



INCIDENTAL HARASSMENT AUTHORIZATION

Transcontinental Gas Pipe Line Company, LLC (Transco) 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 associated with the Raritan Bay Pipeline in State Waters of New York and New Jersey and the Atlantic Ocean, when adhering to the following terms and conditions.

1. This Authorization is valid for one year from May 1, 2021 through April 30, 2022.
2. This IHA is valid only for activities associated with in-water construction work for the Raritan Bay Pipeline in Raritan Bay in State Waters of New York and New Jersey and the Atlantic Ocean.
3. General Conditions
 - (a) A copy of this IHA must be in the possession of Transco, its designees, work crew personnel, and Protected Species Observers (PSOs) operating under the authority of this IHA.
 - (b) The species authorized for taking are listed in Table 1.
 - (c) The taking by serious injury or death of the species listed in condition 3(b) or any taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this Authorization. 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) Transco must conduct briefings for construction supervisors and crews, marine mammal monitoring team, and Transco staff prior to the start of all in-water construction activities, and when new personnel join the work, in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.

4. Mitigation Measures

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



- (a) For in-water construction, heavy machinery activities other than pile driving (e.g., use of barge-mounted excavators, or dredging), if a marine mammal comes within 10 m, Transco must cease operations and reduce vessel speed to the minimum level required to maintain steerage and safe working conditions.
- (b) Transco is required to employ PSOs per the measures described in section 5 of this IHA.
- (c) Marine mammal monitoring must take place from 30 minutes prior to initiation of pile driving activity through 30 minutes post-completion of pile driving activity. Pile driving may commence when observers have declared the pre-clearance zones clear of marine mammals. In the event of a delay or shutdown of activity resulting from marine mammals in the pre-clearance or shutdown zone (Tables 2 and 3), animals must be allowed to remain in the zone (*i.e.*, must leave of their own volition) and their behavior must be monitored and documented.
- (d) If a marine mammal is entering or is observed within an established pre-clearance zone (Table 2), pile driving must be delayed. Pile driving may not commence until either the animal has voluntarily left and been visually confirmed beyond the pre-clearance zone or 30 minutes have elapsed without subsequent detection.
- (e) If a marine mammal is entering or is observed within an established shutdown zone (Table 3), pile driving must be halted, when technically feasible. Pile driving may not commence until either the animal has voluntarily left and been visually confirmed beyond the shutdown zone or 30 minutes have elapsed without subsequent detection.
- (f) Transco must use soft start techniques when impact pile driving. Soft start requires contractors to provide an initial set of strikes at reduced energy, followed by a thirty-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 thirty minutes or longer.
- (g) Pre-clearance zones may only be declared clear, and pile driving started, when the entire pre-clearance zones are visible (*i.e.*, when not obscured by dark, rain, fog, etc.), as determined by the lead PSO on duty, for 30 minutes prior to pile driving.
- (h) Pile installation and removal activities must be conducted during daylight hours, no earlier than 30 minutes after sunrise and no later than 30 minutes before sunset.

- (i) If a species for which authorization has not been granted, or a species for which authorization has been granted but the authorized takes are met, is observed approaching or within the monitoring zone, pile driving and removal activities must shut down immediately using delay and shutdown procedures. Activities must not resume until the animal has been confirmed to have left the area or the observation time period, as indicated in condition 4(d) above, has elapsed.

5. Monitoring Measures

The holder of this IHA is required to abide by the following marine mammal monitoring measures:

- (a) Marine mammal monitoring during pile driving and removal must be conducted by NMFS-approved PSOs in a manner consistent with the following:
 - i. Independent PSOs (*i.e.*, not construction personnel) who have no other assigned tasks during monitoring periods must be employed during pile driving and removal activities;
 - ii. A minimum of two PSOs must be on duty at all times during pile driving and removal activities to observe and collect data on marine mammals in and around the pile driving vicinity as described below;
 - iii. One PSO must be stationed on an escort boat and another stationed either on the construction barge or another vessel;
 - iv. At least one observer must have prior experience working as an observer. Other PSOs may substitute education (degree in biological science or related field) or training for experience;
 - v. PSOs must work in observation shifts of no more than four consecutive hours. PSOs may conduct duties not related to marine mammal observation beyond four consecutive hours. PSOs must work no more than 12 hours in any 24-hour period.
 - vi. Transco must submit PSO CVs for approval by NMFS prior to the onset of pile driving.
 - vii. During non-pile driving construction activities (e.g., excavating, dredging, and use of other heavy machinery), construction personnel may act as observers for the 10-m exclusion zone described under 4(a). Construction personnel acting as observers for the 10-m exclusion zone must have no

other construction-related responsibilities during times of marine mammal monitoring

- (b) PSOs must have the following additional qualifications:
- i. Ability to conduct field observations and collect data according to assigned protocols.
 - ii. Experience or training in the field identification of marine mammals, including the identification of behaviors.
 - iii. Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations.
 - iv. Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior.
 - v. Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

6. Reporting

The holder of this IHA is required to:

- (a) Submit a draft report on all monitoring conducted under the IHA within ninety calendar days of the completion of marine mammal monitoring or sixty days prior to the issuance of any subsequent IHA for this project, whichever comes first. A final report must be prepared and submitted within thirty days following resolution of comments on the draft report from NMFS. PSO datasheets or raw sightings data must also be provided with the draft and final monitoring report. The report must contain the informational elements described in the IHA application, dated July 2019, including, but not limited to:
- i. Dates and times (begin and end) of all marine mammal monitoring.
 - ii. Construction activities occurring during each daily observation period, including how many and what type of piles were driven or removed and by what method (*i.e.*, impact or vibratory).
 - iii. Weather parameters and water conditions during each monitoring period (*e.g.*, wind speed, percent cover, visibility, sea state).

