



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

April 23, 2018

MEMORANDUM FOR: Donna S. Wieting, Director
Office of Protected Resources

FROM: Cristi Reid,
Acting NMFS HQ NEPA Coordinator

SUBJECT: Finding of No Significant Impact and Adoption of the US Army
Corps of Engineers 2017 Final Supplemental Environmental
Assessment for the Issuance of a Incidental Harassment
Authorization for Confined Blasting in the East Channel
associated with deepening and widening of the Big Bend Channel
in Tampa Harbor, Tampa, Florida

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I have reviewed the subject NEPA package. My comments on the documents were provided to the staff lead in the program office preparing these documents for approval. This memorandum serves to notify you that review by HQ NEPA is complete for this action in accordance with NMFS NEPA delegation policy 30-131.

Thank you for the opportunity to review and provide comments.

Cc: Dale Youngkin



FINDING OF NO SIGNIFICANT IMPACT FOR THE ISSUANCE OF AN INCIDENTAL HARASSMENT AUTHORIZATION TO THE U.S. ARMY CORPS OF ENGINEERS FOR THE TAKE OF MARINE MAMMALS INCIDENTAL TO CONFINED BLASTING ACTIVITIES IN THE EAST CHANNEL OF THE BIG BEND CHANNEL, TAMPA HARBOR, TAMPA, FLORIDA

I. INTRODUCTION

The National Marine Fisheries Service (NMFS) received an application requesting incidental take of marine mammals from the U.S. Army Corps of Engineers (USACE) in connection with channel expansion activities analyzed in their 2017 Final Supplemental Environmental Assessment (SEA) and Finding of No Significant Impact (FONSI), entitled “Tampa Harbor – Big Bend Channel, Florida Project.” NMFS is required to review applications and, if appropriate, issue Incidental Take Authorizations (ITAs) pursuant to the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 et seq.). In addition, the National Environmental Policy Act (NEPA), 40 Code of Federal Regulations (CFR) Parts 1500 -1508, and National Oceanic and Atmospheric Administration (NOAA) policy and procedures¹ require all proposals for major federal actions be reviewed with respect to environmental consequences on the human environment. The purpose of this document is to address NMFS determination to adopt USACE’s 2017 Final SEA to support the analysis associated with our consideration to issue an Incidental Harassment Authorization (IHA) to USACE and the evaluation that issuance of this IHA will not significantly impact the quality of the human environment.

NMFS proposes to issue an IHA to USACE pursuant to Section 101(a)(5)(D) of the MMPA and 50 Code of Federal Regulations (CFR) Part 216² (regulations governing the importing and taking of marine mammals). This IHA will be valid from April 2019 through March 2020 and authorizes takes, by Level B harassment, of small numbers of marine mammals incidental to confined blasting activities within the Big Bend Channels - East Channel associated with deepening and widening of the Big Bend Channel in Tampa Harbor, Tampa, Florida. Confined blasting is the placement of an explosive charge into pre-drilled holes approximately 1.5 – 3 meters (m) deep and capping the hole with inert materials such as crushed rock to break up the substrate along the bottom in support of the Tampa Harbor, Big Bend Channel Expansion Project. This type of acoustic source (i.e., blasting) has the potential to cause marine mammals near the USACE’s proposed action area to be injured or behaviorally disturbed, and therefore, qualify for an authorization from NMFS. An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), and, where relevant, will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, the IHA must set forth the permissible methods of taking, other means of effecting the least practicable adverse impact on the species or stock and its habitat, and requirements pertaining to the monitoring and reporting of such takings.

NMFS’s issuance of this IHA allowing the taking of marine mammals, consistent with provisions under the MMPA and incidental to an applicant’s lawful activities, is considered a major federal action. Therefore, NMFS conducted an environmental review of the USACE application and 2017 Final SEA and determined adopting this SEA and preparing a separate

¹ NOAA Administrative Order (NAO) 216-6A “Compliance with the National Environmental Policy Act, Executive Orders 12114, Environmental Effects Abroad of Major Federal Actions; 11988 and 13690, Floodplain Management; and 11990, Protection of Wetlands” issued April 22, 2016 and the Companion Manual for NAO 216-6A “Policy and Procedures for Implementing the National Environmental Policy Act and Related Authorities” issued January 13, 2017

² 50 CFR Part 216 is the regulation governing the importing and taking of marine mammals

Finding of No Significant Impact (FONSI) is appropriate for NMFS's consideration to issue an IHA to USACE. This FONSI evaluates the context and intensity of the impacts on marine mammals associated with NMFS's consideration to issue an IHA to USACE and documents NMFS determination to adopt USACE's 2017 Final SEA pursuant to 40 CFR 1506.3.

