



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

NOV 09 2015

Commander, Naval Sea Systems Command
1333 Isaac Hull Avenue, SE
Washington Navy Yard, DC 20376

Dear Sir or Madam:

Enclosed is Letter of Authorization (LOA) issued to the Commander, Naval Sea Systems Command, under the authority of Section 101(a)(5)(A) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*) and the regulations governing the take of marine mammals incidental to the Navy's training and testing activities in the Northwest Training and Testing Study Area (50 C.F.R. Part 218, Subpart O). This authorization is effective for *five years* and covers the taking of marine mammals incidental to Navy testing activities, as identified in the final rule, provided the mitigation, monitoring, and reporting requirements are undertaken as required by the regulations and the LOA.

If you have any questions concerning the LOA or its requirements, please contact John Fiorentino, Office of Protected Resources, National Marine Fisheries Service at 301-427-8426.

Sincerely,

Donna S. Wieting, Director
Office of Protected Resources

Enclosures





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, Washington, D.C., and persons operating under his authority (i.e., Navy), are authorized to take marine mammals incidental to Navy testing activities conducted in the Northwest Training and Testing Study Area in accordance with 50 CFR Part 218, Subpart O—Taking and Importing Marine Mammals; U.S. Navy’s Northwest Training and Testing (NWTT) 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 November 9, 2015, through November 8, 2020.
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 NWTT Study Area (as depicted in Figure 2.1-1 of the Navy’s FEIS/OEIS). The Study Area includes the existing Northwest Training Range Complex, the Keyport Range Complex, Carr Inlet Operations Area, Southeast Alaska Acoustic Measurement Facility SEAFAC, and Navy pierside locations where sonar 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 §§ 218.144 & 218.145 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 110 hours per year.
 - (ii) LF5 – an average of 71 hours per year.
 - (iii) MF1 – an average of 32 hours per year
 - (iv) MF3 – an average of 145 hours per year.
 - (v) MF4 – an average of 10 hours per year.
 - (vi) MF5 – an average of 273 items per year.
 - (vii) MF6 – an average of 12 items per year.
 - (viii) MF8 – an average of 40 hours per year.



- (ix) MF9 – an average of 1,183 hours per year.
- (x) MF10 – an average of 1,156 hours per year.
- (xi) MF11 – an average of 34 hours per year.
- (xii) MF12 – an average of 24 hours per year.
- (xiii) HF1 – an average of 161 hours per year.
- (xiv) HF3 – an average of 145 hours per year.
- (xv) HF5 – an average of 360 hours per year.
- (xvi) HF6 – an average of 2,099 hours per year.
- (xvii) VHF2 – an average of 35 hours per year.
- (xviii) ASW1 – an average of 16 hours per year.
- (xix) ASW2 – an average of 64 hours per year.
- (xx) ASW2 – an average of 170 items per year.
- (xxi) ASW3 – an average of 444 hours per year.
- (xxii) ASW4 – an average of 1,182 items per year.
- (xxiii) M3 – an average of 1,519 hours per year.
- (xxiv) TORP1 – an average of 315 items per year.
- (xxv) TORP2 – an average of 299 items per year.
- (xxvi) SD1 – an average of 757 hours per year.
- (xxvii) SAS2 – an average of 798 hours per year.

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

- (i) E3 (>0.5 to 2.5 lb NEW) – an average of 72 detonations per year.
- (ii) E4 (>2.5 to 5 lb NEW) – an average of 140 detonations per year (70 sonobuoys).
- (iii) E8 (>60 to 100 lb NEW) – an average of 3 detonations per year.
- (iv) E11 (>500 to 650 lb NEW) – an average of 3 detonations 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 § 218.140(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*), Eastern North Pacific – 30 (an average of 6 per year).
- (ii) Fin whale (*Balaenoptera physalus*), CA/OR/WA – 170 (an average of 34 per year).

