WASHINGTON STATE PARKS AND RECREATION COMMISSION ROSARIO PIER REMOVAL

MARINE MAMMAL MONITORING PLAN

PREPARED BY:

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1. INTRODUCTION

This Marine Mammal Monitoring Plan (MMMP) was developed to detect the presence of Endangered Species Act (ESA)- and Marine Mammal Protection Act (MMPA)-listed marine mammals (ESA: Southern Resident killer whales [SRKW] and humpback whales; MMPA: all other cetaceans, pinnipeds, and sea otters; "listed marine mammals" hereafter) before and during pile removal at Rosario Beach, Deception Pass State Park,, Washington. This MMMP will be implemented in connection with the Rosario Pier Removal Project (Project) on behalf of the Washington State Parks and Recreation Commission (State Parks).

Vibratory removal for the Project will occur at one location (Figure 1). The Project includes the following in-/over-water work elements. Please note, this Project is in the early design phase, so demolition components were measured in Google Earth and are best estimates:

Removal

- Fourteen (14) 12-16-inch creosote-treated timber pile at the moorage facility
- One (1) 125' x 6' timber fixed pier walkway
- One (1) 30 x 4' aluminum gangway
- One (1) 65' x 12' timber float

2. VISUAL SURVEY METHODS

Visual observations will be used to detect the presence of listed marine mammals. Due to the surface behavior of these marine mammals, it is possible to locate, identify, and follow marine mammal species using binoculars and other optical equipment. The monitoring zone extends approximately 1,585 meters (m) to the southeast of construction activity (Figure 1). Monitoring of the area of potential impacts will be conducted using binoculars (10 x 42 or similar) and the naked eye.

We propose the following measures to prevent disturbance to listed marine mammals within the observation area:

1) Qualified observers will be present at all times during pile removal activities. In order to be considered "qualified," the observers will meet the list of qualifications for marine mammal observers (Section 3).
    a. Vibratory pile removal: The area of ensonification will be monitored by one qualified observer. The observer will be stationed on the shoreline adjacent to the work area, at an elevated location with a good vantage point of Sharpe Cove. The monitoring zone for vibratory pile removal is 1,585 m (Figure 1).
2) Observer(s) will contact the Orca Network by phone (1-866-672-2638) or by checking their Facebook page (per their recommendation) before vibratory removal work begins for the day to get an update on the latest SRKW sightings data.
3) The observer will scan the visible waters within the potential impact area using binoculars (10 x 42 or similar) and the naked eye.
4) The waters of the Zone of Influence (ZOI) will be scanned for 30 minutes prior to and during all pile removal activities. If listed marine mammals enter or are observed within the designated shutdown zone during the 30-minute clear, the observer(s) will notify the

designated point of contact (inspector or contractor) and work will either be delayed until the zone is clear, or, if there are take allotted for the species, work may be allowed to begin and a take will be recorded. The monitoring zone will be considered clear when animals have not been sighted within the designated radius for 30 minutes, or when they are observed outside the radius.

5) Monitoring will continue for 30 minutes after operations have ceased, when visibility allows, to assess post-construction activity of marine mammals in the area.

6) A shutdown will be called and shutdown procedure (as described above) followed if either SRKW or humpback whales (ESA-listed species) enter the Level B take ZOI.

7) If an animal with allotted take occurs within the Level B take ZOI for that species but not approaching the Level A shutdown zone, a "take" will be recorded on the data sheet and work will be allowed to continue without disruption. Behavior of the animal will be monitored and documented.

8) If total recorded take numbers reach total allowed take for a species, shutdown procedures will be implemented for the Level B ZOIs for that species. If take numbers for a species are approaching total allowed take, State Parks will consult with the National Oceanic and Atmospheric Administration (NOAA) Office of Protected Resources (OPR) to ascertain if an increase in issued take may be permitted. If an increase in issued take is approved by NOAA OPR, shutdowns will not be implemented for Level B ZOIs for that species until, and if, the revised issued take is expended.

9) The entirety of the largest monitoring zone must be visible to clear for operations. If visibility does not allow for clearing of the entire zone, start of operations must be delayed until the zone is visible. If vessels are being used, it is acceptable to traverse the monitoring zone until the entire monitoring zone has been observed. Once operations have commenced, if visibility of the injury zone is lost, operations must cease until visibility is restored. If visibility of the behavioral disturbance zone is lost due to weather, operations may continue as long as there is not a break in operations longer than one hour. If no noise has been introduced to the water from operations for longer than one hour, the zone must be cleared again prior to commencing work. If impact driving, a soft start will be used. Operations will not occur after dusk, except when approved by the agencies.

10) If impact hammer driving, a soft start will be used.

11) Operations will not occur after dusk, except when approved by the permitting agencies.

3. MINIMUM QUALIFICATIONS FOR MARINE MAMMAL OBSERVERS

Marine mammal monitors must be independent; however, a qualified third party hired by the Contractor is acceptable. Marine mammal monitors employed to implement the proposed MMMP shall meet the following minimum qualifications:

1) Visual acuity in both eyes (correction is permissible) sufficient for discernment of moving targets at the water's surface with ability to estimate target size and distance. Use of binoculars may be necessary to correctly identify the target.

2) Experience and ability to conduct field observations and collect data according to assigned protocols (this may include academic experience); at least one observer must have prior

experience working as an observer. Observers will submit curriculum vitae for National Marine Fisheries Service (NMFS) approval.

