



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

Letter of Authorization

The Commander, United States Pacific Fleet, 250 Makalapa Drive, Pearl Harbor, HI 96860-3131, and persons operating under this authority, are authorized to take marine mammals incidental to U.S. Navy (Navy) military readiness activities conducted in the U.S. Navy's Gulf of Alaska (GOA) Study Area, subject to the provisions of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*; MMPA); applicable regulations at 50 CFR Part 218, Subpart P ("the regulations"); and the following conditions:

1. This Authorization is valid for the period February 3, 2023 through February 2, 2030.
2. This Authorization is valid only for the unintentional taking of the species and stocks of marine mammals and methods of take identified in Condition 5 of this Authorization incidental to the training activities specified in Condition 4 of this Authorization and occurring within the GOA Study Area. The GOA Study Area is entirely at sea and is comprised of three areas: a Temporary Maritime Activities Area (TMAA) a warning area, and the Western Maneuver Area (WMA) located south and west of the TMAA. The TMAA and WMA are temporary areas established within the GOA for ships, submarines, and aircraft to conduct training activities. The TMAA is a polygon roughly resembling a rectangle oriented from northwest to southeast, approximately 300 nautical miles (nmi; 556 km) in length by 150 nmi (278 km) in width, located south of Montague Island and east of Kodiak Island. The warning area overlaps and extends slightly beyond the northern corner of the TMAA. The WMA provides an additional 185,806 nmi² of surface, sub-surface, and airspace training area to support activities occurring within the TMAA. The boundary of the WMA follows the bottom of the slope at the 4,000 m contour line. (See Figures 1-2 attached, presented in the 2022 GOA Final Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement (FSEIS/OEIS) and available at www.goaeis.com.)
3. This Authorization is valid only if the Holder of the Authorization or any person(s) operating under his or her authority implements the mitigation, monitoring, and reporting required pursuant to 50 CFR §§ 218.154 and 218.155 and implements the Terms and Conditions of this Authorization.
4. This Authorization is valid for the training activities identified below that include sonar and other transducers, explosives, and vessel use in the GOA Study Area:
 - (a) Anti-Submarine Warfare; and
 - (b) Surface Warfare.



5. The incidental take of marine mammals under the activities identified in Condition 4 and 50 CFR § 218.150(c) of the regulations is limited to the species and stocks and number of takes shown in Table 1.

Table 1. Annual and 7-year Total Species/Stock-Specific Take Estimates Authorized from Acoustic and Explosive Sound Source Effects for All Training Activities in the TMAA

Species	Stock	Annual		7-Year Total	
		Level B	Level A	Level B	Level A
Order Artiodactyla					
Infraorder Cetacea					
Mysticeti (baleen whales)					
Family Balaenidae (right whales)					
North Pacific right whale*	Eastern North Pacific	3	0	21	0
Family Balaenopteridae (rorquals)					
Humpback whale	California, Oregon, & Washington*	10	0	70	0
	Central North Pacific*	79	0	553	0
	Western North Pacific*	3 ^a	0	21 ^a	0
Blue whale*	Central North Pacific	3	0	21	0
	Eastern North Pacific	36	0	252	0
Fin whale*	Northeast Pacific	1,242	2	8,694	14
Sei whale*	Eastern North Pacific	37	0	259	0
Minke whale	Alaska	50	0	350	0
Family Eschrichtiidae (gray whale)					
Gray whale	Eastern North Pacific	4 ^a	0	28 ^a	0
Odontoceti (toothed whales)					
Family Delphinidae (dolphins)					
Killer whale	Eastern North Pacific, Offshore	81	0	567	0
	Gulf of Alaska, Aleutian Island, & Bering Sea Transient	143	0	1,001	0
Pacific white-sided dolphin	North Pacific	1,574	0	11,018	0
Family Phocoenidae (porpoises)					
Dall's porpoise	Alaska	9,287	64	65,009	448
Family Physeteridae (sperm whale)					
Sperm whale*	North Pacific	112	0	784	0
Family Ziphiidae (beaked whales)					
Baird's beaked whale	Alaska	106	0	742	0

Cuvier's beaked whale	Alaska	433	0	3,031	0
Stejneger's beaked whale	Alaska	482	0	3,374	0
Order Carnivora					
Suborder Pinnipedia					
Family Otarridae					
Northern fur seal	Eastern Pacific	3,003	0	21,021	0
	California	61	0	427	0
Family Phocidae (true seals)					
Northern elephant seal	California	2,547	8	17,829	56

*ESA-listed species and stocks within the GOA Study Area.

