



## LETTER OF AUTHORIZATION

The U.S. Coast Guard (Coast Guard) and its designees are hereby authorized under section 101(a)(5)(A) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1371(a)(5)(A)) to incidentally harass marine mammals incidental to construction at eight facilities in Alaska, subject to the provisions of the MMPA and the Regulations Governing the Taking of Marine Mammals Incidental to U.S. Coast Guard Alaska Facility Maintenance and Repair Activities (50 CFR Part 217 Subpart T) (Regulations).

1. This letter of authorization (LOA) is valid from March 1, 2024 to February 28, 2029.
2. This Authorization is valid only for take incidental to the specified Coast Guard in-water construction activities within Gulf of Alaska waters in the vicinity of one of the following eight Coast Guard facilities: Kodiak, Sitka, Ketchikan, Valdez, Cordova, Juneau, Petersburg, and Seward.
3. General Conditions
  - (a) A copy of this LOA must be in the possession of the Holder of the Authorization (Holder or Coast Guard), supervisory construction personnel, lead protected species observers (PSOs), and any other relevant designees of the Coast Guard operating under the authority of this LOA at all times that activities subject to this LOA are being conducted.
  - (b) The species and/or stocks authorized for taking are listed in Table 1. Authorized take, by Level A and B harassment, is limited to the species and numbers listed in Table 1.
  - (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 LOA. Any taking exceeding the authorized amounts listed in Table 1 is prohibited and may result in the modification, suspension, or revocation of this LOA.
  - (d) The Holder must conduct training between construction supervisors and crews and the marine mammal monitoring team and relevant Coast Guard staff prior to



the start of all down-the-hole (DTH), pile driving, cutting or power washing activity and when new personnel join the work, so that responsibilities, communication procedures, monitoring protocols, and operational procedures are clearly understood.

4. Mitigation Requirements

- (a) The Holder must monitor the project area to the maximum extent possible based on the required number of protected species observers (PSOs), required monitoring locations, and environmental conditions as described in section 5 of this LOA and the NMFS-approved Marine Mammal Monitoring Plan.
- (b) For all DTH and pile driving activity, the Coast Guard must designate monitoring zones with radial distances as identified in Table 2. Anticipated observable zones within the designated monitoring zones must be identified in the Marine Mammal Monitoring Plan, subject to approval by NMFS.
- (c) Monitoring must take place from 30 minutes prior to initiation of DTH and pile-driving activities (i.e., pre-start clearance monitoring) through 30 minutes post-completion of DTH and pile-driving activities.
- (d) For all DTH, pile driving, cutting or power washing activity, the Coast Guard must implement a minimum shutdown zone of a 20-m radius around the pile or DTH hole. If a marine mammal comes within or approaches the shutdown zone, such operations must cease.
- (e) For all DTH and pile-driving activities, the Holder must implement shutdown zones with radial distances as identified in Table 2. If a marine mammal comes within or approaches the shutdown zone indicated in Table 2, such operations must cease.
- (f) If DTH and pile driving activity is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the shutdown zone or 15 minutes have passed without re-detection of the animal.
- (g) The Holder must use soft start techniques when impact pile driving. Soft start requires contractors to provide an initial set of strikes at reduced energy, followed by a 30-second waiting period, then two subsequent reduced-energy strike sets. A soft start must be implemented at the start of each day's impact pile driving and at

any time following cessation of impact pile driving for a period of 30 minutes or longer.

- (h) The Holder, construction supervisors and crews, PSOs, and relevant Coast Guard staff must avoid direct physical interaction with marine mammals during construction activity. If a marine mammal comes within 20 meters of such activity, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions.
- (i) Should environmental conditions deteriorate such that marine mammals within the entire shutdown zone would not be visible (*e.g.*, fog, heavy rain, night), the Holder must delay in-water construction activities until observers are confident marine mammals within the shutdown zone could be detected.

