



DEPARTMENT OF THE NAVY
PORTSMOUTH NAVAL SHIPYARD
PORTSMOUTH, N. H. 03804-5000

IN REPLY REFER TO:

5750

Ser NAVFAC PWD-Maine/025

JAN 19 2021

Ms. Jolie Harrison
Office of Protected Resources, National Marine Fisheries Service
National Oceanic and Atmospheric Administration
1315 East-West Highway (B-SSMC3 Room 13822)
Silver Spring, MD 20910-3282

Subj: IHA RENEWAL REQUEST FOR THE MODIFICATION AND EXPANSION OF
DRY DOCK 1 AT PORTSMOUTH NAVAL SHIPYARD, KITTEERY, MAINE

Dear Ms. Harrison:

This letter supports the Department of the Navy's (Navy) renewal request for Incidental Harassment Authorization (IHA), pursuant to the Marine Mammal Protection Act of 1972 (MMPA), for the modification and expansion of Dry Dock 1 at the Portsmouth Naval Shipyard (Shipyard) in Kittery, Maine.

The Year 1 Authorization for the modification and expansion of Dry Dock 1 was issued to the Navy on May 20, 2019 and re-issued due to schedule changes on December 3, 2019 (Enclosure 1). Effective dates for the authorization for Year 1 construction activities are March 1, 2020 - February 28, 2021.

This letter is a request to renew these activities to cover work from Year 1 that has not yet been completed, work that has the real potential of not being completed prior to 28 February, and work that must occur in March under the Year 2 actions in order to maintain the project schedule.

An application for Year 2 activities was submitted to NMFS in October 2020 and is currently under review by NMFS staff. NMFS has stated that the authorization for Year 2 activities is likely to be issued by mid to late March. Therefore, the Navy is requesting renewal of the Year 1 authorization in order to complete Year 1 activities and begin a small portion of Year 2 activities.

During this renewal period, the activities that will occur include the installation of guide dolphin piles, which were originally scheduled to occur in February 2021.

Due to unforeseen delays, these piles are now scheduled to be installed in March.

These piles were listed as 36-inch steel pipe piles in the application and the authorization; however, smaller 30-inch steel pipe piles will be installed instead. This reduction in pile size will not affect the previous analysis. Additionally, the installation of AZ sheet piles is currently scheduled to conclude on 25 February; however, if there are any weather or equipment delays this activity may spill over into March. For Year 2 activities, the construction of the temporary blast wall is scheduled to occur in March. This will involve the installation of both 30-inch steel pipe piles and 25-inch sheet piles. Table 1 shows the amount of each pile type that would be installed during the renewal period.

Table 1: Pile Type and Amount to Be Installed From 1 March to 31 March

| Activity Year | Pile Size and Type | Installation Method | Number of Piles to be Installed | Total Construction Days |
|---------------|--------------------|-----------------------------------|---------------------------------|-------------------------|
| Year 1 | 30-inch Steel Pipe | Vibratory | 12 | 12 days |
| Year 1 | 27-inch Sheet Pile | Impact with Initial Vibratory Set | 20 | 2 days |
| Year 2 | 25-inch Sheet Pile | Vibratory | 70 | 7 days |
| Year 2 | 30-inch Steel Pipe | Vibratory | 15 | 8 days |

To date, the authorized take estimate has not been exceeded, and is not at risk for being exceeded for Year 1 activities. Renewing the authorization for Year 1 activities and the beginning of Year 2 activities will not affect marine mammal species in any manner not previously analyzed. Additionally, the authorized takes issued from Year 1 will not be exceeded by renewal and no additional takes of marine mammal species will be required as a result of renewal.

The Navy estimates that two species, harbor seal and gray seal, could be subject to takes during the renewal period. Navy estimates that during the month of March, there could be 2 Level

A takes and 29 Level B takes of harbor seal and 3 Level B takes of gray seal.

All monitoring and mitigation activities for Year 1 will remain in place for the renewal period. Table 2 shows the takes that were authorized by NMFS, as well as the most recent reported takes from Year 1 activities.

Table 2: Authorized Takes and Reported Take Count for Year 1 Activities

| Species | Level A Authorized | Level A Reported | Level B Authorized | Level B Reported ¹ |
|-----------------|--------------------|------------------|--------------------|-------------------------------|
| Harbor porpoise | 5 | 0 | 12 | 0 |
| Harbor seal | 284 | 0 | 776 | 252 |
| Gray seal | 25 | 0 | 35 | 12 |
| Hooded seal | 0 | 0 | 5 | 0 |
| Harp seal | 0 | 0 | 5 | 0 |
| Unknown seal | N/A | N/A | N/A | 1 |
| TOTAL | 314 | 0 | 833 | 263 |

¹Includes extrapolated take for activities that occurred while marine mammal monitoring of the Level B zone did not occur.

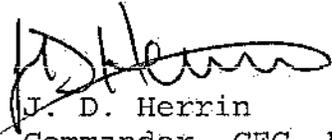
The Navy is requesting that NMFS issue a renewal to the existing IHA. As previously noted, the request for an IHA for Year 2 activities has been submitted to NMFS and is currently under review. Additionally, a request for a Letter of Authorization will be submitted for the subsequent years of in-water construction (Years 3 - 6).

We look forward to working with you on this renewal request for the proposed action. Should you have any questions regarding the proposed action or application package please contact either Mr. Ron Carmichael, Chief of Naval Operations, Energy & Environmental Readiness Division (N45) at (703) 695-5269 or via email at ronald.carmichael@navy.mil or Ms. Jessica Bassi, Naval Facilities Engineering Command Mid-Atlantic, at (757) 341-0493 or via email at jessica.bassi@navy.mil.

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Sincerely,



J. D. Herrin
Commander, CEC, USN
By direction of the
Shipyard Commander

Enclosures: Year 1 Issued IHA
Year 1 Preliminary Monitoring Report

Copy to: Carter Esch, NOAA Fisheries Ronald Carmichael, OPNAV
N45