^a The Navy's Acoustic Effects Model estimated zero takes for each of these stocks. However, NMFS conservatively authorized take by Level B harassment of one group of Western North Pacific humpback whale and one group of Eastern North Pacific gray whale. The annual take estimates reflect the average group sizes of on and off-effort survey sightings of humpback whale and gray whale (excluding an outlier of an estimated 25 gray whales in one group) reported in Rone *et al.* (2017).

6. Mitigation. The Holder of this Authorization, and any persons operating under his or her authority, must implement the following mitigation measures when conducting the activities identified in Condition 4 of this Authorization.

(a) *Procedural mitigation.* Procedural mitigation is mitigation that the Navy must implement whenever and wherever an applicable training activity takes place within the GOA Study Area for acoustic stressors (*i.e.*, active sonar, weapons firing noise), explosive stressors (*i.e.*, large-caliber projectiles, bombs), and physical disturbance and strike stressors (*i.e.*, vessel movement, towed in-water devices, small-, medium-, and large-caliber non-explosive practice munitions, non-explosive bombs).

(1) *Environmental awareness and education.* Appropriate Navy personnel (including civilian personnel) involved in mitigation and training activity reporting under the specified activities must complete one or more modules of the U.S Navy Afloat Environmental Compliance Training Series, as identified in their career path training plan. Modules include: Introduction to the U.S. Navy Afloat Environmental Compliance Training Series; Marine Species Awareness Training; U.S. Navy Protective Measures Assessment Protocol; and U.S. Navy Sonar Positional Reporting System and Marine Mammal Incident Reporting.

(2) *Active sonar.* Active sonar includes mid-frequency active sonar, and high-frequency active sonar. For vessel-based active sonar activities, mitigation applies only to sources that are positively controlled and deployed from manned surface vessels (*e.g.*, sonar sources towed from manned surface platforms). For aircraft-based active sonar activities, mitigation applies only to sources that are positively controlled and deployed from manned aircraft that do not operate at high altitudes (*e.g.*, rotary-wing aircraft). Mitigation does not apply to active sonar sources deployed from unmanned aircraft or aircraft operating at high altitudes (*e.g.*, maritime patrol aircraft).

- (i) *Number of Lookouts and observation platform for hull-mounted sources.* For hull-mounted sources, the Navy must have one Lookout for platforms with space or manning restrictions while underway (at the forward part of a small boat or ship) and platforms using active sonar while moored or at anchor; and two Lookouts for platforms without space or manning restrictions while underway (at the forward part of the ship).
- (ii) *Number of Lookouts and observation platform for sources not hull-mounted.* For sources that are not hull-mounted, the Navy must have one Lookout on the ship or aircraft conducting the activity.
- (iii) *Prior to activity.* Prior to the initial start of the activity (e.g., when maneuvering on station), Navy personnel must observe the mitigation zone for floating vegetation and marine mammals; if floating vegetation or a marine mammal is observed, Navy personnel must relocate or delay the start of active sonar transmission until the mitigation zone is clear of floating vegetation or until the conditions in paragraph (a)(2)(vi) are met for marine mammals.
- (iv) *During the activity for hull-mounted mid-frequency active sonar.* During the activity, for hull-mounted mid-frequency active sonar, Navy personnel must observe the following mitigation zones for marine mammals.
 - (A) Powerdowns for marine mammals. Navy personnel must power down active sonar transmission by 6 dB if marine mammals are observed within 1,000 yard (yd) of the sonar source; Navy personnel must power down an additional 4 dB (10 dB total) if marine mammals are observed within 500 yd of the sonar source.
 - (B) Shutdowns for marine mammals. Navy personnel must cease transmission if a marine mammal is observed within 200 yd (182.9 m) of the sonar source.
- (v) *During the activity, for mid-frequency active sonar sources that are not hull-mounted, and high-frequency active sonar.* During the activity, for mid-frequency active sonar sources that are not hull-mounted and high-frequency active sonar, Navy personnel must observe the mitigation zone for marine mammals. Navy personnel must cease transmission if a marine mammal is observed within 200 yd (182.9 m) of the sonar source.
- (vi) *Commencement/recommencement conditions after marine mammal sighting before or during activity.* Navy personnel must allow a sighted marine mammal to leave the mitigation zone prior to the initial start of the activity (by delaying the start) or during the activity (by not recommencing or powering up active sonar transmission) until one of the following conditions has been met:
 - (A) The animal is observed exiting the mitigation zone;

