



INCIDENTAL HARASSMENT AUTHORIZATION

The California Department of Transportation (Caltrans) is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1371(a)(5)(D)) to incidentally harass marine mammals, under the following conditions:

1. This incidental harassment authorization (IHA) is valid from August 1, 2023 through March 30, 2024.
2. This IHA authorizes take incidental to the installation and removal of a debris containment system, as specified in the Caltrans' IHA application, associated with Phase II of the Richmond-San Rafael Bridge Restoration Project in Richmond, CA.
3. General Conditions
 - (a) A copy of this IHA must be in the possession of the Holder of the Authorization (Holder), its designees, lead protected species observers (PSOs), and work crew personnel operating under the authority of this IHA.
 - (b) Authorized take, of harbor seal (*Phoca vitulina*) only, is limited to 9,000 incidents of Level B harassment.
 - (c) The taking by serious injury or death of any of the species listed in Table 1 or any taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA. Any taking exceeding the authorized amounts listed above is prohibited and may result in the modification, suspension, or revocation of this IHA.
 - (d) The Holder must ensure that construction supervisors and crews, the monitoring team, and relevant Caltrans staff are trained prior to the start of construction activity subject to this IHA, so that responsibilities, communication procedures, monitoring protocols, and operational procedures are clearly understood. New personnel joining during the project must be trained prior to commencing work.
4. Mitigation Requirements
 - (a) Seasonal Work Restrictions: installation or removal of the debris containment system must not occur between Piers 52-57 from April 1 to July 31 due to the pupping and molting period of harbor seals.
 - (b) Work must not take place outside of the containment system on the bridge between piers 52-57 from April 1 to July 31.
 - (c) A non-disturbance buffer must be established within 400 feet of Castro Rocks on the south side of bridge.
 - (d) Staging of barges may not occur in the project area.



- (e) Routes for watercraft to reach work locations must be predetermined in consultation with the project biologist to avoid harassment or take of marine mammals hauled out at Castro Rocks.
- (f) No piles may be driven or vibrated to create staging locations for any watercraft. Barges and vessels will be tethered to the existing concrete bridge piers.

5. Monitoring

The holder of this Authorization is required to conduct marine mammal monitoring during installation and removal of a debris containment system and during construction activities while the containment system is in place. Monitoring and reporting shall be conducted in accordance with the Monitoring Plan.

- (a) Occurrence of marine mammal species or stocks in the area in which take is anticipated (e.g., presence, abundance, distribution, density) must be recorded;
- (b) Biological monitoring must occur for 5 days before the Project's start date, to establish baseline observations; and,
- (c) The proposed location of the PSOs must be at a monitoring platform positioned on Pier 55 of the Richmond-San Rafael Bridge, at the closest pier of the Richmond-San Rafael Bridge to Castro Rocks.

6. Reporting

The holder of this Authorization is required to:

- (a) Submit a draft report on all monitoring conducted under the IHA within ninety calendar days of the completion of marine mammal monitoring. A final report shall be prepared and submitted within thirty days following resolution of comments on the draft report from NMFS. This report must contain the informational elements described in the Monitoring Plan, at minimum (see attached), and shall also include:
 - (i) Observation position and start and end times of observations
 - (ii) Weather conditions (sunny/cloudy, wind speed, fog, visibility), temperature, tide level, current, and sea state
 - (iii) Species counts(including with or without pup, and, if possible, sex and age classes of any observed marine mammal species
 - (iv) Identifying marks or color (scars, red pelage, etc.)
 - (v) Position relative to Richmond-San Rafael bridge (distance and direction)
 - (vi) Movement (direction and relative speed)

- (vii) Behavior (logging (resting at the surface), swimming, spyhopping (raising above the water surface to view the area), foraging, etc.)
- (viii) Duration of sighting or times of multiple sightings of the same individual
- (ix) Details of any marine mammal behavioral disturbances, including information regarding the activity (e.g. disturbance from the containment system installation and removal or construction related disturbance within or outside the containment system), the type of behavioral response to the disturbance (flushing or head posturing), and the rate of disturbance on Castro Rocks. Disturbance events must be categorized according to the 3-point scale as shown in Table 1.

(b) Reporting injured or dead marine mammals:

- (i) Discovery of injured or dead marine mammal – In the event that personnel involved in the survey activities covered by the authorization discover an injured or dead marine mammal, the IHA-holder shall report the incident to the Office of Protected Resources (OPR), NMFS (*PR.ITP.MonitoringReports@noaa.gov* and *ITP.cockrell@noaa.gov*) and to the West Coast regional stranding coordinator (contact) as soon as feasible. The report must include the following information:

1. Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
2. Species identification (if known) or description of the animal(s) involved;
3. Condition of the animal(s) (including carcass condition if the animal is dead);
4. Observed behaviors of the animal(s), if alive;
5. If available, photographs or video footage of the animal(s); and
6. General circumstances under which the animal was discovered.

7. This Authorization may be modified, suspended or revoked if the holder fails to abide by the conditions prescribed herein (including, but not limited to, failure to comply with monitoring or reporting requirements), or if NMFS determines: (1) the authorized taking is likely to have or is having more than a negligible impact on the species or stocks of affected marine mammals or (2) the prescribed measures are likely not or are not effecting the least practicable adverse impact on the affected species or stocks and their habitat.

8. Renewals

On a case-by-case basis, NMFS may issue a one-time, one-year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities are planned or (2) the specified activities would not be completed by the time this IHA expires and a Renewal would allow for completion of the activities, provided all of the following conditions are met:

- (a) A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (the Renewal IHA expiration date cannot extend beyond one year from expiration of this IHA).
- (b) The request for renewal must include the following:
 - (i) An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed for this IHA, are a subset of the activities, or include changes so minor (e.g., reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).
 - (ii) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.
- (c) Upon review of the request for Renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings made in support of this IHA remain valid.

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For Kimberly Damon-Randall,
Director, Office of Protected Resources,
National Marine Fisheries Service.

Date

Table 1 -- Levels of Pinniped Behavioral Disturbance

Level	Type of Response	Definition
1	Alert	Seal head orientation or brief movement in response to disturbance, which may include turning head towards the disturbance, craning head and neck while holding the body rigid in a u-shaped position, changing from a lying to a sitting position, or brief movement of less than twice the animal's body length.
2*	Movement	Movements in response to the source of disturbance, ranging from short withdrawals at least twice the animal's body length to longer retreats over the beach, or if already moving a change of direction of greater than 90 degrees.
3*	Flush	All retreats (flushes) to the water.

* Only observations of disturbance Levels 2 and 3 are recorded as takes.