Finding of No Significant Impact
on Issuance of an Incidental Harassment Authorization to the U.S. Navy for Take of Marine Mammals Incidental to a Pile Replacement Project

National Marine Fisheries Service

National Oceanic and Atmospheric Administration Administrative Order (NAO) 216-6 (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality (CEQ) regulations at 40 CFR 1508.27 state that the significance of an action should be analyzed both in terms of 'context' and 'intensity'. Each criterion listed below is relevant to making a finding of no significant impact and has been considered individually, as well as in combination with the others. The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ's context and intensity criteria. These include:

1. *Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat (EFH) as defined under the Magnuson-Stevens Act and identified in FMPs?*

The pile replacement project is of short-term duration and will involve the removal of 126 steel and concrete piles at Explosive Handling Wharf 1 (EHW-1). Of the piles requiring removal, 96 are 24-in diameter hollow pre-cast concrete piles which will be removed using a pneumatic chipping hammer. The steel piles will be extracted using a vibratory hammer.

Within the action area, EFH has been designated for the Pacific Coast Salmon, Pacific Groundfish, and Coastal Pelagics Fishery Management Plans. The Navy engaged in an EFH consultation with NMFS' Northwest Regional Office, pursuant to section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and was provided three conservation recommendations to avoid, minimize, or otherwise offset potential adverse effects on EFH. The effects of the Navy's action will primarily be from increased levels of sound resulting from pile removal, which will temporarily reduce the quality of water column EFH; these effects are temporary and will result in no long-term impacts to the environment. Pile removal would also locally increase turbidity and disturb benthic habitats and forage fish in the immediate project vicinity. The water column may experience increased sedimentation and turbidity during operational periods. However, due to the relatively low levels of organic contaminants and metals contained within the sediments at Naval Base Kitsap Bangor (NBKB), there will be only temporary and minimal degradation of the water column, with little to no impact on dissolved oxygen levels in the vicinity of the proposed project area. While some disruption to marine vegetation and benthic communities is unavoidable as a result of the activity, these impacts will be temporary in duration, with a minimal and localized zone of influence; additionally, the project involves rehabilitation of an existing structure, so much of the work will occur in areas that are previously shaded and do not support aquatic vegetation. Areas of disruption are expected to recover to pre-disruption levels within a single growing season. Any behavioral avoidance by fish of the disturbed area would still leave significantly large areas of fish and marine mammal foraging habitat in the Hood Canal and nearby vicinity. Pile removal-related impacts to salmonid populations, which include ESA-listed species, would be

minimized by adhering to the in-water work period designated for northern Hood Canal waters, when less than five percent of all salmonids that occur in NBKB nearshore waters are expected to be present.

The above information pertains to the Navy's pile removal activity. The NMFS proposed action, which is the authorization of marine mammal take incidental to the pile replacement project at EHW-1, will result in no damage to ocean and coastal habitats or EFH.

2. *Can the proposed action be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)?*

The authorization of marine mammal take incidental to the Navy's pile replacement project will not have a substantial impact on biodiversity or ecosystem function. The Navy's pile replacement project may temporarily impact ecosystem function by i) temporarily creating elevated levels of underwater sound, thereby disturbing forage fish; ii) degrading water quality as a result of resuspension of bottom sediments from pile installation and barge and tug operations; and iii) directly damaging the benthos through pile removal and anchoring. Bottom disturbance would be temporary over a short-term project period and sediments would settle back in the general vicinity from which they rose, or would be dissipated by the strong tidal currents in the area. The temporary increase in turbidity, as well as direct impact to the benthos, is expected to decrease the light available for marine vegetation and to impact benthic invertebrates; however, these impacts would be minor and temporary in nature. Benthic organisms are very resilient to habitat disturbance and are likely to recover to pre-disturbance levels well within two years; however, due to the limited and temporary disturbance benthic organisms may recover even more quickly.

