



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

JUL 25 2013

Captain Scott Pratt
Commander
U.S. Naval Surface Warfare Center
Panama City Division
110 Vernon Avenue
Panama City, FL 32407-7001

Dear Captain Pratt:

Enclosed is an Incidental Harassment Authorization (IHA) issued to the Commander, U.S. Naval Surface Warfare Center Panama City Division (NSWC PCD), under the authority of section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*). The IHA authorizes NSWC PCD to harass marine mammals, by Level B harassment, incidental to conducting research, development, test and evaluation (RDT&E) activities at the NSWC PCD. This authorization is effective for one year and covers the taking of marine mammals incidental to the Navy training activities identified in the IHA involving the use of the AN/AQS-20A Mine Reconnaissance Sonar System, provided the mitigation, monitoring and reporting requirements are undertaken as required by IHA.

You must cooperate with any Federal, state, or local agency monitoring the impacts of your activity and submit a report to the National Marine Fisheries Service's (NMFS) Office of Protected Resources within 90 days of the completion of the project. The IHA requires monitoring of marine mammals by qualified individuals before, during, and after sonar activities and reporting of marine mammal observations, including species, numbers, and behavioral modifications potentially resulting from this activity.

If you have any questions concerning the IHA or its requirements, please contact Howard Goldstein, Shane Guan, or Jolie Harrison, Office of Protected Resources, National Marine Fisheries Service at 301-427-8401.

Sincerely,

Donna S. Wieting
Director
Office of Protected Resources





Incidental Harassment Authorization

The National Marine Fisheries Service (NMFS) hereby authorize the Commanding Officer, U.S. Naval Surface Warfare Center Panama City Division, 110 Vernon Avenue, Panama City, FL 32407-7001 and persons operating under his authority (i.e., Navy), under section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1371(a)(5)(D)), to take, by Level B harassment only, marine mammals incidental to conducting testing of the AN/AQS-20A Mine Reconnaissance Sonar System (hereafter referred to as the Q-20) in the Naval Surface Warfare Center, Panama City Division (NSWC PCD) testing range in the Gulf of Mexico (GOM) contingent upon the following conditions:

1. This Authorization is valid from July 27, 2013, through July 26, 2014.
2. This Authorization is valid only for the Navy's specified activities associated with Q-20 sonar testing and related activities in the GOM. The specific areas where NSWC PCD Q-20 testing will be conducted are within the non-territorial waters of the GOM, as shown in the NSWC PCD's Q-20 IHA application.

3. Species Authorized and Levels of Takes

- (a) The species authorized for incidental harassment takings, Level B harassment only, are: bottlenose dolphins (*Tursiops truncatus*), pantropical spotted dolphins (*Stenella attenuata*), Atlantic spotted dolphins (*S. frontalis*), spinner dolphins (*S. longirostris*), Clymene dolphins (*S. clymene*), and striped dolphins (*S. coeruleoalba*).
- (b) The authorization for taking by harassment is limited to the following acoustic sources and from the following activity:
 - (i) Q-20 sonar system testing activities: up to 42 testing events lasting no more than 10 hours each (total of 420 hours cumulatively) during the life of the IHA; and
- (c) The taking of any marine mammal in a manner prohibited under this Authorization must be reported within 24 hours of the taking to the National Marine Fisheries Service (NMFS), the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at (301) 427-8401, or his designee (301-427-8418).

4. Prohibitions

- (a) The taking, by incidental harassment only, is limited to the species listed under condition 3(a) above and by the numbers listed in Table 1 (attached). The taking by

Level A harassment, serious injury, or death of these species or the taking by harassment, injury, serious injury, or death 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 is prohibited under this Authorization whenever the required source vessel Marine Observers, required by condition 6(a)(i), are not onboard in conformance with condition 6(a)(i) of this Authorization.

5. Mitigation

(a) Personnel Training

(i) The Marine Species Awareness Training (MSAT) shall be provided to all applicable participants, where appropriate. Marine Observer training will be provided before active sonar testing begins.

(ii) Marine Observers shall be aware of the specific actions to be taken based on the Navy's Research, Development, Test and Evaluation (RDT&E) platform if a marine mammal is observed. Specifically, the following requirements for personnel training would apply:

(A) All Marine Observers onboard platforms involved in the Q-20 sonar test activities shall review the NMFS-approved MSAT material prior to use of active sonar.

