



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

SEP 04 2009

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, harbor maintenance dredging, and kelp habitat mitigation at Vandenberg Air Force Base, California from September 4, 2009 through September 3, 2010.

You are required to comply with the conditions contained in the IHA. In addition, you must cooperate with any Federal, state or local agency monitoring the impacts of your activities, and 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 will be requesting a new IHA for 2010-2011. A final report must be submitted to NMFS Office of Protected Resources, Division of Permits, Conservation, and Education no later than 120 days after the expiration of this IHA, if a new IHA is requested or not. The IHA 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.

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,

James H. Lecky
Director
Office of Protected Resources
National Marine Fisheries Service

Enclosure





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

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, California:

1. This Authorization is valid from September 4, 2009 through September 3, 2010.
2. This Authorization is valid only for activities involving the maintenance dredging, vessel operations, and activities related to the Delta IV/EELV Program.
3. (a) The taking, by incidental Level B harassment only, is limited to Pacific harbor seals (*Phoca vitulina richardsi*), California sea lions (*Zalophus californianus*), and northern elephant seals (*Mirounga angustirostris*). The taking by Level A harassment, serious injury or death of these species, 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.

(b) The taking of any marine mammal in a manner prohibited under this Authorization must be reported within 48 hours of the taking to the Southwest Regional Administrator, National Marine Fisheries Service (NMFS), at (562) 980-4001 and to the Chief, Permits, Conservation and Education Division, Office of Protected Resources, NMFS, at (301) 713-2289.
4. The holder of this Authorization is required to cooperate with NMFS and any other Federal, state or local agency monitoring the impacts of the activity on marine mammals. 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 NMFS-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, Conservation, and Education, 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 2010-2011, 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:

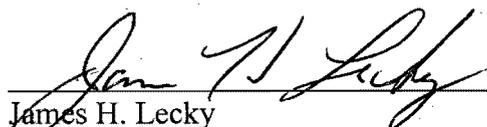
(1) Dates, times and locations of specific activities;

(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.

(c) In the unanticipated event that any cases of pinniped injury or mortality result from these activities, the holder of this Authorization must immediately cease operations and report such injury or mortality to NMFS immediately.

8. 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.



James H. Lecky
Director
Office of Protected Resources
National Marine Fisheries Service

SEP 04 2009

Date