

DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

Letter of Authorization

The Commander, Naval Sea Systems Command, 1333 Isaac Hull Avenue, SE, Washington Navy Yard, DC 20376, and persons operating under his authority (i.e., Navy), are authorized to take marine mammals incidental to Navy testing activities conducted in the Hawaii-Southern California Training and Testing Study Area in accordance with 50 CFR Part 218, Subpart H—Taking and Importing Marine Mammals; U.S. Navy’s Hawaii-Southern California Training and Testing (HSTT) subject to the provisions of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*; MMPA) and the following conditions:

1. This Authorization is valid for the period December 26, 2013, through December 25, 2018.

2. This Authorization is valid only for the unintentional taking of the species of marine mammals and methods of take identified in Section 5(b) of this Authorization incidental to the testing activities specified in Section 4(a) of this Authorization and occurring within the HSTT Study Area, (as depicted in Figure ES-1 of the Navy’s FEIS/OEIS). In addition, the Study Area includes U.S. Navy pierside locations and areas on the high seas where maintenance or testing may occur.

3. This Authorization is valid only if the Holder of the Authorization or any person(s) operating under his authority implements the mitigation, monitoring, and reporting required pursuant to 50 CFR §§ 218.74 & 218.75 and implements the Terms and Conditions of this Authorization.

4. (a) This Authorization is valid for the testing activities identified below:

(1) The use of the following non-impulsive sources during testing:

- (i) LF4 – an average of 52 hours per year
- (ii) LF5 – an average of 2,160 hours per year
- (iii) LF6 – an average of 192 hours per year
- (iv) MF1 – an average of 180 hours per year
- (v) MF1K – an average of 18 hours per year
- (vi) MF2 – an average of 84 hours per year
- (vii) MF3 – an average of 392 hours per year
- (viii) MF4 – an average of 693 hours per year

- (ix) MF5 – an average of 5,024 items per year
- (x) MF6 – an average of 540 items per year
- (xi) MF8 – an average of 2 hours per year
- (xii) MF9 – an average of 3,039 hours per year
- (xiii) MF10 – an average of 35 hours per year
- (xiv) MF12 – an average of 336 hours per year
- (xv) HF1 – an average of 1,025 hours per year
- (xvi) HF3 – an average of 273 hours per year
- (xvii) HF4 – an average of 1,336 hours per year
- (xviii) HF5 – an average of 1,094 hours per year
- (xix) HF6 – an average of 3,460 hours per year
- (xx) ASW1 – an average of 224 hours per year
- (xxi) ASW2 – an average of 2,260 items per year
- (xxii) ASW2 – an average of 255 hours per year
- (xxiii) ASW3 – an average of 1,278 hours per year
- (xxiv) ASW4 – an average of 477 items per year
- (xxv) TORP1 – an average of 701 items per year
- (xxvi) TORP2 – an average of 732 items per year
- (xxvii) M3 – an average of 4,995 hours per year
- (xxviii) SD1 – an average of 38 hours per year
- (xxviiii) AG – an average of 5 airgun uses per year
- (xxvv) SAS1 – an average of 2,700 hours per year
- (xxvvi) SAS2 – an average of 4,956 hours per year
- (xxvvii) SAS3 – an average of 3,360 hours per year

(2) The use of the following impulsive source detonations during testing:

- (i) E1 (0.1 lb to 0.25 lb NEW) – an average of 14,501 detonations per year
- (ii) E2 (0.26 lb to 0.5 lb NEW) – an average of 0 detonations per year
- (iii) E3 (>0.5 lb to 2.5 lb NEW) – an average of 2,990 detonations per year
- (iv) E4 (>2.5 lb to 5 lb NEW) – an average of 753 detonations per year
- (v) E5 (>5 lb to 10 lb NEW) – an average of 202 detonations per year
- (vi) E6 (>10 lb to 20 lb NEW) – an average of 37 detonations per year
- (vii) E7 (>20 lb to 60 lb NEW) – an average of 21 detonations per year
- (viii) E8 (>60 lb to 100 lb NEW) – an average of 12 detonations per year
- (ix) E9 (>100 lb to 250 lb NEW) – an average of 0 detonations per year
- (x) E10 (>250 lb to 500 lb NEW) – an average of 31 detonations per year
- (xi) E11 (>500 lb to 650 lb NEW) – an average of 14 detonations per year
- (xii) E12 (>650 lb to 1,000 lb NEW) – an average of 0 detonations per year
- (xiii) E13 (>1,000 lb to 1,740 lb NEW) – an average of 0 detonations per year
- (xiv) Pile driving – no more than 4 events per year

(b) This authorization is also valid for the activities and sources listed in 4(a) should the amounts (i.e., hours, items, detonations) vary from those estimated in 4(a), provided that the variation does not result in exceeding the amount of take indicated in 5(a), below.