II. BACKGROUND

USACE is authorized, per the Water Resources and Development Act of 1999 (P.L. 106-53), to implement projects for water resources development and conservation and other purposes provided they are executed in accordance with plans and subject to conditions described in their respective reports designated for projects that are specified in Section 101 of the Act. The Tampa Harbor-Big Bend Channel navigation project is one of many projects specified in the Act. See Section 101(a)(18) which states "*The project for navigation, Tampa Harbor-Big Bend Channel, Florida consisting of an entrance channel extending east from the main ship channel, a turning basin, an east channel, and an inner channel at a depth of 41 feet. The authorization includes raising the dikes on placement area 3-D in order to accommodate the construction material and an additional dike raising to accommodate maintenance material.*" Therefore, USACE originally prepared and published the "*Feasibility Report and Environmental Assessment, Tampa Harbor – Big Bend Channel, FL*" in 1997. This feasibility report/EA addressed and assessed multiple channel expansion alternatives, which is primarily about various dredging methodologies that would be involved with expanding and maintaining the existing channels and the disposal of the dredged material. In 2014, USACE prepared a draft SEA to evaluate changes that occurred since the 1997 feasibility report/EA was completed. This included channel dimensions and dredging methodologies (i.e., the addition of confined blasting as a dredging option within the East Channel of the Big Bend Channel) and updates associated with the effects of improvements and maintenance dredging for existing channels and the dredged material disposal locations (i.e., placing dredged material in either Dredged Material Management Area (DMMA) 2D or 3D). The 2014 SEA and the 2017 Final SEA provided the updated evaluation of the effects channel expansion and maintenance activities, including confined blasting, but did not re-evaluate channel expansion alternatives. The past analyses conducted pursuant to NEPA evaluated other alternatives no longer considered viable for this project, including variations in the proposed channel dimensions.

In addition, NMFS previously issued an IHA to USACE for similar work for the expansion of a channel, including confined underwater blasting, in the Miami Harbor (*77 FR 49278*, August 15, 2012). However, ultimately, USACE did not perform any confined blasting under that IHA. Prior to that, NMFS issued an IHA to the USACE for confined blasting work for the Miami Harbor Phase II Project in 2003 (*68 FR 32016*, May 29, 2003) and in 2005 (*70 FR 21174*, April 25, 2005), for confined underwater blasting associated with the deepening of the Dodge-Lummus Island Turning Basing in Miami, FL.

The analysis of confined underwater blasting work assessed in the previous IHAs supports the analysis and findings for USACE's current authorization request received on August 8, 2017 for taking of marine mammals incidental to the confined blasting within the East Channel. These past confined underwater blasting activities were substantially similar to the current proposed activities, including similar mitigation measures (establishment of safety and exclusion zones; individually delayed charges to reduce the maximum explosive weight at point of detonation; no blasting if protected species are within safety/exclusion zone, etc.), and monitoring measures (monitoring of zones at least 30 minutes prior to detonation, continuation of monitoring after detonation; etc.), and resulted in similar effects to marine mammals, which are estimated to be at worst temporary modification in behavior by bottlenose dolphins that would have only a

negligible impact on the species or stock. Refer to section VI. B, question four and five for more information.

III. PROPOSED ACTION AND ALTERNATIVES SUMMARY

A. USACE Proposed Action

USACE is proposing navigation improvements (i.e., channel expansion and periodic maintenance dredging) of the Big Bend Channel portion of the Tampa Harbor Federal navigation project in Hillsborough Bay, Hillsborough County, FL consistent with its authorization in Section 101(a)(18) of the Water Resources and Development Act. The channel expansion activities associated with this action will involve deepening the inner and east channels from 37 feet to 41 feet plus 2 feet of advance maintenance and 2 feet allowable over depth (A.O.) at mean lower low water (MLLW) as part of work for the Big Bend Channel expansion. The only portion of USACE's proposed action of relevance for NMFS purposes is the work in the East Channel of the Big Bend Channel, specifically, the confined underwater blasting as part of the expansion activities.

