

adversely affect the stock through effects on annual rates of recruitment or survival. Additionally, only about 1.2 percent of this stock's abundance is proposed for take by Level B harassment.

Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) the required mitigation measures will affect the least practicable adverse impact on marine mammal species or stocks and their habitat; (2) the proposed takes for authorization would have a negligible impact on the affected marine mammal species or stocks; (3) the takes proposed for authorization represent small numbers of marine mammals relative to the affected stock abundances; (4) Attentive Energy's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action; and (5) appropriate monitoring and reporting requirements are included. This includes consideration of the estimated abundance of 13 stock(s) decreasing or increasing slightly, specific to each stock.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally, in this case with the NMFS Greater Atlantic Regional Fisheries Office (GARFO), whenever we propose to authorize take for endangered or threatened species.

NMFS Office of Protected Resources has proposed to authorize the incidental take of four species of marine mammals which are listed under the ESA (the North Atlantic right, fin, sei, and sperm whale) and has determined that these activities fall within the scope of activities analyzed in GARFO's programmatic consultation regarding geophysical surveys along the U.S. Atlantic coast in the three Atlantic Renewable Energy Regions (completed June 29, 2021; revised September 2021). The proposed renewal IHA provides no new information about the effects of the action, nor does it change the extent of effects of the action, or present any other basis to require re-initiation of consultation with NMFS GARFO; therefore, the ESA consultation has been

satisfied for the initial IHA and remains valid for the Renewal IHA.

Proposed Renewal IHA and Request for Public Comment

As a result of these preliminary determinations, NMFS proposes to issue a renewal IHA to Attentive Energy for conducting marine site characterization surveys in coastal waters off of New York and New Jersey in the New York Bight, from the date of issuance through June 19, 2025, provided the previously described mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed and final initial IHA can be found at <https://www.fisheries.noaa.gov/action/incidental-take-authorization-attentive-energy-llc-marine-site-characterization-surveys-0>. We request comment on our analyses, the proposed renewal IHA, and any other aspect of this notice. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

Dated: August 2, 2024.

Kimberly Damon-Randall,
Director, Office of Protected Resources,
National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE088]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Weyerhaeuser Company for Their Log Export Dock Project on the Columbia River Near Longview, Washington

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to Weyerhaeuser Company (Weyerhaeuser) to incidentally harass marine mammals during construction activities associated with the Log Export Dock Project on the Columbia River near Longview, Washington.

DATES: This authorization is effective from September 1, 2025 through August 31, 2026.

ADDRESSES: Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Rachel Wachtendonk, Office of Protected Resources (OPR), NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the "take" of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

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 will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other "means of effecting the least practicable adverse impact" on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as "mitigation"); and requirements pertaining to the monitoring and reporting of the takings. The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

Summary of Request

On October 29, 2023, NMFS received a request from Weyerhaeuser for an IHA to take marine mammals incidental to pile driving and removal activities associated with the Log Export Dock

Project on the Columbia River near Longview, Washington. Following NMFS' review of the application, Weyerhaeuser submitted a revised version on March 14, 2024. The application was deemed adequate and complete on April 16, 2024.

Weyerhaeuser's request is for take of harbor seal (*Phoca vitulina*), California sea lion (*Zalophus californianus*), and Steller sea lion (*Eumatopius jubatus*) by Level B harassment and, for harbor seals, by Level A harassment. Neither Weyerhaeuser nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of the Specified Activity

Overview

Weyerhaeuser is planning the partial demolition and replacement of the existing Log Export dock on the Columbia River, near Longview, Washington. The project includes impact and vibratory pile installation and vibratory pile removal. Vibratory and impact pile driving are expected to start in September 2025 and take about 120 days of in-water work within the U.S. Army Corps of Engineers (USACE) and the U.S. Fish and Wildlife Service (USFWS)-designated in-water work window (September 1, 2025–January 3, 2026). All pile installation will occur during the work window, which would minimize potential exposure of Endangered Species Act (ESA) listed fish species from impact pile driving. An additional 30 days of vibratory pile removal may occur outside the window.

The demolition and replacement of the 612-foot (ft), or 186.5-meter (m) berth A of the Log Export Dock would include the removal of 983 16-inch (in), or 0.41-m, timber piles, 36 16-in (0.41-m) steel pipe piles, 10 12-in (0.30-m) steel H-piles, 7 12-in (0.30-m) steel pipe piles, and 20 14- or 16-in (0.36- or 0.41-m) steel fender piles. Existing piles would be primarily removed by the deadpull method, with piles being removed with the vibratory hammer if the deadpull is unsuccessful. Broken or damaged piles would be cut at the mudline. It is anticipated that 75 percent of the existing 983 timber piles will be removed by the deadpull method, with the remaining 246 being removed with the vibratory hammer. The new structure will be supported by the installation of 325 30-in (0.76-m) steel pipe piles. In addition, up to 26 24-in (0.61 m) temporary steel pipe piles may be installed and removed to support permanent pile installation. Temporary and permanent piles would be initially installed with a vibratory

hammer, with permanent piles being followed by an impact hammer to embed them to their final depth. To reduce underwater noise produced by impact pile driving, an unconfined bubble curtain will be used during impact pile installation.

In order to maintain project schedules, it is possible that multiple pieces of equipment would operate at the same time within the project area. Piles may be driven on the same day or, less commonly, at the same time, by two impact hammers, one impact hammer and one vibratory hammer, or two vibratory hammers. The method of installation, and whether concurrent pile driving scenarios will be implemented, will be determined by the construction crew once the project has begun. Therefore, the total take estimate reflects the worst-case scenario (both hammers installing 30-in steel pipe piles) for the proposed project. However, the most likely scenario is the vibratory removal of a 16-in timber pile at the same time as installing a 30-in steel pipe piles by vibratory or impact methods.

