



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

RADM Matthew L. Klunder
Chief of Naval Research
One Liberty Center Room 1449
875 N. Randolph St.
Arlington, VA 22203

JUN 28 2013

Dear Rear Admiral Klunder,

Enclosed is an Incidental Harassment Authorization (IHA) issued to the U.S. Navy's Office of Naval Research, under the authority of section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.). This Authorization allows for the incidental take, by Level B harassment only, of 34 marine mammal species, incidental to the Acoustic Technology Experiments in the western North Pacific Ocean. The IHA is valid from July 1, 2013 through June 30, 2014. You are required to comply with the conditions contained in the IHA, including all mitigation, monitoring, and reporting requirements.

If you have any questions concerning the IHA or its requirements, please contact Michelle Magliocca, Office of Protected Resources, NMFS at 301-427-8426.

Sincerely,

Donna S. Wieting, Director
Office of Protected Resources

Enclosure





UNITED STATES DEPARTMENT OF COMMERCE
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NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

Incidental Harassment Authorization

The Office of Naval Research (2000 Navy Pentagon, Washington, DC 20350-2000), is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1371(a)(5)(D)) to harass marine mammals incidental to the Office of Naval Research (ONR) Acoustic Technology Experiments (ATE) in the western North Pacific Ocean, contingent upon the following conditions:

1. This Authorization is valid from July 1, 2013, through June 30, 2014.
2. This Authorization is valid only for ONR's activities associated with the ATE occurring in the western North Pacific Ocean.
3. Species Impacted and Level of Takes

(a). The incidental taking of marine mammals, by Level B harassment only, is limited to the following species:

- (i). Blue whale – 1
- (ii). Bryde's whale (*Balaenoptera edeni*) - 2
- (iii). Minke whale (*Balaenoptera acutorostrata*) – 8
- (iv). Fin whale – 2
- (v). Gray whale – 1
- (vi). Humpback whale - 2
- (vii). North Pacific right whale (*Eubalaena japonica*) – 1
- (viii). Sei whale – 2
- (ix). Baird's beaked whale - 1
- (x). Blainville's beaked whale (*Mesoplodon densirostris*) - 1
- (xi). Bottlenose dolphin (*Tursiops truncatus*) – 24
- (xii). Cuvier's beaked whale (*Ziphius cavirostris*) - 3



- (xiii). Dall's porpoise – 54
- (xiv). Dwarf sperm whale – 5
- (xv). False killer whale (*Pseudorca crassidens*) - 8
- (xvi). Fraser's dolphin (*Lagenodelphis hosei*) - 6
- (xvii). Ginkgo-toothed beaked whale (*Mesoplodon ginkgodens*) - 1
- (xviii). Hubb's beaked whale – 1
- (xix). Killer whale (*Orcinus orca*) – 1
- (xx). *Kogia* spp. – 3
- (xxi). Longman's beaked whale – 1
- (xxii). Melon-headed whale (*Peponocephala electra*) – 16
- (xxiii). *Mesoplodon* spp. – 1
- (xxiv). Pacific white-sided dolphin (*Lagenorhynchus obliquidens*) - 8
- (xxv). Pantropical spotted dolphin (*Stenella attenuata*) – 36
- (xxvi). Pygmy killer whale (*Feresa attenuata*) – 5
- (xxvii). Pygmy sperm whale – 2
- (xxviii). Risso's dolphin (*Grampus griseus*) – 12
- (xxix). Rough-toothed dolphin (*Steno bredanensis*) – 6
- (xxx). Short-beaked common dolphin - 87
- (xxxii). Short-finned pilot whale (*Globicephala macrorhynchus*) – 19
- (xxxiii). Sperm whale (*Physeter macrocephalus*) - 2
- (xxxiv). Spinner dolphin (*Stenella longirostris*) – 3
- (xxxv). Stejneger's beaked whale – 1
- (xxxvi). Striped dolphin (*Stenella coeruleoalba*) – 24

(xxxvi). Hawaiian monk seal – 1

(xxiii). If any marine mammal species are encountered during ONR ATE activities that are not listed here for authorized taking and are likely to be exposed to sound pressure levels (SPLs) greater than or equal to 160 dB re 1 μ Pa (rms), then the Holder of this Authorization must alter speed or course, or shut-down equipment to avoid take.

