



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

Ms. Rhonda Cardinal
Environmental Services
United Launch Alliance
P.O. Box 5219
Vandenberg Air Force Base, California 93437

Dear Ms. Cardinal:

Enclosed is an Incidental Harassment Authorization (IHA) issued to United Launch Alliance (ULA), under the authority of Section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*), to harass small numbers of Pacific harbor seals, California sea lions, and northern elephant seals incidental to *Delta Mariner* operations, cargo unloading activities, and harbor maintenance dredging at Vandenberg Air Force Base, California from September 26, 2012 through September 25, 2013.

ULA and its designees are required to comply with the conditions contained in the IHA which requires monitoring the presence of seals, sea lions, and other marine mammals, and reporting any behavioral modifications resulting from this activity as observed by a qualified individual.

In addition, ULA and its designees must submit a draft report to the National Marine Fisheries Services' (NMFS) Office of Protected Resources, Division of Permits, Conservation, and Education no later than 120 days prior to the expiration of this IHA, if ULA intends to request a new IHA for 2013-2014. ULA must submit a final report to NMFS' Office of Protected Resources, Division of Permits and Conservation, no later than 120 days after the expiration of this IHA, if a new IHA is requested or not.

If you have any questions concerning the IHA or its requirements, please contact Jeannine Cody, Office of Protected Resources, NMFS, at (301) 713-2289, or Monica DeAngelis, Southwest Regional Office, NOAA Fisheries, at (562) 980-3232.

Sincerely,

Helen M. Golde,
Acting Director
Office of Protected Resources
National Marine Fisheries Service

Enclosure



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

Incidental Harassment Authorization

The Manager of Safety, Health and Environmental Affairs, United Launch Alliance (ULA), Space Launch Complex Six, Vandenberg Air Force base, CA 93437 and/or his designees (holder of the Authorization) is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)(5)(D)), to harass small numbers of marine mammals incidental to maintenance dredging, vessel operations and other activities related to the Delta IV/Evolved Expendable Launch Vehicle (EELV) Program that will take place at the harbor on South Vandenberg Air Force Base (VAFB), California:

1. This Authorization is valid from September 26, 2012, through September 25, 2013.
2. This Authorization is valid only for ULA's activities associated with the maintenance dredging, vessel operations, and activities related to the Delta IV/EELV Program that would occur in the following specified geographic area:

In or near the VAFB harbor located on the central coast of California at 34° 33' N, 120° 36' W in the northeast Pacific Ocean.

3. Species Authorized and Level of Takes

(a) The taking, by incidental Level B harassment only, is limited to the following species: 1,075 Pacific harbor seals (*Phoca vitulina richardsi*), 86 California sea lions (*Zalophus californianus*), and 43 northern elephant seals (*Mirounga angustirostris*).

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

(c) The taking of any marine mammal in a manner prohibited under this Authorization must be reported immediately to the Southwest Regional Administrator, National Marine Fisheries Service (NMFS), at (562) 980-4001 and to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, at (301) 427-8401.

4. The holder must notify the Regional Administrator, Southwest Region, at least 24 hours prior to starting activities.



5. Mitigation

The holder of this Authorization is required to:

(a) Turn on lighting before dusk and leave on the entire night to avoid startling pinnipeds at night, if activities occur during nighttime hours.

(b) Initiate all activities before dusk.

(c) Keep construction noises constant (i.e., do not interrupt by periods of quiet in excess of 30 minutes) while pinnipeds are present.

(d) Start-up of activities (either initially or if activities have ceased for more than 30 minutes) will include a gradual increase in noise levels if pinnipeds are in the area.

(e) Employ a qualified marine mammal observer to visually monitor the pinnipeds on the beach adjacent to the harbor and on rocks for any flushing or other behaviors as a result of ULA's activities. During nighttime activities, the harbor area will be illuminated, and the monitor will use a night vision scope.

