



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

JUN 02 2015

Commander,
U.S. Fleet Forces Command
Attn: Code N46
1562 Mitscher Avenue, Suite 250
Norfolk, VA 23551-2487

Commander:

Enclosed is a Letter of Authorization (LOA) issued to the U.S. Navy, under the authority of Section 101(a)(5)(A) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1361 et seq.), to harass bottlenose and Atlantic spotted dolphins incidental to Navy Joint Logistics Over-the-Shore (JLOTS) training activities conducted at the Joint Expeditionary Base Little Creek-Fort Story in Virginia Beach, Virginia, and Marine Corps Base Camp Lejeune in Jacksonville, North Carolina. This LOA is valid from June 2, 2015, through June 1, 2020.

You should note that the activities under your direction are required to comply with the conditions contained in the LOA.

If you have any questions concerning the regulations, the LOA, or its requirements, please contact Shane Guan, Office of Protected Resources, NMFS at (301) 427-8401.

Sincerely,

Donna S. Wieting, Director
Office of Protected Resources

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

Letter of Authorization

The Commander, U.S. Fleet Forces Command, 1562 Mitscher Avenue, Suite 250, Norfolk, Virginia 23551-2487, and persons operating under his authority (i.e., Navy), are authorized to take marine mammals incidental to Navy Joint Logistics Over-the-Shore (JLOTS) training activities conducted at the Joint Expeditionary Base Little Creek-Fort Story in Virginia Beach, Virginia, and Marine Corps Base Camp Lejeune in Jacksonville, North Carolina, in accordance with 50 CFR Part 218, Subpart B— Takes of Marine Mammals Incidental to Specified Activities; U.S. Navy Joint Logistics Over-the-Shore (JLOTS) Training Activities in Virginia and North Carolina 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 June 2, 2015, through June 1, 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 training activities specified in Section 4(a) of this Authorization and occurring within the JLOTS training Areas, (as depicted in Figures 1-1 and 1-2 of the Navy's LOA application).
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 §§ 218.14 & 218.15 and implements the Terms and Conditions of this Authorization.
4. (a) This Authorization is only valid to the U.S. Navy for the taking of marine mammals that occurs in the area outlined in paragraph (b) of this section and that occurs incidental to the activities described in paragraph (c) of this section.

(b) The taking of marine mammals by the Navy is only authorized if it occurs within the JLOTS training areas, which is in nearshore shallow waters at the Joint Expeditionary Base (JEB) Little Creek-Fort Story in Virginia and at Camp Lejeune in North Carolina.

(c) The taking of marine mammals by the Navy is only authorized if it occurs incidental to the JLOTS training activities in the activity areas any time of year, but no more than once annually at JEB Little Creek-Fort Story, and once annually at Camp Lejeune.
5. (a) The incidental take of marine mammals under the activities identified in 4(a), above, and § 218.10 is limited to the species listed in 5(b) 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 JLOTS Training Activities:

(1) Bottlenose dolphin (*Tursiops truncatus*) / Northern North Carolina Estuarine System: 250 (50 per year);

(2) Bottlenose dolphin (*Tursiops truncatus*) / Southern North Carolina Estuarine System: 300 (60 per year); and

(3) Atlantic spotted dolphin (*Stenella frontalis*) / Western North Atlantic: 250 (50 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) Standard Operation Procedures and Mitigation Measures:

(1) Establishing mitigation zone.

(i) A mitigation zone of 60 yards (55 m) around the pile being driven shall be established.

(ii) Visual observation will be conducted starting 30 minutes prior to, during, and 30 minutes after the ELCAS (M) exercise within the mitigation zone. The exercise will not commence if concentrations of floating vegetation (*Sargassum* or kelp patties) are observed in the mitigation zone.

(2) Soft starts.

(i) Soft starts, or gradually ramping up the power of pile driving hammer, shall be performed during impact installation each day.

(ii) During a soft start, an initial set of strikes from the impact hammer at reduced energy are performed before it is able to be operated at full power and speed.

(3) Shutdown measures.

(i) Pile driving shall cease if a marine mammal is visually detected within or approaching the mitigation zone.