As described in Section 1.1 and 1.2 of the USACE Final 2017 Final SEA, confined underwater blasting within the East Channel of the Big Bend Channel would support the expansion of the existing channel conditions in the Tampa Harbor. This is necessary to accommodate larger ships in the channel, which is identified as a strategic priority in the Vision 2030 Master Plan for Tampa Bay, as well as provide improvements to the existing channel condition that pose safety concerns for existing vessels utilizing the channel.

B. NMFS's Proposed Action

Sections 101(a)(5)(A) and (D) of the MMPA give NMFS the authority to authorize the incidental but not intentional take of small numbers of marine mammals by harassment, provided certain determinations are made and statutory and regulatory procedures are met. To authorize the incidental take of marine mammals, NMFS evaluates the best available scientific information to determine whether the take would have a negligible impact² on marine mammals or stocks, will be within small numbers of species or stock abundance and whether the activity would have an unmitigable impact on the availability of affected marine mammal species for subsistence use. NMFS cannot issue Incidental Take Authorizations (ITA) if it would result in more than a negligible impact on marine mammals or stocks or would result in an unmitigable impact on subsistence uses. NMFS must also prescribe the permissible methods of taking and other means of effecting the least practicable impact on the species or stocks of marine mammals and their habitat, paying particular attention to rookeries, mating grounds, and other areas of similar significance. Where applicable, NMFS must prescribe means of affecting the least practicable impact on the availability of the species or stocks of marine mammals for subsistence uses. ITAs will include additional requirements or conditions pertaining to monitoring and reporting.

Since NMFS proposed action would authorize take of marine mammals incidental to a subset of the activities analyzed in the USACE 2017 Final SEA (i.e., the confined underwater blasting), these components of USACE's proposed action are the subject of NMFS's proposed action. Therefore, NMFS's proposed action is a direct outcome of USACE's request for an IHA and

² NMFS defines "negligible impact" as "an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival." (50 CFR § 216.103)

would authorize take of marine mammals incidental to a subset of the activities analyzed in the USACE 2017 Final SEA (namely, confined underwater blasting).

C. Alternatives Considered by USACE

USACE analyzed a no action alternative, an action alternative for channel expansion and maintenance dredging activities, which includes analysis of several dredging and disposal options, and identifies the action alternative as the preferred alternative, which specifies the preference for the dredging disposal location.

No Action Alternative (2017 Final SEA, Section 2.1.1, page 7): Under the No Action Alternative, the existing channel would be left in its existing dimensions and condition and no expansion (including confined underwater blasting) or maintenance dredging would occur. This alternative would satisfy NMFS's no alternative discussed below in paragraph D.

Expansion and Maintenance Dredging Alternative (2017 Final SEA, Section 2.1.2, page 7): Under this alternative, USACE would proceed with modifying the existing channels and conducting periodic maintenance dredging. The discussion and analysis of this alternative includes dredging options (e.g., spudding, hydrohammer/punch barge and confined underwater blasting under Sections (2.1.2.2, 2.1.2.3, and 2.1.2.4, respectively)) and dredged material disposal options (e.g., 3-D Dredged Material Placement Alternative, Island Expansion, Dredged Hole Restoration, and 2-D Dredged Material (Section 2.1.3.1, 2.1.3.2, 2.1.3.3, and 2.1.3.4, respectively)). However, the discussion beginning on page 9 in Section 2.1.2.3 about confined underwater blasting is the dredging option under this alternative that satisfies NMFS's action alternative discussed below in paragraph D (i.e., issuance of an IHA along with required mitigation measures and monitoring) and will enable USACE to comply with the requirements of the MMPA.

Preferred Alternative (2017 Final SEA, Section 2.2, page 24): Based on the analysis for the action alternative, USACE indicates the preferred alternative is to perform the proposed expansion and maintenance dredging. All of the dredged material placement alternatives are environmentally acceptable but the 3-D Dredged Material Placement Alternative (or DMMA 2-D if DMMA 3-D is unavailable) is the Corps' dredge material disposal option.