(B) Marine Observers shall be trained in marine mammal recognition. Marine Observer training shall include completion of the MSAT, instruction on governing laws and policies, and overview of the specific GOM species present, and observer roles and responsibilities.

(C) Marine Observers shall be trained in the most effective means to ensure quick and effective communication within the command structure in order to facilitate implementation of mitigation measures if marine species are spotted.

(b) Range Operating Procedures: The following procedures shall be implemented to maximize the ability of Navy personnel to recognize instances when marine mammals are in the vicinity.

(i) Marine Observer Responsibilities

(A) Marine Observers shall have at least one set of binoculars available for each person to aid in the detection of marine mammals.

(B) Marine Observers shall conduct monitoring for approximately 15 minutes prior to the initiation of and for approximately 15 minutes after the cessation of Q-20 testing activities.

(C) Marine Observers shall scan the water from the ship to the horizon and be responsible for all observations in their sector. In searching the assigned sector, the lookout shall always start at the forward part of the sector and search aft (toward the back). To search and scan, the lookout shall hold the binoculars steady so the horizon is in the top third of the field of vision and direct the eyes just below the horizon. The lookout shall scan for approximately five seconds in as many small steps as possible across the field seen through the binoculars. They shall search the entire sector in approximately five-degree steps, pausing between steps for approximately five seconds to scan the field of view. At the end of the sector search, the glasses shall be lowered to allow the eyes to rest for a few seconds, and then the lookout shall search back across the sector with the naked eye.

(D) Marine Observers shall be responsible for informing the Test Director of any marine mammal that may need to be avoided, as warranted.

(E) These procedures shall apply as much as possible during Remote Multi-Mission Vehicle (RMMV) operations. A Marine Observer shall be located on the support vessel or platform to observe the area when the system is undergoing a small track close to the support platform.

(ii) Operating Procedures

(A) Test Directors shall, as appropriate to the event, make use of marine species detection cues and information to limit interaction with marine species to the maximum extent possible, consistent with the safety of the ship.

(B) During Q-20 sonar activities, personnel shall utilize all available sensor and optical system (such as night vision goggles) to aid in the detection of marine mammals.

(C) Navy aircraft participating shall conduct and maintain, when operationally feasible, required, and safe, surveillance for marine species of concern as long as it does not violate safety constraints or interfere with the accomplishment of primary operational duties.

(D) Marine mammal detections by aircraft shall be immediately reported to the Test Director. This action shall occur when it is reasonable

to conclude that the course of the ship will likely close the distance between the ship and the detected marine mammal.

(E) Exclusion Zones - The Navy will ensure that sonar transmissions are ceased if any detected marine mammals are within 200 yards (600.4 feet [ft]) of the sonar source. Active sonar will not resume until the marine mammal has been seen to leave the area, has not been detected for 30 minutes, or the vessel has transited more than 2,000 yards (5,997.4 ft) beyond the location of the last detection.

(F) Special conditions applicable for dolphins only: If, after conducting an initial maneuver to avoid close quarters with dolphins, the Test Director or the Test Director's designee concludes that dolphins are deliberately closing to ride the vessel's bow wave, no further mitigation actions are necessary while the dolphins continue to exhibit bow wave riding behavior because the dolphins are out of the main transmission axis of the active sonar while in the shallow-wave area of the vessel bow.

(G) Sonar levels (generally) - Navy shall operate sonar at the lowest practicable level, except as required to meet testing objectives.

(c) Clearance Procedures

(i) An initial evaluation of environmental suitability shall be made when the test platform (surface vessel or aircraft) arrives at the test site. This evaluation shall include an assessment of Beaufort sea state and verification that the area is clear of visually detectable marine mammals and indicators of their presence (e.g., large flocks of birds and large schools of fish).

(ii) The area for visual surveying shall be visually surveyed for the presence of protected species and protected species indicators. Visual surveys shall be conducted from the test platform before test activities begin. When the platform is a surface vessel, no additional aerial surveys will be required. For surveys requiring only surface vessels, aerial surveys may be opportunistically conducted by aircraft participating in the test.

