



April 17, 2023

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

RE: Bainbridge Ferry Terminal Overhead Loading Replacement Project Incidental Harassment Authorization (IHA) Renewal Request

Dear Ms. Harrison:

This letter serves as Washington State Ferries' formal request to renew the Incidental Harassment Authorization (IHA) issued on September 16, 2022 with coverage until September 15, 2023 for the Bainbridge Ferry Terminal Overhead Loading Replacement Project and Eagle Harbor Slip F Project at Bainbridge Island, Washington. Washington State Ferries (WSF) is submitting this renewal request to continue proposed construction activities described in the IHA application that have been delayed and will not be completed within the authorized IHA timeframe. WSF requests that the renewal be issued for the full year in order to capture potential delays in construction, with effective dates from September 16, 2023 to September 15, 2024.

Washington State Ferries (WSF) believes this request qualifies for a renewal because:

1. WSF is transmitting this request for an IHA renewal prior to September 15, 2023 (60 days prior to the effective date of the IHA)
2. Except for the authorized work that has been completed, this renewal request is for identical activities at the same location, equipment, methods, and amount of in-water work as specified in the IHA application submitted to NMFS. Specifically, this renewal request removes the following:
 - **Work completed September 16, 2022 through February 15, 2023:**
 - Eagle Harbor Slip F Project: All in-water activities have been completed. There was a total of 22 days of in-water work for this project.

- Bainbridge Ferry Terminal Overhead Loading Replacement Project: installation of all permanent project elements described in the IHA application are complete.

Since work began on September 16, 2022, a total of 33 days of in-water construction have occurred. In-water work ended on February 15, 2023 per regulations.

- The IHA renewals would authorize the remaining estimated 1-3 weeks of pile removal (43 12-inch diameter timber piles and two 18-inch steel H-piles) to complete remaining work at the Bainbridge Ferry Terminal Overhead Loading Replacement Project. Removal of these piles will begin after September 16, 2023.
3. Based on the preliminary marine mammal monitoring report summarizing observation data collected during the 55 days of in-water work (combined for Bainbridge Ferry Terminal Overhead Loading Replacement project and Eagle Harbor Slip F project), marine mammal takes are not expected to exceed the level authorized under the IHA. Twenty-six Level A takes of harbor seals occurred and, as shown in the table below, minimal Level B take of any species occurred (Table 1). The monitoring report showing the results of the required monitoring data is attached. WSF is not requesting any changes to the authorized take numbers because the results to date align with the nature/scale of impacts previously analyzed or authorized.
 4. WSF would not change any mitigation or monitoring measures under the requested renewal.

Table 1. Authorized Take, Take Used, and Take Remaining

| Species | Authorized Level A | Level A Used | Level A Remaining | Authorized Level B | Level B Used | Level B Remaining |
|-----------------------------|--------------------|--------------|-------------------|--------------------|--------------|-------------------|
| Harbor Seal | 183 | 26 | 157 | 3,450 | 200* | 3,250 |
| Northern Elephant Seal | 0 | 0 | 0 | 20 | 0 | 20 |
| California Sea Lion | 0 | 0 | 0 | 621 | 57 | 564 |
| Steller Sea Lion | 0 | 0 | 0 | 360 | 3 | 357 |
| Transient Killer Whale | 0 | 0 | 0 | 120 | 0 | 120 |
| Gray Whale | 0 | 0 | 0 | 40 | 0 | 40 |
| Minke Whale | 0 | 0 | 0 | 40 | 1 | 39 |
| Harbor Porpoise | 25 | 0 | 25 | 481 | 0 | 481 |
| Dall's Porpoise | 10 | 0 | 0 | 40 | 0 | 40 |
| Bottlenose Dolphin | 0 | 0 | 0 | 40 | 0 | 40 |
| Long-Beaked Common Dolphin | 0 | 0 | 0 | 40 | 0 | 40 |
| Pacific White-sided Dolphin | 0 | 0 | 0 | 40 | 0 | 40 |

*one unidentified pinniped counted as harbor seal Level B take

If you need any additional information or have any questions or concerns, please do not hesitate to contact me at (206) 473-7996 or via email at stutesa@wsdot.wa.gov.

Sincerely,

Adrienne Stutes

Adrienne Stutes
Washington State Ferries Lead Biologist