- (iii) Fin whale (*Balaenoptera physalus*), Northeast Pacific – 10 (an average of 2 per year).
- (iv) Gray whale (*Eschrichtius robustus*), Eastern North Pacific – 60 (an average of 12 per year).
- (v) Humpback whale (*Megaptera novaeangliae*), Central North Pacific – 5 (an average of 1 per year).
- (vi) Humpback whale (*Megaptera novaeangliae*), CA/OR/WA – 220 (an average of 44 per year).
- (vii) Minke whale (*Balaenoptera acutorostrata*), CA/OR/WA – 90 (an average of 18 per year).
- (viii) Sei whale (*Balaenoptera borealis*), Eastern North Pacific – 10 (an average of 2 per year).

(2) Odontocetes:

- (i) Baird's beaked whale (*Berardius bairdii*), Alaska – 125 (an average of 25 per year).
- (ii) Baird's beaked whale (*Berardius bairdii*), CA/OR/WA – 745 (an average of 149 per year).
- (iii) Mesoplodont beaked whale (*Mesoplodon* spp.), CA/OR/WA – 1,845 (an average of 369 per year).
- (iv) Cuvier's beaked whale (*Ziphius cavirostris*), Alaska – 75 (an average of 15 per year).
- (v) Cuvier's beaked whale (*Ziphius cavirostris*), CA/OR/WA – 455 (an average of 91 per year).
- (vi) Dall's porpoise (*Phocoenoidea dalli*), Alaska – 6,000 (an average of 1,200 per year).
- (vii) Dall's porpoise (*Phocoenoidea dalli*), CA/OR/WA – 50,785 (an average of 10,157 per year).
- (viii) Harbor porpoise (*Phocoena phocoena*), Southeast Alaska – 4,630 (an average of 926 per year).
- (ix) Harbor porpoise (*Phocoena phocoena*), Northern OR/WA Coast – 86,060 (an average of 17,212 per year).
- (x) Harbor porpoise (*Phocoena phocoena*), Northern CA/Southern OR – 129,095 (an average of 25,819 per year).
- (xi) Harbor porpoise (*Phocoena phocoena*), WA Inland Waters – 27,045 (an average of 5,409 per year).
- (xii) Killer whale (*Orcinus orca*), Alaska Resident – 10 (an average of 2 per year).
- (xiii) Killer whale (*Orcinus orca*), West Coast Transient – 1,035 (an average of 207 per year).
- (xiv) Killer whale (*Orcinus orca*), Eastern North Pacific Offshore – 110 (an average of 22 per year).
- (xv) *Kogia* spp., CA/OR/WA – 530 (an average of 106 per year).
- (xvi) Northern right whale dolphin (*Lissodelphis borealis*), CA/OR/WA – 10,190 (an average of 2,038 per year).

- (xvii) Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), North Pacific – 15 (an average of 3 per year).
- (xviii) Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), CA/OR/WA – 24,345 (an average of 4,869 per year).
- (xix) Risso's dolphin (*Grampus griseus*), CA/OR/WA – 5,770 (an average of 1,154 per year).
- (xx) Short-beaked common dolphin (*Delphinus delphis*), CA/OR/WA – 8,140 (an average of 1,628 per year).
- (xxi) Sperm whale (*Physeter macrocephalus*), CA/OR/WA – 390 (an average of 78 per year).
- (xxii) Striped dolphin (*Stenella coerulealba*), CA/OR/WA – 70 (an average of 14 per year).

(3) Pinnipeds:

