



## INCIDENTAL HARASSMENT AUTHORIZATION

Power Systems & Supplies of Alaska (PSSA) 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 the Ward Cove Cruise Ship Dock Project in Ketchikan, Alaska, when adhering to the following terms and conditions.

1. This Incidental Harassment Authorization (IHA) is valid for one year from date of issuance.
2. This IHA is valid only for in water construction activities associated with the Ward Cove Cruise Ship Dock in Ketchikan, Alaska.
3. General Conditions
  - (a) A copy of this IHA must be in the possession of PSSA, its designees, work crew personnel, and Protected Species Observers (PSOs) operating under the authority of this IHA.
  - (b) The species authorized for taking are harbor seal (*Phoca vitulina*), Dall's porpoise (*Phocoenoides dalli*), harbor porpoise (*Phocoena phocoena*), and Steller's sea lion (*Eumetopias jubatus*).
  - (c) The taking, by Level A and B harassment, is limited to the species listed in condition 3(b). Table 1 provides the authorized number of takes.
  - (d) The taking, by injury (Level A harassment), serious injury, or death of any of species listed in condition 3(b) of this IHA is prohibited.
  - (e) The taking, by Level A harassment, Level B harassment, serious injury, or death, of marine mammal species not identified in condition 3(b) is prohibited.
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 (including DTH hammering) (e.g., use of barge-mounted excavators, or dredging), if a marine mammal comes within 10 m, PSSA must cease operations



and reduce vessel speed to the minimum level required to maintain steerage and safe working conditions.

- (b) PSSA must conduct briefings for construction supervisors and crews, the monitoring team, and PSSA staff prior to the start of all pile driving activity, and when new personnel join the work, in order to explain responsibilities, communication procedures, the marine mammal monitoring protocol, and operational procedures.
- (c) PSSA must employ 4 PSOs in locations defined in the Marine Mammal Monitoring Plan, dated 4 February 2020, and Monitoring Measures described in section 5 of this IHA.
- (d) 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 shutdown zone clear of marine mammals. In the event of a delay or shutdown of activity resulting from marine mammals in the shutdown zone (Table 2), their behavior must be monitored and documented until they leave of their own volition, at which point the activity may begin.
- (e) Shutdown zones for impact and vibratory pile driving and rock anchor drilling must be observed for all marine mammals (Table 2).
- (f) If a marine mammal is entering or is observed within an established shutdown zone (Table 2), pile driving must be halted or delayed. Pile driving may not commence or resume until either the animal has voluntarily left and been visually confirmed beyond the shutdown zone; 15 minutes have passed without subsequent detections of small cetaceans and pinnipeds; or 30 minutes have passed without subsequent detections of large cetaceans.
- (g) Should environmental conditions deteriorate such that marine mammals within the entire shutdown zone would not be visible (e.g., fog, heavy rain), pile driving and removal must be delayed until the PSO is confident marine mammals within the shutdown zone could be detected.
- (h) PSSA 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.

- (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 shutdown zone for those species (Table 2), pile driving and removal activities must shut down immediately using delay and shut-down 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(b) above, has elapsed.
- (j) Pile driving activities must only be conducted during daylight hours.
- (k) All material that comes out of the top of the pile during pile driving (drill cutting discharge) must be collected on a barge and transported to a permitted upland location for disposal.
- (l) Pile driving, temporary pile removal, and collection of excavated material operations must be surrounded by a 50-foot deep silt curtain.

## 5. Monitoring Measures

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

- (a) Marine mammal monitoring must be conducted in accordance with the Marine Mammal Monitoring Plan, dated 4 February 2020. Four PSO's must be used to monitor the project and must be deployed in locations shown in Figure 12 of the monitoring plan. A primary PSO must be placed near the project site in Ward Cove where pile driving would occur. Three additional PSOs must be positioned in order to focus on monitoring the Level B harassment and other species shutdown zone.
- (b) 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 used.
  - ii. Other PSOs may substitute education (degree in biological science or related field) or training for experience.
  - iii. Where a team of three or more PSOs are required, a lead observer or monitoring coordinator must be designated. The lead observer must have prior experience working as a marine mammal observer during construction.

- iv. PSSA must submit PSO CVs for approval by NMFS prior to the onset of pile driving.

## 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 and acoustic 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. This report must contain the informational elements described in the Marine Mammal Monitoring Plan, dated 4 February 2020, 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, DTH hammering 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 the Level A and Level B harassment zones while the source was active.
- 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 (a correction factor may be applied to total take numbers, as appropriate).
- 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. An extrapolation of the estimated takes by Level B harassment based on the number of observed exposures within the Level B harassment zone and the percentage of the Level B harassment zone that was not visible, when applicable.

(b) Submit all PSO datasheets and/or raw sighting data (in a separate file from the Final Report referenced immediately above).

(c) Reporting Injured or Dead Marine Mammals

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, PSSA must report the incident to the Office of Protected Resources (OPR) (301-427-8401), NMFS and to the Alaska regional stranding coordinator ((877) 925-7773) as soon as feasible. If the death or injury was clearly caused by the specified activity, the IHA-holder must immediately cease the specified activities until NMFS 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 the IHA. The IHA-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 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 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, 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 Renewal 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 the needed Renewal IHA effective date (recognizing that the Renewal IHA expiration date cannot extend beyond one year from expiration of the initial 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 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).
  - 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 in the initial IHA remain valid.

---

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

---

Date

Table 1. Authorized Amount of Taking, by Level A harassment and Level B harassment, by species and stock.

Species	Authorized Take	
	Level B	Level A
Dall's porpoise ( <i>Phocoenoides dalli</i> ) Alaska Stock	45	15
Harbor porpoise ( <i>Phocoena phocoena</i> ) Southeast Alaska Stock	25	15
Harbor seal ( <i>Phoca vitulina</i> ) Clarence Strait Stock	950	100
Steller sea lion ( <i>Eumetopias jubatus</i> ) Eastern DPS Stock	1850	0

Table 2. Shutdown and Monitoring Zones for Each Activity Type and Stock.

Pile Size	Harbor Seal Shutdown Distance (m)	Harbor porpoise, Dall's porpoise Shutdown Distance (m)	Steller Sea lion Shutdown Distance (m)	Other Marine Mammal Shutdown Distance (m)	Level B Monitoring Zone (m)
<b>Vibratory Pile Driving/Removal</b>					
30-inch piles	10	10	10	3,645	3,645
36-inch piles	15	40	10	3,645	3,645
48-inch piles	15	40	10	3,645	3,645
<b>Impact Pile Driving</b>					
30-inch piles	200	200	20	3,645	3,645
36-inch piles	200	200	30	3,645	3,645
48-inch piles	200	200	30	3,645	3,645
<b>Rock Anchoring (DTH)</b>					
36-inch piles	200	200	30	3,645	3,645
48-inch piles	200	200	20	3,645	3,645
<b>All Other Activities</b>					
Any activity	10	10	10	N/A	N/A

Note: A Level A monitoring zone is implemented for DTH and impact pile driving of 30 to 48-inch diameter piles out to the extent of the Level A harassment zone (793 m). Level B monitoring zone (for the four species with authorized take) and other marine mammal shutdown distance of 3,645 m reflects the farthest distance before sound is inhibited by land.