A detailed description of the planned construction project is provided in the **Federal Register** notice for the proposed IHA (89 FR 48579, June 7, 2024). Since that time, no changes have been made to the planned activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS' proposal to issue an IHA to Weyerhaeuser was published in the **Federal Register** on June 7, 2024 (89 FR 48579). That notice described, in detail, Weyerhaeuser's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. In that notice, we requested public input on the request for authorization described therein, our analyses, the proposed authorization, and any other aspect of the notice of proposed IHA, and requested that interested persons submit relevant information, suggestions, and comments. During the 30-day public comment period, NMFS did not receive any substantive comments on the proposed IHA.

Changes From the Proposed IHA to Final IHA

In table 5 of the proposed IHA **Federal Register** notice (89 FR 48579, June 7, 2024) the source levels for the impact driving of the 30-in steel pipe piles did not include the 5 decibel (dB) reduction from the bubble curtain.

These values have been corrected in tables 4 and 5 of this notice. The 5 dB reduction resulted in smaller Level A and Level B isopleths, which have been corrected in table 7 of this notice. The estimated number of takes by Level B harassment remains the same for all species because the smaller Level B isopleth still spans the width of the river and the same number of marine mammals are expected to be transiting through the project area. The estimated number of takes by Level A harassment for harbor seals was reduced to 56 to account for the smaller Level A isopleth which no longer spans the full width of the river. These values have been corrected in table 8 of this notice. Finally the smaller isopleths from the 5 dB reduction also decreased the minimum shutdown zone and harassment monitoring zone for impact pile driving. The reduced shutdown and monitoring zones have been corrected in table 9 of this notice.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of Weyerhaeuser's application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>) and more general information about these species (e.g., physical and behavioral descriptions) may be found on NMFS' website (<https://www.fisheries.noaa.gov/find-species>).

Table 1 lists all species or stocks for which take is expected and authorized for this activity and summarizes information related to the population or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of

the status of the species or stocks and other threats. Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock

abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. 2022 SARs. All values

presented in table 1 are the most recent available at the time of publication (including from the draft 2023 SARs) and are available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>.

TABLE 1—MARINE MAMMAL SPECIES ¹ LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) ²	Stock abundance (CV, N _{min} , most recent abundance survey) ³	PBR	Annual M/SI ⁴
Order Carnivora—Pinnipedia						
<i>Family Otariidae (eared seals and sea lions).</i> California Sea Lion ..	<i>Zalophus californianus</i>	U.S	-, -, N	257,606 (N/A, 233,515, 2014).	14,011	>321
Steller Sea Lion	<i>Eumetopias jubatus</i>	Eastern	-, -, N	36,308 (N/A, 36,308, 2022) ⁵ .	2,178	93.2
<i>Family Phocidae (earless seals):</i> Harbor Seal	<i>Phoca vitulina</i>	OR/WA Coastal ..	-, -, N	UNK (UNK, UNK, 1999)	UND	10.6

¹ Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (<https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies>; Committee on Taxonomy, 2022).
² ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.
³ NMFS marine mammal SARs online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable.
⁴ These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, ship strike). Annual mortality and serious injury (M/SI) often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.
⁵ Nest is best estimate of counts, which have not been corrected for animals at sea during abundance surveys. Estimates provided are for the U.S. only.

As indicated above, all three species (with three managed stocks) in table 2 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur. A detailed description of the species likely to be affected by Weyerhaeuser's project, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (89 (FR 48579, June 7, 2024); since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these

descriptions. Please also refer to NMFS' website (<https://www.fisheries.noaa.gov/find-species>) for generalized species accounts. **Marine Mammal Hearing**
 Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (e.g., Richardson *et al.*, 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007, 2019) recommended that marine

mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Subsequently, NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65-decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. Marine mammal hearing groups and their associated hearing ranges are provided in table 2.

TABLE 2—MARINE MAMMAL HEARING GROUPS [NMFS, 2018]

Hearing group	Generalized hearing range in hertz (Hz) and kilohertz (kHz)*
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, <i>Kogia</i> spp., river dolphins, Cephalorhynchids, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i>).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.

TABLE 2—MARINE MAMMAL HEARING GROUPS—Continued
[NMFS, 2018]

Hearing group	Generalized hearing range in hertz (Hz) and kilohertz (kHz) *
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.*, all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on the ~65-dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.*, 2007) and PW pinniped (approximation).

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.*, 2006; Kastelein *et al.*, 2009; Reichmuth *et al.*, 2013). This division between phocid and otariid pinnipeds is now reflected in the updated hearing groups proposed in Southall *et al.* (2019).

For more detail concerning these groups and associated frequency ranges, see NMFS (2018) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from Weyerhaeuser's pile driving activities have the potential to result in behavioral harassment of marine mammals in the vicinity of the project area. The notice of the proposed IHA (FR 48579, June 7, 2024) included a discussion of the effects of anthropogenic noise on marine mammals and the potential effects of underwater noise from Weyerhaeuser's pile driving activities on marine mammals and their habitat. That information and analysis is incorporated by reference into this final IHA determination and is not repeated here; please refer to the notice of the proposed IHA (FR 48579, June 7, 2024).

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes authorized through the IHA, which will inform NMFS' consideration of "small numbers," the negligible impact determinations, and impacts on subsistence uses.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines "harassment" as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal

stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes will primarily be by Level B harassment, as use of the acoustic source (*i.e.*, pile driving) has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (Level A harassment) to result, primarily for phocids because predicted auditory injury zones are larger than for otariids. Auditory injury is unlikely to occur for otariids. The proposed mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no serious injury or mortality is anticipated or authorized for this activity. Here we describe how the information provided above is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and is authorized.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.*, previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the authorized take numbers.

Acoustic Thresholds

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals

would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur permanent threshold shift (PTS) of some degree (equated to Level A harassment).