- (B) The animal is thought to have exited the mitigation zone based on a determination of its course, speed, and movement relative to the sonar source;
 - (C) The mitigation zone has been clear from any additional sightings for 10 minutes (min) for aircraft-deployed sonar sources or 30 min for vessel-deployed sonar sources;
 - (D) For mobile activities, the active sonar source has transited a distance equal to double that of the mitigation zone size beyond the location of the last sighting; or
 - (E) For activities using hull-mounted sonar, the Lookout concludes that dolphins are deliberately closing in on the ship to ride the ship's bow wave, and are therefore out of the main transmission axis of the sonar (and there are no other marine mammal sightings within the mitigation zone).
- (3) *Weapons firing noise.* Weapons firing noise associated with large-caliber gunnery activities.
- (i) *Number of Lookouts and observation platform.* One Lookout must be positioned on the ship conducting the firing. Depending on the activity, the Lookout could be the same as the one described for "Explosive large-caliber projectiles" or for "Small-, medium-, and large-caliber non-explosive practice munitions" in paragraphs (a)(4)(i) and (a)(8)(i).
 - (ii) *Mitigation zone.* Thirty degrees on either side of the firing line out to 70 yd from the muzzle of the weapon being fired.
 - (iii) *Prior to activity.* Prior to the initial start of the activity, Navy personnel must observe the mitigation zone for floating vegetation and marine mammals; if floating vegetation or a marine mammal is observed, Navy personnel must relocate or delay the start of weapons firing until the mitigation zone is clear of floating vegetation or until the conditions in paragraph (a)(3)(v) are met for marine mammals.
 - (iv) *During activity.* During the activity, Navy personnel must observe the mitigation zone for marine mammals; if marine mammals are observed, Navy personnel must cease weapons firing.
 - (v) *Commencement/recommencement conditions after marine mammal sighting before or during the activity.* Navy personnel must allow a sighted marine mammal to leave the mitigation zone prior to the initial start of the activity (by delaying the start) or during the activity (by not recommencing weapons firing) until one of the following conditions has been met:

- (A) The animal is observed exiting the mitigation zone;
- (B) The animal is thought to have exited the mitigation zone based on a determination of its course, speed, and movement relative to the firing ship;
- (C) The mitigation zone has been clear from any additional sightings for 30 min; or
- (D) For mobile activities, the firing ship has transited a distance equal to double that of the mitigation zone size beyond the location of the last sighting.

(4) *Explosive large-caliber projectiles.* Gunnery activities using explosive large-caliber projectiles. Mitigation applies to activities using a surface target.

(i) *Number of Lookouts and observation platform.* One Lookout must be on the vessel or aircraft conducting the activity. Depending on the activity, the Lookout could be the same as the one described in “Weapons firing noise” in paragraph (a)(3)(i) of this section. If additional platforms are participating in the activity, Navy personnel positioned in those assets (e.g., safety observers, evaluators) must support observing the mitigation zone for marine mammals while performing their regular duties.

(ii) *Mitigation zones.* 1,000 yd (914.4 m) around the intended impact location.

(iii) *Prior to activity.* Prior to the initial start of the activity (e.g., when maneuvering on station), Navy personnel must observe the mitigation zone for floating vegetation and marine mammals; if floating vegetation or a marine mammal is observed, Navy personnel must relocate or delay the start of firing until the mitigation zone is clear of floating vegetation or until the conditions in paragraph (a)(4)(v) are met for marine mammals.

(iv) *During activity.* During the activity, Navy personnel must observe the mitigation zone for marine mammals; if marine mammals are observed, Navy personnel must cease firing.