3. *Can the proposed action reasonably be expected to have a substantial adverse impact on public health or safety?*

The proposed action is not expected to result in any impacts related to public health and safety. Construction activities are not likely to release hazardous materials into the environment. Construction crews would follow applicable state and federal laws to ensure a safe working environment. The airborne noise associated with the Navy's proposed action would be no higher than 60 dB during construction, which is consistent with the Washington Noise Regulations under the Washington Administrative Code. The proposed action would not result in significant adverse impacts to health and safety.

4. *Can the proposed action reasonably be expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species?*

Endangered or threatened fish and marine mammal species occur in the vicinity of the Navy's pile replacement project. The proposed action – NMFS' authorization of incidental marine mammal take – is not expected to have a significant adverse impact on endangered or threatened species. NMFS Northwest Regional office issued a Biological Opinion on May 24, 2012, finding that the proposed action is not likely to jeopardize the continued existence of the eastern

Distinct Population Segment of Stellar sea lions. Through consultation under Section 7 of the Endangered Species Act (ESA), the Navy determined and NMFS concurred that the proposed action may affect, but is not likely to adversely affect, humpback whales. Similarly, the U.S. Fish and Wildlife Service (USFWS) concurred with the Navy's determination that the pile replacement project may affect, but is not likely to adversely affect, species under USFWS jurisdiction.

5. *Are significant social or economic impacts interrelated with natural or physical environmental effects?*

The proposed action will not have any social or environmental impacts. The impacts resulting from NMFS' authorization of marine mammal take incidental to the Navy's pile replacement project will be limited to, at most, temporary behavioral harassment of small numbers of marine mammals. No social or economic impacts will be associated with this authorization.

6. *Are the effects on the quality of the human environment likely to be highly controversial?*

NMFS' issuance of an incidental harassment authorization (IHA) will not have effects on the human environment that are likely to be highly controversial. There is not substantial debate over the proposed action's size, nature, or effect, nor is there such debate over the underlying action (the Navy's pile replacement project). Due to the limited duration and intensity of the project, and the implementation of appropriate mitigation and monitoring measures, there will not be significant impacts to natural resources in the project area. During the public comment period in the proposed IHA, NMFS only received comments from the Marine Mammal Commission, which did not indicate that any aspects of NMFS' action or its effects on the environment were likely to be highly controversial.

7. *Can the proposed action reasonably be expected to 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?*

Access to NBKB, including the project site, is controlled by the Navy and is restricted to authorized military personnel, civilians, contractors, and local tribes. Tribal access is restricted to the beach south of Delta Pier, which is not in the vicinity of the project. Since no public recreational uses occur at the project site, the proposed action would have no direct impact to recreational uses or access in the surrounding community. In addition, the Washington State Historic Preservation Office concurred with the Navy's finding of "no historic properties affected", and no submerged archaeological sites are expected to occur in the vicinity of the proposed action. Traditional resources would not be impacted. The pile replacement project will occur in a shoreline area that already contains multiple built structures, and will not significantly degrade the existing environment. No other unique characteristics of the geographic area are known. NMFS' issuance of an IHA would not result in substantial impacts to any such places.

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

The effects of the Navy's proposed action are primarily related to the input of sound, resulting from pile removal, into the environment. Pile driving is a relatively well-studied action, and wildlife and the environment in the Hood Canal are relatively well understood. The implementation of mitigation and monitoring measures included in NMFS' IHA will ensure that no marine mammals are injured or killed, and that impacts to marine mammals are limited to, at most, temporary behavioral harassment. Monitoring of marine mammals that are behaviorally harassed, as well as numerous documented accounts of marine mammal behavior before, during, and after behavioral harassment, demonstrates that behavioral harassment of limited duration will not result in any permanent changes to the manner in which marine mammals utilize the vicinity of the Navy's pile replacement project. While NMFS' judgments on impact thresholds are based on somewhat limited data, enough is known for NMFS and the regulated entity (here the Navy) to develop precautionary monitoring and mitigation measures to minimize the potential for significant impacts on biological resources. As such, the effects of NMFS' issuance of an IHA are not highly uncertain, and the action does not involve unique or unknown risks.