5. (a) The incidental take of marine mammals under the activities identified in 4(a), above, and § 218.70(c) is limited to the species listed in 5(b) and 5(c) below, by the indicated method of take and the indicated number of times (estimated based on the authorized amounts of sound source operation):

(b) Level B Harassment for all Testing Activities:

(1) Mysticetes:

- (i) Blue whale (*Balaenoptera musculus*) – 2,140 (up to 426 per year)
- (ii) Bryde’s whale (*Balaenoptera edeni*) – 90 (an average of 18 per year)
- (iii) Fin whale (*Balaenoptera physalus*) – 1,125 (up to 225 per year)
- (iv) Gray whale (*Eschrichtius robustus*), Eastern North Pacific – 12,840 (an average of 2,568 per year)
- (v) Gray whale (*Eschrichtius robustus*), Western North Pacific – 10 (up to 2 per year)
- (vi) Humpback whale (*Megaptera novaengliae*) – 4,635 (up to 927 per year)
- (vii) Minke whale (*Balaenoptera acutorostrata*) – 395 (an average of 79 per year)
- (viii) Sei whale (*Balaenoptera borealis*) – 255 (up to 51 per year)

(2) Odontocetes:

- (i) Baird’s beaked whale (*Berardius bairdii*) – 5,225 (an average of 1,045 per year)
- (ii) Blainville’s beaked whale (*Mesoplodon densirostris*) – 4,800 (an average of 960 per year)
- (iii) Bottlenose dolphin (*Tursiops truncatus*), California Coastal – 3,845 (an average of 769 per year)
- (iv) Bottlenose dolphin (*Tursiops truncatus*), CA/OR/WA – 12,035 (an average of 2,407 per year)
- (v) Bottlenose dolphin (*Tursiops truncatus*), Hawaii Pelagic – 1,286 (an average of 257 per year)
- (vi) Bottlenose dolphin (*Tursiops truncatus*), Oahu – 238 (an average of 48 per year)
- (vii) Bottlenose dolphin (*Tursiops truncatus*), 4-Islands Region – 61 (an average of 12 per year)
- (viii) Bottlenose dolphin (*Tursiops truncatus*), Kauai and Niihau – 59 (an average of 12 per year)
- (ix) Bottlenose dolphin (*Tursiops truncatus*), Hawaii Island – 41 (an average of 8 per year)
- (x) Cuvier’s beaked whale (*Ziphius cavirostris*) – 34,340 (an average of 6,868 per year)

- (xi) Dwarf sperm whale (*Kogia sima*) – 11,880 (an average of 2,376 per year)
- (xii) Dall’s porpoise (*Phocoenoida dalli*) – 26,075 (an average of 5,215 per year)
- (xiii) False killer whale (*Pseudorca crassidens*), Main Hawaiian Islands Insular – 20 (up to 4 per year)
- (xiv) False killer whale (*Pseudorca crassidens*) – 255 (an average of 51 per year)
- (xv) Fraser’s dolphin (*Lagenodelphis hosei*) – 225 (an average of 45 per year)
- (xvi) Killer whale (*Orcinus orca*) – 335 (an average of 67 per year)
- (xvii) *Kogia* spp. – 6,160 (an average of 1,232 per year)
- (xviii) Long-beaked common dolphin (*Delphinus capensis*) – 239,255 (an average of 47,851 per year)
- (xix) Longman’s beaked whale (*Indopacetus pacificus*) 2,180 (an average of 436 per year)
- (xx) Melon-headed whale (*Peponocephala electra*) – 620 (an average of 124 per year)
- (xxi) *Mesoplodon* beaked whales – 1,725 (an average of 345 per year)
- (xxii) Northern right whale dolphin (*Lissodelphis borealis*) – 28,645 (an average of 5,729 per year)
- (xxiii) Pacific white-sided dolphin (*Lagenorhynchus obliquidens*) – 24,620 (an average of 4,924 per year)
- (xxiv) Pantropical spotted dolphin (*Stenella attenuate*) 3,425 (an average of 685 per year)
- (xxv) Pygmy killer whale (*Feresa attenuate*) 305 (an average of 61 per year)
- (xxvi) Pygmy sperm whale (*Kogia breviceps*) – 585 (an average of 117 per year)
- (xxvii) Risso’s dolphin (*Grampus griseus*) 44,260 (an average of 8,852 per year)
- (xxviii) Rough-toothed dolphin (*Steno bredanensis*) 2,050 (an average of 410 per year)
- (xxix) Short-beaked common dolphin (*Delphinus delphis*) 613,740 (an average of 122,748 per year)
- (xxx) Short-finned pilot whale (*Globicephala macrorhynchus*) 4,380 (an average of 876 per year)
- (xxxi) Sperm whale (*Physeter macrocephalus*) – 1,315 (up to 263 per year)
- (xxxii) Spinner dolphin (*Stenella longirostris*) – 835 (an average of 167 per year)
- (xxxiii) Striped dolphin (*Stenella coerulealba*) – 6,335 (an average of 1,267 per year)

