



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pacific Southwest Region
2800 Cottage Way, Room W-2606
Sacramento, California 95825-1846

In Reply Refer To:
08EVEN00-2015-CPA-0006

Incidental Harassment Authorization (IHA-14-01)

The United States Coast Guard (USCG), Civil Engineering Unit Oakland, 1301 Clay Street, Suite 700N, Oakland, California 95612, is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)(5)(D)) and 50 CFR 216.107 to take, by Level B harassment only, small numbers of marine mammals incidental to conducting waterfront repair at its Monterey Station facility, contingent upon the following conditions:

1. This Authorization is valid from November 1, 2014, through October 31, 2015.
2. This Authorization is valid only for activities associated with waterfront repair project at the USCG's Monterey Station in Monterey, California, which are specified at 79 FR 58796 (September 30, 2014). Pile extraction and driving activities shall be limited to the period from June 15 to October 15, but other construction activities may occur at any time during the 1-year authorization window.
3. The only species authorized for taking, by Level B Harassment, is the southern sea otter (*Enhydra lutris nereis*). The taking of any sea otter in a manner prohibited under this Authorization must be reported within 24 hours of the taking to the U.S. Fish and Wildlife Service (Service) Southern Sea Otter Recovery Coordinator (805-612-2793).
4. The holder of this Authorization must notify the Southern Sea Otter Recovery Coordinator at least 48 hours prior to the start of construction activities (unless constrained by the date of issuance of this Authorization, in which case notification shall be made as soon as possible) and must provide 24-hour advance notice of pile driving activity.
5. Prohibitions
 - (a) The taking, by incidental Level B harassment only, is limited to southern sea otters. The taking by Level A harassment, injury, or death is prohibited and may result in the modification, suspension or revocation of this Authorization.
 - (b) The taking of any southern sea otter whenever the required marine mammal mitigation, monitoring, and reporting measures specified at 79 FR 58796 and within this Authorization have not been fully implemented is prohibited.

6. Mitigation

(a) Use of Noise Attenuation Devices

A pile driving energy attenuator (such as an air bubble curtain system) shall be used for all impact pile driving.

(b) Time Restriction

In-water construction work shall occur only during daylight hours when visual monitoring of marine mammals can be implemented.

(c) Establishment of Level B Harassment Zones of Influence

(i) Before the commencement of in-water pile driving activities, USCG shall establish Level B behavioral harassment zones of influence (ZOIs) where received underwater sound pressure levels (SPLs) are higher than 160 dB (rms) and 120 dB (rms) re 1 μ Pa for impulse noise sources (impact pile driving) and non-impulse noise sources (vibratory pile driving and mechanic dismantling), respectively.

(ii) Once the underwater acoustic measurements are conducted during initial test pile driving, USCG shall adjust the size of the ZOIs, and monitor these zones as described under the Proposed Monitoring section below.

(d) Monitoring for marine mammal presence shall take place 30 minutes before and 30 minutes after pile driving.

(e) Soft Start

(i) For vibratory hammers, the contractor shall initiate the driving for 15 seconds at reduced energy, followed by a 1 minute waiting period when there has been down time of 30 minutes or more. This procedure shall be repeated two additional times before continuous driving is started. This procedure shall also apply to vibratory pile extraction.

(ii) For impact driving, an initial set of three strikes shall be made by the hammer at 40 percent energy, followed by a 1 minute waiting period, then two subsequent three-strike sets before initiating continuous driving.

(f) Shutdown Measures

A Level A harassment exclusion zone shall include all areas where underwater sound pressure levels are expected to reach or exceed 190 dB re 1 μ Pa. Modeled distances to the 190 dB isopleth are 33 ft (10 m) or less for attenuated noise and 75 ft (23 m) or less for unattenuated noise. The Level A harassment zone shall be adjusted, in consultation with the Service, once field conditions for impulse and non-impulse noise sources are established through hydroacoustic monitoring. Regardless of the results of field measurements, the radius of the Level A exclusion zone shall be a minimum of 33 feet (10 m) to prevent the injury of sea otters from machinery. Pile extraction or driving shall not commence (or re-commence following a shutdown) until sea otters are not sighted within the exclusion zone for a 30-minute period. If a sea otter enters the exclusion zone during pile replacement work, work shall stop until the animal leaves the exclusion zone.