## 5. Monitoring Requirements

- (a) Marine Mammal monitoring must be conducted in accordance with the conditions in this section and the Marine Mammal Monitoring Plan. The Coast Guard must submit a Marine Mammal Monitoring Plan to NMFS for approval in advance of construction.
- (b) The Coast Guard shall deploy additional PSOs to monitor harassment zones according to the minimum requirements defined in Marine Mammal Monitoring Plan, subject to approval by NMFS. These observers shall collect sighting data and behavioral responses to pile driving for marine mammal species observed in the region of activity during the period of activity, and shall communicate with the shutdown zone observer(s) as appropriate with regard to the presence of marine mammals. All observers shall be trained in identification and reporting of marine mammal behaviors.
- (c) Monitoring must be conducted by qualified, NMFS-approved PSOs, in accordance with the following conditions:
  - i. PSOs must be independent of the activity contractor (i.e. not employed by the construction contractor), and have no other assigned tasks during monitoring periods.
  - ii. At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization.

- iii. Other PSOs may substitute education (degree in biological science or related field), or training for prior experience.
  - iv. Where a team of three or more PSOs is required, a lead observer or monitoring coordinator must be designated. The lead observer must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization.
  - v. The Coast Guard must submit PSO curriculum vitae (CVs) for approval by NMFS. PSOs must be approved by NMFS prior to beginning any activity subject to this LOA.
- (d) PSOs must record all observations of marine mammals, regardless of distance from the pile/hole being driven/drilled, as well as additional data indicated in the section 6 of this LOA.

6. Reporting

- (a) The Coast Guard must submit a draft monitoring report to NMFS within 90 work days of the completion of required monitoring for each portion of the project as well as a comprehensive summary report at the end of the project. The reports will detail the monitoring protocol and summarize the data recorded during monitoring. Coast Guard shall provide a final report within 30 days following resolution of comments on the draft report. If no work requiring monitoring is conducted within a calendar year, Coast Guard shall provide a statement to that effect in lieu of a draft report.
- (b) If no work requiring monitoring is conducted within a calendar year, Coast Guard must provide a statement to that effect in lieu of a draft report.
- (c) All draft and final monitoring reports must be submitted to *PR.ITP.MonitoringReports@noaa.gov* and *ITP.hotchkin@noaa.gov*.
- (d) The marine mammal report must contain the informational elements described in the Marine Mammal Monitoring Plan and, at minimum, must include:
  - i. Dates and times (begin and end) of all marine mammal monitoring;

- ii. Construction activities occurring during each daily observation period, including:
  - 1. The number and type of piles that were driven or removed and by what method (*i.e.*, impact, vibratory, DTH);
  - 2. The total duration of driving time for each pile/hole (vibratory driving, DTH);
  - 3. When possible, the number of strikes for each pile/hole (impact driving, DTH); and
  - 4. For DTH (when possible) the duration of operation for both impulsive and non-impulsive components as well as the strike rate.
- iii. PSO locations during marine mammal monitoring;
- iv. Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance (if less than the harassment zone distance);
- v. Upon observation of a marine mammal, the following information:
  - 1. Name of PSO who sighted the animal(s) and PSO location, as well as the activity at time of sighting;
  - 2. Time of sighting;
  - 3. Identification of the animal(s) (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the composition of the group if there is a mix of species;
  - 4. Distances and bearing of each marine mammal observed in relation to the pile being driven or drilled for each sighting (if pile driving or drilling was occurring at time of sighting);
  - 5. Estimated number of animals (min/max/best estimate);
  - 6. Estimated number of animals by cohort (adults, juveniles, neonates, group composition, etc.);
  - 7. Animal's closest point of approach and estimated time spent within the harassment zone;
  - 8. Description of any marine mammal behavioral observations (*e.g.*, observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (*e.g.*, no response or changes in behavioral state

such as ceasing feeding, changing direction, flushing, or breaching);