D. Alternatives Considered by NMFS

In accordance with NEPA and CEQ Regulations, NMFS is required to consider a reasonable range of alternatives to a Proposed Action. Since NMFS is adopting USACE's 2017 Final SEA, it reviewed this document to determine whether it met this requirement. NMFS determined USACE's analysis of alternatives in their 2017 Final SEA is adequate for purposes of NEPA and the CEQ regulations and therefore chose not to supplement this 2017 SEA by developing and evaluating additional alternatives. In addition, based on the statutory framework explained in Section III, paragraph B, NMFS considers two alternatives, a no action alternative in which NMFS denies the USACE's application and an action alternative in which it grants the application and issues an IHA to the USACE. Thus, the alternatives analysis Section 2 in the USACE 2017 Final SEA support NMFS's alternatives described below.

No Action Alternative: For NMFS, denial of an MMPA authorization constitutes the NMFS No Action Alternative, which is consistent with our statutory obligation under the MMPA to grant or deny ITA requests and to prescribe mitigation, monitoring, and reporting with any authorizations. Under NMFS's No Action Alternative, NMFS would not issue the IHA to

USACE, and NMFS assumes USACE would not conduct their planned confined underwater blasting activities.

Action Alternative: NMFS issues the IHA to USACE authorizing take of marine mammals incidental to the subset of activities described under USACE's Preferred Alternative (Alternative 2.1.2.3) in the Final SEA, with the mitigation, monitoring and reporting measures in Section 6 in the USACE's Final SEA and in NMFS's proposed IHA under "Summary of Requests" and "Description of Specified Activities". Mitigation and monitoring measures include not blasting if any marine mammals or other protected species are within the existing channel, the establishment of exclusion zones for the prevention of injury, and the use of NMFS-approved protected species observers. Some measures were designed to minimize adverse impacts on marine mammals, while others may benefit marine mammals indirectly. See NMFS's proposed and final IHA for detailed descriptions of mitigation and monitoring requirements.

IV. ENVIRONMENTAL REVIEW

NMFS reviewed USACE's 2017 Final SEA and concludes the impacts evaluated by USACE are substantially the same as the impacts of NMFS' proposed action to issue an IHA for the take of marine mammals incidental to the confined blasting activity. In particular, the 2017 Final SEA contains an adequate evaluation of the direct, indirect and cumulative impacts on marine mammals, including species listed under the Endangered Species Act (ESA) and the marine environment. The 2017 Final SEA also addresses NOAA's required components for adoption because it meets the requirements for an adequate EIS under the CEQ regulations and NOAA policy and procedures. For example, the 2017 Final SEA includes:

- sufficient evidence and analysis to make a finding of no significant impact;
- a discussion of USACE's proposed action and purpose and need for the action and a discussion of the MMPA authorization process necessary to support implementation of the action;
- evaluation of a reasonable range of alternatives to the proposed action, including a no action alternative, and alternatives to mitigate adverse effects to marine mammals;
- a description of the affected environment including the status of all marine mammals species likely to be affected;
- a description of the environmental impacts of the proposed action and alternatives, including direct, indirect and cumulative impacts on marine mammals;
- identification and evaluation of reasonable mitigation measures to avoid or minimize adverse impacts to marine mammals;
- a listing of agencies consulted

V. PUBLIC INVOLVEMENT

NMFS did not participate as a cooperating agency during the development of USACE's prior analyses under NEPA (including the 2017 Final SEA). However, in their 2017 Final SEA, USACE indicated the public had opportunities to comment when the draft SEA was made available for public review. Regarding the current IHA under consideration, NMFS relied substantially on the public process pursuant to the MMPA to develop and evaluate environmental information relevant to an analysis under NEPA as well as the public review process as part of our MMPA authorization. NMFS made the IHA application available for public review and comment and, separately, published the proposed IHA in the Federal Register (FR) on March 19, 2018 (83 FR 11968). There, NMFS alerted the public it intended to use the MMPA public review process for the proposed IHAs to solicit relevant environmental

information and provide the public an opportunity to submit comments. In addition, we indicated that we believed it was appropriate to adopt USACE's 2017 Final SEA and posted their SEA and FONSI online with the publication of the proposed IHA.

During the public comment period for the proposed IHA, NMFS only received comments from the Marine Mammal Commission (MMC). The MMC concurred with NMFS' preliminary findings in the proposed IHA Federal Register notice, and recommended that NMFS issue the IHA subject to the inclusion of the proposed mitigation, monitoring, and reporting measures identified in that notice. We considered the MMC's comments in response to the publication of the final IHA. NMFS's responses to specific comments in the Final IHA is available for review on NMFS's website: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>.