- (i) California sea lion (*Zalophus californianus*), U.S. – 10,730 (an average of 2,146 per year).
- (ii) Steller sea lion (*Eumetopias jubatus*), Eastern U.S. – 2,605 (an average of 521 per year).
- (iii) Guadalupe fur seal (*Arctocephalus townsendi*), Mexico – 15 (an average of 3 per year).
- (iv) Harbor seal (*Phoca vitulina*), Southeast Alaska (Clarence Sound) – 110 (an average of 22 per year).
- (v) Harbor seal (*Phoca vitulina*), OR/WA Coast – 8,275 (an average of 1,655 per year).
- (vi) Harbor seal (*Phoca vitulina*), WA Northern Inland Waters – 9,115 (an average of 1,823 per year).
- (vii) Harbor seal (*Phoca vitulina*), Southern Puget Sound – 980 (an average of 196 per year).
- (viii) Harbor seal (*Phoca vitulina*), Hood Canal – 296,085 (an average of 59,217 per year).
- (ix) Northern elephant seal (*Mirounga angustirostris*), CA Breeding – 6,625 (an average of 1,325 per year).
- (x) Northern fur seal (*Callorhinus ursinus*), Eastern Pacific – 9,150 (an average of 1,830 per year).
- (xi) Northern fur seal (*Callorhinus ursinus*), California – 135 (an average of 27 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) *Kogia* spp., CA/OR/WA – 5 (an average of 1 per year).
- (ii) Dall' porpoise (*Phocoenoidea dalli*), CA/OR/WA – 215 (an average of 43 per year).
- (iii) Harbor porpoise (*Phocoena phocoena*), Northern OR/WA Coast – 75 (an average of 15 per year).
- (iv) Harbor porpoise (*Phocoena phocoena*), Northern CA/Southern OR – 115 (an average of 23 per year).
- (v) Harbor porpoise (*Phocoena phocoena*), WA Inland Waters – 30 (an average of 6 per year).

(3) Pinnipeds:

- (i) Harbor seal (*Phoca vitulina*), OR/WA Coast – 20 (an average of 4 per year).
- (ii) Harbor seal (*Phoca vitulina*), WA Northern Inland Waters – 110 (an average of 22 per year).
- (iii) Harbor seal (*Phoca vitulina*), Southern Puget Sound – 5 (an average of 1 per year).
- (iv) Harbor seal (*Phoca vitulina*), Hood Canal – 335 (an average of 67 per year).
- (v) Northern elephant seal (*Mirounga angustirostris*), CA Breeding – 10 (an average of 2 per 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 surface 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 ashore, in aircraft or on boats will, to the maximum extent practicable and consistent with aircraft and boat safety and training and testing requirements, comply with the observation objectives described above.

(3) Lookout measures for non-impulsive sound:

(i) With the exception of vessels less than 65 ft (20 m) in length or minimally manned vessels, 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 vessel. For the purposes of this rule, low-frequency active sonar does not include surface towed array surveillance 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 or minimally manned vessels will have one

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

(iv) Minimally manned vessels conducting hull-mounted mid-frequency testing will employ one Lookout.

(v) Ships, small boats, range craft, or aircraft conducting non-hull-mounted mid-frequency active sonar, such as helicopter dipping sonar systems, will maintain one Lookout.

(vi) 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 impulsive sound (e.g., explosives):

(i) Aircraft conducting improved extended echo ranging (IEER) sonobuoy activities will have one Lookout.

(ii) Aircraft conducting explosive sonobuoy activities using >0.5 to 2.5-lb net explosive weight (NEW) will have one Lookout.

(iii) General mine countermeasure and neutralization activities involving positive control diver placed charges using >0.5 to 2.5 lb NEW will have a total of two Lookouts (one Lookout positioned in each of the two support vessels). All divers placing the charges on mines will support the Lookouts while performing their regular duties. The divers and Lookouts will report all marine mammal sightings to their dive support vessel.

(iv) Surface vessels or aircraft conducting small-, medium-, and large-caliber gunnery exercises will have one Lookout. Towing vessels, if applicable, will also maintain one Lookout.

(v) Aircraft conducting missile exercises against a surface target will have one Lookout.

(vi) Aircraft conducting explosive bombing exercises will have one Lookout and any surface vessels involved will have trained Lookouts.

(vii) During explosive torpedo testing from aircraft one Lookout will be used and positioned in an aircraft. During explosive torpedo testing from a surface ship the Lookout procedures implemented for hull-mounted mid-frequency active sonar activities will be used.

