

September 1, 2017

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*Submitted via: ITP.Laws@noaa.gov*

**RE: Taking Marine Mammals Incidental to U.S. Navy Marine Structure Maintenance and Pile Replacement in Washington; 82 FR 36359; RIN: 0648-XF59**

Whale and Dolphin Conservation (WDC) is the leading global charity dedicated to the conservation and protection of whales, dolphins, and their habitats worldwide. WDC has previously submitted comments on requests by the Navy for incidental harassment authorizations (IHAs) related to ongoing construction work at Naval operations in Washington state waters (see comments for RIN 0648-XD282). In response to the request for comments on the incidental take of marine mammals resulting from repair and maintenance of marine structures at Naval Base and Naval Station Everett (both in Puget Sound, Washington), we wish to submit the following.

We are encouraged to see updates to monitoring and mitigation techniques for Naval construction projects in Puget Sound, including recognition of the potential impact on the critically endangered Southern Resident orca population, but we have some concerns with the most recent IHA request. Displacement of both Resident and Bigg's orcas has been documented as a result of acoustic disturbance and it is possible that underwater noise could discourage orcas from entering Hood Canal during construction (Morton 2002, NMFS 2008).

We appreciate the Navy's efforts to affect the least practicable adverse impacts on affected marine mammal species in the area. However, we wish to emphasize the critically endangered and declining status of the Southern Resident orca population: any adverse impact to this fragile community of orcas may be too much for individuals to overcome – at this point, no impact to the population should be considered “negligible.” With an estimate of only 77 individuals as of August 2017 (Center for Whale Research), the Southern Residents have only been seen a dozen times in their summer critical habitat range since May of this year. They historically frequent waters around the San Juan Islands in summer months, and move south into Puget Sound in early autumn, where they may be found until January (NMFS 2008). This timing overlaps with the planned in-water work for the Navy's scheduled construction projects, contradicting the prediction of a low probability of Southern Resident occurrence at project sites. Given this co-occurrence, the Navy must utilize all possible monitoring and mitigation techniques to prevent adverse impacts to the Southern Residents. As the orcas continuously struggle to find food, any activity that could potentially displace the orcas from historic foraging areas should not take place at times the Southern Residents utilize the area.

Bigg's (or transient) orcas are seen with increasing frequency in Salish Sea waters, present in larger groups and at all times of the year (Houghton et al. 2015, Wiles 2016). More recent citizen-science reported sightings indicate a continuance of this trend (Orca

Network). Bigg's orcas are much more cryptic than Resident orcas, a necessity for hunting highly alert prey, and rely on sound to detect other marine mammals (DFO 2013). Underwater noise has the potential to impact both types of orcas, but may disproportionately impede the ability of Bigg's orcas to forage efficiently.

We encourage the Navy to implement the most rigorous mitigation measures possible for orcas, particularly for the endangered Southern Resident population. We are encouraged by the new methods outlined in this IHA application, including the "soft start" technique to underwater activities, acoustic minimization measures, and visual monitoring from the best vantage points to monitor marine mammal presence. However, we wish to remind NMFS and the Navy of the fragile status of the Southern Resident orca population and the fact that any adverse impact on this group of orcas should be avoided.

Thank you for the opportunity to comment on this IHA application, and please reach out to WDC for any additional information or for further discussion.

Regards,



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## References

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