VI. ANALYSIS SUMMARY

The environmental consequences to the marine environment and protected resources are important to the evaluation leading to the decision to issue any given Incidental Take Authorization (ITA). In particular, because NMFS's action is specific to authorizing incidental take of marine mammals, the key factors relevant to, and considered in a decision to issue any given ITA, are related to NMFS's statutory mission under the MMPA.

A. Environmental Consequences

In the 2017 Final SEA, USACE presented the baseline environmental conditions for affected resources in the Channel along with potential impacts to these resources that may result from conducting the various channel expansion activities. The affected environment and environmental consequences is explained in Sections 3 and 4, within subsections arranged by alternative and resource type. The analysis in this Final SEA describes and specifically addresses the following key issues and environmental concerns:

- impacts of underwater noise on marine mammals, sea turtles, fishes, and migratory birds including species listed as threatened or endangered under the Endangered Species Act (ESA) from the various dredging methodologies, including the impacts of sound from confined blasting
- impacts of vessel traffic (including risk of ship strikes) on marine mammals and sea turtles, migratory birds, and fishes
- impacts of seafloor-disturbing activities on benthic communities including hard/live bottom communities and Essential Fish Habitat (EFH)
- impacts of seafloor-disturbing activities on cultural resources
- impacts of seafloor-disturbing activities and exclusion zones on commercial and recreational fishing, shipping, and other marine uses

The Confined Blasting section 2.1.2.3 and the Fish and Wildlife Resources sections 4.5.1 and 4.5.2 in the 2017 Final SEA contain the majority of the analysis that relates to NMFS's action of issuing the IHA for confined blasting. This includes the assessment by USACE to provide a qualitative evaluation of potential impacts to marine mammals, including descriptions of the potential acoustic impacts used to indicate at what received sound levels marine mammals will experience certain effects (equivalent to regulatory definitions of harassment pursuant to the MMPA). Other subsections contain analyses related to potential impacts on marine mammal habitat along with the potential for cumulatively significant impacts to marine mammals, all of which supports this analysis for issuance of the IHA to USACE. The principal types of impacts

during confined underwater blasting activities are limited to underwater pressure and noise (and its effects on marine biota) and turbidity. USACEs Preferred Alternative is expected to result in pressure and noise levels that may affect marine mammals; these effects are expected to be limited to temporary auditory threshold shifts (TTS) behavioral disturbance (Level B harassment).

The anticipated impacts of confined underwater blasting activities associated with the proposed action are primarily from increased levels of underwater pressure and sound resulting from confined underwater explosive use. The analysis in the EA indicated these impacts would be highly localized and short term in nature. Underwater pressure and sound associated with underwater confined blasting during the channel expansion activities could have an effect on wildlife in the East Channel of the Big Bend Channel in Tampa Harbor. As such, the EA analyzed the impacts to wildlife as well as impacts to humans, coastal habitats, fish and benthic invertebrates and other environmental resources. The EA concludes the impacts associated with the proposed action are minor and temporary and result in no significant impacts, including impacts on species listed under the Endangered Species Act (ESA). No marine mammals are anticipated to be exposed to sound levels resulting in injury or mortality during confined underwater blasting activities.

B. Significance Evaluation

The CEQ Regulations state that the significance of an action be analyzed in terms of both “context” and “intensity” and lists ten criteria for intensity. The Companion Manual for NAO 216-6A requires consideration of CEQs context and intensity criteria (40 CFR 1508.27(a) and 40 CFR 1508.27(b)) along with six additional factors for determining whether the impacts of a proposed action are significant. Each criterion is discussed below with respect to NMFS proposed action and is considered individually as well as in combination with the others. In addition, NMFS relied on the analysis in USACE’s 2017 Final SEA, incorporating certain material by reference per 40 CFR 1502.21 in the evaluation discussed below. USACEs 2017 Final SEA and other information and documentation are available on USACEs website: <http://www.saj.usace.army.mil/About/DivisionsOffices/Planning/EnvironmentalBranch/EnvironmentalDocuments.aspx#Hillsborough> and NOAA Fisheries web site: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>.

1. Can the proposed action reasonably be expected to cause both beneficial and adverse impacts that overall may result in a significant effect, even if the effect will be beneficial?