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (*e.g.*, frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (*e.g.*, bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (*e.g.*, Southall *et al.*, 2007, 2021; Ellison *et al.*, 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared pressure received levels (RMS SPL) of 120 dB (referenced to 1 micropascal (re 1 μ Pa)) for continuous (*e.g.*, vibratory pile driving, drilling) and above RMS SPL 160 dB re 1 μ Pa for non-explosive impulsive (*e.g.*, seismic airguns) or intermittent (*e.g.*, scientific sonar) sources. Generally speaking, Level B harassment take estimates based on these behavioral harassment thresholds are expected to include any likely takes by temporary threshold shift (TTS) as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific communication, predators, prey) may

result in changes in behavior patterns that would not otherwise occur.

Weyerhaeuser’s activity includes the use of continuous (vibratory pile driving) and impulsive (impact pile driving) sources, and therefore the RMS SPL thresholds of 120 and 160 dB re 1µPa are applicable.

Level A harassment—NMFS’ Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0;

Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). Weyerhaeuser’s activity includes the use of impulsive (impact pile driving) and non-impulsive (vibratory pile driving) sources.

These thresholds are provided in the table below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS’ 2018 Technical Guidance, which may be accessed at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance>.

TABLE 3—THRESHOLDS IDENTIFYING THE ONSET OF PTS

Hearing group	PTS onset acoustic thresholds* (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	Cell 1: $L_{pk,flat}$: 219 dB $L_{E,LF,24h}$: 183 dB	Cell 2: $L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	Cell 3: $L_{pk,flat}$: 230 dB $L_{E,MF,24h}$: 185 dB	Cell 4: $L_{E,MF,24h}$: 198 dB.
High-Frequency (HF) Cetaceans	Cell 5: $L_{pk,flat}$: 202 dB $L_{E,HF,24h}$: 155 dB	Cell 6: $L_{E,HF,24h}$: 173 dB.
Phocid Pinnipeds (PW) (Underwater)	Cell 7: $L_{pk,flat}$: 218 dB $L_{E,PW,24h}$: 185 dB	Cell 8: $L_{E,PW,24h}$: 201 dB.
Otariid Pinnipeds (OW) (Underwater)	Cell 9: $L_{pk,flat}$: 232 dB $L_{E,OW,24h}$: 203 dB	Cell 10: $L_{E,OW,24h}$: 219 dB.

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 µPa, and cumulative sound exposure level (L_E) has a reference value of 1µPa²s. In this table, thresholds are abbreviated to reflect American National Standards Institute (ANSI) standards (ANSI, 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript “flat” is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.*, varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the proposed project. Pile driving generates underwater noise that can potentially result in disturbance to marine mammals in the project area. The maximum (underwater) area ensonified is determined by the topography of the Columbia River, including intersecting land masses that will reduce the overall area of potential impact. Additionally, vessel traffic, including the other half of the dock (berth B) remaining operational during construction, in the project area may contribute to elevated background noise levels, which may mask sounds produced by the project.

Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth,

water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is:

$$TL = B \times \text{Log}_{10} (R_1/R_2),$$

Where

- TL = transmission loss in dB;
- B = transmission loss coefficient; for practical spreading equals 15;
- R_1 = the distance of the modeled SPL from the driven pile; and,
- R_2 = the distance from the driven pile of the initial measurement.

This formula neglects loss due to scattering and absorption, which is assumed to be zero here. The degree to which underwater sound propagates away from a sound source is dependent on a variety of factors, most notably the water bathymetry and presence or absence of reflective or absorptive conditions including in-water structures and sediments. Spherical spreading occurs in a perfectly unobstructed (free-field) environment not limited by depth or water surface, resulting in a 6-dB reduction in sound level for each doubling of distance from the source ($20 \times \log_{10}$ [range]). Cylindrical spreading occurs in an environment in which sound propagation is bounded by the

water surface and sea bottom, resulting in a reduction of 3 dB in sound level for each doubling of distance from the source ($10 \times \log_{10}$ [range]). A practical spreading value of 15 is often used under conditions, such as the project site, where water increases with depth as the receiver moves away from the shoreline, resulting in an expected propagation environment that would lie between spherical and cylindrical spreading loss conditions. Practical spreading loss is assumed here.

The intensity of pile driving sounds is greatly influenced by factors such as the type of piles, hammers, and the physical environment in which the activity takes place. In order to calculate the distances to the Level A harassment and the Level B harassment sound thresholds for the methods and piles being used in this project, NMFS used acoustic monitoring data from other locations to develop proxy source levels for the various pile types, sizes and methods (table 4). Generally, we choose source levels from similar pile types from locations (*e.g.*, geology, bathymetry) similar to the project.

TABLE 4—PROXY SOUND SOURCE LEVELS FOR PILE SIZES AND DRIVING METHODS

Pile type and size	Peak SPL (re 1 μPa)	RMS SPL (re 1 μPa)	SEL (re 1 μPa ² -s)	Source
Vibratory pile installation and removal				
16-in timber pile	162	.....	Caltrans, 2020.
12-in steel pipe	158	.....	Laughlin, 2012.
12-in steel H-pile	152	.....	Laughlin, 2019.
16-in steel pipe ¹	161	.....	Navy, 2015.
24-in temporary steel pipe	161	.....	Navy, 2015.
30-in steel pipe	163	.....	Anchor, QEA, 2021; Greenbush, 2019; Denes <i>et al.</i> , 2016, table 72.
Impact pile installation				
30-in steel pipe ²	210 (205)	190 (185)	177 (177)	Caltrans, 2020.

¹ For the purposes of this analysis, the underwater sound source level for removal of existing 16-in steel piles (*i.e.*, 161 dB RMS per Navy, 2015) has been used for the removal of approximately 36 16-in steel pipe piles and 20 fender piles (14- or 16-in steel pipe piles).

