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 City of Hoonah (City) is 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 October 1, 2022 through September 30, 2023.

2. This IHA authorizes take incidental to pile driving and removal activities and down-the-hole drilling (DTH), as specified in the City's IHA application, associated with construction of the Hoonah Marine Industrial Center Cargo Dock Project in Hoonah, Alaska. 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 in the possession of the Holder of the Authorization (Holder), supervisory construction personnel, lead protected species observers (PSOs), and any other relevant designees of the Holder operating under the authority of this IHA.

   (b) The species and/or stocks authorized for taking are listed in Table 1. Authorized take, by Level A and Level B harassment only, 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 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 construction supervisors and crews, the monitoring team, and relevant City staff are trained prior to the start of construction activity 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 PSOs and establish monitoring locations as described in the Marine Mammal Monitoring Plan (Monitoring Plan; attached) and section 5 of this IHA. The Holder must monitor the project area to the extent possible based on the required number of PSOs, required monitoring locations, and environmental conditions.

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

(c) The Holder must implement the shutdown zones indicated in Table 2. If a marine mammal is observed entering or within the shutdown zones, pile driving and DTH activity must be delayed or halted (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 PSO to determine the shutdown zones clear of marine mammals. Pile driving and DTH may commence when the determination is made.

(e) If pile driving or DTH 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.

(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 and DTH activity must be halted (as described in condition 4(e) 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 (Table 2).

(h) The Holder must avoid direct physical interaction with marine mammals during construction activity. If a marine mammal comes within 10 meters 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) Vessels must adhere to the Alaska Humpback Whale Approach Regulations when transiting for project activities (see 50 CFR §§ 216.18, 223.214, and 224.103(b)).

5. Monitoring Requirements

(a) Marine mammal monitoring must be conducted in accordance with the Monitoring Plan (attached) and this IHA.

(b) Monitoring must be conducted by qualified, NMFS-approved PSOs, in accordance with the following:

(i) PSOs must be independent (*i.e.*, not construction personnel) 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 other relevant experience, education (degree in biological science or related field), or training.

(iv) Where a team of three PSOs are 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) PSOs must be approved by NMFS prior to beginning any activity subject to this IHA.

(c) The Holder must establish monitoring locations as described in the Monitoring Plan (attached). For all pile driving and DTH activities, a minimum of one observer must be assigned to each active pile driving and DTH location to monitor the shutdown zones. Three PSOs must be onsite during all in-water

activities as follows: PSO 1 stationed at the pile site on the existing City Dock, PSO 2 stationed on Halibut Island facing south and PSO 3 stationed on a vessel running a transect through southern portion of the project area in Port Frederick.

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

6. Reporting

(a) The Holder must submit a draft report 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 construction activity at the same location, whichever comes first. A final report must be prepared and submitted within 30 days following resolution of any NMFS comments on the draft report. If no comments are received from NMFS within 30 days of receipt of the draft report, the report shall be considered final.

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

(c) The report must contain the informational elements described in the 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:

A. How many and what type of piles were driven and by what method (*e.g.*, impact, vibratory, DTH);

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

C. For DTH, duration of operation for both impulsive and non-pulse components.

(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;

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

A. PSO who sighted the animal and PSO location and activity at time of sighting;

B. Time of sighting;

C. Identification of the animal (*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;

D. Distance and bearing of each marine mammal observed to the pile being driven for each sighting (if pile driving and DTH was occurring at time of sighting);

E. Estimated number of animals (min/max/best);

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 to 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, if any.

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

(e) Reporting injured or dead marine mammals:

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) (*PR.ITP.MonitoringReports@noaa.gov*), NMFS (301-427-8401) and to the Alaska regional stranding network (877-925-7773) as soon as feasible. If the death or injury was clearly caused by the specified activity, the Holder must immediately cease the specified 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, (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.

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 are planned or (2) the specified activities would not be completed by the time this 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 (the 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
Minke Whale	*Balaenoptera acutorostrata*	N/A	0	12
Humpback Whale	*Megaptera novaeangliae*	Central North Pacific (10,103)	0	880
Gray Whale	*Eschrichtius robustus*	Eastern North Pacific (27,000)	0	4
Killer Whale	*Orcinus orca*	Alaska Resident (2,347) Northern Resident (302) West Coast Transient (243)	0	256 33 27 (Total 316)
Pacific White-Sided Dolphin	*Lagenorhynchus obliquidens*	North Pacific (26,880)	0	328
Dall's Porpoise	*Phocoenoides dalli*	Alaska (83,400)	8	144
Harbor Porpoise	*Phocoena phocoena*	NA	16	440
Harbor Seal	*Phoca vitulina*	Glacier Bay/Icy Strait (7,455)	60	660
Steller Sea Lion	*Eumetopias jubatus*	Eastern U.S. (43,201) Western U.S. (53,624)	0	542 8 (Total 550)

Table 2. Shutdown and Harassment Zones.

Pile size, type, and method	Shutdown zones (meters)					Level B harassment zones (meters)
	Low-Frequency Cetaceans	Mid-Frequency Cetaceans	High-Frequency Cetaceans	Phocid	Otariid	
Vibratory Pile Driving/Removal						
20-in steel fender pile installation	10	10	15	10	10	6,215
30-in steel pile temporary installation	10	10	15	10	10	6,215
30-in steel pile removal	10	10	15	10	10	6,215
36-in steel permanent installation	25	10	35	15	10	15,700
H-pile installation	35	10	35	15	10	15,700

Sheet pile installation	25	10	35	15	10	4,645
Impact Pile Driving						
36-in steel permanent installation	625	25	200*	200*	25	3,745
20-in fender pile installation	10	10	10	10	10	100
H-pile installation	25	10	30	15	10	205
Sheet pile installation	25	10	30	15	10	205
DTH						
36-in steel permanent installation	1,230	45	200*	200*	50	11,660
20-in steel fender pile installation	265	10	200*	145	15	11,660
H-pile installation	265	10	200*	145	15	11,660