UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

INCIDENTAL HARASSMENT AUTHORIZATION

The United States Navy (Navy) and its designees are 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 the May 12, 2025, through December 31, 2025.

2. This IHA authorizes take incidental to pile driving, as specified in the Navy's September 24, 2024, IHA application, associated with Pile Driving Training Exercises at Naval Base Ventura County, Port Hueneme. Hereafter (unless otherwise specified) the term "pile driving" is used to refer to both pile installation and pile removal.

3. General Conditions

   (a) A copy of this IHA must be readily available to the Holder of the Authorization (Holder), supervisory personnel, lead lookouts, and any other relevant designees of the Holder operating under the authority of this IHA at all times that activities subject to this IHA are being conducted.

   (b) The species and/or stocks authorized for taking are California sea lions (*Zalophus californianus*) (U.S. stock) and harbor seals (*Phoca vitulina richardii*) (California stock). Authorized take, by Level B harassment only, is limited to the species and numbers listed in table 1.

   (c) The taking by serious injury or death or by Level A harassment 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 in table 1 is prohibited and may result in the modification, suspension, or revocation of this IHA.

   (d) The Holder must ensure that supervisors and trainees, the monitoring team, and relevant Navy staff are trained prior to the start of activities 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) The Holder must employ lookouts and establish monitoring locations as described

in section 5 of this IHA. The Holder must monitor the project area to the maximum extent possible based on the required number of lookouts, required monitoring locations, and environmental conditions.

(b) Monitoring must take place from 30 minutes prior to initiation of pile driving activity (*i.e.*, pre-start clearance monitoring) through 30 minutes post-completion of pile driving activity.

(c) If a marine mammal is observed entering or within the shutdown zones indicated in table 2, pile driving activity must be delayed or halted. Pile driving must be commenced or resumed as described in condition 4(e) of this IHA.

(d) Pre-start clearance monitoring must be conducted during periods of visibility sufficient for the lead lookout to determine that the shutdown zones indicated in table 2 are clear of marine mammals. Pile driving may commence following 30 minutes of observation when the determination is made that the shutdown zones are clear of marine mammals.

(e) If pile driving 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 indicated in table 2 or 15 minutes have passed without re-detection of the animal.

(f) The Holder must use soft start techniques when impact pile driving. Soft start requires contractors to provide an initial set of three 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.

(g) Pile driving activity must be halted (as described in condition 4(c) of this IHA) upon observation of either a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met, entering or within the harassment zone (as shown in table 2).

(h) The Holder, supervisors and crews, lookouts, and relevant Navy staff must avoid direct physical interaction with marine mammals during the activity. If a marine mammal comes within 10 meters (m) of such activity, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions, as necessary to avoid direct physical interaction.

(i) In-water activities must take place only when lookouts can effectively visually monitor for the presence of marine mammals, and when the entire shutdown zone and adjacent waters are visible (*e.g.*, including during daylight hours and when monitoring effectiveness is not reduced due to rain, fog, snow, *etc.*).

5. Monitoring Requirements

(a) Marine mammal monitoring must be conducted in accordance with the conditions in this section and this IHA.

(b) Monitoring must be conducted by qualified lookouts with support from Navy biologists, in accordance with the following conditions:

(i) Navy biologists will train lookouts in accordance with the mitigation, monitoring, and reporting requirements described in this IHA.

(ii) All lookouts will maintain contact via handheld communication devices or flags to signal sightings and shutdowns.

(iii) The lead lookout will be located within auditory range of the pile driving team and will have primary responsibility for calling activity shutdowns.

(iv) Lookouts shall use a hand-held GPS device, rangefinder, visual reference points, or maker buoy to verify the required monitoring distance from the project site.

(v) Monitoring shall occur in all-weather until training has concluded for the day.

(vi) Lookouts must scan the waters within the shutdown and harassment zones identified in table 2 using binoculars (10x42 or similar) and or the naked eye and make visual observations of marine mammals present.

(c) The Holder must establish monitoring locations that ensure the entire shutdown zones are visible. For all pile driving activities, a minimum of one lookout must be assigned to each active pile driving location to monitor the shutdown zones.

(d) Lookouts must record all observations of marine mammals, regardless of distance from the pile being driven, as well as the additional data indicated in section 6 of this IHA.

6. Reporting

(a) The Holder must submit its draft report(s) on all monitoring conducted under this IHA within 90 calendar days of the completion of monitoring or 60 calendar days prior to the requested issuance of any subsequent IHA for training activities at the same location, whichever comes first. A final report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report. If no comments are received from NMFS within 30 calendar days of receipt of the draft report, the report shall be considered final.

(b) All draft and final monitoring reports must be submitted to *PR.ITP.MonitoringReports@noaa.gov* and *itp.clevenstine@noaa.gov*.

(c) The marine mammal report at minimum, must include:

(i) Dates and times (begin and end) of all marine mammal monitoring;

(ii) Training occurring during each daily observation period, including:

A. The number and type of piles that were driven and the method (*e.g.*, impact, vibratory); and

B. Total duration of driving time for each pile (vibratory driving) and estimated number of strikes for each pile (impact driving).

(iii) Lookout locations during marine mammal monitoring;

(iv) Environmental conditions during monitoring periods (at beginning and end of lookout 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;

(v) Upon observation of a marine mammal, the following information:

A. Name of lookout who sighted the animal(s) and lookout location and activity at time of sighting;

B. Time of sighting;

C. Identification of the animal(s) (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified), lookout confidence in identification, and the composition of the group if there is a mix of species;

D. Distance and bearing of each observed marine mammal relative to the pile being driven for each sighting;

E. Estimated number of animals;

F. Estimated number of animals by cohort (adults, juveniles, neonates, group composition, *etc.*);

G. Animal's closest point of approach and estimated time spent within the harassment zone;

H. 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 implementation of any mitigation (*e.g.*, shutdowns and delays), a description of specific actions that ensued, and resulting changes in behavior of the animal(s), if any.

(d) The Holder must submit all datasheets and/or raw sighting data with the draft report, as specified in condition 6(b) of this IHA.

(e) Reporting injured or dead marine mammals:

In the event that personnel involved in the 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.clevenstine@noaa.gov*) and to the West Coast Regional Stranding Coordinator (1-866-767-6114) as soon as feasible. If the death or injury was clearly 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 IHA. 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, 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 (or a subset of those activities) are planned or (2) the specified activities will not be completed by the time the 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 (note a 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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Kimberly Damon-Randall,
Director, Office of Protected Resources
National Marine Fisheries Service

Table 1. Authorized Incidental Take.

Common name	Scientific name	Stock	Level A harassment	Level B harassment
California sea lion	*Zalophus californianus*	U.S.	0	46,512
Harbor seal	*Phoca vitulina richardii*	California	0	2,856

Table 2. Shutdown and Level B Harassment Zones.

Activity	Pile Description	Minimum Shutdown Zone (m)		Level B Harassment Zone (m) [a]
		Phocid	Otariid	
Vibratory Installation / Removal	16-inch Timber Pile	25	25	790
	16-inch Plastic Pile	25	25	790
	14-inch Steel H Beam	25	25	631
	24-inch Steel Sheet	25	25	790
Impact Installation	16-inch Timber Pile	130	130	47
	16-inch Plastic Pile	260	260	790
	14-inch Steel H Beam	290	290	790

[a] The maximum harassment distances are approximately 790 m (2,592 ft) for Wharf 4 South, 795 m (2,601 ft) for Wharf 4 East, and 655 m (2,149 ft) for Wharf D due to the presence of land masses in the project area, which truncate sound transmission.