3) Experience or training in the field for identification of listed marine mammals.
4) Sufficient training, orientation or experience with the construction operation to provide for personal safety during observations.
5) Writing skills sufficient to prepare a report of observations that would include such information as the number and type of listed marine mammals observed; the behavior of listed marine mammals in the Project area during construction, dates and times when observations were conducted; dates and times when in water construction activities were conducted; dates and times when listed marine mammals were present at or within the defined disturbance zone; dates and times when in water construction activities were suspended to avoid incidental harassment by disturbance from construction noise; etc.
6) Ability to communicate orally, by radio or in person, with Project personnel to provide real time information on listed marine mammals observed in the area as necessary.

4. DATA COLLECTION

Observers will use the NMFS-approved Observation Records template for each day and monitoring location. At a minimum, the following data will be collected during monitoring:

- Effort Data
    - Dates and times when observations were conducted
    - Dates and times when in water construction activities were conducted
    - Weather conditions during observation periods (e.g., cloud cover, visibility, sea state)
- Sightings Data:
    - Species, number, and sex/age, if known, of listed marine mammals observed (if known resight, note that)
    - Dates, times, and locations (best guess latitude/longitude or proximity to identifiable landmark) for all marine mammal observations
    - Distance of marine mammal(s) from pile removal or driving activities
    - Distance of marine mammal(s) from observer post
    - Behavior of observed marine mammals, including bearing, direction, and speed of travel and any observed changes in behavior (include time of change and construction activity occurring at time of change, if noted)
    - Dates and times when marine mammals entered the Level B ZOI
    - Tally of Level B take incurred
    - Dates and times when in-water construction activities were suspended to avoid Level A take from construction noise
    - Other human activity occurring in the area.

5. MONITORING ZONES
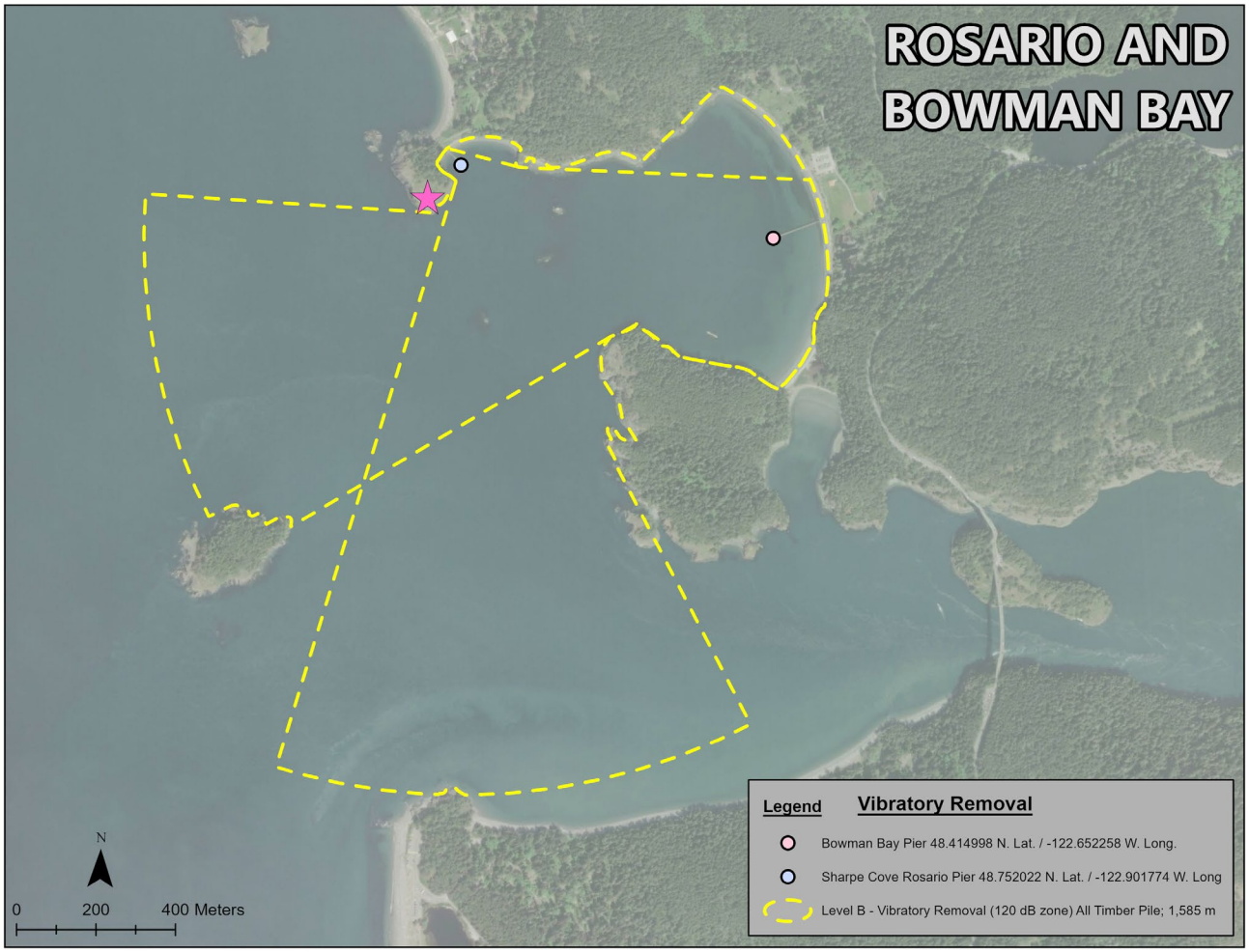
Figure 1. Project area, location of pile removal (blue dot), monitoring zone (dashed yellow polygon), and proposed observer location (pink star) for vibratory pile removal operations.