We have determined that our issuance of an IHA to USACE would likely result in limited harassment of small numbers of bottlenose dolphins. Any impacts are expected to be limited to behavioral reactions (e.g., avoidance), and temporary auditory disruption (e.g., temporary threshold shift), and only during times when confined blasting activities are occurring. Although some marine mammals may forage opportunistically within the project area, and this behavior may be affected, no substantial predator-prey relationships would be substantially changed. Any impacts would be temporary and highly localized in nature and not result in substantial impacts to marine mammals or to their role in the ecosystem. The Authorization would authorize the Level B harassment of bottlenose dolphins (*Tursiops truncatus*), and neither serious injury nor mortality is anticipated or would be authorized. Therefore, we have determined that the proposed action would not be expected to cause beneficial or adverse impacts that overall may result in significant effects.

2. Can the proposed action reasonably be expected to significantly affect public health or safety?

NMFS' action is the authorization of the taking of marine mammals incidental to the USACE confined underwater blasting activities in the East Channel of the Big Bend Channel in Tampa Harbor, FL. Therefore, our action of issuing an IHA to USACE would not have a substantial adverse impact on public health or safety, as the taking, by harassment, of marine mammals would pose no human risk.

3. Can the proposed action reasonably be expected to result in significant impacts to unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas?

NMFS' action is the authorization of the taking of marine mammals incidental to the USACE confined underwater blasting activities in the East Channel of the Big Bend Channel in Tampa Harbor, FL. Issuance of the IHA would not result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, essential fish habitat, or ecologically critical areas as it would only authorize harassment to marine mammals.

4. Are the proposed action's effects on the quality of the human environment likely to be highly controversial?

NMFS' action is the authorization of the taking of marine mammals incidental to the USACE confined underwater blasting activities in the East Channel of the Big Bend Channel in Tampa Harbor, FL. Issuance of the IHA would not result in impacts to the quality of the human environment, as it would only authorize harassment to marine mammals. The effects of our issuance of an IHA to USACE to take marine mammals incidental to the proposed activities are not highly controversial because we did not receive any comments raising substantial questions or concerns about the size, nature, or effect of potential impacts from our proposed action during the public review period for the proposed IHA. There is no substantial dispute over effects to marine mammals.

5. Are the proposed action's effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

The potential risks associated with the issuance of the IHA is not unique or unknown, nor is there significant uncertainty about impacts. NMFS has issued authorizations for similar activities or for activities with similar types of marine mammal harassment and conducted NEPA analysis on those projects. Each authorization required marine mammal monitoring, and monitoring reports have been reviewed by NMFS to ensure that activities have a negligible impact on marine mammals. In no case have impacts to marine mammals, as determined from monitoring reports, exceeded NMFS' analysis under the MMPA and NEPA. Therefore, the effects on the human environment are not likely to be highly uncertain or involve unique or unknown risks.

6. Can the proposed action reasonably be expected to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?

NMFS' proposed action of issuing an IHA to USACE would not set a precedent for future actions with significant effects or represent a decision in principle. Each MMPA

authorization applied for under 101(a)(5)(D) must contain information identified in our implementing regulations. We consider each activity specified in an application separately and, if we issue an authorization to an applicant, we must determine that the impacts from the specified activity would result in a negligible impact to the affected species or stocks and would not have an unmitigable adverse impact on the availability of marine mammals for subsistence uses. Our issuance of this IHA may inform the environmental review for future projects, but would not establish a precedent or represent a decision in principle about a future consideration.

7. Is the proposed action related to other actions that when considered together will have individually insignificant but cumulatively significant impacts?

USACE considered cumulative impacts from its proposed action and other past, present, and reasonably foreseeable projects in Tampa Harbor and found that they were not significant because of the relative scale of projects and the nature and magnitude of specific impacts. NMFS' action is expected to result in effects that would be short-term (matter of hours during days of blasting) and of a temporary nature (amounting to temporary avoidance of the area). As stated in the proposed IHA, due to the nature of the USACE activity, and implementation of mitigation and monitoring measures, NMFS anticipates impacts to marine mammals to be limited to short term lower-level behavioral harassment. Any future authorizations would have to undergo the same process and would take USACE's proposed activities into consideration when addressing cumulative effects.

8. Can the proposed action reasonably be expected to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources?

We have determined that the issuance of an IHA to USACE would not adversely affect entities listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historical resources. NMFS' proposed action is limited to the authorization to harass marine mammals consistent with the MMPA definition of "Level B harassment." Therefore, there is no potential to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause the loss or destruction of significant scientific, cultural, or historical resources.