- iv. The number of marine mammals observed, by species, relative to the pile location and if pile driving or removal was occurring at time of sighting.
- v. Age and sex class, if possible, of all marine mammals observed.
- vi. PSO locations during marine mammal monitoring.
- vii. Distances and bearings of each marine mammal observed to the pile being driven or removed for each sighting (if pile driving or removal was occurring at time of sighting).
- viii. Description of any marine mammal behavior patterns during observation, including direction of travel and estimated time spent within Level A and Level B harassment zones while pile driving or removal were occurring.
- ix. Number of individuals of each species (differentiated by month as appropriate) detected within the monitoring zone, and estimates of number of marine mammals taken, by species (total takes must be estimated by extrapolating Level A and B harassment takes to the proportion of the zones that are not observable by PSOs).
- x. Detailed information about any implementation of any mitigation triggered (e.g., shutdowns and delays), a description of specific actions that ensued, and resulting behavior of the animal, if any.
- xi. Description of attempts to distinguish between the number of individual animals taken and the number of incidences of take, such as ability to track groups or individuals.
- xii. Submit all PSO datasheets and/or raw sighting data (in a separate file from the Final Report referenced immediately above).

(b) 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 serious injury, or mortality, Transco must immediately cease the specified activities and report the incident to the NMFS Office of Protected Resources (301-427-8401) and the NMFS New England / Mid-Atlantic Stranding Coordinator (978-282-8478). 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);

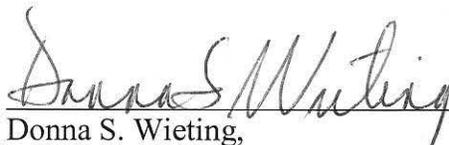
4. Description of all marine mammal observations and active sound source use in the 24 hours preceding the incident;
5. Species identification or description of the animal(s) involved;
6. Fate of the animal(s); and
7. Photographs or video footage of the animal(s).

Activities must not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with Transco to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Transco may not resume their activities until notified by NMFS.

- ii. In the event Transco 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), Transco must immediately report the incident to the Office of Protected Resources, NMFS, and the New England / Mid-Atlantic Region Stranding Coordinator, NMFS. The report must include the same information identified in 6(b)(i) of this IHA. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with Transco to determine whether additional mitigation measures or modifications to the activities are appropriate.
 - iii. In the event that Transco 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 specified activities (*e.g.*, previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), Transco must report the incident to the Office of Protected Resources, NMFS, and the New England / Mid-Atlantic Region Stranding Coordinator, NMFS, within 24 hours of the discovery.
7. 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.
8. Renewals - On a case-by-case basis, NMFS may issue a one-year IHA renewal with an additional 15 days for public comments when (1) another year of identical or nearly identical activities as described in the Specified Activities section of this notice is planned or (2) the activities as described in the Specified Activities section of this notice would not be completed by the time the IHA expires and a second IHA would allow for

completion of the activities beyond that described in the Dates and Duration section of this notice, provided all of the following conditions are met:

- (a) A request for renewal is received no later than 60 days prior to expiration of the current IHA.
- (b) The request for renewal must include the following:
 - (i) An explanation that the activities to be conducted under the requested Renewal are identical to the activities analyzed under the initial 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 because only a subset of the initially analyzed activities remain to be completed under the Renewal)..
 - (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 remain the same and appropriate, and the findings in the initial IHA remain valid.



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

MAR 05 2020

Date

Table 1: Species and numbers of marine mammals authorized to be taken.

Species	Authorized takes by Level A harassment	Authorized takes by Level B harassment	Total authorized takes
Fin whale	0	5	5
Humpback Whale	14	35	49
Minke Whale	0	1	1
North Atlantic Right Whale	0	2	2
Bottlenose Dolphin	0	6,331	6,331
Common Dolphin	0	95	95
Harbor porpoise	0	11	11
Gray seal	399	1,934	2,333
Harbor seal	1,107	5,371	6,478
Harp seal	0	4	4

Table 2. Pre-clearance zones for all pile installation and removal activities.

Species	Clearance Zone
North Atlantic right whale	Any distance
Fin whale and humpback whale	1,000 m
All other marine mammal species	100 m

Table 3. Shutdown zones for all pile installation and removal activities.

Species	Shutdown Zone
North Atlantic right whale	Any distance
All other marine mammal species	85 m