² Values in parentheses indicate the calculated proxy source value minus 5 dB of assumed attenuation from the unconfined bubble curtain.

For this project, two hammers, including any combination of vibratory and impact hammers, may operate simultaneously. As noted earlier, the estimated ensoufied area reflects the worst-case scenario (both hammers installing 30-in steel pipe piles) for the project. However, the most likely scenario is the removal of a 16-in timber pile at the same time as installing a 30-in steel pipe pile. The calculated proxy source levels for the different potential concurrent pile driving scenarios are shown in table 5.

Two Impact Hammers

For simultaneous impact driving of two 30-in steel pipe piles (the most conservative scenario), the number of strikes per pile was doubled to estimate total sound exposure during simultaneous installation. While the likelihood of impact pile driving strikes completely overlapping in time is rare due to the intermittent nature and short duration of strikes, NMFS conservatively estimates that up to 20 percent of strikes may overlap completely in time. Therefore, to calculate Level B isopleths for simultaneous impact pile driving, dB addition (if the difference between the two sound source levels is between 0 and 1 dB, 3 dB are added to the higher sound source level) was used to calculate the combined sound source level of 188 dB RMS that was used in this analysis.

One Impact Hammer, One Vibratory Hammer

To calculate Level B isopleths for one impact and one vibratory hammer operating simultaneously, sources were treated as though they were non-overlapping and the isopleth associated with the individual source which results in the largest Level B harassment

isopleth was conservatively used for both sources to account for periods of overlapping activities.

Two Vibratory Hammers

To calculate Level B isopleths for two simultaneous vibratory hammers, the NMFS acoustic threshold calculator was used with modified inputs to account for accumulation, weighting, and source overlap in space and time. Using the rules of dB addition if the difference between the two sound source levels is between 0 and 1 dB, 3 dB are added to the higher sound source level), the combined sound source level for the simultaneous vibratory installation of two 30-in steel piles is 166 dB RMS.

The ensoufied area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional User Spreadsheet tool to accompany the Technical Guidance that can be used to relatively simply predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of potential take by Level A harassment. However, this optional tool offers the best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources, like pile driving, the optional User Spreadsheet tool predicts the distance at which, if a marine mammal remained at that distance for the duration of the activity, it would be expected to incur PTS. Inputs used in

the optional User Spreadsheet tool, and the resulting estimated isopleths, are reported in table 6, below.

To calculate Level A isopleths for two impact hammers operating simultaneously, the NMFS User Spreadsheet calculator was used with modified inputs to account for the total estimated number of strikes for all piles. For simultaneous impact driving of two 30-in steel pipe piles (the most conservative scenario), the number of strikes per pile was doubled to estimate total sound exposure during simultaneous installation, and the number of piles per day was reduced to one. The source level for two simultaneous impact hammers was not adjusted because for identical sources the accumulation of energy depends only on the total number of strikes, whether or not they overlap fully in time. Therefore, the source level used for two simultaneous impact hammers was 172 dB single-strike sound exposure level (SEL_{ss}).

To calculate Level A isopleths of one impact hammer and one vibratory hammer operating simultaneously, sources were treated as though they were non-overlapping and the isopleth associated with the individual source which resulted in the largest Level A isopleth was conservatively used for both sources to account for periods of overlapping activities.

To calculate Level A isopleths of two vibratory hammers operating simultaneously, the NMFS acoustic threshold calculator was used with modified inputs to account for accumulation, weighting, and source overlap in space and time. Using the rules of dB addition (NMFS, 2024; if the difference between the two sound source levels is between 0 and 1 dB, 3 dB are added to the higher sound source

level), the combined sound source level for the simultaneous vibratory installation of two 30-in steel piles is 166 dB RMS.

TABLE 5—CALCULATED PROXY SOUND SOURCE LEVELS FOR POTENTIAL CONCURRENT PILE DRIVING SCENARIOS

Scenario	Pile type and proxy	Calculated proxy sound source level
Two impact hammers	Impact install of 30-in steel pipe pile (172 dB SEL, 185 dB RMS) AND impact install of 30-in steel pipe pile (172 dB SEL, 185 dB RMS).	172 dB SEL for Level A. 188 dB RMS for Level B
One impact hammer, one vibratory hammer.	Impact install of 30-in steel pipe pile (172 dB SEL, 185 dB RMS) AND vibratory install of 30-in steel pipe pile (163 dB RMS).	172 dB SEL for Level A. 163 dB RMS for Level B
Two vibratory hammers ...	Vibratory install of 30-in steel pipe pile (163 dB RMS) AND vibratory install of 30-in steel pipe pile (163 dB RMS).	166 dB RMS.

TABLE 6—NMFS USER SPREADSHEET INPUTS

Pile size and type	Spreadsheet tab used	Weighting factor adjustment (kHz)	Number of piles per day	Duration to drive a single pile (min)	Number of strikes per pile
Vibratory pile driving and removal					
16-in timber pile	A.1. Vibratory pile driving.	2.5	8	60	NA
12-in steel pipe	A.1. Vibratory pile driving.	2.5	8	60	NA
12-in steel H-pile	A.1. Vibratory pile driving.	2.5	8	60	NA
16-in steel pipe	A.1 Vibratory pile driving.	2.5	8	60	NA
24-in temporary steel pipe	A.1 Vibratory pile driving.	2.5	8	60	NA
30-in steel pipe	A.1. Vibratory pile driving.	2.5	8	60	NA
Impact pile driving					
30-in steel pipe	E.1. Impact pile driving	2	8	NA	1000
Concurrent pile driving ¹					
Impact install of 30-in steel pipe pile AND impact install of 30-in steel pipe pile.	E.1. Impact pile driving	2	1	NA	8000
Impact install of 30-in steel pipe pile AND vibratory install of 30-in steel pipe pile.	E.1. Impact pile driving	2	1	NA	8000
Vibratory install of 30-in steel pipe pile AND vibratory install of 30-in steel pipe pile.	A.1. Vibratory pile driving.	2.5	1	480	NA

¹ Number of strikes is no longer per pile, it is the total number of strikes per day. The number of piles per day has been reduced to one.