(v) *Commencement/recommencement conditions after marine mammal sighting before or during activity.* Navy personnel must allow a sighted marine mammal to leave the mitigation zone prior to the initial start of the activity (by delaying the start) or during the activity (by not recommencing firing) until one of the following conditions has been met:

- (A) The animal is observed exiting the mitigation zone;

- (B) The animal is thought to have exited the mitigation zone based on a determination of its course, speed, and movement relative to the intended impact location;
 - (C) The mitigation zone has been clear from any additional sightings for 30 min; or,
 - (D) For activities using mobile targets, the intended impact location has transited a distance equal to double that of the mitigation zone size beyond the location of the last sighting.
- (vi) *After activity.* After completion of the activity (e.g., prior to maneuvering off station), Navy personnel must, when practical (e.g., when platforms are not constrained by fuel restrictions or mission-essential follow-on commitments), observe for marine mammals in the vicinity of where detonations occurred; if any injured or dead marine mammals are observed, Navy personnel must follow established incident reporting procedures. If additional platforms are supporting this activity (e.g., providing range clearance), Navy personnel on these assets must assist in the visual observation of the area where detonations occurred.

(5) *Explosive bombs.*

- (i) *Number of Lookouts and observation platform.* One Lookout must be positioned in an aircraft conducting the activity. If additional platforms are participating in the activity, Navy personnel positioned in those assets (e.g., safety observers, evaluators) must support observing the mitigation zone for marine mammals while performing their regular duties.
- (ii) *Mitigation zone.* 2,500 yd around the intended target.
- (iii) *Prior to activity.* Prior to the initial start of the activity (e.g., when arriving on station), Navy personnel must observe the mitigation zone for floating vegetation and marine mammals; if floating vegetation or a marine mammal is observed, Navy personnel must relocate or delay the start of bomb deployment until the mitigation zone is clear of floating vegetation or until the conditions in paragraph (a)(5)(v) are met for marine mammals.
- (iv) *During activity.* During the activity (e.g., during target approach), Navy personnel must observe the mitigation zone for marine mammals; if marine mammals are observed, Navy personnel must cease bomb deployment.
- (v) *Commencement/recommencement conditions after marine mammal sighting before or during activity.* Navy personnel must allow a sighted marine mammal to leave the mitigation zone prior to the initial start of the activity (by delaying the start) or during the activity (by not recommencing bomb deployment) until one of the following conditions has been met:

- (A) The animal is observed exiting the mitigation zone;
- (B) The animal is thought to have exited the mitigation zone based on a determination of its course, speed, and movement relative to the intended target;
- (C) The mitigation zone has been clear from any additional sightings for 10 min; or
- (D) For activities using mobile targets, the intended target has transited a distance equal to double that of the mitigation zone size beyond the location of the last sighting.

(vi) *After activity.* After completion of the activity (e.g., prior to maneuvering off station), Navy personnel must, when practical (e.g., when platforms are not constrained by fuel restrictions or mission-essential follow-on commitments), observe for marine mammals in the vicinity of where detonations occurred; if any injured or dead marine mammals are observed, Navy personnel must follow established incident reporting procedures. If additional platforms are supporting this activity (e.g., providing range clearance), Navy personnel on these assets must assist in the visual observation of the area where detonations occurred.

(6) *Vessel movement.* The mitigation will not be applied if: the vessel's safety is threatened; the vessel is restricted in its ability to maneuver (e.g., during launching and recovery of aircraft or landing craft, during towing activities, when mooring); the vessel is submerged or operated autonomously; or when impractical based on mission requirements (e.g., during Vessel Visit, Board, Search, and Seizure activities as military personnel from ships or aircraft board suspect vessels).

(i) *Number of Lookouts and observation platform.* One Lookout must be on the vessel that is underway.

(ii) *Mitigation zones.*

(A) 500 yd (457.2 m) around the vessel for whales.

(B) 200 yd (182.9 m) around the vessel for all marine mammals other than whales (except those intentionally swimming alongside or closing in to swim alongside vessels, such as bow-riding or wake-riding dolphins).

(iii) *During activity.* When underway, Navy personnel must observe the direct path of the vessel and waters surrounding the vessel for marine mammals. If a marine mammal is observed in the direct path of the vessel, Navy personnel must maneuver the vessel as necessary to maintain the appropriate mitigation zone distance. If a marine mammal is observed within waters surrounding the

vessel, Navy personnel must maintain situational awareness of that animal's position. Based on the animal's course and speed relative to the vessel's path, Navy personnel must maneuver the vessel as necessary to ensure that the appropriate mitigation zone distance from the animal continues to be maintained.