(f) To the extent possible, the *Delta Mariner* and accompanying vessels will enter the harbor only when the tide is too high for pinnipeds to haul-out on the rocks. The vessel will reduce speed to 1.5 to 2 knots (1.5-2.0 nm/hr; 2.8-3.7 km/hr) once the vessel is within 3 mi (4.83 km) of the harbor. The vessel will enter the harbor stern first, approaching the wharf and mooring dolphins at less than 0.75 knots (1.4 km/hr).

(g) As alternate dredge methods are explored, the dredge contractor may introduce quieter techniques and equipment.

6. Monitoring

The holder of this Authorization is required to:

(a) Conduct baseline observation of pinnipeds in the project area prior to initiating project activities.

(b) Conduct and record observations on pinnipeds in the vicinity of the harbor for the duration of the activity occurring when tides are low enough for pinnipeds to haul-out (2 ft (0.61 m) or less).

(c) Conduct post-construction observations of pinniped haul-outs in the project area to determine whether animals disturbed by the project activities return to the haul-out.

7. Reporting

The holder of this authorization is required to:

- (a) Notify NMFS two weeks prior to the initiation of each activity.
- (b) Submit a draft report on all activities to the Division of Permits and Conservation, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3225, 120 days prior to the expiration of this Authorization if a new Authorization will be requested for 2013-2014, and a final report is due within 120 days after the expiration of this Authorization, regardless of whether or not a new Authorization will be requested. The reports must contain the following information:
 - (1) Dates, times and locations of specific activities;
 - (2) Results of the visual monitoring program, including: (a) composition of marine mammals sighted, such as species, gender, and age class; (b) information on the numbers (by species) of marine mammals observed during the activities; (c) the estimated number of marine mammals (by species) that may have been harassed during the activities; (d) marine mammal behavior patterns observed before, during, and after the activities; and (e) any behavioral responses or modifications of behaviors that may be attributed to the specific activities and a description of the specific activities occurring during that time.
 - (3) Information on the weather including: (a) the tidal state; and (b) horizontal visibility.

8. Reporting Prohibited Take

In the unanticipated event that the specified activity clearly causes 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), ULA shall immediately cease the specified activities and 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 Jeannine.Cody@noaa.gov, and the Southwest Regional Stranding Coordinators (Joe.Cordaro@noaa.gov and Sarah.Wilkin@noaa.gov). The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident; the name and type of vessel involved;
- The vessel's speed during and leading up to the incident;
- A description of the incident; status of all sound source use in the 24 hours preceding the incident;
- Water depth; environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of marine mammal observations in the 24 hours preceding the incident; species identification or description of the animal(s) involved;
- The fate of the animal(s); and photographs or video footage of the animal (if equipment is available).

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

9. Reporting an Injured or Dead Marine Mammal with an Unknown Cause of Death

In the event that ULA discovers an injured or dead marine mammal, and the NMFS-qualified marine mammal 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), ULA will immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at 301-427-8401; and to the Southwest Stranding Coordinators, NMFS, at (562) 980-4017 and/or by email to (Joe.Cordaro@noaa.gov and Sarah.Wilkin@noaa.gov). The report must include the same information identified in Condition 8. ULA may continue its activities while NMFS reviews the circumstances of the incident. NMFS will work with ULA to determine whether modifications in the activities are appropriate.

10. Reporting an Injured or Dead Marine Mammal not Related to ULA Activities

In the event that ULA discovers an injured or dead marine mammal, and the NMFS-qualified marine mammal 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), ULA shall report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at 301-427-8401, and to the Southwest Stranding Coordinators, NMFS, at (562) 980-4017 and/or by email to (Joe.Cordaro@noaa.gov and Sarah.Wilkin@noaa.gov), within 24 hours of the discovery. ULA shall provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network.

11. A copy of this Authorization must be in the possession of ULA designees (including contractors and marine mammal monitors) operating under the authority of this Incidental Harassment Authorization at all times.



Helen M. Golde
Acting Director
Office of Protected Resources,
National Marine Fisheries Service.

SEP 26 2012

Date