(viii) To mitigate effects from weapon firing noise, ships conducting explosive and non-explosive large-caliber gunnery exercises will have one Lookout. This may be the same Lookout used for small, medium, and large-caliber gunnery exercises using a surface target when that activity is conducted from a ship against a surface target.

(5) Lookout measures for physical strike and disturbance:

- (i) While underway, surface ships and range craft will have at least one Lookout.
- (ii) During activities using towed in-water devices towed from a manned platform, one Lookout will be used. During activities in which in-water devices are towed by unmanned platforms, a manned escort vessel will be included and one Lookout will be employed.
- (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 non-explosive bombing exercises one Lookout will be positioned in an aircraft and trained Lookouts will be positioned in any surface vessels involved.

(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 (or sea turtles) within a mitigation zone will be communicated immediately to a watch station for information dissemination and appropriate action.

(3) Mitigation zones for non-impulsive sound:

- (i) The Navy shall ensure that hull-mounted mid-frequency active sonar transmission levels are limited to at least 6 dB below normal operating levels if any detected marine mammals (or sea turtles) are within 1,000 yd. (914 m) of the sonar dome (the bow).
- (ii) The Navy shall ensure that hull-mounted mid-frequency active sonar transmissions are limited to at least 10 dB below the equipment's normal operating level if any detected marine mammals (or sea turtles) are within 500 yd. (457 m) of the sonar dome.
- (iii) The Navy shall ensure that hull-mounted mid-frequency active sonar transmissions are ceased if any detected cetaceans (or sea turtles) are within 200 yd. (183 m) and pinnipeds are within 100 yd. (91 m) of the sonar dome. Transmissions will not resume until the marine mammal has been observed exiting the mitigation zone, is thought to have exited the mitigation zone based on its course and speed, has not been detected for 30 minutes, the vessel has transited more than 2,000 yd. beyond the location of the last detection, or the Lookout 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 ship bow. The pinniped mitigation zone does not apply to pierside sonar in the vicinity of pinnipeds hauled out on or in the water near man-made structures and vessels.

(iv) The Navy shall ensure that low-frequency active sonar transmission levels are ceased if any detected cetaceans (or sea turtles) are within 200 yd. (183 m) and pinnipeds are within 100 yd. (91 m) of the source. Transmissions will not resume until the marine mammal has been observed exiting the mitigation zone, is thought to have exited the mitigation zone based on its course and speed, has not been detected for 30 minutes, or the vessel has transited more than 2,000 yd. beyond the location of the last detection. The pinniped mitigation zone does not apply for pierside sonar in the vicinity of pinnipeds hauled out on or in the water near man-made structures and vessels.

(v) For testing, the Navy shall ensure that high-frequency and non-hull-mounted mid-frequency active sonar transmission levels are ceased if any detected cetaceans are within 200 yd. (183 m) and pinnipeds are within 100 yd. (91 m) of the source. Transmissions will not resume until the marine mammal has been observed exiting the mitigation zone, is thought to have exited the mitigation zone based on its course and speed, 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. (370 m) away from the location of the last sighting, or the vessel concludes that dolphins are deliberately closing in to ride the vessel's bow wave (and there are no other marine mammal sightings within the mitigation zone). **The pinniped mitigation zone does not apply for pierside or shore-based testing in the vicinity of pinnipeds hauled out on or in the water near man-made structures and vessels.**

(4) Mitigation zones for explosive and impulsive sound:

(i) For activities using IEER sonobuoys, mitigation will include pre-exercise aerial observation and passive acoustic monitoring, which will begin 30 minutes before the first source/receiver pair detonation and continue throughout the duration of the exercise. IEER sonobuoys will not be deployed if concentrations of floating vegetation (kelp paddies) are observed in the mitigation zone around the intended deployment location. Explosive detonations will cease if a marine mammal, sea turtle, or concentrations of floating vegetation are sighted within a 600-yd. (549 m) mitigation zone. Detonations will recommence if the animal is observed exiting the mitigation zone, the animal is thought to have exited the mitigation zone based on its course and speed, or the mitigation zone has been clear from any additional sightings for a period of 30 minutes.