(iv) *Incident reporting procedures.* If a marine mammal vessel strike occurs, Navy personnel must follow the established incident reporting procedures.

(7) *Towed in-water devices.* Mitigation applies to devices that are towed from a manned surface platform or manned aircraft, or when a manned support craft is already participating in an activity involving in-water devices being towed by unmanned platforms. The mitigation will not be applied if the safety of the towing platform or in-water device is threatened.

(i) *Number of Lookouts and observation platform.* One Lookout must be positioned on a manned towing platform or support craft.

(ii) *Mitigation zone.* 250 yd (228.6 m) around the towed in-water device for marine mammals (except those intentionally swimming alongside or choosing to swim alongside towing vessels, such as bow-riding or wake-riding dolphins).

(iii) *During activity.* During the activity (*i.e.*, when towing an in-water device), Navy personnel must observe the mitigation zone for marine mammals; if marine mammals are observed, Navy personnel must maneuver to maintain distance.

(8) *Small-, medium-, and large-caliber non-explosive practice munitions.* Gunnery activities using small-, medium-, and large-caliber non-explosive practice munitions. Mitigation applies to activities using a surface target.

(i) *Number of Lookouts and observation platform.* One Lookout must be positioned on the platform conducting the activity. Depending on the activity, the Lookout could be the same as the one described for "Weapons firing noise" in paragraph (a)(3)(i).

(ii) *Mitigation zone.* 200 yd around the intended impact location.

(iii) *Prior to activity.* Prior to the initial start of the activity (*e.g.*, when maneuvering on station), Navy personnel must observe the mitigation zone for floating vegetation and marine mammals; if floating vegetation or a marine mammal is observed, Navy personnel must relocate or delay the start until the mitigation zone is clear of floating vegetation or until the conditions in paragraph (a)(8)(v) are met for marine mammals.

- (iv) *During activity.* During the activity, Navy personnel must observe the mitigation zone for marine mammals; if marine mammals are observed, Navy personnel must cease firing.
- (v) *Commencement/recommencement conditions after marine mammal sighting before or during activity.* Navy personnel must allow a sighted marine mammal to leave the mitigation zone prior to the initial start of the activity (by delaying the start) or during the activity (by not recommencing firing) until one of the following conditions has been met:
 - (A) The animal is observed exiting the mitigation zone;
 - (B) The animal is thought to have exited the mitigation zone based on a determination of its course, speed, and movement relative to the intended impact location;
 - (C) The mitigation zone has been clear from any additional sightings for 10 min for aircraft-based firing or 30 min for vessel-based firing; or
 - (D) For activities using a mobile target, the intended impact location has transited a distance equal to double that of the mitigation zone size beyond the location of the last sighting.

(9) *Non-explosive bombs.*

- (i) *Number of Lookouts and observation platform.* One Lookout must be positioned in an aircraft.
- (ii) *Mitigation zone.* 1,000 yd around the intended target.
- (iii) *Prior to activity.* Prior to the initial start of the activity (e.g., when arriving on station), Navy personnel must observe the mitigation zone for floating vegetation and marine mammals; if floating vegetation or a marine mammal is observed, Navy personnel must relocate or delay the start of bomb deployment or mine laying until the mitigation zone is clear of floating vegetation or until the conditions in paragraph (a)(9)(v) are met for marine mammals.
- (iv) *During activity.* During the activity (e.g., during approach of the target), Navy personnel must observe the mitigation zone for marine mammals, and if a marine mammal is observed, Navy personnel must cease bomb deployment.
- (v) *Commencement/recommencement conditions after marine mammal sighting prior to or during activity.* Navy personnel must allow a sighted marine mammal to leave the mitigation zone prior to the initial start of the activity (by delaying the start) or during the activity (by not recommencing bomb deployment) until one of the following conditions has been met:

- (A) The animal is observed exiting the mitigation zone;
- (B) The animal is thought to have exited the mitigation zone based on a determination of its course, speed, and movement relative to the intended target;
- (C) The mitigation zone has been clear from any additional sightings for 10 minutes; or
- (D) For activities using mobile targets, the intended target has transited a distance equal to double that of the mitigation zone size beyond the location of the last sighting.

(b) *Mitigation areas.* In addition to procedural mitigation, Navy personnel must implement mitigation measures within mitigation areas to avoid or reduce potential impacts on marine mammals.

