

March 5, 2019

Jolie Harrison
National Oceanic and Atmospheric Administration
National Marine Fisheries Service - Office of Protected Resources
1315 East-West Highway
Silver Springs, MD 20910

Cc: Amy Fowler, NOAA NMFS

Dear Ms. Harrison,

The San Francisco Bay Area Water Emergency Transportation Authority (WETA) is currently overseeing construction related to the expansion of the berthing capacity at the Downtown San Francisco Ferry Terminal (Ferry Terminal). Pile-driving activities related to the project are covered under an Incidental Harassment Authorization (IHA) for the 2018-2019 construction period through May 31, 2019, issued by the National Oceanic and Atmospheric Administration - National Marine Fisheries Service, Office of Protected Resources (NMFS, Permit No. SWR-2013-9595). The purpose of this correspondence is to request a one-year renewal of the IHA, through May 31, 2020, per section 8 of the current IHA.

Project Status

The 2018 IHA authorized incidental harassment of marine mammals related to the installation of 81 steel piles of various diameters (24-, 30-, and 36-inch). All piles authorized in the current IHA were expected to be installed during the 2018 in-water work window. In 2018, only 52 piles were installed over approximately 21 construction days, leaving 29 piles to be installed in the 2019 construction year. A minor change in design plans will result in the installation of five more 36-inch piles and five less 24-inch piles to complete the work. The remaining number of piles by diameter and approximate time for installation is provided in Table 1.

Table 1. Pile Diameters and Estimated Construction Time for Pile Installations in 2019.

Pile Diameter	Number to be installed	Number of piles installed per day	Estimated construction time (days)
24-inch	6	2.5	2
30-inch	8	3	3
36-inch	15	2	8
TOTAL	29	n/a	13 days

The contractor intends to complete pile installation by the end of the next in-water work window, November 30, 2019. Because the anticipated period of construction extends past the expiration of the current IHA, WETA is requesting a renewal of the current IHA from NMFS. In accordance with section 8 of the current IHA, this renewal request is being provided more than 60-day prior to the current IHA expiration. A renewal of the current IHA would allow work to continue into the next in-water work season without undergoing consultation again.

2018 Monitoring Results

Marine mammal monitoring was conducted in 2018 per the conditions of the IHA. The purpose of the monitoring effort was to document and prevent/minimize Level A and/or Level B take of Pacific harbor seal (*Phoca vitulina*), California sea lion (*Zalophus californianus*), northern elephant seal (*Mirounga angustirostris*), and harbor porpoise (*Phocena phocena*). Data from marine mammal monitoring is summarized in Table 2 below.

Table 2. IHA Authorized Take and Documented Take by Species in the 2018 Construction Year.

Species	Authorized Take		Documented Take 2018	
	Level A	Level B	Level A	Level B
Pacific harbor seal	63	236	0	8
California sea lion	14	286	0	3
Northern elephant seal	0	26	0	0
Harbor porpoise	0	32	0	0

The monitoring results presented in Table 2 show that the project resulted in zero Level A takes and only a small number of Level B takes of Pacific harbor seal and California sea lion in 2018. To date, the project has operated well below the allowable take levels in the 2017 and 2018 IHAs, and WETA does not anticipate any changes in construction through the 2019 in-water work window (i.e., June 1 through November 30, 2019) that may increase the rate or likelihood of take to marine mammals.

Acoustic Monitoring

The Ferry Terminal project is a multi-year project and pile driving began in 2017. Per the requirements of the 2017 IHA issued for the project, hydroacoustic monitoring was conducted on a portion of the vibratory driving and results confirmed sound levels were within modeled distances. The monitoring requirement for the project was met and no additional hydroacoustic monitoring was completed during vibratory pile installation in 2018. No impact driving has been conducted on the project to date and is not anticipated during the 2019 in-water work window. If impact driving is conducted, hydroacoustic monitoring will be conducted as required and results reported in the Annual Report at the end of the season and in accordance with the IHA.

Request

Due to construction delays, the Ferry Terminal project will not be completed before the IHA expires on May 31, 2019. Renewal of the IHA for an additional in-water work season (2019) would allow for the completion of identically planned construction activities without additional consultation. Marine

mammal monitoring results have indicated that Level B takes have been far below the allowable threshold for the previous construction season. No significant changes in construction activities are planned for the project, and if the IHA was renewed for the 2019 construction season, monitoring measures would remain the same as conducted in 2018. Based on the 2018 take occurrences (Table 2), the remaining Level A and Level B take authorized by the 2018 IHA would be sufficient to cover the 2019 pile installation activities, and no additional take would need to be authorized. WETA therefore requests a one-year renewal of the current IHA to continue Ferry Terminal construction through May 31, 2020.

We look forward to working with you on the IHA renewal. Please contact Melinda Schulze (melinda.schulze@aecom.com; 415-547-2522) or Kelly Bayer (kelly.bayer@aecom.com; 415-243-3840) at AECOM with any questions regarding this request.

Sincerely,



Michael Gougherty
Project Manager