(ii) A mitigation zone with a radius of 350 yd. (320 m) shall be established for explosive signal underwater sonobuoys using >0.5 to 2.5 lb net explosive weight. Mitigation will include pre-exercise aerial monitoring of the mitigation zone during deployment. Explosive SUS buoys will not be deployed if concentrations

of floating vegetation (kelp paddies) are observed within the mitigation zone around the intended deployment location. A SUS detonation will cease if a marine mammal or sea turtle is sighted within the mitigation zone. Detonations will recommence if the animal is observed exiting the mitigation zone, the animal is thought to have exited the mitigation zone based on its course and speed, or the mitigation zone has been clear from any additional sightings for a period of 10 minutes.

(iii) A mitigation zone with a radius of 400 yd. (366 m) shall be established for mine countermeasures and neutralization activities using positive control firing devices. For Demolition and Mine Countermeasures Operations, pre-exercise surveys shall be conducted within 30 minutes prior to the commencement of the scheduled explosive event. The survey may be conducted from the surface, by divers, or from the air, and personnel shall be alert to the presence of any marine mammal or sea turtle. Should a marine mammal or sea turtle be present within the survey area, the explosive event shall not be started until the animal voluntarily leaves the area. The Navy will ensure the area is clear of marine mammals for a full 30 minutes prior to initiating the explosive event. Explosive detonations will cease if a marine mammal is sighted in the water portion of the mitigation zone (i.e., not on shore). Detonations will recommence if the animal is observed exiting the mitigation zone, the animal is thought to have exited the mitigation zone based on its course and speed, or the mitigation zone has been clear from any additional sightings for a period of 30 minutes.

(iv) 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. Vessels will observe the mitigation zone from the firing position. When aircraft are firing, the aircrew will maintain visual watch of the mitigation zone during the activity. The exercise will not commence if concentrations of floating vegetation (kelp paddies) are observed within the mitigation zone. Firing will cease if a marine mammal or sea turtle is sighted within the mitigation zone. Firing will recommence if the animal is observed exiting the mitigation zone, the animal is thought to have exited the mitigation zone based on its course and speed, the mitigation zone has been clear from any additional sightings for a period of 10 minutes for a firing aircraft, the mitigation zone has been clear from any additional sightings for a period of 30 minutes for a firing ship, or the intended target location has been repositioned more than 400 yd. (370 m) away from the location of the last sighting.

(v) A mitigation zone with a radius of 600 yd. (549 m) shall be established for large-caliber gunnery exercises with a surface target. Ships will observe the mitigation zone from the firing position. The exercise will not commence if concentrations of floating vegetation (kelp paddies) are observed in the mitigation zone. Firing will cease if a marine mammal or sea turtle is sighted within the mitigation zone. Firing will recommence if the animal is observed exiting the mitigation zone, the animal is thought to have exited the mitigation zone based on its course and speed, or the mitigation zone has been clear from any additional sightings for a period of 30 minutes.

(vi) A mitigation zone with a radius of 2,000 yd. (1.8 km) shall be established for missile exercises up to 500 lb NEW using a surface target. When aircraft are involved in the missile firing, mitigation will include visual observation by the aircrew prior to commencement of the activity within a mitigation zone of 2,000 yd. (1.8 km) around the intended impact location. The exercise will not commence if concentrations of floating vegetation (kelp paddies) are observed in the mitigation zone. Firing will not commence or will cease if a marine mammal or sea turtle is sighted within the mitigation zone. Firing will recommence if the animal is observed exiting the mitigation zone, the animal is thought to have exited the mitigation zone based on its course and speed, or the mitigation zone has been clear from any additional sightings for a period of 10 minutes or 30 minutes (depending on aircraft type).