9. Can the proposed action reasonably be expected to have a significant impact on endangered or threatened species, or their critical habitat as defined under the Endangered Species Act of 1973?

We have determined that the proposed activities may result in some Level B harassment, in the form of short-term and localized changes in behavior and/or temporary displacement, of limited numbers of bottlenose dolphins, which are not listed under the Endangered Species Act of 1973. In addition, the area of the USACE confined underwater blasting activities is an existing man-made channel that receives periodic maintenance dredging and does not contain any critical habitat for any species listed under the Endangered Species Act of 1973.

Due to USACE's consultation with the U.S. Fish and Wildlife Service, the confined underwater blasting activities would be restricted to the months of April through October to avoid potential impacts to the Florida manatee.

10. Can the proposed action reasonably be expected to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection?

NMFS conducted analyses as necessary to ensure compliance with relevant environmental protection laws and determined that compliance with the MMPA and its implementing regulations is appropriate for NMFS' issuance of an IHA to USACE. There are no other environmental laws, regulations, licenses, federal consultations, or permits applicable to NMFS for the issuance of this IHA to USACE.

11. Can the proposed action reasonably be expected to adversely affect stocks of marine mammals as defined in the Marine Mammal Protection Act?

The proposed action is NMFS' issuance of an IHA. The Marine Mammal Protection Act requires NMFS to be able to determine that such taking would be of small numbers; would have no more than a "negligible impact" on marine mammal species or stocks; and would not have an "unmitigable adverse impact" on the availability of marine mammal species or stocks for subsistence uses in order to authorize such taking. For the issuance of the IHA, NMFS determined that the activity will have a negligible impact on the Tampa Bay stock of bottlenose dolphin due to the fact that mortality, serious injury and Level A harassment are not anticipated and effects to the Tampa Bay stock would be limited to short term minor hearing impairment and associated behavioral disruptions. Therefore, we have determined that the proposed action is not likely to adversely affect stocks of marine mammals as defined in the Marine Mammal Protection Act.

12. Can the proposed action reasonably be expected to adversely affect managed fish species?

NMFS' action is the authorization of the taking of marine mammals incidental to the USACE confined underwater blasting activities in the East Channel of the Big Bend Channel in Tampa Harbor, FL. Issuance of the IHA would not result in impacts to the managed fish species, as it would only authorize harassment to marine mammals.

As outlined in the USACE's 2017 Final SEA, though it is anticipated that some fish may be killed due to USACE's confined blasting activities, no adverse effects on fish (e.g., loss of or injury to prey species) from the USACE's activities are expected.

13. Can the proposed action reasonably be expected to adversely affect essential fish habitat as defined under the Magnuson-Stevens Fishery Conservation and Management Act?

Our action of issuing an IHA to USACE to incidentally take marine mammals due to confined underwater blasting would not cause substantial damage to the ocean and coastal habitats and/or essential fish habitat (EFH). The project area is an existing shipping channel that has been previously dredged and periodically maintained by dredging. Additionally, underwater noise would not result in a potential loss of, or injury to, benthic organisms, prey species, and their habitat. As outlined in the USACE's 2017 Final SEA, acoustics may create short term (days to weeks) and localized impacts to habitat quality through increased sound and pressure. Elevated in-water sound levels during confined blasting activities may temporarily reduce the quality of water column EFH. However, these impacts would be limited in time and space, are reversible, and would not result in long-term impacts to the environment.

As described in USACE's 2017 Final SEA, EFH for federally-managed species has been identified in the project area. Effects on EFH by the confined blasting activities and issuance of the Authorization assessed here would be temporary and minor. The main effect would be short-term disturbance that might lead to temporary and localized relocation of EFH species or their food. The mitigation and monitoring measures required by the Authorization would not affect habitat or EFH. Therefore, NMFS, Office of Protected Resources, Permits and Conservation Division has determined that the issuance of an IHA for the taking of marine mammals incidental to the proposed confined underwater blasting activities would not have an adverse impact on EFH, and an EFH consultation is not required.

14. Can the proposed action reasonably be expected to adversely affect vulnerable marine or coastal ecosystems, including but not limited to, deep coral ecosystems?