TABLE 7—CALCULATED LEVELS A AND B HARASSMENT ISOPLETHS

Pile size and type	Level A harassment zone (m/km ²)		Level B harassment zone (m/km ²)
	Phocid	Otariid	
Vibratory pile driving and removal			
16-in timber pile	20/0.000693	2/0.000012	6,310/8.25
12-in steel pipe	11/0.000226	1/0.000003	3,415/5.14
12-in steel H-pile	5/0.000055	1/0.000003	1,585/2.46
16-in steel pipe	17/0.000509	2/0.000012	5,412/7.47
24-in temporary steel pipe.			
30-in steel pipe	23/0.000906	2/0.000012	7,356 ^{a b} /8.96
Impact pile driving			
30-in steel pipe	395/0.25181	29/0.001393	464/0.35
Concurrent pile driving			
Impact install of 30-in steel pipe pile AND impact install of 30-in steel pipe pile	395/0.25181	29/0.001393	736/0.89
Impact install of 30-in steel pipe pile AND vibratory install of 30-in steel pipe pile ..			7,356 ^{a b} /8.96

TABLE 7—CALCULATED LEVELS A AND B HARASSMENT ISOPLETHS—Continued

Pile size and type	Level A harassment zone (m/km ²)		Level B harassment zone (m/km ²)
	Phocid	Otariid	
Vibratory install of 30-in steel pipe pile AND vibratory install of 30-in steel pipe pile	36/2,153	3/0.000023	11,660 ^b /10.52

^a The Level B harassment thresholds for the vibratory installation of a single 30-in steel pile are equivalent to the potential simultaneous installation of up to two 30-inch steel piles using one impact hammer and one vibratory hammer operating concurrently. As noted previously, Levels A and B harassment thresholds for simultaneous pile driving were analyzed based on interim guidance provided by NMFS (2024).

^b The Level B harassment thresholds reported above were calculated using the practical spreading loss model, although the extent of actual sound propagation will be limited to the areas identified in figure 6–3 of Weyerhaeuser’s application due to the shape and configuration of the Columbia River in the vicinity.

Marine Mammal Occurrence and Take Estimation

In this section, we provide information about the occurrence of marine mammals that will inform the take calculations, and describe how the information provided is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and authorized. Daily occurrence data cones from USACE compiled weekly monitoring reports collected at the Bonneville Dam (river mile (RM) 146) from 2020 through 2021 (van der Leeuw and Tidwell, 2022). As pinnipeds would need to swim past the proposed project site to reach the dam, the number of animals observed at Bonneville Dam may be slightly lower than what would be observed at the project site. The take calculations for this project are:

$$\text{Incidental take estimate} = (\text{number of days during work window} \times \text{estimated number of animals per day}) + (\text{number of days outside work window} \times \text{estimated number of animals per day}).$$

California Sea Lion

The numbers of California sea lions observed at Bonneville Dam have been in decline in recent years and ranged from 149 in 2016 to a total of 24 in 2021 (van der Leeuw and Tidwell, 2022). During the spring period from January 1 to May 6, 2020, daily counts averaged 0.9 animals ± 3.3 standard deviation, with a high of seven individuals (Tidwell *et al.*, 2020). During spring 2021, California sea lions were present from late March through late May, but in relatively low numbers, with most days having five or fewer present (van der Leeuw and Tidwell, 2022). It is difficult to estimate the number of California sea lions that could potentially occur in the Level B harassment zone during the fall in-water

work window from these data, because the numbers at Bonneville Dam reflect a strong seasonal presence in spring. A conservative estimate of three California sea lions per day during the in-water work window and five California sea lions per day outside the in-water work window was used. Therefore, using the equation given above, the estimated number of takes by Level B harassment for California sea lions would be 510.

The largest Level A harassment zone for California sea lions extends 29 m from the sound source (table 7) during impact pile driving. All construction work would be shut down prior to a California sea lion entering the Level A harassment zone specific to the in-water activity underway at the time. In consideration of the small Level A harassment isopleth and proposed shutdown requirements, no take by Level A harassment is anticipated or authorized for California sea lions.

Steller Sea Lion

Steller sea lions have been observed in varying numbers at Bonneville Dam throughout much of the year, with a peak in April and May (Tidwell *et al.*, 2020; van der Leeuw and Tidwell, 2022). Reports from a 2-year period observed daily counts of 12 to 20 Steller sea lions during the fall survey period (Tidwell *et al.*, 2020, Tidwell and van der Leeuw, 2021), and up to 27 Steller sea lions per day in the spring (van der Leeuw and Tidwell, 2022). A conservative estimate of 20 Steller sea lions per day during the in-water work window and 27 Steller sea lions per day outside the in-water work window was used. Therefore, using the equation given above, the estimated number of takes by Level B harassment for Steller sea lions would be 3,210.

The largest Level A harassment zone for Steller sea lions extends 29 m from the sound source (table 7) during impact pile driving. All construction work would be shut down prior to a Steller sea lion entering the Level A harassment zone specific to the in-water activity underway at the time. In consideration of the small Level A harassment isopleth and proposed shutdown requirements, no take by Level A harassment is anticipated or authorized for Steller sea lions.

Harbor Seal

Harbor seals are rarely observed at Bonneville Dam, but have been recorded in low numbers over the past 10 years. A recent IHA issued for the Port of Kalama Manufacturing and Marine Export Facility (85 FR 76527), which is located near the proposed project site, used a conservative estimate based on anecdotal information of harbor seals residing near the mouths of the Cowlitz and Kalama Rivers and estimated that there could be up to 10 present on any given day of pile driving (NMFS, 2017; 81 FR 15064, March 21, 2016). Therefore, using the equation given above, the calculated estimate of take by Level B harassment for harbor seals would be 1,500.