(vii) A mitigation zone with a radius of 2,500 yd. (2.3 km) for explosive bombs and a mitigation zone of 1,000 yd (914 m) for non-explosive bombs around the intended impact location shall be established for bombing exercises. Aircraft shall visually survey the target and buffer zone for marine mammals prior to and during the exercise. The exercise will not commence if concentrations of floating vegetation (kelp paddies) are observed in the mitigation zone. Bombing will not commence or will cease if a marine mammal or sea turtle is sighted within the mitigation zone. Bombing will recommence if the animal is observed exiting the mitigation zone, the animal is thought to have exited the mitigation zone based on its course and speed, or the mitigation zone has been clear from any additional sightings for a period of 10 minutes.

(viii) A mitigation zone with a radius of 2,100 yd. (1.9 km) shall be established for torpedo (explosive) testing. Mitigation will include visual observation by aircraft immediately before, during, and after the event of the mitigation zone. The exercise will not commence if concentrations of floating vegetation (kelp paddies) are sighted within the mitigation zone. Firing will not commence or will cease if a marine mammal, sea turtle, or aggregation of jellyfish is sighted within the mitigation zone. Firing will recommence if the animal is observed exiting the mitigation zone, the animal is thought to have exited the mitigation zone based on its course and speed, or the mitigation zone has been clear from any additional sightings for a period of 10 minutes or 30 minutes (depending on aircraft type). In addition to visual observation, passive acoustic monitoring shall be conducted by Navy assets, such as passive ship sonar systems or sonobuoys already participating in the activity. These assets would only detect vocalizing marine mammals within the frequency band monitored by Navy personnel. Passive acoustic detections would not provide range or bearing to detected animals, and therefore cannot provide locations of these animals. Passive acoustic detections shall be reported to the Lookout posted in the aircraft in order to increase vigilance of the visual surveillance, and to the person in control of the activity for their consideration in determining when the mitigation zone is determined free of visible marine mammals.

(ix) A mitigation zone with a radius of 70 yd. (46 m) within 30 degrees on either side of the gun target line on the firing side shall be established for weapons firing noise during large-caliber gunnery exercises. Mitigation shall include visual observation immediately before and during the exercise. The exercise will not commence if concentrations of floating vegetation (kelp paddies) are observed in the mitigation zone. Firing will cease if a marine mammal or sea turtle is sighted within the mitigation zone. Firing will recommence if the animal is observed exiting the mitigation zone, the animal is thought to have exited the mitigation zone based on its course and speed, the mitigation zone has been clear from any additional sightings for a period of 30 minutes, or the vessel has repositioned itself more than 140 yd. (128 m) away from the location of the last sighting.

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

(i) For testing activities involving surface ships, vessels shall avoid approaching marine mammals head on and shall maneuver to keep at least 500 yd. (457 m) away from observed whales and 200 yd (183 m) away from all other marine mammals (except bow riding dolphins, and pinnipeds hauled out on man-made navigational and port structures and vessels) during vessel movements. These requirements shall not apply if a vessel's safety is threatened and to the extent that vessels are restricted in their ability to maneuver. Restricted maneuverability includes, but is not limited to, situations when vessels are engaged in dredging, submerged activities, launching and recovering aircraft or landing craft, minesweeping activities, replenishment while underway and towing activities that severely restrict a vessel's ability to deviate course.

(ii) For testing activities not involving surface ships (e.g. range craft) vessels shall maneuver to keep at least 100 yd. (91 m) away from marine mammals (except bow-riding dolphins, pinnipeds hauled out on man-made navigational and port structures and vessels, and pinnipeds during test body retrieval) during vessel movements. This requirement shall not apply if a vessel's safety is threatened and to the extent that vessels are restricted in their ability to maneuver. Restricted maneuverability includes, but is not limited to, situations when vessels are engaged in dredging, submerged activities, launching and recovering aircraft or landing craft, minesweeping activities, replenishment while underway and towing activities that severely restrict a vessel's ability to deviate course.