(b). The taking by injury (Level A harassment), serious injury, or mortality of any of the species listed in Condition 3(a) above or the taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this Authorization.

4. The methods authorized for taking, by Level B harassment only, are limited to four underwater acoustic sources with transmission frequencies below 1.5 kHz and sound pressure levels less than 220 dB.

5. The taking of any marine mammal in a manner prohibited under this Authorization must be reported immediately to the Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service (NMFS) or his designee, at 301-427-8401.

6. Mitigation Requirements: The Holder of this Authorization is required to implement the following mitigation requirements when conducting the specified activities to achieve the least practicable impact on affected marine mammal species or stocks:

(a). Mitigation zone – During operation of active acoustic sources, a 1-km mitigation zone shall be established around the sound source. This area will be continuously monitored by visual observers during daylight hours for marine mammals 30 minutes before transmissions begin, during transmissions, and for 30 minutes after transmissions are terminated, or 30 minutes after sunset (whichever comes first). Shutdown procedures will occur if a marine mammal is visually detected within the 1-km zone.

(b). Delay and shutdown procedures – During daytime transmissions, active acoustic source transmissions shall be immediately delayed or shut down if a marine mammal is visually detected within the 1-km mitigation zone. Transmissions would not commence/resume for 15 minutes (for small odontocetes and pinnipeds) or 30 minutes (for large whales) after the animal has moved out of the mitigation zone or there has been no further visual detection of the animal.

During nighttime transmissions, active acoustic source transmissions shall be immediately delayed or shutdown if a marine mammal is detected using passive acoustic monitoring. Transmissions would not commence/resume for 15 minutes (for small odontocetes and pinnipeds) or 30 minutes (for large whales) after there has been no further detection of the animal.

7. Monitoring Requirements: The Holder of this Authorization is required to implement the following monitoring requirements when conducting the specified activities to 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 in the action area.

(a). Visual monitoring – During daylight hours, two protected species observers shall continuously monitor for marine mammals when active acoustic sources are being used. One observer shall be positioned on the deck level above the bridge and the second observer shall be positioned on the bridge level. Monitoring shall begin 30 minutes before active acoustic source transmissions are scheduled to commence and shall continue until 30 minutes after active acoustic source transmissions are terminated, or 30 minutes after sunset (whichever comes first).

(b). Passive acoustic monitoring – During nighttime hours (and any other periods of decreased visual observation capabilities), the Holder shall conduct continuous passive acoustic monitoring when active acoustic sources are being used. Passive acoustic monitoring shall include listening for vocalizations and visually inspecting spectrograms of radio frequency-transmitted signals from a deployed sonobuoy by personnel trained in detecting and identifying marine mammal sounds. Monitoring shall begin 30 minutes before active acoustic source transmissions are scheduled to commence and shall continue until 30 minutes after active acoustic source transmissions are terminated, or 30 minutes after sunrise (whichever comes first).

If a passively detected sound is estimated to be from a marine mammal, the acoustic observer shall notify the appropriate personnel and shutdown procedures shall be implemented. For any marine mammal detection, the appropriate personnel shall order the immediate delay/suspension of the active acoustic source transmissions and/or deployment. Transmissions may commence/resume 15 minutes (for small odontocetes and pinnipeds) or 30 minutes (large whales) after there has been no further detection of the animal.

8. Reporting Requirements: The Holder of this Authorization is required to:

(a). Submit two reports on all activities and monitoring results to the Office of Protected Resources, NMFS, within 90 days after the end of the specified activity: one unclassified report and one classified report. This report must contain and summarize the following information for when a marine mammal sighting is made:

(i). Dates, times, locations, heading, speed, weather, sea conditions (including Beaufort sea state and wind force), and associated activities during all active acoustic transmissions and marine mammal sightings;

(ii). Species, group size, age, individual size, sex (if determinable) of all marine mammal sightings;

(iii). Behavior of animal when first sighted, subsequent behaviors, and status of active acoustic sources;

(iv). Bearing and distance of observation from the vessel, sighting cue, and exhibited reaction to the active acoustic transmission or vessel (e.g., none, avoidance, approach, etc.), behavioral pace, and depth at time of detection;

(v). Fin/fluke characteristics and angle of fluke when an animal submerges to determine if the animal executed a deep or surface dive;

(vi). Type and nature of sounds heard; and

(vii). Any other relevant information.