(ii) Pile driving may re-commence if any one of the following conditions is met:

- (A) The animal is observed exiting the mitigation zone,
- (B) The animal is thought to have exited the mitigation zone based on its course and speed, or
- (C) The mitigation zone has been clear from any additional sightings for a period of 30 minutes.

(b) Marine species awareness training.

(1) All personnel standing watch on the bridge, Commanding Officers, Executive Officers, and Lookouts shall successfully complete the Marine Species Awareness Training prior to standing watch or serving as a Lookout.

(2) The Marine Species Awareness Training shall be designed to improve the effectiveness of visual observations for marine resources, including marine mammals.

(3) The training shall provide information on sighting cues, visual observation tools and techniques, and sighting notification procedures.

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

(d) North Atlantic Right Whale Mid-Atlantic Migration Corridor. When transiting within the following North Atlantic right whale Mid-Atlantic migration corridor defined below between November 1 and April 30, the Navy shall practice increased vigilance, exercise extreme caution, and proceed at the slowest speed that is consistent with safety, mission, and training objectives:

(1) Block Island Sound: The area bounded by 40°51'53.7" N / 070°36'44.9" W; 41°20'14.1" N / 070°49'44.1" W; 41°4'16.7" N / 071°51'21" W; 41°35'56.5" N / 071°38'26.1" W; then back to first set of coordinates.

(2) New York and New Jersey: Within a 20 nm radius of the following (as measured seaward from the COLREGS lines): 40°29'42.2" N / 073°55'57.6" W.

(3) Delaware Bay: Within a 20 nm radius of the following (as measured seaward from the COLREGS lines): 38°52'27.4" North / 075°01'32.1" West.

(4) Chesapeake Bay: Within a 20 nm radius of the following (as measured seaward from the COLREGS lines): 37°00'36.9" North / 075°57'50.5" West.

(5) Morehead City, North Carolina: Within a 20 nm radius of the following (as measured seaward from the COLREGS lines): 34°41'32.0" North / 076°40'08.3" West.

(6) Wilmington, North Carolina, through South Carolina, and to Brunswick, Georgia: Within a continuous area 20 nautical miles from shore and west back to shore bounded by 34°10'30" North / 077°49'12" West; 33°56'42" North / 077°31'30" West; 33°36'30" North / 077°47'06" West; 33°28'24" North / 078°32'30" West; 32°59'06" North / 078°50'18" West; 31°50'00" North / 080°33'12" West; 31°27'00" North / 080°51'36" West.

7. Monitoring and Reporting – When conducting operations identified in 50 CFR § 218.10 and Section 4 of this Authorization, 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) Monitoring measures:

(1) Standard watch personnel.

(i) Ships operated by or for the Navy shall have personnel assigned to stand watch at all times, day and night, when moving through the water (underway).

(ii) Watch personnel shall undertake extensive training in accordance with the U.S. Navy Lookout Training Handbook or civilian equivalent, including on-the-job instruction and a formal Personal Qualification Standard program (or equivalent program for supporting contractors or civilians), to certify that they have demonstrated all necessary skills (such as detection and reporting of floating or partially submerged objects).

(iii) While on watch, watch personnel shall employ visual search techniques, including the use of binoculars, using a scanning method in accordance with the U.S. Navy Lookout Training Handbook or civilian equivalent.

(iv) After sunset and prior to sunrise, watch personnel shall employ night visual search techniques, which could include the use of night vision devices.

(v) A primary duty of watch personnel is to detect and report all objects and disturbances sighted in the water that may be indicative of a threat to the ship and its crew, such as debris, a periscope, surfaced submarine, or surface disturbance.

(vi) Per safety requirements, watch personnel also report any marine mammals sighted that have the potential to be in the direct path of the ship as a standard collision avoidance procedure. Because watch personnel are primarily posted for safety of navigation, range clearance, and man-overboard precautions, they are not normally posted while ships are moored to a pier.

(vii) When anchored or moored to a buoy, a watch team is still maintained but with fewer personnel than when underway.

(viii) When moored or at anchor, watch personnel may maintain security and safety of the ship by scanning the water for any indications of a threat.