(3) Pinnipeds:

- (i) California sea lion (*Zalophus californianus*) 65,190 (an average of 13,038 per year)
- (ii) Guadalupe fur seal (*Arctocephalus townsendi*) 1,345 (an average of 269 per year)
- (iii) Harbor seal (*Phoca vitulina*) – 4,460 (an average of 892 per year)
- (iv) Hawaiian monk seal (*Monachus schauinslandi*) – 1,790 (an average of 358 per year)
- (v) Northern elephant seal (*Mirounga angustirostris*) – 13,560 (an average of 2,712 per year)
- (vi) Northern fur seal (*Callorhinus ursinus*) – 5,440 (an average of 1,088 per year)

(c) Level A Harassment for all Testing Activities:

(1) Mysticetes:

- (i) Gray whale (*Eschrichtius robustus*), Eastern North Pacific – 5 (an average of 1 per year)

(2) Odonotocetes:

- (i) Dwarf sperm whale (*Kogia sima*) – 140 (an average of 28 per year)
- (ii) Dall's porpoise (*Phocoenoides dalli*) – 160 (an average of 32 per year)
- (iii) *Kogia* spp. – 30 (an average of 6 per year)
- (iv) Long-beaked common dolphin (*Delphinus capensis*) – 10 (an average of 2 per year)
- (v) Northern right whale dolphin (*Lissodelphis borealis*) – 5 (an average of 1 per year)
- (vi) Pacific white-sided dolphin (*Lagenorhynchus obliquidens*) – 5 (an average of 1 per year)
- (vii) Pantropical spotted dolphin (*Stenella attenuate*) – 10 (an average of 2 per year)
- (viii) Pygmy sperm whale (*Kogia breviceps*) – 5 (an average of 1 per year)
- (ix) Risso's dolphin (*Grampus griseus*) – 5 (an average of 1 per year)
- (x) Short-beaked common dolphin (*Delphinus delphis*) – 200 (an average of 40 per year)
- (xi) Spinner dolphin (*Stenella longirostris*) – 5 (an average of 1 per year)
- (xii) Striped dolphin (*Stenella coerulealba*) – 5 (an average of 1 per year)

(3) Pinnipeds:

- (i) California sea lion (*Zalpus californianus*) – 85 (an average of 17 per year)
- (ii) Harbor seal (*Phoca vitulina*) – 15 (an average of 3 per year)

- (iii) Northern elephant seal (*Mirounga angustirostris*) – 25 (an average of 5 per year)
- (iv) Northern fur seal (*Callorhinus ursinus*) – 15 (an average of 3 per year)

(d) Injury or Mortality for all Testing Activities

(1) No more than 95 mortalities (an average of 19 per year) applicable to any small odontocete (i.e., dolphin) or pinniped (with the exception of Hawaiian monk seal and Guadalupe fur seal) species from an impulse source. No more than 4 mortalities of any one of the following stocks/species: Hawaii Stock Complex of bottlenose dolphin, Fraser's dolphin, pantropical spotted dolphin, Hawaiian stock of Risso's dolphin, rough-toothed dolphin, spinner dolphin, Hawaiian stock of striped dolphin. No more than 13 of any one of the following stocks/species: CA/OR/WA offshore stock of bottlenose dolphin, Dall's porpoise, long-beaked common dolphin, northern right whale dolphin, Pacific white-sided dolphin, CA/OR/WA stock of Risso's dolphin, CA/OR/WA stock of short-beaked common dolphin, CA/OR/WA stock of striped dolphin, California sea lion, northern fur seal, harbor seal, and northern elephant seal.

