



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

OCT 19 2015

Commander, U.S. Pacific Fleet
250 Makalapa Drive
Pearl Harbor, HI 96860-3131

Dear Sir or Madam:

Enclosed is an Incidental Harassment Authorization (IHA) issued to the Commander, U.S. Pacific Fleet, under the authority of Section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq*), to take marine mammals, by harassment, incidental to 2015 Civilian Port Defense training activities within and near the Ports of Los Angeles and Long Beach, California. You are required to comply with the conditions contained in the IHA, including all mitigation, monitoring, and reporting requirements. In addition, you must cooperate with any federal, state, or local agency monitoring the impacts of your activities.

If you have any questions concerning the IHA or its requirements, please contact John Fiorentino, Office of Protected Resources, National Marine Fisheries Service at 301-427-8477.

Sincerely,

Dr Donna S. Wieting, Director
Office of Protected Resources

Enclosures



Incidental Harassment Authorization

The Commander, U.S. Pacific Fleet, 250 Makalapa Drive, Pearl Harbor, Hawaii 96860, and persons operating under his authority (i.e., Navy), is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)(5)(D)) and 50 CFR 216.107, to harass marine mammals incidental to Civilian Port Defense training activities proposed to be conducted near the Ports of Los Angeles and Long Beach, California from October to December 2015:

1. This Authorization is valid from October 25, 2015, through December 31, 2015.
2. This Authorization is valid for the incidental taking of a specified number of marine mammals, incidental to Civilian Port Defense training activities proposed to be conducted near the Ports of Los Angeles and Long Beach, California, as described in the Incidental Harassment Authorization (IHA) application, from October to December 2015
3. Species Impacted and Level of Takes: The holder of this Authorization (Holder) is hereby authorized to take, by Level B harassment only, 8 long-beaked common dolphins (*Delphinus capensis*), 727 short-beaked common dolphins (*Delphinus delphis*), 21 Risso's dolphins (*Grampus griseus*), 40 Pacific white-sided dolphins (*Lagenorhynchus obilquidens*), 48 bottlenose dolphins (*Tursiops truncatus*), 8 harbor seals (*Phoca vitulina*), and 46 California sea lions (*Zalophus californianus*) incidental to Civilian Port Defense training activities proposed to be conducted near the Ports of Los Angeles and Long Beach, California.
4. The taking of any marine mammal in a manner prohibited under this IHA must be reported immediately to NMFS' Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910; phone 301-427-8401; fax 301-713-0376.
5. Mitigation Requirements: The Holder is required to abide by the following mitigation conditions listed in 5(a)-(b). Failure to comply with these conditions may result in the modification, suspension, or revocation of this IHA.

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

Procedural Measures - The Navy will have two types of lookouts for the purposes of conducting visual observations: (1) those positioned on surface ships, and (2) those positioned in aircraft or on boats. 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. Lookouts positioned in aircraft or on boats will, to the maximum extent practicable and consistent with



aircraft and boat safety and training requirements, comply with the observation objectives described above for Lookouts positioned on surface ships.

Active Sonar - The Navy will have one Lookout on ships or aircraft conducting high-frequency active sonar activities associated with mine warfare activities at sea.

Vessels - While underway, vessels will have a minimum of one Lookout.

Towed In-Water Devices - The Navy will have one Lookout during activities using towed in-water devices when towed from a manned platform.

(b) *Mitigation Zones* - The following are protective measures concerning the implementation of mitigation zones:

Active Sonar - Mitigation will include visual observation from a vessel or aircraft (with the exception of platforms operating at high altitudes) immediately before and during active transmission within a mitigation zone of 200 yards (yds. [183 m]) from the active sonar source. If the source can be turned off during the activity, active transmission will cease if a marine mammal is sighted within the mitigation zone. Active transmission will recommence if any one of the following conditions is met: (1) the animal is observed exiting the mitigation zone, (2) 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, (3) the mitigation zone has been clear from any additional sightings for a period of 10 minutes for an aircraft-deployed source, (4) the mitigation zone has been clear from any additional sightings for a period of 30 minutes for a vessel-deployed source, (5) the vessel or aircraft has repositioned itself more than 400 yds (366 m) away from the location of the last sighting, or (6) 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).

Vessels - Vessels will avoid approaching marine mammals head on and will maneuver to maintain a mitigation zone of 500 yds (457 m) around observed whales, and 200 yds (183 m) around all other marine mammals (except bow riding dolphins), providing it is safe to do so.

Towed In-Water Devices - The Navy will ensure that towed in-water devices being towed from manned platforms avoid coming within a mitigation zone of 250 yds (229 m) around any observed marine mammal, providing it is safe to do so.

6. Monitoring and Reporting Requirements: The Holder is required to implement the following monitoring and reporting requirements. Failure to comply with these conditions may result in the modification, suspension, or revocation of this Authorization.

General Notification of Injured or Dead Marine Mammals – If any injury or death of a marine mammal is observed during the Civilian Port Defense training activities, the Navy will immediately halt the activity and report the incident to NMFS following the standard monitoring and reporting measures consistent with the Navy Hawaii-Southern California Training and

Testing Environmental Impact Statement/Overseas Environmental Impact Statement. The reporting measures include the following procedures:

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 activity utilizing high-frequency active sonar. 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 and Communication Plan to obtain more specific reporting requirements for specific circumstances.

Vessel Strike – Vessel strike during Navy Civilian Port Defense training activities in the Study Area is not anticipated; however, in the event that a Navy vessel strikes a whale, the Navy shall do the following:

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

- Species identification (if known);
- Location (latitude/longitude) of the animal (or location of the strike if the animal has disappeared);
- Whether the animal is alive or dead (or unknown); and
- The time of the strike.

As soon as feasible, the Navy shall report to or provide to NMFS, the:

- Size, length, and description (critical if species is not known) of animal;
- 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.);
- 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);
- Vessel class/type and operational status;
- Vessel length;
- Vessel speed and heading; and
- To the best extent possible, obtain a photo or video of the struck animal, if the animal is still in view.

Within 2 weeks of the strike, provide NMFS:

- 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 direction, other maneuvers, sonar use, etc., if not classified);
- 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.

NMFS and the Navy will coordinate to determine the services the Navy may provide to assist NMFS with the investigation of the strike. The response and support activities to be provided by the Navy are dependent on resource availability, must be consistent with military security, and must be logistically feasible without compromising Navy personnel safety. Assistance requested and provided may vary based on distance of strike from shore, the nature of the vessel that hit the whale, available nearby Navy resources, operational and installation commitments, or other factors.

7. A copy of this Authorization must be in the possession of the on-site Commanding Officer in order to take marine mammals under the authority of this Incidental Harassment Authorization while conducting the specified activities.
8. This Authorization may be modified, suspended, or withdrawn 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.
9. Penalties and Permit Sanctions: Any person who violates any provision of this Authorization is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the MMPA.

for

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

OCT 19 2015

Date