The largest Level A harassment zone for harbor seals extends 395 m from the sound source (table 7) during impact pile driving. The Port of Kalama project estimated that one harbor seal per day could be present in the Level A harassment zone for each day of impact pile driving. Given that the largest Level A isopleth extends approximately half the width of the river (810 m), the calculated estimated take by Level A harassment for harbor seals would be 58 (1 seal on 48.5% of the 120 impact pile driving days).

TABLE 8—ESTIMATED TAKE BY LEVELS A AND B HARASSMENT

Common name	Stock	Stock abundance	Level A harassment	Level B harassment	Total authorized take	Authorized take as a percentage of stock
California sea lion	U.S. Stock	257,606	0	510	510	0.2
Steller sea lion	Eastern DPS	36,308	0	3,210	3,210	8.8
Harbor seal	OR/WA coastal stock	24,732	58	1,500	1,558	6.3

Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the

likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned); and,

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, and impact on operations.

The mitigation measures described in the following paragraphs will apply to the Weyerhaeuser in-water construction activities.

Shutdown and Monitoring Zones

Weyerhaeuser must establish shutdown zones and Level B harassment monitoring zones for all pile driving activities. The purpose of a shutdown zone is generally to define an area within which shutdown of the activity would occur upon sighting of a marine animal (or in anticipation of an animal entering the defined area). Shutdown zones are based on the largest Level A harassment zone for each pile size/type and driving method, and behavioral monitoring zones are meant to encompass Level B harassment zones for each pile size/type and driving method, as shown in table 9. A minimum shutdown zone of 10 m will be required for all in-water construction activities to avoid physical interaction with marine mammals. Shutdown zones for each activity type are shown in table 9.

Prior to pile driving, Protected Species Observers (PSOs) will survey the shutdown zones and surrounding areas for at least 30 minutes before pile driving activities start. If marine mammals are found within the shutdown zone, pile driving will be delayed until the animal has moved out of the shutdown zone, either verified by an observer or by waiting until 15 minutes has elapsed without a sighting. If a marine mammal approaches or enters the shutdown zone during pile driving, the activity will be halted. Pile driving may resume after the animal has moved out of and is moving away from the shutdown zone or after at least 15 minutes has passed since the last observation of the animal.

All marine mammals will be monitored in the Level B harassment to the extent of visibility for the on-duty PSOs. If a marine mammal for which take is authorized enters the Level B harassment zone, in-water activities will continue and PSOs will document the animal's presence within the estimated harassment zone.

If a species for which authorization has not been granted, or for which the authorized takes are met, is observed approaching or within the Level B harassment zone, pile driving activities will be shut down immediately. Activities will not resume until the animal has been confirmed to have left the area or 15 minutes has elapsed with no sighting of the animal.

TABLE 9—SHUTDOWN AND LEVEL B MONITORING ZONES BY ACTIVITY

Method	Pile size and type	Minimum shutdown zone (m)		Harassment monitoring zone (m)
		Phocid	Otariid	
Vibratory	16-in timber pile removal	20	10	6,310
	12-in steel pipe pile removal	15	10	3,415
	12-in steel H-pile removal	10	10	1,585
	16-in steel pipe removal	20	10	5,412
	24-in steel pipe pile (temporary) installation and removal	20	10	5,412
	30-in steel pipe pile installation	25	10	7,356
Impact	30-in steel pipe pile installation	200	30	464
	Two impact hammers	200	30	736
Concurrent pile driving	One impact hammer and one vibratory hammer	200	30	7,356
	Two vibratory hammers	40	10	11,660

PSOs

The placement of PSOs during all pile driving and removal activities (described in detail in the Monitoring and Reporting section) will ensure that the ensonified area of the Columbia River is visible during pile installation.

Pre- and Post-Activity Monitoring

Monitoring must take place from 30 minutes prior to initiation of pile driving activities (*i.e.*, pre-clearance monitoring) through 30 minutes post-completion of pile driving. Prior to the start of daily in-water construction activity, or whenever a break in pile driving of 30 minutes or longer occurs, PSOs will observe the shutdown and monitoring zones for a period of 30 minutes. The shutdown zone will be considered cleared when a marine mammal has not been observed within the zone for a 30-minute period. If a marine mammal is observed within the shutdown zones, pile driving activity will be delayed or halted. If work ceases for more than 30 minutes, the pre-activity monitoring of the shutdown zones will commence. A determination that the shutdown zone is clear must be made during a period of good visibility (*i.e.*, the entire shutdown zone and surrounding waters must be visible to the naked eye).

Bubble Curtain

A bubble curtain must be employed during all impact pile driving activities to interrupt the acoustic pressure and reduce impact on marine mammals. The bubble curtain must distribute air bubbles around 100 percent of the piling circumference for the full depth of the water column. The lowest bubble ring must be in contact with the mudline for the full circumference of the ring. The weights attached to the bottom ring must ensure 100 percent substrate contact. No parts of the ring or other objects may prevent full substrate contact. Air flow to the bubble rings must be balanced around the circumference of the pile. If simultaneous use of two impact hammers occurs, both piles must be mitigated with bubble curtains as described above.

Soft Start

Soft-start procedures are believed to provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the impact hammer operating at full capacity. For impact driving, an initial set of three strikes will be made by the hammer at reduced energy, followed by a 30-second waiting period, then two subsequent three-strike sets before

initiating continuous driving. Soft start will 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 30 minutes or longer.