(2) No more than 3 large whale injuries or mortalities or serious injuries (no more than 2 in any given year) from vessel strike. No more than 1 of any one species of blue whale, fin whale, Western North Pacific gray whale, humpback whale, sei whale, or sperm whale in any given year.

6. Mitigation – The Holder of this Authorization, and any individuals operating under his authority, must implement the following mitigation measures when conducting activities identified in Section 4 of this Authorization:

(a) Lookouts – The following are protective measures concerning the use of Lookouts:

(1) Lookouts positioned on ships will be dedicated solely to diligent observation of the air and surface of the water. Their observation objectives will include, but are not limited to, detecting the presence of biological resources and recreational or fishing boats, observing mitigation zones, and monitoring for vessel and personnel safety concerns.

(2) Lookouts positioned in aircraft or on small boats will, to the maximum extent practicable and consistent with aircraft and boat safety and testing requirements, comply with the observation objectives described above in § 218.74 (a)(1)(i).

(3) Lookout measures for non-impulsive sound:

(i) With the exception of ships less than 65 ft (20 m) in length and ships which are minimally manned, ships using low-frequency or hull-mounted mid-frequency active sonar sources associated with anti-submarine warfare and mine warfare activities at sea will have two Lookouts at the forward position of the ship. For the purposes of this rule,

low-frequency active sonar does not include surveillance towed array sensor system low-frequency active sonar.

(ii) While using low-frequency or hull-mounted mid-frequency active sonar sources associated with anti-submarine warfare and mine warfare activities at sea, vessels less than 65 ft (20 m) in length and ships which are minimally manned will have one Lookout at the forward position of the vessel due to space and manning restrictions.

(iii) Ships conducting active sonar activities while moored or at anchor (including pier-side testing or maintenance) will maintain one Lookout.

(iv) Surface ships or aircraft conducting high-frequency or non-hull-mounted mid-frequency active sonar activities associated with anti-submarine warfare and mine warfare activities at sea will have one Lookout.

(4) Lookout measures for explosives and impulsive sound:

(i) Aircraft conducting IEER sonobuoy activities will have one Lookout.

(ii) Surface vessels conducting anti-swimmer grenade activities will have one Lookout.

(iii) During general mine countermeasure and neutralization activities using up to a 500-lb net explosive weight detonation (bin E10 and below), vessels greater than 200 ft will have two Lookouts, while vessels less than 200 ft or aircraft will have one Lookout.

(iv) General mine countermeasure and neutralization activities using a 501 to 650-lb net explosive weight detonation (bin E11), will have two Lookouts. One Lookout will be positioned in an aircraft and one in a support vessel.

(v) Mine neutralization activities involving diver-placed charges using up to a 29-lb net explosive weight detonation (bin E7) conducted with a positive control device will have a total of two Lookouts. One Lookout will be positioned in each of the two support vessels, or one in a support vessel and one in a helicopter. All divers placing the charges on mines will support the Lookouts while performing their regular duties. The divers placing the charges on mines will report all marine mammal sightings to their dive support vessel or Range Safety Officer.

(vi) When mine neutralization activities using diver-placed charges with up to a 29-lb net explosive weight detonation (bin E7) are conducted with a time-delay firing device, four Lookouts will be used. Two Lookouts will be positioned in each of two small rigid hull inflatable boats or on one boat and in one helicopter when aircraft are used. The divers placing the charges on mines will report all marine mammal sightings to their dive support vessel or Range Safety Officer.

(vii) Surface vessels or aircraft conducting small- and medium-caliber gunnery exercises against a surface target will have one Lookout.

(viii) Surface vessels conducting large-caliber gunnery exercises against a surface target will have one Lookout.

(ix) Aircraft conducting missile exercises (including rockets) against surface targets will have one Lookout.

(x) Aircraft conducting bombing exercises will have one Lookout.

(xi) During explosive torpedo testing, one Lookout will be used and positioned in an aircraft.

(xii) During sinking exercises, two Lookouts will be used. One Lookout will be positioned in an aircraft and one on a surface vessel.

(xiii) Each surface vessel supporting at-sea explosive testing will have at least one Lookout.

(xiv) During pile driving, one Lookout will be used and positioned on the platform that will maximize the potential for marine mammal sightings (e.g., the shore, an elevated causeway, or on a small boat).

(xv) Surface vessels conducting explosive and non-explosive large-caliber gunnery exercises will have one Lookout. This may be the same Lookout used during large-caliber gunnery exercises with a surface target.

(5) Lookout measures for physical strike and disturbance:

(i) While underway, surface ships will have at least one Lookout.