(iii) Shipboard monitoring shall be staged from the highest point possible on the vessel. The Marine Observer(s) shall be experienced in shipboard surveys, familiar with the marine life of the area, and equipped with binoculars of sufficient magnification. Each Marine Observer shall be provided with a two-way radio that will be dedicated to the survey, and shall have direct radio contact with the Test Director. Marine Observers shall report to the Test Director any sightings of marine mammals or indicators of these species, as described previously. Distance and bearing will be provided when available. Marine

Observers may recommend a “Go” / “No Go” decision, but the final decision will be the responsibility of the Test Director.

(iv) Post-mission surveys shall be conducted from the surface vessel(s) and aircraft used for pre-test surveys. Any affected marine species shall be documented and reported to NMFS. The report shall include the date, time, location, test activities, species (to the lowest taxonomic level possible), behavior, and number of animals.

(d) Protective Measures Related to Surface Operations

(i) Visual surveys will be conducted for all test operations to reduce the potential for vessel collisions to occur with a protected species. If necessary the ship’s course and speed will be adjusted.

6. Monitoring and Reporting

(a) Monitoring

(i) Systematic monitoring of the affected area for marine mammals shall be conducted prior to, during, and after test events using aerial and/or ship-based visual surveys.

(ii) Marine Observers shall record information during the test activity. Data recorded shall include but not be limited to:

(A) time, date, and location of sighting;

(B) species (or to the lowest taxa possible);

(C) number of individuals;

(D) number of calves present, if any;

(E) duration of sighting;

(F) behavior of marine animals sighted (including whether there are changes in behavior);

(G) direction of travel;

(H) environmental information associated with sighting event including Beaufort sea state, wave height, swell direction, wind direction, wind speed, glare, percentage of glare, percentage of cloud cover, and indicator presence; and

(I) when in relation to Navy testing activities did the sighting occur (before, during or after Q-20 testing).

(iii) Any digital photographs that are taken of marine mammals during visual surveys shall be provided to local researchers for their regional research.

(b) Reporting

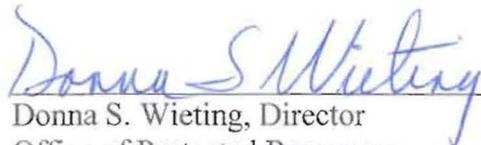
(i) General Notification of Injured or Dead Marine Mammals - Navy personnel shall ensure that NMFS (regional stranding coordinator) is notified immediately (or as soon as clearance procedures allow) if an injured or dead marine mammal is found during or shortly after, and in the vicinity of, any of Navy's Q-20 testing activities. The Navy shall provide NMFS with the 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).

(ii) If there is clear evidence that a marine mammal is injured or killed as a result of the Navy's Q-20 testing activity (e.g., instances in which it is clear that ship strike caused the injury or death) the Naval activities shall be immediately suspended and the situation immediately reported by personnel involved in the activity to the Test Director or the Test Director's designee, who will follow Navy procedures for reporting the incident to NMFS through the Navy's chain-of-command.

(iii) Annual Activity Report - The Navy shall submit a report annually on October 1 describing the Q-20 testing activities conducted and implementation and results of the monitoring measures. The report can be incorporated into the Annual NSWC PCD Report Monitoring Plan.

7. Activities related to the monitoring described in this Authorization do not require a separate scientific research permit issued under section 101 of the Marine Mammal Protection Act.
8. This Authorization may be modified, suspended or withdrawn if the holder 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, or if there is an unmitigable adverse impact on the availability of such species or stocks for subsistence uses.

9. A copy of this Authorization must be in the possession of the Test Director during the Q-20 testing activities operating under the authority of this Incidental Harassment Authorization.



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

JUL 25 2013

Date

Attachment

Attachment

Table 1. Authorized take numbers, by Level B harassment, for each marine mammal species during the Navy's NSWC PCD Q-20 testing activities in the GOM, July 2013 to July 2014.

Species	Authorized Take
Bottlenose dolphin (<i>Tursiops truncatus</i>)	399
Pantropical spotted dolphin (<i>Stenella attenuata</i>)	126
Atlantic spotted dolphin (<i>Stenella frontalis</i>)	315
Spinner dolphin (<i>Stenella longirostris</i>)	126
Clymene dolphin (<i>Stenella clymene</i>)	42
Striped dolphin (<i>Stenella coeruleoalba</i>)	42