(1) *North Pacific Right Whale Mitigation Area.* Figure 2 shows the location of the mitigation area.

- (i) *Surface ship hull-mounted MF1 mid-frequency active sonar.* From June 1–September 30 within the North Pacific Right Whale Mitigation Area, Navy personnel must not use surface ship hull-mounted MF1 mid-frequency active sonar during training.
- (ii) *National security exception.* Should national security require that the Navy cannot comply with the restrictions in paragraph (b)(1)(i) of this section, Navy personnel must obtain permission from the designated Command, U.S. Third Fleet Command Authority, prior to commencement of the activity. Navy personnel must provide NMFS with advance notification and include information about the event in its annual activity reports to NMFS.

(2) *Continental Shelf and Slope Mitigation Area.* Figure 2 shows the location of the mitigation area.

- (i) *Explosives.* During training, Navy personnel must not detonate explosives below 10,000 ft. altitude (including at the water surface) in the Continental Shelf and Slope Mitigation Area, which extends over the continental shelf and slope out to the 4,000 m depth contour within the TMAA.
- (ii) *National security exception.* Should national security require that the Navy cannot comply with the restrictions in paragraph (b)(2)(i) of this section, Navy personnel must obtain permission from the designated Command, U.S. Third Fleet Command Authority, prior to commencement of the activity. Navy

personnel must provide NMFS with advance notification and include information about the event in its annual activity reports to NMFS.

(3) *Pre-event Awareness Notifications in the Temporary Maritime Activities Area.* The Navy must issue pre-event awareness messages to alert vessels and aircraft participating in training activities within the TMAA to the possible presence of concentrations of large whales on the continental shelf and slope. Occurrences of large whales may be higher over the continental shelf and slope relative to other areas of the TMAA. Large whale species in the TMAA include, but are not limited to, fin whale, blue whale, humpback whale, gray whale, North Pacific right whale, sei whale, and sperm whale. To maintain safety of navigation and to avoid interactions with marine mammals, the Navy must instruct personnel to remain vigilant to the presence of large whales that may be vulnerable to vessel strikes or potential impacts from training activities. Additionally, Navy personnel must use the information from the awareness notification messages to assist their visual observation of applicable mitigation zones during training activities and to aid in the implementation of procedural mitigation.

7. **Monitoring and Reporting.** When conducting activities identified in Condition 4 of this Authorization and § 218.150(c) of the regulations, the Holder of the Authorization and any person(s) operating under his or her authority must implement the following monitoring and reporting measures. All reports must be submitted to the Director, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

(a) *Unauthorized take.* Navy personnel must notify NMFS immediately (or as soon as operational security considerations allow) if the specified activity identified in Condition 4 is thought to have resulted in the mortality or serious injury of any marine mammals, or in any Level A harassment or Level B harassment of marine mammals not authorized under Condition 5.

(b) *Monitoring and reporting under the Letter of Authorization (LOA).* The Navy must conduct all monitoring and reporting required under this Authorization, including abiding by the U.S. Navy's Marine Species Monitoring Program. Details on program goals, objectives, project selection process, and current projects are available at www.navymarinespeciesmonitoring.us.

(c) *Notification of injured, live stranded, or dead marine mammals.* Navy personnel must consult the Notification and Reporting Plan, which sets out notification, reporting, and other requirements when dead, injured, or live stranded marine mammals are detected. See Appendix 1 for the Notification and Reporting Plan.

(d) *Communication Protocol.* The Navy and NMFS have developed a Communication Protocol that includes all contact information (e.g., phone trees) required for NMFS and the Navy to carry out the necessary expeditious communication required in the event of an, injured, or live stranded, or dead marine mammal, described in Condition 7(c).