(ii) During activities using towed in-water devices, when towed from a manned platform, one Lookout will be used.

(iii) Activities involving non-explosive practice munitions (e.g., small-, medium-, and large-caliber gunnery exercises) using a surface target will have one Lookout.

(iv) During activities involving non-explosive bombing exercises, one Lookout positioned in an aircraft will be used.

(v) During activities involving non-explosive missile exercises (including rockets) using a surface target, one Lookout will be used.

(b) Mitigation Zones – The following are protective measures concerning the implementation of mitigation zones.

(1) Mitigation zones will be measured as the radius from a source and represent a distance to be monitored.

(2) Visual detections of marine mammals within a mitigation zone will be communicated immediately to a watch station for information dissemination and appropriate action.

(3) Mitigation zones for non-impulsive sound¹:

(i) When marine mammals are visually detected, the Navy shall ensure that low-frequency and hull-mounted mid-frequency active sonar transmission levels are limited to at least 6 dB below normal operating levels, for sources that can be powered down, if any detected marine mammals are within 1,000 yd (914 m) of the sonar dome (the bow).

(ii) The Navy shall ensure that low-frequency and hull-mounted mid-frequency active sonar transmissions are limited to at least 10 dB below the equipment's normal operating level, for sources that can be powered down, if any detected marine mammals are within 500 yd (457 m) of the sonar dome.

¹ The mitigation zone would be 200 yd (183 m) for low-frequency non-hull mounted sources in bins LF4 and LF5.

(iii) The Navy shall ensure that low-frequency sonar and hull-mounted mid-frequency active sonar transmissions are ceased, for sources that can be turned off during the activity, if any visually detected marine mammals are within 200 yd (183 m) of the sonar dome. Transmissions will not resume until one of the following conditions is met: the animal is observed exiting the mitigation zone; the animal is thought to have exited the mitigation zone based on a determination of its course and speed and the relative motion between the animal and the source; the mitigation zone has been clear from any additional sightings for a period of 30 minutes; the ship has transited more than 2,000 yd (1.8 km) beyond the location of the last sighting; or the ship concludes that dolphins are deliberately closing in on the ship to ride the ship's bow wave (and there are no other marine mammal sightings within the mitigation zone). Active transmission may resume when dolphins are bow riding because they are out of the main transmission axis of the active sonar while in the shallow-wave area of the bow.

(iv) The Navy shall ensure that low-frequency and hull-mounted mid-frequency active sonar transmissions are ceased for sources that cannot be powered down during the activity, if any visually detected marine mammals are within 200 yd (183 m) of the source. Transmissions will not resume until one of the following conditions is met: the animal is observed exiting the mitigation zone; the animal is thought to have exited the mitigation zone based on a determination of its course and speed and the relative motion between the animal and the source; the mitigation zone has been clear from any additional sightings for a period of 30 minutes; the ship has transited more than 400 yd (366 m) beyond the location of the last sighting.

(v) When marine mammals are visually detected, the Navy shall ensure that high-frequency and non-hull-mounted mid-frequency active sonar transmission levels are ceased if any visually detected marine mammals are within 200 yd (183 m) of the source. Transmissions will not resume until one of the following conditions is met: the animals is observed exiting the mitigation zone; the animal is thought to have exited the mitigation zone based on a determination of its course and speed and the relative motion between the animal and the source; the mitigation zone has been clear from any additional sightings for a period of 10 minutes for an aircraft-deployed source; the mitigation zone has been clear from any additional sightings for a period of 30 minutes for a vessel-deployed source; the vessel or aircraft has repositioned itself more than 400 yd (366 m) away from the location of the last sighting; or the vessel concludes that dolphins are deliberately closing to ride the vessel's bow wave (and there are no other marine mammal sightings within the mitigation zone).

(4) Mitigation zones for explosive and impulsive sound:

(i) A mitigation zone with a radius of 600 yd (549 m) shall be established for IEER sonobuoys (bin E4).

(ii) A mitigation zone with a radius of 350 yd (320 m) shall be established for explosive sonobuoys using 0.6 to 2.5 lb net explosive weight (bin E3).

(iii) A mitigation zone with a radius of 200 yd (183 m) shall be established for anti-swimmer grenades (bin E2).

(iv) A mitigation zone ranging from 600 yd (549 m) to 2,100 yd (1.9 km), dependent on charge size, shall be established for general mine countermeasure and neutralization activities using positive control firing devices. Mitigation zone distances are specified for charge size in Table 11-2 of the Navy's application.

