piles/day	6
April 1, 2023 – June 30, 2023	Pier 3	Install 270 bearing piles <i>May-23 to June-23</i>	24-inch square precast concrete	Impact Hammer	4 piles/day	68

**Notes:** 1 - Pre-drilling is permitted to assist with pile installation; Estimated construction schedule as delays may occur due to equipment failure or weather.

**Table 2. Concurrent In-Water Construction Activities During the Renewal Period from April 1, 2023 – June 30, 2023**

<i>Estimated Schedule</i>	<i>Activity</i>	<i>Total Amount and Estimated Dates</i>	<i>Activity Component</i>	<i>Method</i>	<i>Daily Production Rate</i>	<i>Total Production Days</i>
April 1, 2023 – June 30, 2023	Vibratory remove 18-inch concrete at Pier 3T and Vibratory install 42-inch pipe at either CEP-176 or CEP-102	90 18-inch concrete piles; 113 42-inch pipe piles  <i>Apr-23 to May-23</i>	18-inch precast concrete 42-inch steel pipe	Vibratory removal and vibratory installation	8 piles per day (4 18-inch per day and 4 42-inch per day)	26
April 1, 2023 – June 30, 2023	Vibratory remove 18-inch concrete piles at Pier 3T and rotary drill for 24-inch concrete piles at new Pier 3	90 18-inch concrete piles; Rotary drilling 36 piles  <i>Apr-23 to May-23</i>	18-inch precast concrete Rotary drill	Vibratory removal and pre-drilling	10 piles per day (4 18-inch per day and 6 drilling)	13

Activities requiring renewal authorization will be subject to the same sound propagation boundaries (harassment zones) as those under the issued IHA. The analysis of sound source level and SPL propagation provided in the IHA application would remain applicable to activities covered in this renewal. All monitoring and mitigation activities currently employed for the project will remain in place for the renewal period. The species for which takes have been authorized include bottlenose dolphin, harbor seal, gray seal, harbor porpoise, and humpback whale. These same species could be subject to takes during the renewal period.

### **Completed Work**

To date, the following work has been completed under the authorization (Tables 3 and 4). All work associated with Pier 4, including 14-inch timber pile removal and 24-inch concrete pile installation has been completed. At Pier 3T, approximately 196 18-inch concrete piles have been removed, with 90 still

needing to be removed. All timber piles at Pier 3T have been or will be removed by the IHA expiration date.

**Table 3. Individual Activities Completed Under Current IHA**

<i>Location</i>	<i>Activity</i>	<i>Amount and Schedule</i>	<i>Type and Size</i>	<i>Method</i>	<i>Status as of 1 March</i>
Pier 4	Demolition of Existing Fender Piles	36 fender piles June 2022 – September 2022	14-inch timber	Vibratory Hammer	complete
	Installation of Fender Piles	36 fender piles June 2022 – September 2022	24-inch precast concrete square	Pre-drilling with Impact Hammer OR	Complete; probing followed by impact hammer
				Impact Hammer	complete
Pier 3T	Demolition of Existing Pier 3T	286 bearing piles August 2022 – November 2022	18-inch precast concrete square	Vibratory Hammer	90 remaining
		87 fender piles August 2022 – November 2022	14-inch timber	Vibratory Hammer	complete

**Table 4. Concurrent Activities Completed under the Current IHA**

<i>Scenario Locations</i>	<i>Concurrent Scenarios</i>	<i>Equipment (Quantity)</i>	<i>Status as of 1 March</i>
Pier 3T and Pier 4	Vibratory extract 14-inch timber or 18-inch concrete piles at Pier 3T and vibratory extract 14-inch timber piles at Pier 4	Vibratory Hammer (2)	All timber removal complete; approximately 90 concrete piles remaining to be removed at Pier 3T. Work was not concurrent.
Pier 3T and Pier 4	Vibratory extract 14-inch timber or 18-inch concrete piles at Pier 3T and impact install 24-inch concrete piles	Vibratory Hammer (2), Impact Hammer (1)	complete
Pier 3T and Pier 4	Vibratory extract 14-inch timber or 18-inch concrete piles at Pier 3T and rotary drill 24-inch concrete piles	Vibratory Hammer (2), Rotary Drill (1)	Probing complete. Approximately 90 concrete piles remaining as noted above for Pier 3T.
Pier 3T, CEP-176, and CEP-102	Vibratory extract 14-inch timber or 18-inch concrete piles at Pier 3T, vibratory or impact install 42-inch pipe piles at CEP-176 and CEP-102	Vibratory Hammer (2), Impact Hammer (1)	Timber and concrete removal complete except as previously noted for Pier 3T. No pipe piles installed yet. Work was not concurrent.