(iii) The Navy shall ensure that towed in-water devices being towed from manned platforms avoid coming within a mitigation zone of 250 yd. (230 m) for testing events involving surface ships, and a mitigation zone of 100 yd (91 m) for testing activities not involving surface ships (e.g. range craft) around any observed marine mammal, 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. Mitigation will include

visual observation from a vessel or aircraft immediately before and during the exercise within the mitigation zone of the intended impact location. The exercise will not commence if concentrations of floating vegetation (kelp paddies) are observed in the mitigation zone. Firing will cease if a marine mammal is sighted within the mitigation zone. Firing will recommence if the animal is observed exiting the mitigation zone, the animal is thought to have exited the mitigation zone based on its course and speed, the mitigation zone has been clear from any additional sightings for a period of 10 minutes for a firing aircraft, the mitigation zone has been clear from any additional sightings for a period of 30 minutes for a firing ship, or the intended target location has been repositioned more than 400 yd. (370 m) away from the location of the last sighting.

(ii) A mitigation zone of 1,000 yd. (914 m) shall be established for non-explosive bombing exercises. Mitigation shall include visual observation from the aircraft immediately before the exercise and during target approach within the mitigation zone around the intended impact location. The exercise will not commence if concentrations of floating vegetation (kelp paddies) are observed within the mitigation zone. Bombing will not commence or will cease if a marine mammal is sighted within the mitigation zone. Bombing will recommence if the animal is observed exiting the mitigation zone, the animal is thought to have exited the mitigation zone based on its course and speed, or the mitigation zone has been clear from any additional sightings for a period of 10 minutes.

(b) Area-Specific Mitigation – The following are additional measures the Navy shall comply with when conducting activities in the NWTT Study Area

(1) Maritime Homeland Defense/Security Mine Countermeasure Integrated Exercises – The Navy shall conduct pre-event planning and training to ensure environmental awareness of all exercise participants. When this event is proposed to be conducted in Puget Sound, Navy event planners shall consult with Navy biologists who shall contact NMFS during the planning process in order to determine likelihood of gray whale or southern resident killer whale presence in the proposed exercise area as planners consider specifics of the event.

(2) Small Boat Attack Gunnery Exercises - The Navy shall conduct pre-event planning and training to ensure environmental awareness of all exercise participants. When this event is proposed to be conducted in and around Naval Station Everett, Naval Base Kitsap Bangor, or Naval Base Kitsap Bremerton in Puget Sound, Navy event planners shall consult with Navy biologists who shall contact NMFS early in the planning process in order to determine the extent marine mammals may be present in the immediate vicinity of the proposed exercise area as planners consider the specifics of the event.

(3) Missile Exercise - The Navy shall conduct Missile Exercises using high explosives at least 50 nm from shore in the NWTT Offshore Area.

(4) BOMBEX – The Navy shall conduct BOMBEX (high explosive munitions) greater than 50 nm from shore.

(5) BOMBEX (non-explosive practice munitions) - The Navy shall conduct BOMBEX (non-explosive practice munitions) events at least 20 nm from shore and shall not conduct BOMBEX events within the Olympic Coast National Marine Sanctuary.

(6) Mine Countermeasure and Neutralization Underwater Detonations – The Navy shall require approval from U.S. Third Fleet prior to conducting mine countermeasure and neutralization underwater detonations at Hood Canal or Crescent Harbor.

(7) Hull Mounted Mid-Frequency Active Sonar Training - The Navy shall require approval from U.S. Pacific Fleet's designated authority prior to conducting hull-mounted mid-frequency active sonar on vessels while training underway in Puget Sound and the Strait of Juan de Fuca.

(8) Pierside Maintenance or Testing of Sonar Systems – The Navy shall require approval from U.S. Pacific Fleet's designated authority or Systems Command designated authority (as applicable to ship and submarine active sonar use) prior to conducting pierside maintenance in Puget Sound or the Strait of Juan de Fuca.

7. Monitoring and Reporting – When conducting operations identified in Section 4, 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 is notified immediately (or as soon as clearance procedures allow) if an injured, stranded, or dead marine mammal is found during or shortly after, and in the vicinity of, any Navy training 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). In the event that an injured, stranded, or dead marine mammal is found by the Navy that is not in the vicinity of, or during or shortly after, mid- or high-frequency active sonar or underwater explosive detonations, the Navy will report the same information as listed above as soon as operationally feasible and clearance procedures allow.