(v) A mitigation zone ranging from 350 yd (320 m) to 850 yd (777 m), dependent on charge size, shall be established for mine countermeasure and neutralization activities using diver-placed positive control firing devices. Mitigation zone distances are specified for charge size in Table 11-2 of the Navy's application.

(vi) A mitigation zone with a radius of 1,000 yd (914 m) shall be established for mine neutralization diver placed mines using time-delay firing devices (bin E7).

(vii) A mitigation zone with a radius of 200 yd (183 m) shall be established for small- and medium-caliber gunnery exercises with a surface target (bin E2).

(viii) A mitigation zone with a radius of 600 yd (549 m) shall be established for large-caliber gunnery exercises with a surface target (bin E5).

(ix) A mitigation zone with a radius of 900 yd (823 m) shall be established for missile exercises (including rockets) with up to 250 lb net explosive weight and a surface target (bin E9).

(x) A mitigation zone with a radius of 2,000 yd (1.8 km) shall be established for missile exercises with 251 to 500 lb net explosive weight and a surface target (E10)

(xi) A mitigation zone with a radius of 2,500 yd (2.3 km) shall be established for bombing exercises (bin E12).

(xii) A mitigation zone with a radius of 2,100 yd (1.9 km) shall be established for torpedo (explosive) testing (bin E11).

(xiii) A mitigation zone with a radius of 2.5 nautical miles shall be established for sinking exercises (bin E12).

(xiv) A mitigation zone with a radius of 1,600 yd (1.4 km) shall be established for at-sea explosive testing (bin E5).

(xv) A mitigation zone with a radius of 60 yd (55 m) shall be established for elevated causeway system pile driving.

(xvi) A mitigation zone with a radius of 70 yd (64 m) within 30 degrees on either side of the gun target line on the firing side of the vessel for explosive and non-explosive large-caliber gunnery exercises.

(5) Mitigation zones for vessels and in-water devices:

(i) A mitigation zone of 500 yd (457 m) for observed whales and 200 yd (183 m) for all other marine mammals (except bow riding dolphins) shall be established for all vessel movement, providing it is safe to do so.

(ii) A mitigation zone of 250 yd (229 m) for any observed marine mammal shall be established for all towed in-water devices that are towed from a manned platform, providing it is safe to do so.

(6) Mitigation zones for non-explosive practice munitions:

(i) A mitigation zone of 200 yd (183 m) shall be established for small, medium, and large caliber gunnery exercises using a surface target with non-explosive practice munitions.

(ii) A mitigation zone of 1,000 yd (914 m) shall be established for bombing exercises with non-explosive practice munitions.

(iii) A mitigation zone of 900 yd (823 m) shall be established for missile exercises (including rockets) using a surface target.

(7) Mitigation zones for the use of Navy sea lions:

(i) If a monk seal is seen approaching or within 100 m of a Navy sea lion, the handler will hold the Navy sea lion in the boat or recall the Navy sea lion immediately if it has already been released.

(c) Humpback Whale Cautionary Area

(1) The Navy will maintain a 5-km (3.1-mi) buffer zone between December 15 and April 15 where conducting mid-frequency active sonar exercises will require authorization by the Commander, U.S. Pacific Fleet (CPF).

(2) If authorized, the CPF will provide specific direction on required mitigation prior to operational units transiting to and training in the area.

(3) The Navy will provide NMFS with advance notification of any mid-frequency active sonar testing activities in the humpback whale cautionary area between December 15 and April 15.

(d) Stranding Response Plan: The Navy shall abide by the letter of the “Stranding Response Plan for Major Navy Training and Testing Exercises in the HSTT Study Area,” to include the following measures:

(1) Shutdown Procedures - When an Uncommon Stranding Event (USE – defined in § 218.71 (b)(1)) occurs during a Major Training Exercise (MTE) in the HSTT Study Area, the Navy shall implement the procedures described below.

(i) The Navy shall implement a shutdown (as defined § 218.71 (b)(2)) when advised by a NMFS Office of Protected Resources Headquarters Senior Official designated in the HSTT Study Area Stranding Communication Protocol that a USE involving live animals has been identified and that at least one live animal is located in the water. NMFS and the Navy will maintain a dialogue, as needed, regarding the identification of the USE and the potential need to implement shutdown procedures.

(ii) Any shutdown in a given area shall remain in effect in that area until NMFS advises the Navy that the subject(s) of the USE at that area die or are euthanized, or that all live animals involved in the USE at that area have left the area (either of their own volition or herded).