- vi. Number of marine mammals detected within the harassment zones, by species; and
  - vii. Detailed information about any implementation of any mitigation triggered (*e.g.*, shutdowns and delays), a description of specific actions that ensued, and resulting behavior of the animal, if any;
- (e) The Holder must submit all PSO datasheets and/or raw sighting data with the draft reports referenced in condition 6(a) of this LOA.
- (f) In the event that personnel involved in the construction activities discover an injured or dead marine mammal, the Holder must report the incident to the Office of Protected Resources (OPR), NMFS (*PR.ITP.MonitoringReports@noaa.gov* and *ITP.hotchkin@noaa.gov*) and to the Alaska Regional Stranding Coordinator (877-925-7773 or 907-586-7349) as soon as feasible. If the death or injury was likely caused by the specified activity, the Holder must immediately cease the activities until NMFS OPR is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of this LOA. The Holder must not resume their activities until notified by NMFS.

The report must include the following information:

- i. Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- ii. Species identification (if known) or description of the animal(s) involved;
- iii. Condition of the animal(s) (including carcass condition if the animal is dead);
- iv. Observed behaviors of the animal(s), if alive;
- v. If available, photographs or video footage of the animal(s); and
- vi. 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, (2) the authorized taking is likely to have or is having an unmitigable adverse impact on the availability of the affected species or stocks for subsistence uses, or (3) the prescribed measures are likely not or are not effecting the least practicable adverse impact on the affected species or stocks and their habitat.

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

**Table 1. Authorized Incidental Take**

Species	Scientific Name	Stock(s)	Maximum Annual Take		5 Year Maximum Take	
			Level A	Level B	Level A	Level B
Gray whale	<i>Eschrichtius robustus</i>	Eastern North Pacific	0	8	0	40
Humpback whale	<i>Megaptera novaeangliae</i>	Hawai'i Mexico – North Pacific	0	174	0	818
Fin whale	<i>Balaenoptera physalus</i>	Northeast Pacific	0	23	0	75
Minke whale	<i>Balaenoptera acutorostrata</i>	Alaska	0	6	0	26
Killer whale	<i>Orcinus orca</i>	Alaska Resident Gulf of Alaska, Aleutian Islands, Bearing Sea Transient Northern Resident West Coast Transient	0	127	0	543
Pacific white-sided dolphin	<i>Lagenorhynchus obliquidens</i>	North Pacific	0	233	0	1,105
Dall's porpoise	<i>Phocoenoides dalli</i>	Alaska	98	147	442	604
Harbor porpoise	<i>Phocoena phocoena</i>	Northern Southeast Alaska Inland Waters	0	11	0	55
		Southern Southeast Alaska Inland Waters	20	11	100	55
		Yakutat/ Southeast Alaska Offshore Waters	0	50	0	250
		Gulf of Alaska	85	115	305	304
California sea lion	<i>Zalophus californianus</i>	U.S.	0	10	0	50
Northern fur seal	<i>Callorhinus ursinus</i>	Eastern Pacific	0	23	0	71
Steller sea lion	<i>Eumetopias jubatus</i>	Eastern	0	425	0	2,125
		Western	0	34	0	138
Harbor seal	<i>Phoca vitulina</i>	Prince William Sound	0	442	0	1,230
		Lynn Canal/Stephens Passage	0	860	0	4,300
		Sitka/Chatham Straight	0	230	0	1,150
		Clarence Strait	20	412	100	2,060
		South Kodiak	20	17	100	85



**Table 2. Pile Driving Shutdown Zone and Monitoring Zones during Project Activities**

Method and Pile Type	Shutdown zones (m)					Monitoring zones (m)
	Low Frequency Cetacean	Mid Frequency Cetacean	High Frequency Cetacean	Phocid	Otariid	
Timber Vibratory	20					1,359
24-inch Steel Pipe Vibratory	20					6,310
Timber Impact	20	20	30	20	20	50*
Composite Impact	20					50*
24-inch Steel Pipe Impact	220	20	260	120	20	1,000
24-inch Concrete Impact	30	20	40	20	20	50*
24-inch DTH	440	20	520	240	20	13,594

\*For these activities, the Level B harassment zone is smaller than the shutdown zone and thus the monitoring zone has been increased to a minimum of 50 m.