- (e) *Annual GOA Marine Species Monitoring Report.* The Navy must submit an annual report of the GOA Study Area monitoring, which will be included in a Pacific-wide monitoring report and include results specific to the GOA Study Area, describing the implementation and results from the previous calendar year. Data collection methods must be standardized across Pacific Range Complexes including the Mariana Islands Training and Testing (MITT), Hawaii-Southern California Training and Testing (HSTT), Northwest Training and Testing (NWTT), and Gulf of Alaska (GOA) Study Areas to allow for comparison among different geographic locations. The report must be submitted to the Director, Office of Protected Resources, NMFS, either within 3 months after the end of the calendar year, or within 3 months after the conclusion of the monitoring year, to be determined by the adaptive management process. NMFS will submit comments or questions on the report, if any, within 3 months of receipt. The report will be considered final after the Navy has addressed NMFS' comments, or 3 months after submittal if NMFS does not provide comments on the report. This report will describe progress of knowledge made with respect to intermediate scientific objectives within the GOA Study Area associated with the Integrated Comprehensive Monitoring Program (ICMP). Similar study questions must be treated together so that progress on each topic can be summarized across all Navy ranges. The report need not include analyses and content that does not provide direct assessment of cumulative progress on the monitoring plan study questions. This will continue to allow the Navy to provide a cohesive monitoring report covering multiple ranges (as per Integrated Comprehensive Monitoring Program goals), rather than entirely separate reports for the GOA, NWTT, HSTT, and MITT Study Areas.
- (f) *GOA Annual Training Report.* Each year in which training activities are conducted in the GOA Study Area, the Navy must submit one preliminary report (Quick Look Report) to NMFS detailing the status of applicable sound sources within 21 days after the completion of the training activities in the GOA Study Area. Each year in which activities are conducted, the Navy must also submit a detailed report (GOA Annual Training Report) to the Director, Office of Protected Resources, NMFS, within 3 months after completion of the training activities. NMFS must submit comments or questions on the report, if any, within one month of receipt. The report will be considered final after the Navy has addressed NMFS' comments, or one month after submittal if NMFS does not provide comments on the report. The annual reports must contain information about the Major Training Exercise (MTE), including the information listed in paragraphs (e)(1) and (e)(2) of this section. The annual report, which is only required during years in which activities are conducted, must also contain cumulative sonar and explosive use quantity from previous years' reports through the current year. Additionally, if there were any changes to the sound source allowance in the reporting year, or cumulatively, the report must include a discussion of why the change was made and include analysis to support how the change did or did not affect the analysis in the GOA FSEIS/OEIS and MMPA final rule. The analysis in the detailed report must be based on the accumulation of data from the current year's report and data collected from previous annual reports. The final annual/close-out report at the conclusion of the authorization period (year seven) will also serve as the comprehensive close-out report and include both the final year annual use compared to annual authorization as well as a cumulative 7-year annual use compared to

7-year authorization. This report must also note any years in which training did not occur. NMFS must submit comments on the draft close-out report, if any, within 3 months of receipt. The report will be considered final after the Navy has addressed NMFS' comments, or 3 months after the submittal if NMFS does not provide comments. Information included in the annual reports may be used to inform future adaptive management of activities within the GOA Study Area. In addition to the information discussed above, the GOA Annual Training Report must include the following information.

(1) *MFAS/HFAS*. The Navy must submit the following information for the MTE conducted in the GOA Study Area.

(i) *Exercise Information (for each MTE)*:

(A) *Exercise designator.*

(B) *Date that exercise began and ended.*

(C) *Location.*

(D) *Number and types of active sources used in the exercise.*

(E) *Number and types of passive acoustic sources used in exercise.*

(F) *Number and types of vessels, aircraft, etc., participating in exercise.*

(G) *Total hours of observation by Lookouts.*

(H) *Total hours of all active sonar source operation.*

(I) *Total hours of each active sonar source bin.*

(J) *Wave height (high, low, and average during exercise).*

(ii) *Individual marine mammal sighting information for each sighting in each exercise where mitigation was implemented:*

(A) *Date/Time/Location of sighting.*

(B) *Species (if not possible, indication of whale/dolphin/pinniped).*

(C) *Number of individuals.*

(D) *Initial Detection Sensor (e.g., sonar or Lookout).*

(E) *Indication of specific type of platform observation made from (including, for example, what type of surface vessel or testing platform).*

(F) *Length of time observers maintained visual contact with marine mammal.*

(G) *Sea state.*

(H) *Visibility.*

(I) *Sound source in use at the time of sighting.*

(J) *Indication of whether animal was less than 200 yd (182.9 m), 200 to 500 yd (182.9 to 457.2 m), 500 to 1,000 yd (457.2 to 914.4 m), 1,000 to 2,000 yd (914.4 to 1,828.8 m), or greater than 2,000 yd (1,828.8 m) from sonar source.*

(K) *Sonar mitigation implementation.* Whether operation of sonar sensor was delayed, or sonar was powered or shut down, and how long the delay was.