Based on our evaluation of the applicant's proposed measures, NMFS has determined that the proposed mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.*, presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.*, source characterization, propagation, ambient noise); (2) affected species (*e.g.*, life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure (*e.g.*, age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;

- Effects on marine mammal habitat (*e.g.*, marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and,
- Mitigation and monitoring effectiveness.

Visual Monitoring

Marine mammal monitoring must be conducted in accordance with section 5 of the IHA. Marine mammal monitoring during pile driving and removal must be conducted by NMFS-approved PSOs in a manner consistent with the following:

- PSOs must be independent of the activity contractor (for example, employed by a subcontractor) and have no other assigned tasks during monitoring periods;
 - 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;
 - Other PSOs may substitute education (degree in biological science or related field) or training for experience; and,
 - Weyerhaeuser must submit PSO Curriculum Vitae for approval by NMFS prior to the onset of pile driving.
- PSOs must have the following additional qualifications:
- Ability to conduct field observations and collect data according to assigned protocols;
 - Experience or training in the field identification of marine mammals, including the identification of behaviors;
 - Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
 - Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior; and,
 - Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.
- Weyerhaeuser will employ up to four PSOs. PSO locations will provide an unobstructed view of all water within the shutdown zone(s), and as much of the Level A harassment and Level B harassment zones as possible. PSOs will be stationed along the shore of the Columbia River.

Weyerhaeuser will ensure that construction supervisors and crews, the monitoring team, and relevant Weyerhaeuser staff are trained prior to the start of activities subject to the proposed IHA, so that responsibilities, communication procedures, monitoring protocols, and operational procedures are clearly understood. New personnel joining during the project will be trained prior to commencing work. Monitoring will occur for all pile driving activities during the pile installation work window (September 1, 2025 through January 31, 2026). For pile removal activities outside the work window, one PSO will be on site to monitor the ensonified area once every 7 calendar days, whether or not vibratory pile extraction occurs on that day. Monitoring will be conducted 30 minutes before, during, and 30 minutes after pile driving/removal activities. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving/removal activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

Data Collection

PSOs will use approved data forms to record the following information:

- Dates and times (beginning and end) of all marine mammal monitoring.
- PSO locations during marine mammal monitoring.
- 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.*, vibratory or impact).
- Weather parameters and water conditions.
- 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.
- Distance and bearings of each marine mammal observed to the pile being driven or removed.
- Description of marine mammal behavior patterns, including direction of travel.
- Age and sex class, if possible, of all marine mammals observed.
- Detailed information about implementation of any mitigation triggered (such as shutdowns and delays), a description of specific actions that ensued, and resulting behavior of the animal if any.

Reporting

A draft marine mammal monitoring report will be submitted to NMFS within 90 days after the completion of pile driving and removal activities. It would include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. Specifically, the report must include:

- Dates and times (begin and end) of all marine mammal monitoring.
- Construction activities occurring during each daily observation period, including the number and type of piles driven or removed and by what method (*i.e.*, vibratory driving) and the total equipment duration for cutting for each pile.
- PSO locations during marine mammal monitoring.
- 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.
- Upon observation of a marine mammal, the following information: (1) name of PSO who sighted the animal(s) and PSO location and activity at time of sighting; (2) time of sighting; (3) identification of the animal(s) (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the composition of the group if there is a mix of species; (4) distance and bearing of each marine mammal observed relative to the pile being driven for each sighting (if pile driving was occurring at time of sighting); (5) estimated number of animals (min/max/best estimate); (6) estimated number of animals by cohort (adults, juveniles, neonates, group composition, *etc.*); (7) animal's closest point of approach and estimated time spent within the harassment zone; and (8) description of any marine mammal behavioral observations (*e.g.*, observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (*e.g.*, no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching).
- Number of marine mammals detected within the harassment zones, by species.
- Detailed information about any implementation of any mitigation triggered (*e.g.*, shutdowns and delays), a description of specific actions that ensued, and resulting changes in behavior of the animal(s), if any.

If no comments are received from NMFS within 30 days, the draft final report would constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

Reporting Injured or Dead Marine Mammals

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, Weyerhaeuser shall report the incident to the OPR, NMFS and to the west coast regional stranding network as soon as feasible. If the death or injury was clearly caused by the specified activity, Weyerhaeuser 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:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and,
- General circumstances under which the animal was discovered.

Negligible Impact Analysis and Determination

NMFS has defined 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). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.*, population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be "taken" through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.*, intensity, duration), the context of any impacts or responses (*e.g.*, critical reproductive time or location, foraging

impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (e.g., as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the discussion of our analysis applies to California sea lions, Steller sea lions, and harbor seals, given that the anticipated effects of this activity on these different marine mammal stocks are expected to be similar. There is little information about the nature or severity of the impacts, or the size, status, or structure of any of these species or stocks that would lead to a different analysis for this activity.

Pile driving activities have the potential to disturb or displace marine mammals. Specifically, the project activities may result in take, in the form of Level A harassment and Level B harassment from underwater sounds generated from pile driving and removal. Potential takes could occur if individuals are present in the ensonified zone when these activities are underway.

The takes from Level B harassment would be due to potential behavioral disturbance, and TTS. Level A harassment takes would be due to PTS. No mortality or serious injury is anticipated given the nature of the activity, even in the absence of the required mitigation. The potential for harassment is minimized through the construction method and the implementation of the mitigation measures (see Mitigation section).

Take would occur within a limited, confined area (the Columbia River) of the stocks' ranges. Level A harassment and Level B harassment would be reduced to the level of least practicable adverse impact through use of mitigation measures described herein. Further, the amount of take authorized is extremely small when compared to stock abundance, and the project is not anticipated to impact any known important habitat areas for any marine mammal species.

