



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

FEB 25 2019

Brenna Hughes  
PND Engineers Inc.  
9360 Glacier Highway, Suite 100  
Juneau, Alaska 99801


Dear Ms. Hughes:

Enclosed is an Incidental Harassment Authorization issued to the City of Juneau, under the authority of Section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*), to take small numbers of marine mammals by Level A and Level B harassment incidental to harbor improvement projects at Statter Harbor in Auke Bay, Alaska.

You are required to comply with the conditions contained in this Authorization. In addition, you must cooperate with any Federal, State or local agency monitoring the impacts of your activities. The Authorization requires monitoring the presence of marine mammals, mitigating adverse impacts to the lowest level practicable, and reporting any behavioral modifications resulting from your activity as observed by qualified individuals.

If you have any questions concerning the Authorization or its requirements, please contact Sara Young, Office of Protected Resources, NMFS, at (301) 427-8401.

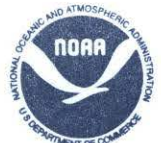
Sincerely,

  
Donna S. Wieting  
Director  
Office of Protected Resources

Enclosure



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UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
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## INCIDENTAL HARASSMENT AUTHORIZATION

The City of Juneau 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 harass marine mammals incidental to construction activities in Statter Harbor, when adhering to the following terms and conditions.

1. This IHA is valid only for blasting and in-water construction activities associated with improvements in Statter Harbor, Alaska.

2. This Incidental Harassment Authorization (IHA) is valid from October 1, 2019 to September 30, 2020.

3. General Conditions

(a) A copy of this IHA must be in the possession of the City of Juneau, its designees, work crew, and marine mammal monitoring personnel operating under the authority of this IHA.

(b) The species authorized for taking are humpback whale (*Megaptera novaeangliae*), harbor porpoise (*Phocoena phocoena*), Steller sea lion (*Eumetopias jubatus*), and harbor seal (*Phoca vitulina*).

(c) The taking, by Level A and Level B harassment, is limited to the species listed in condition 3(b). See Table 1 for numbers of take authorized.

(d) For those marine mammals for which take has not been authorized, in-water activities must shut down immediately when the animals are sighted.

(e) The taking by serious injury or death of any species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA.



(f) The City of Juneau must conduct briefings between construction supervisors and crews, marine mammal monitoring team, and the City of Juneau staff prior to the start construction activity, and when new personnel join the work, in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.

(g) Work may only occur during daylight hours.

4. Mitigation Measures

The holder of this Authorization is required to implement the following mitigation measures:

(a) Shutdown Measures.

(i) The City of Juneau must implement shutdown measures if the number of any allotted marine mammal takes reaches the limit under the IHA and if such marine mammals are sighted within the vicinity of the project area and are approaching their respective Level A or Level B harassment monitoring zone.

(ii) If a marine mammal comes within 10 meters of in-water, heavy machinery work (including dredging and pile removal), operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions. Construction crew members can enforce this shutdown zone.

(b) The City of Juneau must establish Level A and Level B harassment monitoring zones as shown in Table 10.

(c) Blasting must only occur in good visibility conditions between 30 minutes after sunrise and one hour before sunset.

(d) Stemming procedures must be used for blasting.

5. Monitoring



The holder of this Authorization is required to conduct marine mammal monitoring during construction activities. Monitoring and reporting must be conducted in accordance with the Monitoring Plan.

(a) Pre-Activity Monitoring

(i) Prior to the start of daily in-water construction activity, or whenever a break in construction activity of 30 minutes or longer occurs, the observer(s) must observe the shutdown and monitoring zones for a period of 30 minutes. Pre-activity monitoring of 30 minutes must also be conducted before blasting.

(ii) The shutdown zone must be cleared of marine mammals by observing the zone for a 30-minute period.

(iii) If a marine mammal is observed within the shutdown zone during dredging or vibratory removal, activities can proceed if the animal is observed leaving the zone or has not been observed for 15 minutes, even if visibility of the Level B harassment zone is impaired.

(iv) Placing charges for blasting must be delayed until the Level A zone is clear of marine mammals.

(v) If a marine mammal is sighted in the Level A harassment zone, blasting must be delayed. Blasting delay must be continued as necessary until 1 hour before sunset.

(vi) If the Level B harassment zone has been observed for 30 minutes and species for which take is not authorized are not present within the zone, in-water construction can commence and work can continue even if visibility becomes impaired within the Level B harassment zone.

(vii) If the entire Level B harassment zone is not visible while work continues, exposures must be recorded and extrapolated based upon the amount of total observed exposures and the percentage of the Level B harassment zone that was not visible.

(viii) Observers must monitor the Level B harassment zones for one hour post-blasting.

(b) Monitoring must be conducted by qualified protected species observers (PSOs).

(i) Two observers must be on site to actively observe the shutdown and monitoring zones during all pile removal, one observer during dredging, and four observers during blasting.

(ii) Observers must use their naked eye with the aid of binoculars, and/or a spotting scope during all construction activities.