(b) General Notification of Ship Strike – In the event that a Navy vessel strikes a whale, the Navy shall do the following:

(1) Immediately report to NMFS 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 of animal;
- (ii) An estimate of the injury status (e.g., dead, injured but alive, injured and moving, unknown, 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 longer sighted);
- (iv) Vessel class/type and operation status;
- (v) Vessel length
- (vi) Vessel speed and heading; and
- (vii) A photo or video, if equipment is available.

(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 use established Navy shipboard procedures to make a camera available to attempt to capture photographs following a ship strike.

(c) Event Communication Plan - The Navy shall develop a communication plan that will include all of the communication protocols (phone trees, etc.) and associated contact information required for NMFS and the Navy to carry out the necessary expeditious communication required in the event of a stranding or ship strike, including as described in the proposed notification measures above.

(d) Annual NWTT Monitoring Report - The Navy shall submit an annual report of the NWTT monitoring describing the implementation and results of the NWTT monitoring efforts 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 NWTT monitoring plan shall, at a minimum, provide the same marine mammal observation

data required in § 218.145. The report shall be submitted either 90 days after the calendar year, or 90 days after the conclusion of the monitoring year to be determined by the Adaptive Management process. The NWTT Monitoring Report may be provided to NMFS within a larger report that includes the required Monitoring Plan reports from multiple range complexes and study areas (the multi-Range Complex Annual Monitoring Report). Such a report would describe progress of knowledge made with respect to monitoring plan study questions across all Navy ranges associated with the Integrated Comprehensive Monitoring Program. 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.

(e) Annual NWTT Exercise and Testing Reports - The Navy shall submit preliminary reports detailing the status of authorized sound sources within 21 days after the anniversary of the date of issuance of the LOA. The Navy shall submit detailed reports 3 months after the annual anniversary of the date of issuance of the LOA. The detailed annual reports shall describe the level of training and testing conducted during the reporting period, and a summary of sound sources used (total annual hours or quantity [per the LOA] of each bin of sonar or other non-impulsive source; total annual number of each type of explosive exercises; total annual expended/detonated rounds [missiles, bombs, etc.] for each explosive bin; and improved Extended Echo-Ranging System (IEER)/sonobuoy summary, including total number of IEER events conducted in the Study Area, total expended/detonated rounds (buoys), and total number of self-scuttled IEER rounds. 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. To the extent that active sonar training or testing does occur in these areas, the annual classified exercise reports will also include the amount of hull-mounted mid-frequency and high frequency active sonar use during training and testing activities in the Olympic Coast National Marine Sanctuary and in the months specified for the following three feeding areas: the Humpback Whale Northern Washington feeding area (May through November); the Stonewall and Heceta Bank feeding area (May through November) and the Gray Whale Northern Puget Sound Feeding Area (March through May).

(f) 5-year Close-out Exercise and Testing Report - This report will be included as part of the 2020 annual exercise or 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 EIS 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'

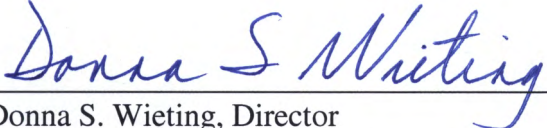
comments, or 3 months after the submittal of the draft if NMFS does not provide comments.

8. Prohibitions - Notwithstanding takings contemplated in Section 5 of this Authorization and authorized by a Letter of Authorization issued under §§ 216.106 and 218.147, no person in connection with the activities described in Section 4 of this Authorization may take any marine mammal specified in Section 5 of this Authorization other than by incidental take as specified in Section 4; 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 218.147.

9. This Authorization may be modified, suspended, or withdrawn (pursuant to 50 CFR § 216.148 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 O of the regulations, or a document containing the equivalent requirements specified in this Authorization or 50 CFR Subpart O, 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

NOV 09 2015

Date