(viii). An estimate of the number (by species) of marine mammals that are known to have been exposed to active acoustic transmissions (based on visual observation and passive acoustic monitoring) at received levels greater than or equal to 195 dB re 1 μPa^2 -second SEL with a discussion of any specific behaviors those individuals exhibited.

(ix). A description of the implementation and effectiveness of the mitigation measures of the Incidental Harassment Authorization.

(b). When shutdown is required for mitigation purposes, the following information will also be recorded:

(i). The basis for decisions resulting in shutdown of active acoustic transmissions;

(ii). Information needed to estimate the number of marine mammals potentially taken by harassment;

(iii). Information on the frequency of occurrence, distribution, and activities of marine mammals in the demonstration area;

(iv). Information on the behaviors and movements of marine mammals during and without operation of active acoustic sources; and

(v). Any adverse effects the shutdown had on the demonstration.

(c). Submit a final report to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East West Highway, Silver Spring, Maryland, 20910, within 30 days after receiving comments from NMFS on the draft report. If NMFS decides that the draft report needs no comments, the draft report shall be considered the final report.

9. (a). In the unanticipated event that the specified activity clearly cause the take of a marine mammal in a manner prohibited by this Authorization, such as an injury (Level A harassment), serious injury, or mortality (e.g., ship-strike, gear interaction, and/or entanglement), ONR shall immediately cease operations and report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at 301-427-8401 and/or by email to Michael.Payne@noaa.gov and Michelle.Magliocca@noaa.gov. The report must include the following information:

(i) Time, date, and location (latitude/longitude) of the incident;

- (ii) The name and type of vessel involved;
- (iii) The vessel's speed during and leading up to the incident;
- (iv) Description of the incident;
- (v) Status of all sound source use in the 24 hours preceding the incident;
- (vi) Water depth;
- (vii) Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- (viii) Description of marine mammal observations in the 24 hours preceding the incident;
- (ix) Species identification or description of the animal(s) involved;
- (x) The fate of the animal(s); and
- (xi) Photographs or video footage of the animal (if equipment is available).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with ONR to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. ONR may not resume their activities until notified by NMFS via letter, email, or telephone.

(b). In the event that ONR discovers an injured or dead marine mammal, and the lead protected species observer determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition as described in the next paragraph), ONR shall immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at 301-427-8401, and/or by email to Michael.Payne@noaa.gov and Michelle.Magliocca@noaa.gov. The report shall include the same information identified in the paragraph above. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with ONR to determine whether modifications in the activities are appropriate.

(c). In the event that ONR discovers an injured or dead marine mammal, and the lead protected species observer determines that the injury or death is not associated with or related to the activities authorized in Condition 2 of this Authorization (e.g., previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), ONR shall report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at 301-427-8401, and/or by email to Michael.Payne@noaa.gov and Michelle.Magliocca@noaa.gov within 24 hours of the discovery. ONR shall provide photographs or video footage (if available) or other documentation of the stranded animal

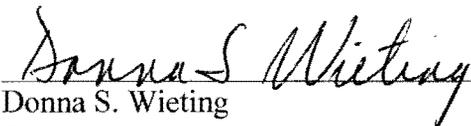
sighting to NMFS and the Marine Mammal Stranding Network. Activities may continue while NMFS reviews the circumstances of the incident.

10. The Holder of this Authorization is required to comply with the Terms and Conditions of the Incidental Take Statement (ITS) corresponding to NMFS' Endangered Species Act Biological Opinion issued to both the Office of Naval Research and NMFS' Office of Protected Resources.

11. A copy of this Authorization must be in the possession of all contractors and protected species observers operating under the authority of this Incidental Harassment Authorization.

12. Penalties and Permit Sanctions

Any person who violates any provision of this Incidental Harassment Authorization is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the MMPA.



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

JUN 28 2013

Date