(iii) If the Navy finds an injured or dead animal floating at sea during an MTE, the Navy shall notify NMFS immediately or as soon as operational security considerations allow. The Navy shall provide NMFS with species or description of the animal(s), the condition of the animal(s), including carcass condition if the animal(s) is/are dead, location, time of first discovery, observed behavior (if alive), and photo or video (if available). Based on the information provided, NMFS will determine if, and advise the Navy whether a modified shutdown is appropriate on a case-by-case basis.

(iv) In the event, following a USE, that qualified individuals are attempting to herd animals back out to the open ocean and animals are not willing to leave, or animals are seen repeatedly heading for the open ocean but turning back to shore, NMFS and the Navy shall coordinate (including an investigation of other potential anthropogenic stressors in the area) to determine if the proximity of mid-frequency active sonar training or testing activities or explosive detonations, though farther than 14 nautical miles from the distressed animal(s), is likely contributing to the animals' refusal to return to the open water. If so, NMFS and the Navy will further coordinate to determine what measures are necessary to improve the probability that the animals will return to open water and implement those measures as appropriate.

(2) Within 72 hours of NMFS notifying the Navy of the presence of a USE, the Navy shall provide available information to NMFS (per the HSTT Study Area Communication Protocol) regarding the location, number and types of acoustic/explosive sources, direction and speed of units using mid-frequency active sonar, and marine mammal sightings information associated with training or testing activities occurring within 80 nautical miles (148 km) and 72 hours prior to the USE event. Information not initially available regarding the 80-nautical miles (148-km), 72-hour period prior to the event will be provided as soon as it becomes available. The Navy will provide NMFS investigative teams with additional relevant unclassified information as requested, if available.

7. Monitoring and Reporting – When conducting operations identified in 50 CFR § 218.70 and Section 4 of this Authorization, the Holder of the Authorization and any person(s) operating under his authority must implement the following monitoring and reporting measures. All reports should be submitted to the Director, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring MD 20910.

(a) General Notification of Injured or Dead Marine Mammals – Navy personnel shall ensure that NMFS (regional stranding coordinator) is notified immediately (or as soon as clearance procedures allow) if an injured or dead marine mammal is found during or shortly after, and in the vicinity of, any Navy training or testing activity utilizing mid- or high-frequency active sonar, or underwater explosive detonations. The Navy shall provide NMFS with species or description of the animal(s), the condition of the animal(s) (including carcass condition if the animal is dead), location, time of first discovery, observed behaviors (if alive), and photo or video (if available). The Navy shall consult the Stranding Response Plan to obtain more specific reporting requirements for specific circumstances.

(b) Vessel Strike – In the event that a Navy vessel strikes a whale, the Navy shall do the following:

(1) Immediately report to NMFS (pursuant to the established Communication Protocol) the:

- (i) Species identification if known;
 - (ii) Location (latitude/longitude) of the animal (or location of the strike if the animal has disappeared);
 - (iii) Whether the animal is alive or dead (or unknown); and
 - (iv) The time of the strike.
- (2) As soon as feasible, the Navy shall report to or provide to NMFS, the:
- (i) Size, length, and description (critical if species is not known) of animal;
 - (ii) An estimate of the injury status (e.g., dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared, etc.);
 - (iii) Description of the behavior of the whale during event, immediately after the strike, and following the strike (until the report is made or the animal is no long sighted);
 - (iv) Vessel class/type and operation status;
 - (v) Vessel length
 - (vi) Vessel speed and heading; and
 - (vii) To the best extent possible, obtain
- (3) Within 2 weeks of the strike, provide NMFS:
- (i) A detailed description of the specific actions of the vessel in the 30-minute timeframe immediately preceding the strike, during the event, and immediately after the strike (e.g., the speed and changes in speed, the direction and changes in the direction, other maneuvers, sonar use, etc., if not classified); and
 - (ii) A narrative description of marine mammal sightings during the event and immediately after, and any information as to sightings prior to the strike, if available; and
 - (iii) Use established Navy shipboard procedures to make a camera available to attempt to capture photographs following a ship strike.

(c) Annual HSTT Monitoring Plan Report - The Navy shall submit an annual report for the HSTT Monitoring Plan in April of each year, describing the implementation and results from the previous calendar year. Data collection methods will be standardized across range complexes and study areas to allow for comparison in different geographic locations. Although additional information will be gathered, the protected species observers collecting marine mammal data pursuant to the HSTT Monitoring Plan shall, at a minimum, provide the same marine mammal observation data required in Section 7(a) and (b) of this Authorization.