7. Monitoring

(a) Protected Species Observers

USCG shall employ Service-approved protected species observers (PSOs) to conduct marine mammal monitoring for its Station Monterey waterfront repair project.

(b) Baseline Biological Monitoring

(i) Baseline biological monitoring shall be conducted to survey the potential Level A and B harassment zones on 2 separate days within 1 week before the first day of construction.

(ii) Biological information collected during baseline monitoring will be used for comparison with results of monitoring during pile driving and removal activities.

(c) Monitoring of marine mammals around the construction site shall be conducted using high-quality binoculars (*e.g.*, Zeiss, 10 x 42 power).

(d) Marine mammal visual monitoring shall be conducted from the best vantage point available, including the USCG pier, jetty, and adjacent docks within the harbor, to maintain an excellent view of the exclusion zone and adjacent areas during the survey period. Monitors shall be equipped with radios or cell phones for maintaining contact with work crews.

(e) Vessel-based visual marine mammal monitoring within the 120 dB and 160 dB ZOIs shall be conducted during 10 percent of the vibratory pile driving and removal and impact pile driving activities, respectively.

(f) Data collection during marine mammal monitoring shall consist of a count of all marine mammals by species, a description of behavior (if possible), location, direction of movement, type of construction that is occurring, time that pile replacement work begins and ends, any acoustic or visual disturbance, and time of the observation. Environmental conditions such as weather, visibility, temperature, tide level, current and sea state shall also be recorded.

(g) Activities related to the monitoring described in this Authorization do not require a separate scientific research permit issued under section 104 of the Marine Mammal Protection Act.

8. Reporting

(a) USCG shall submit to the Service weekly monitoring reports that summarize the monitoring results, construction activities, and environmental conditions.

(b) USCG shall provide the Service with a draft monitoring report within 90 days of the conclusion of the construction work. This report shall detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of sea otters that may have been harassed.

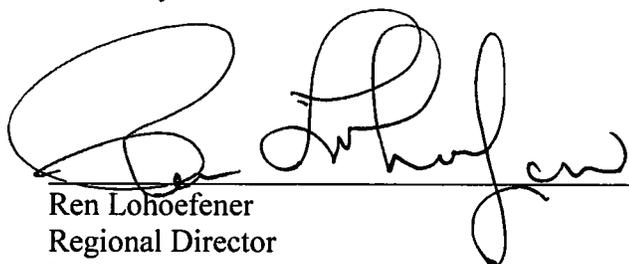
(c) If comments are received from the Service on the draft report, a final report shall be submitted to the Service within 30 days thereafter. If no comments are received from the Service, the draft report will be considered to be the final report.

(d) USCG shall call the Monterey Bay Aquarium's sea otter 24-hour emergency line (831-648-4840) immediately upon sighting an injured sea otter in the vicinity of the construction site and notify the Service's Southern Sea Otter Recovery Coordinator by telephone within one hour of such a sighting. USCG shall call the Monterey Bay

Aquarium's sea otter 24-hour emergency line and notify the Service's Southern Sea Otter Recovery Coordinator no later than 24 hours after sighting a dead sea otter in the vicinity of the construction site. The USCG shall provide a description of the condition of the animal(s) or carcass(es), location, time of discovery, observed behavior (if alive), and photographic or video documentation, if available. In the unanticipated event that the construction activities clearly cause the injury or death of a sea otter, the USCG shall immediately suspend all activities and immediately report the incident by telephone to the Monterey Bay Aquarium's sea otter 24-hour emergency line and the Service's Southern Sea Otter Recovery Coordinator. The USCG shall not resume activities until notified by the Service by email, letter, or telephone.

9. This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein or if the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.

10. Copies of this Authorization must be in the possession of the PSOs and on-site construction supervisor(s) when activities authorized by this Incidental Harassment Authorization are underway.



Ren Lohoefer
Regional Director
Pacific Southwest Region
U.S. Fish and Wildlife Service

November 3, 2014

Date