Take by Level A harassment is authorized to account for the potential that an animal could enter and remain within the area between a Level A

harassment zone and the shutdown zone for a duration long enough to be taken by Level A harassment. Any take by Level A harassment is expected to arise from, at most, a small degree of PTS because animals would need to be exposed to higher levels and/or longer duration than are expected to occur here in order to incur any more than a small degree of PTS. Additionally, and as noted previously, some subset of the individuals that are behaviorally harassed could also simultaneously incur some small degree of TTS for a short duration of time. Because of the small degree anticipated, though, any PTS or TTS potentially incurred here would not be expected to adversely impact individual fitness, let alone annual rates of recruitment or survival.

Behavioral responses of marine mammals to pile driving at the project site, if any, are expected to be mild and temporary. Marine mammals within the Level B harassment zone may not show any visual cues they are disturbed by activities or could become alert, avoid the area, leave the area, or display other mild responses that are not observable such as changes in vocalization patterns. Given the limited number of piles to be installed or extracted per day and that pile driving and removal would occur across a maximum of 150 days within the 12-month authorization period, any harassment would be temporary.

Any impacts on marine mammal prey that would occur during Weyerhaeuser's activity would have, at most, short-term effects on foraging of individual marine mammals, and likely no effect on the populations of marine mammals as a whole. Indirect effects on marine mammal prey during the construction are expected to be minor, and these effects are unlikely to cause substantial effects on marine mammals at the individual level, with no expected effect on annual rates of recruitment or survival.

In addition, it is unlikely that minor noise effects in a small, localized area of habitat would have any effect on the stocks' annual rates of recruitment or survival. In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activities will have only minor, short-term effects on individuals. The specified activities are not expected to impact rates of recruitment or survival and will therefore not result in population-level impacts.

In summary and as described above, the following factors primarily support our determination that the impacts

resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- The intensity of anticipated takes by Level B harassment is relatively low for all stocks and would not be of a duration or intensity expected to result in impacts on reproduction or survival;
- No important habitat areas have been identified within the project area;
- For all species, the Columbia River is a very small and peripheral part of their range and anticipated habitat impacts are minor; and,
- Weyerhaeuser will implement mitigation measures, such as soft-starts for impact pile driving and shut downs to minimize the numbers of marine mammals exposed to injurious levels of sound, and to ensure that take by Level A harassment, is at most, a small degree of PTS.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

Table 8 demonstrates the number of animals that could be exposed to received noise levels that could cause Level B harassment for the work. Our analysis shows that less than 10 percent of each affected stock could be taken by harassment. The numbers of animals authorized to be taken for these stocks

would be considered small relative to the relevant stock's abundances, even if each estimated taking occurred to a new individual—an extremely unlikely scenario.

Based on the analysis contained herein of the activity (including the mitigation and monitoring measures) and the authorized take of marine mammals, NMFS finds that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly,

NMFS has determined that the issuance of this IHA qualifies to be categorically excluded from further NEPA review.

Authorization

NMFS has issued an IHA to Weyerhaeuser for the potential harassment of small numbers of three marine mammal species incidental to the Log Export Dock Project on the Columbia River near Longview, Washington that includes the previously explained mitigation, monitoring and reporting requirements.

Dated: August 2, 2024.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE161]

Nominations for Advisory Committee and Species Working Group Technical Advisor Appointments to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of request for nominations.

SUMMARY: NMFS is soliciting nominations (which may include self-nominations) to the Advisory Committee to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas (ICCAT) as established by the Atlantic Tunas Convention Act (ATCA). NMFS is also soliciting nominations for Technical Advisors to the Advisory Committee's species working groups.

DATES: Nominations must be received by September 13, 2024.

ADDRESSES: Nominations, including a letter of interest and a resume or curriculum vitae, should be sent via email to Bryan Keller at bryan.keller@noaa.gov. Include in the subject line whether the nomination is for a position as an Advisory Committee member or as a Technical Advisor to one of the Committee's species working groups.

FOR FURTHER INFORMATION CONTACT: Bryan Keller, Office of International Affairs, Trade, and Commerce; email:

bryan.keller@noaa.gov; phone: 301-427-7725.

SUPPLEMENTARY INFORMATION:

The Convention and the Commission

ICCAT was established to provide an effective program of international cooperation in research and conservation in recognition of the unique problems related to the highly migratory nature of tunas and tuna-like species. The International Convention for the Conservation of Atlantic Tunas (Convention), which established ICCAT, entered into force in 1969. ICCAT usually holds an Annual Meeting in November of each year, and convenes meetings of its working groups and other subsidiary bodies between annual meetings as needed. Under ATCA (see 16 U.S.C. 971a), the United States is represented at ICCAT by not more than three U.S. Commissioners. Additional information about ICCAT is available at www.iccat.int.

Advisory Committee to the U.S. Section to ICCAT and its Species Working Groups

ATCA (see 16 U.S.C. 971 *et seq.*) establishes an advisory committee comprising: (1) Not less than 5 nor more than 20 individuals appointed by the U.S. Commissioners to ICCAT who shall select such individuals from the various groups concerned with the fisheries covered by the ICCAT Convention; and (2) the chairs (or their designees) of the New England, Mid-Atlantic, South Atlantic, Caribbean, and Gulf of Mexico Fishery Management Councils. Each member of the Advisory Committee shall serve for a term of 2 years and be eligible for reappointment. The Committee meets at least twice a year during which members receive information and provide advice on ICCAT-related matters. All members of the Advisory Committee are appointed in their individual professional capacity and undergo a background screening. Any individual appointed to the Committee who is unable to attend all or part of an Advisory Committee meeting may not appoint another person to attend such meetings as his or her proxy. Nominees should be able to fulfill the time and travel commitments required to participate in the Committee's annual spring and fall meetings, in addition to ad hoc meetings as necessary throughout the year. The annual spring and fall meetings are normally 2 days long and are usually held in Silver Spring, Maryland, or Miami, Florida.

Members of the Advisory Committee receive no compensation for their services. The Secretary of Commerce