As an alternative, the Navy may submit a multi-range complex annual Monitoring Plan report to fulfill this requirement. Such a report would describe progress of knowledge made with respect to monitoring plan study questions across all Navy ranges associated with the ICMP. Similar study questions shall be treated together so that progress on each topic shall be summarized across all Navy ranges. The report need not include analyses and content that does not provide direct assessment of cumulative progress on the monitoring plan study questions.

(d) Annual HSTT Testing Reports - The Navy shall submit preliminary reports detailing the status of authorized sound sources within 21 days after the end of the annual authorization

cycle. The Navy shall submit detailed reports 3 months after the anniversary of the date of issuance of the LOA. The detailed annual reports shall contain a summary of sound sources used, as described below. The analysis in the detailed reports will be based on the accumulation of data from the current year's report and data collected from previous reports. The detailed reports shall contain information as indicated below.

(1) Summary of Sources Used

(i) This section shall include the following information summarized from the authorized sound sources used in all testing events:

(A) Total annual hours or quantity (per the LOA) of each bin of sonar or other non-impulsive source

(B) Total annual expended/detonated rounds (missiles, bombs, etc.) for each explosive bin

(C) Total annual airgun use

(D) Improved Extended Echo-Ranging System (IEER)/sonobuoy summary, including:

- Total expended/detonated rounds (buoys)
- Total number of self-scuttled IEER rounds

(4) Geographic Information Presentation – The reports shall present an annual (and seasonal, where practical) depiction of testing bin usage geographically across the Study Area.

(5) Special Reporting Requirements – To the extent practicable, and as it applies to the specific Study Area, these reports will also include:

(i) The total hours (from 15 December through 15 April) of hull-mounted active sonar operation occurring in the dense humpback areas generally shown on the Mobley map (73 FR 35510, 35520) plus a 5-km buffer, but not including the Pacific Missile Range Facility (as illustrated in the HSTT FEIS/OEIS)

(ii) The total estimated annual hours of hull-mounted active sonar operation conducted in the Humpback Whale Cautionary Area between 15 December and 15 April

(e) 5-year Close-out Exercise Report – This report will be included as part of the 2019 annual testing report. This report will provide the annual totals for each sound source bin with a comparison to the annual allowance and the 5-year total for each sound source bin with a comparison to the 5-year allowance. Additionally, if there were any changes to the sound source allowance, this report will include a discussion of why the change was made and include the analysis to support how the change did or did not result in a change in the FEIS and final rule determinations. The report will be submitted 3 months after the expiration of the rule. NMFS will submit comments on the draft close-out report, if any, within 3 months of receipt. The report will be considered final after the Navy has addressed NMFS' comments, or 3 months after the submittal of the draft if NMFS does not provide comments.

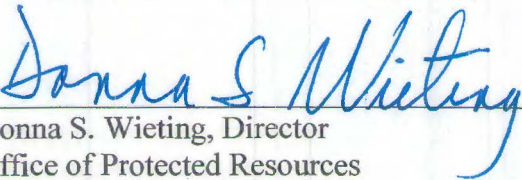
8. Prohibitions - Notwithstanding takings contemplated in Section 4 of this Authorization and authorized by a Letter of Authorization issued under §§ 216.106 and 218.77, no person in connection with the activities described in Section 4 may take any marine mammal

specified in Section 5 other than by incidental take as specified in § 218.72(c); take a marine mammal specified in Section 5 if such taking results in more than a negligible impact on the species or stocks of such marine mammal; or violate, or fail to comply with, the terms, conditions, and requirements of these regulations or a Letter of Authorization issued under §§ 216.106 and 218.77.

9. This Authorization may be modified, suspended, or withdrawn pursuant to 50 CFR § 216.78 if the Holder or any person operating under his authority fails to abide by the conditions prescribed herein or if the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.

10. A copy of this Authorization and the attached Subpart H of the regulations, or a document containing the equivalent requirements specified in this Authorization or 50 CFR Subpart H, must be in the possession of the on-site Commanding Officer in order to take marine mammals under the authority of this Letter of Authorization while conducting the specified activity(ies).

11. The Holder of this Authorization and any person operating under his authority is required to comply with the Terms and Conditions of the Incidental Take Statement corresponding to NMFS' Biological Opinion as they pertain to listed marine mammals.



Donna S. Wieting, Director
Office of Protected Resources
National Marine Fisheries Service

DEC 13 2013

Date