Pier 3T and CEP-176	Vibratory extract 14-inch timber or 18-inch concrete piles at Pier 3T, vibratory or impact install 42-inch pipe piles at CEP-176, and vibratory or impact install 28-inch sheet pile at CEP-176	Vibratory Hammer (2), Impact Hammer (1)	Timber and concrete removal complete except as previously noted for Pier 3T. No pipe piles or sheet piles installed yet. Work was not concurrent.
Pier 3T and Pier 3	Vibratory extract 14-inch timber and or 18-inch concrete piles at Pier 3T and impact hammer 24-inch concrete	Vibratory Hammer (1), Impact Hammer (1)	Timber and concrete removal complete except as previously noted for Pier 3T. Only 2 of 6 24-inch concrete test piles installed.

### Take Estimates

To date, the authorized take estimate for Pier 3 has not been exceeded and is not at risk for being exceeded. Renewing the authorization will not affect marine mammal species in any manner not previously analyzed. Additionally, the authorized takes issued from year 1 will not be exceeded by renewing the authorization.

Table 5 shows the takes that were authorized by NMFS under the current IHA and the most recently reported takes from Year 1 activities. The preliminary Monitoring Report is contained in Enclosure 4 and was submitted to NMFS on February 2, 2023. To date, the authorized take estimate has not been exceeded, and is not at risk for being exceeded for IHA activities (Table 5).

**Table 5. NMFS Authorized Takes and Reported Takes for Year 1 Activities Under the Current IHA**

Species	IHA Authorized Takes		Reported Takes to Date	
	Level A	Level B	Level A	Level B
Bottlenose dolphin	0	29,882	0	35
Harbor seal	152	1,092	0	0
Gray seal	1	2	0	0
Harbor porpoise	10	12	0	0
Humpback whale	0	12	0	0

Notes: Takes are reported from start of construction on August 2, 2022 through February 21, 2023.

Table 6 shows the estimated takes for the renewal period, from April 1, 2023 – June 30, 2023 for both the individual activities and the concurrent activities. The Navy estimates that all five species of marine mammals with potential to be present in the action area could be subject to takes during the renewal period, as shown in Table 6. No Level A takes for bottlenose dolphin or humpback whale would be required due to shutdown zone implementation. Level A takes for harbor seals are based on the number of days that the Level A isopleth exceeds the 200 meter shutdown zone, all of which are scheduled to be completed within the renewal period. All monitoring and mitigation activities currently employed by the project will remain in place for the renewal period.

**Table 6. Estimated Takes During Renewal Period (April 1, 2023 – June 30, 2023)**

Species	Estimated Takes During Renewal Period, Individual		Estimated Takes During Renewal Period, Concurrent	
	Level A	Level B	Level A	Level B
Bottlenose dolphin	0	2,761	0	1,171
Harbor seal	57	759	53	478
Gray seal	0	1	0	1
Harbor porpoise	2	2	0	2
Humpback whale	0	4	0	2

The Navy is requesting that NMFS issue a renewal to the existing IHA from April 1, 2023 through June 30, 2023, in order to allow for a continuation of the existing activities, which are the same as previously analyzed and authorized in the existing IHA, and allow for project construction to continue uninterrupted.

Should you have any questions regarding the proposed action or application package please contact Mr. Ronald B. Carmichael, Chief of Naval Operations, Energy & Environmental Readiness Division (N45) at (703) 624-6344 or via email at [ronald.b.carmichael2.civ@us.navy.mil](mailto:ronald.b.carmichael2.civ@us.navy.mil) and Ms. Jessica Bassi, Naval Facilities Engineering Systems Command Mid-Atlantic, at (757) 341-0493 or via email at [jessica.h.bassi.civ@us.navy.mil](mailto:jessica.h.bassi.civ@us.navy.mil).