9. *Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?*

NMFS' issuance of an IHA is not related to other actions that may have cumulatively significant impacts. The Navy has requested the issuance of an IHA for a second, related action; however, NMFS has analyzed the potential cumulative impacts of these two projects and determined that potential impacts from these two projects are not cumulatively significant. Both actions are of limited scope and duration, and will have, at most, temporary behavioral effects on marine mammals. The Navy's pile replacement project may overlap somewhat, temporally and spatially, with the Navy's proposed construction of a second Explosives Handling Wharf (EHW-2). The two actions are located in close proximity to each other at the Hood Canal waterfront. However, while, it is possible that some activity associated with the two projects could occur on the same day, it is likely that work associated with the EHW-1 pile replacement project, which is of limited scope and duration, will conclude prior to initiation of EHW-2 project activity. Cumulative impacts from these two projects together were considered and found not significant. Additionally, mitigation measures specifically designed to reduce cumulative impacts from the two projects will be implemented as conditions in NMFS' IHAs.

10. *Is the proposed action likely 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?*

The EHW-1 and Delta Pier are considered to be eligible for the NRHP due to their cold war era significance. However, deleterious and adverse effects to EHW-1 resulting in the demolition of the wharf by neglect would occur if the repairs were not conducted, and Delta Pier will not be impacted. No submerged archaeological sites are expected to occur in the project area, since most historical activity was associated with resource harvesting, such as logging that occurred primarily along the shoreline and upland areas. Traditional resources would not be impacted. The proposed action would not alter or impact the current access granted to the tribes.

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

Neither the proposed action nor the underlying Navy action is expected to result in the spread of any nonindigenous species. Sufficient precautionary measures will be taken by the Navy to ensure that no introduction or spread of such species occurs.

12. Is the proposed action likely to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?

The Navy is planning other projects in the Hood Canal that involve pile driving, including construction of a second EHW. However, subsequent applications for incidental take authorizations will be independently analyzed on the basis of the best scientific information available. A finding of no significant impact for the pile replacement project, and for NMFS' issuance of an 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.

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

The proposed action – NMFS' issuance of an IHA – is conducted in conformance with the MMPA. NMFS has made all appropriate determinations under other applicable statutes, and NMFS' action will not violate any laws or requirements. The Navy's pile replacement project requires issuance of multiple permits. The Navy is pursuing all required permits; each agency will review the Navy action as appropriate to ensure that no federal, state, or local laws or requirements will be violated.

14. Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

NMFS' issuance of an IHA is specifically designed to reduce the effects of the Navy's pile replacement project to the least practicable impact to marine mammals, through the inclusion of appropriate mitigation and monitoring measures. Despite spatial overlap and the potential for brief temporal overlap, the cumulative effects of NMFS authorizations – or of the Navy's pile replacement project and proposed EHW-2 – would not be considered cumulatively significant because the impacts of the pile replacement project will be of limited intensity and duration. The pile replacement project involves removal only of a relatively small number of piles, and will produce relatively low levels of sound. Other than these two projects, there are no other concurrent actions known. In 2011, the Navy conducted the first year of work for the pile replacement project and a test pile project. Similar to the second year of work associated with the pile replacement project, both of these involved in-water work of limited intensity and duration. Construction of the EHW-2 is anticipated to continue for two additional years following the first year, but there are no additional projects anticipated to run concurrently. The Cumulative Impacts section of both the Supplemental EA and the original EA address this topic in greater detail. Implementation of the proposed action, in conjunction with other past, present, and reasonably foreseeable future actions, would not be expected to result in significant cumulative

impacts to the environment. As such, the proposed action will not result in cumulative adverse effects that could have a substantial effect on species in the action area.

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment (EA) and Supplemental EA prepared for the Navy's pile replacement project and application for an IHA, it is hereby determined that NMFS' issuance of an IHA will not significantly impact the quality of the human environment as described above and in the supporting documents. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an environmental impact statement for this action is not necessary.

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Date