(ix) While underway, Navy ships (with the exception of submarines) greater than 65 ft. (20 m) in length have at least two watch personnel; Navy ships less than 65 ft. (20 m) in length, surfaced submarines, and contractor ships have at least one watch person. While underway, watch personnel are alert at all times and have access to binoculars. Due to limited manning and space limitations, small boats and some craft transferring cargo from ship to shore do not have dedicated watch personnel, and the boat crew is responsible for maintaining the safety of the boat and surrounding environment.

(x) All vessels use extreme caution and proceed at a “safe speed” so they can take proper and effective action to avoid a collision with any sighted object or disturbance and can be stopped within a distance appropriate to the prevailing circumstances and conditions.

(2) Lookouts.

(i) Lookouts shall perform similar duties to standard watch personnel, and are also responsible for satisfying mitigation requirements.

(ii) The Navy will have one Lookout positioned on the platform (which could include a small boat, the elevated causeway, or the shore) that will maximize the potential for sightings during pile driving and pile removal.

(iii) The Lookout positioned on the elevated causeway or the shore shall be dedicated solely to diligent observation of the air and surface of the water. They shall have multiple observation objectives, which include but

are not limited to detecting the presence of biological resources and recreational or fishing boats, observing the mitigation zone, and monitoring for equipment and personnel safety concerns.

(iv) A Lookout positioned on a small boat may include a member of the boat crew, and may be responsible for tasks in addition to observing the air or surface of the water (e.g., navigation of a rigid hull inflatable boat). However, a boat Lookout shall, to the maximum extent practicable and consistent with safety and training requirements, comply with the observation objectives described above for a Lookout positioned on the elevated causeway or the shore.

(v) Lookouts shall also perform visual observation starting 30 minutes prior to, during, and 30 minutes after the exercise within a mitigation zone of 60 yards (55 m) around the pile being driven.

(3) Integrated comprehensive monitoring program.

(i) The Navy shall use the existing Integrated Comprehensive Monitoring Program (ICMP) and its new “study-based” approach to satisfy monitoring requirements for the JLOTS MMPA authorization.

(b) Reporting measures

(1) General notification of injured or dead marine mammals.

(i) Navy personnel would 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 exercise.

(ii) The Navy shall provide NMFS with species identification 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 photographs or video (if available).

(2) Annual monitoring and exercise report.

(i) Reports from individual monitoring events, results of analyses, publications, and periodic progress reports for specific monitoring projects would be posted to the Navy’s Marine Species Monitoring web portal as they become available.

(ii) Progress and results from all monitoring activity conducted within the JLOTS training area shall be summarized in an annual report. This report

shall detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed.

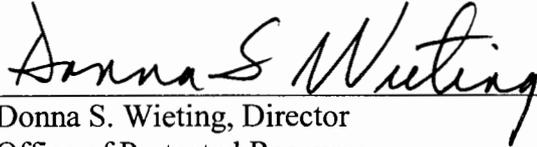
(iii) Draft reports should be combined with the Navy's Atlantic Fleet Training and Testing exercise and monitoring reports and submitted to NMFS for review by February 13 (for exercises) and April 1 (for monitoring) each year. NMFS would review the report and provide comments for incorporation within 3 months.

8. Prohibitions – Notwithstanding takings contemplated in § 218.12 and authorized by an LOA issued under §§ 216.106 of this chapter and 218.17, no person in connection with the activities described in § 218.10 may:

- (a) Take any marine mammal not specified in § 218.12(c);
- (b) Take any marine mammal specified in § 218.12(c) other than by incidental take as specified in § 218.12(c);
- (c) Take a marine mammal specified in § 218.12(c) if such taking results in more than a negligible impact on the species or stocks of such marine mammal; or
- (d) Violate, or fail to comply with, the terms, conditions, and requirements of these regulations or an LOA issued under §§ 216.106 of this chapter and 218.17.

9. This Authorization may be modified, suspended, or withdrawn pursuant to 50 CFR § 216.18 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 B of the regulations, or a document containing the equivalent requirements specified in this Authorization or 50 CFR Subpart B, 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).



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

JUN 02 2015

Date