(iii) Monitoring location(s) must be identified with the following characteristics:

1. Unobstructed view of activity being conducted;
2. Unobstructed view of all water within the Level A zone (if applicable) and as much of the Level B harassment zone as possible.

(c) If environmental conditions restrict the PSOs ability to observe within the marine mammal shutdown zone (*e.g.*, excessive wind or fog), construction activities must cease. Work must not be initiated until the entire shutdown zone is visible.

(d) Marine mammal location must be determined using a rangefinder and a GPS or compass.

(e) Ongoing in-water work may be continued during periods when conditions such as low light, darkness, high sea state, fog, ice, rain, glare, or other conditions prevent effective marine mammal monitoring of the entire Level B harassment zone. PSOs must continue to monitor the visible portion of the Level B harassment zone throughout the duration of construction activities.



(f) Post-activity monitoring must be conducted for 30 minutes beyond the cessation of construction activities at end of day.

6. Reporting

The holder of this Authorization is required to:

(a) At least 24 hours prior to blasting, the City must notify the Office of Protected Resources, NMFS Alaska Regional Office, and the Alaska Regional Stranding Coordinator, as well as within 24 hours post-blasting.

(b) Submit a draft report on all monitoring conducted under the IHA within ninety calendar days of the completion of marine mammal monitoring. This report must detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed, including the total number extrapolated from observed animals across the entirety of relevant monitoring zones. A final report must be prepared and submitted within thirty days following resolution of comments on the draft report from NMFS. This report must contain the following:

- i. Date and time a monitored activity begins or ends;
- ii. Construction activities occurring during each observation period;
- iii. Record of implementation of shutdowns, including the distance of animals to the activity and description of specific actions that ensued and resulting behavior of the animal, if any;
- iv. Weather parameters (*e.g.*, percent cover, visibility);
- v. Water conditions (*e.g.*, sea state, tide state);
- vi. Species, numbers, and, if possible, sex and age class of marine mammals;
- vii. Description of any observable marine mammal behavior patterns;

viii. Distance from construction activities to marine mammals and distance from the marine mammals to the observation point;

ix. Locations of all marine mammal observations; and

x. Other human activity in the area;

(c) Reporting injured or dead marine mammals:

i. In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by this IHA, such as a serious injury or mortality, The City of Juneau must immediately cease the specified activities and report the incident to the Office of Protected Resources NMFS (301-427-8401), and the Alaska Regional Stranding Coordinator, NMFS (877-925-7773). The report must include the following information:

1. Time and date of the incident;
2. Description of the incident;
3. Environmental conditions (*e.g.*, wind speed and direction, Beaufort sea state, cloud cover, and visibility);
4. Description of all marine mammal observations and active sound source use in the 24 hours preceding the incident;
5. Species identification or description of the animal(s) involved;
6. Fate of the animal(s); and
7. Photographs or video footage of the animal(s). Activities must not resume until NMFS is able to review the circumstances of the prohibited take. NMFS must work with the City of Juneau to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. The City of Juneau may not resume their activities until notified by NMFS.




ii. In the event that the City of Juneau discovers an injured or dead marine mammal, and the lead observer determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.*, in less than a moderate state of decomposition), the City of Juneau must immediately report the incident to the Office of Protected Resources, NMFS, and the Alaska Regional Stranding Coordinator, NMFS. The report must include the same information identified in 5(b)(i) of this IHA. Activities may continue while NMFS reviews the circumstances of the incident. NMFS must work with the City of Juneau to determine whether additional mitigation measures or modifications to the activities are appropriate.

iii. In the event that the City of Juneau discovers an injured or dead marine mammal, and the lead observer determines that the injury or death is not associated with or related to the activities authorized in the IHA (*e.g.*, previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), the City of Juneau must report the incident to the Office of Protected Resources, NMFS, and the Alaska Regional Stranding Coordinator, NMFS, within 24 hours of the discovery. The City of Juneau must provide photographs, video footage, or other documentation of the stranded animal sighting to NMFS.

(d) Authorization

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

  
for Donna S. Wieting,  
Director, Office of Protected Resources,  
National Marine Fisheries Service.

FEB 25 2019

Date



**Table 1. Authorized take numbers, by species/stocks**

Species	DPS/Stock	Level A Takes	Level B Takes
Steller sea lion	Eastern DPS	29	1,418
	Western DPS	1	29
Harbor seal	Lynn Canal	104	1,690
Harbor porpoise	Southeast Alaska	8	76
Humpback whale	Hawaii DPS/Central North Pacific Stock	0	24
Total		142	3,237

**Table 2. Monitoring Zones in Meters (m)**

	Monitoring Zones				Shutdown Zones
Source	High Frequency Cetacean	Low Frequency Ceteacean	Phocid	Otariid	All species
Vibratory Removal – Steel	1,820 m	1,820 m	1,820 m	1,820 m	10 m
Vibratory Removal – Timber	1,360 m	1,360 m	1,360 m	1,360 m	10 m
Dredging	110 m	110 m	110 m	110 m	10 m
Blasting (PTS)	1,465 m	380 m	235 m	95 m	N/A
Blasting (TTS)	4,910 m	2,120 m	1,000 m	280 m	N/A