NMFS' action is the authorization of the taking of marine mammals incidental to the USACE confined underwater blasting activities in the East Channel of the Big Bend Channel in Tampa Harbor, FL. Issuance of the IHA would not result in impacts to the vulnerable marine or coastal ecosystems, as it would only authorize harassment to marine mammals.

As discussed in USACE's 2017 Final SEA and in NMFS' proposed IHA, the proposed project area is within an existing shipping channel that has been previously dredged and is periodically maintained by dredging.

15. Can the proposed action reasonably be expected to adversely affect biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships, etc.)?

We do not expect that our action of issuing an IHA to USACE or would have a substantial impact on biodiversity and/or ecosystem function within the affected environment. The impacts of the proposed action on marine mammals are specifically related to the sound and pressure produced by the confined underwater blasting. Any impacts are expected to be limited to behavioral reactions (e.g., avoidance), and temporary auditory disruption (e.g., temporary threshold shift), and only during times when confined blasting activities are occurring. Although some marine mammals may forage opportunistically within the project area, and this behavior may be affected, no substantial predator-prey relationships would be substantially changed. Any impacts would be temporary and highly localized in nature and not result in substantial impacts to marine mammals or to their role in the ecosystem. The Authorization would authorize the Level B harassment of bottlenose dolphins (*Tursiops truncatus*), and neither serious injury nor mortality is anticipated or would be authorized.

16. Can the proposed action reasonably be expected to result in the introduction or spread of a nonindigenous species?

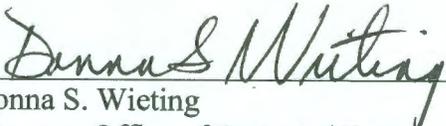
The issuance of an IHA to USACE will not result in the introduction or spread of a non-indigenous species into the human environment, as equipment that could cause such effects is not proposed for use. Moreover, the IHA does not mandate marine transits outside of the local area or have any relation to bilge water or other potential causes of the introduction or spread of a non-indigenous species.

VII. CONDITIONS AND FINDINGS UNDER THE MARINE MAMMAL PROTECTION ACT

USACE's request is for take of a small number of the Tampa Bay stock of bottlenose dolphins (*Tursiops truncatus*) by Level B harassment only. Neither USACE nor NMFS expect mortality or serious injury to result from the confined blasting activity and, therefore, an IHA is appropriate. However, NMFS's issuance of the IHA is conditioned upon the implementation of mitigation and monitoring designed to reduce impacts to the bottlenose dolphins to the level of least practicable impact. The IHA and USACE's 2017 Final SEA include detailed mitigation, monitoring, and reporting measures that must be implemented by USACE when conducting confined underwater blasting within the East Channel of the Big Bend Channel. Take of marine mammals would be minimized through the implementation of the following mitigation and monitoring measures: (1) NMFS-approved marine mammal observers to monitor safety/exclusion zones that include the entire Level A harassment zone plus an additional 500 ft (152.4 m) as well as the Level B take zone. Observers will be land/boat based and will also consist of continuous aerial surveys; (2) No blasting will occur if any marine mammals or other protected species are within the East Channel or the safety/exclusion zone; and (3) Observers will begin monitoring the area for at least one hour prior to the scheduled start of blasting activities, and will continue for at least one hour after blast activities have completed; (4) Blasting will not commence in conditions (rain, fog, etc.) that prevent viewing the entire Level A take zone, safety/exclusion zone, and Level B take zone; (5) Blasting will be halted if marine mammals or other protected species are observed approaching or within the safety/exclusion zone and all observers must give an "all clear" for blasting to commence; (6) If multiple blast events take place in one day, blast events will be separated by at least six hours. USACE is also required to submit a draft monitoring report to NMFS within 90 days of the conclusion of the confined underwater blasting as well as a hydroacoustic monitoring report that details sound levels measured in the field during the blast events.

VIII. DETERMINATION

Based on the information presented herein along with the application and analysis in the 2017 Final SEA prepared by USACE, it is hereby determined the issuance of the IHA to USACE will not significantly impact the quality of the human environment. In addition, we addressed all beneficial and adverse impacts of the action to reach the conclusion of no significant impacts associated with NMFS's issuance of this IHA. Accordingly, the preparation of an Environmental Impact Statement for this action is not necessary.



Donna S. Wieting
Director, Office of Protected Resources

APR 30 2018
Dated: _____