



## INCIDENTAL HARASSMENT AUTHORIZATION

The U.S. Coast Guard 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 Base Los Angeles/Long Beach Wharf Expansion Project in California, when adhering to the following terms and conditions.

1. This Incidental Harassment Authorization (IHA) is valid from February 1, 2021 through January 31, 2022.
2. This IHA is valid only for in water construction activities associated with the Base Los Angeles/Long Beach Wharf Expansion Project in California.
3. General Conditions

(a) A copy of this IHA must be in the possession of the Coast Guard, 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 seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), bottlenose dolphins (*Tursiops truncatus*), short-beaked common dolphins (*Delphinus delphis*), and gray whales (*Eschrichtius robustus*).

(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 per species and stock.

(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 (e.g., use of barge-mounted equipment, pile positioning, or dredging), if a marine mammal comes within 10 m, the Coast Guard must cease operations and reduce



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

- (b) The Coast Guard is required to conduct briefings for construction supervisors and crews, the monitoring team, and Coast Guard 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) The Coast Guard is required to employ 1 PSO per the Monitoring Measures described in section 5 of this IHA. The Coast Guard must monitor the harassment zones identified in Table 2.
- (d) The Holder must implement the shutdown zones indicated in Table 3. If a marine mammal is observed entering or within the shutdown zone, pile driving activity must be delayed or halted.
- (e) Marine mammal monitoring within the zones identified in Table 2 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 (Table 3) clear of marine mammals. In the event of a delay or shutdown of activity resulting from marine mammals in the shutdown zone (Table 3), their behavior must be monitored and documented until they leave of their own volition, at which point the activity may begin.
- (f) If a marine mammal is entering or is observed within an established shutdown zone (Table 3), 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 or 15 minutes have passed without subsequent detections of marine mammals.
- (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 (if necessary) must be delayed until the PSO is confident marine mammals within the shutdown zone could be detected.
- (h) The Coast Guard 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) The Coast Guard is required to employ a bubble curtain during all impact pile driving and operate it in a manner consistent with the following performance standards:
  - i. The bubble curtain must distribute air bubbles around 100 percent of the piling perimeter for the full depth of the water column.
  - ii. The lowest bubble ring must be in contact with the mudline for the full circumference of the ring, and the weights attached to the bottom ring shall ensure 100 percent mudline contact. No parts of the ring or other objects shall prevent full mudline contact.
  - iii. Air flow to the bubblers must be balanced around the circumference of the pile.
- (j) 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 (Table 2) or shutdown zone (whichever is larger), 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.

## 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 Monitoring Measures described in this section of the IHA and the Monitoring Section of the application.
- (b) Marine mammal monitoring during pile driving 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. At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization.
  - iii. Other PSOs may substitute education (degree in biological science or related field) or training for experience.

- iv. The Coast Guard must submit PSO CVs for approval by NMFS prior to the onset of pile driving.
  - (c) The Coast Guard is required to conduct hydroacoustic monitoring of at least two piles of each pile diameter.
6. Reporting
- The holder of this IHA is required to:
- (a) Submit a draft report on all marine mammal 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 shall be prepared and submitted within thirty days following resolution of comments on the draft report from NMFS.
  - (b) The marine mammal report must contain the informational elements described in the Monitoring Measures described in section 5 of this IHA, 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. Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance (if less than the harassment zone distance). 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.
    - iv. Age and sex class, if possible, of all marine mammals observed.
    - v. PSO locations during marine mammal monitoring.
    - vi. 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).
    - vii. 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.
    - viii. Number of individuals of each species (differentiated by month as appropriate) detected within the monitoring zone or shutdown zone (whichever is larger), and estimates of number of marine mammals taken,

by species (a correction factor may be applied to total take numbers, as appropriate).

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

(c) The acoustic monitoring report must, at minimum, include the following:

- i. Hydrophone equipment and methods: recording device, sampling rate, distance (m) from the pile where recordings were made; depth of recording device(s).
- ii. Type of pile being driven, substrate type, method of driving during recordings, and if a sound attenuation device is used.
- iii. For impact pile driving: Pulse duration and mean, median, and maximum sound levels (dB re: 1 $\mu$ Pa): cumulative sound exposure level (SELcum), peak sound pressure level (SPLpeak), and single-strike sound exposure level (SELs-s).
- iv. Number of strikes per pile measured, one-third octave band spectrum and power spectral density plot.

(d) Reporting Injured or Dead Marine Mammals

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, the IHA-holder shall report the incident to the Office of Protected Resources (OPR) (301-427-8401), NMFS and to the West Coast regional stranding coordinator (562-980-3264) 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-time, 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, activities are planned or (2) the specified activities would not be completed by the time this IHA expires and a Renewal would allow for completion of the activities, 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.

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National Marine Fisheries Service

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Date

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

Species	Authorized Take	
	Level B	Level A
Harbor seal ( <i>Phoca vitulina</i> ) California Stock	0	19
California sea lion ( <i>Zalophus californianus</i> ) U.S. Stock	380	0
Gray whale ( <i>Eschrichtius robustus</i> ) Eastern North Pacific Stock	0	2
Common bottlenose dolphin ( <i>Tursiops truncatus</i> ) California Coastal Stock	114	0
short-beaked common dolphins ( <i>Delphinus delphis</i> ) California/Oregon /Washington Stock	200	0

Table 2. Level B Harassment Monitoring Zones by Pile Driving Type.

Pile Type	Level B (meters)
16-inch concrete	12
30-inch concrete	55

Table 3. Shut-down Zones (in meters) by Marine Mammal Hearing Group and Pile Driving Type.

Pile Type	Low-Frequency Cetaceans (meters)	Mid-Frequency Cetaceans (meters)	High-Frequency Cetaceans (meters)	Phocid Pinnipeds (meters)	Otariid Pinnipeds (meters)
16-inch concrete	30	10	40	20	10
30-inch concrete	170	10	200	55	10