(L) *Bearing, direction, and motion.* If source in use is hull-mounted, true bearing of animal from ship, true direction of ship's travel, and estimation of animal's motion relative to ship (opening, closing, parallel).

(M) *Observed behavior.* Lookouts shall report, in plain language and without trying to categorize in any way, the observed behavior of the animals (such as animal closing to bow ride, paralleling course/speed, floating on surface and not swimming, *etc.*) and if any calves present.

- (ii) *Mitigation effectiveness evaluation.* An evaluation (based on data gathered during all of the MTEs) of the effectiveness of mitigation measures designed to minimize the received level to which marine mammals may be exposed. This evaluation shall identify the specific observations that support any conclusions the Navy reaches about the effectiveness of the mitigation.

(2) *Summary of sources used.*

- (i) This section shall include the following information summarized from the authorized sound sources used in all training events:

(A) *Total hours.* Total annual hours or quantity (per the LOA) of each bin of sonar or other non-impulsive source; and

(B) *Number of explosives.* Total annual number of each type of explosive exercises and total annual expended/detonated rounds (bombs, large-caliber projectiles) for each explosive bin.

(C) *Pre-event Notification.* The Navy must coordinate with NMFS prior to conducting exercises within the GOA Study Area. This may occur as a part of coordination the Navy does with other local stakeholders.

8. *Prohibitions.* Notwithstanding incidental takings identified in Condition 5 of this Authorization and authorized under this Authorization and in 50 CFR Part 218, Subpart P, no person in connection with the activities described in Condition 4 of this Authorization may take any marine mammal specified in Condition 5 of this Authorization other than by incidental take and in the course of conducting the activities specified in Condition 4; take any marine mammal other than species identified in Condition 5; take a marine mammal specified in Condition 5 if such taking results in more than a negligible impact on the species or stock of such marine mammal; or violate, or fail to comply with the terms, conditions, and requirements of the regulations or this Authorization.
9. Renewals and modifications of Letters of Authorization.
 - (a) An LOA issued under 50 CFR §§ 216.106 and 218.156 for the activities identified in Condition 4 of this Authorization and 50 CFR § 218.150(c) may be renewed or modified upon request by the applicant, provided that:
 - (1) The planned specified activity and mitigation, monitoring, and reporting measures, as well as the anticipated impacts, are the same as those described and analyzed for the regulations (excluding changes made pursuant to the adaptive management provision in paragraph (c)(1) of this condition); and
 - (2) NMFS determines that the mitigation, monitoring, and reporting measures required by the previous LOA were implemented.
 - (b) For LOA modification or renewal requests by the applicant that include changes to the activity or to the mitigation, monitoring, or reporting measures (excluding changes made pursuant to the adaptive management provision in paragraph (c)(1) of this condition) that do not change the findings made for the regulations or result in no more than a minor change in the total estimated number of takes (or distribution by species or stock or years), NMFS may publish a notice of the proposed changes to the LOA in the *Federal Register*, including the associated analysis of the change, and solicit public comment before issuing the LOA.
 - (c) An LOA issued under 50 CFR §§ 216.106 and 218.156 may be modified by NMFS under the following circumstances:
 - (1) *Adaptive Management.* After consulting with the Navy regarding the practicability of the modifications, NMFS may modify (including adding or removing measures) the existing mitigation, monitoring, or reporting measures if doing so creates a reasonable likelihood of more effectively accomplishing the goals of the mitigation and monitoring.

(i) Possible sources of data that could contribute to the decision to modify the mitigation, monitoring, or reporting measures in an LOA include:

(A) Results from the Navy's monitoring from the previous year(s);

(B) Results from other marine mammal and/or sound research or studies; or

(C) Any information that reveals marine mammals may have been taken in a manner, extent, or number not authorized by the regulations or this Authorization.

(ii) If, through adaptive management, the modifications to the mitigation, monitoring, or reporting measures are more than minor, NMFS will publish a notice of the proposed changes to the LOA in the *Federal Register* and solicit public comment.

(2) *Emergencies.* If NMFS determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in the regulations and this Authorization, an LOA may be modified without prior notice or opportunity for public comment. Notice would be published in the *Federal Register* within 30 days of the action.

10. A copy of this Authorization or a document containing the equivalent requirements specified in this Authorization and the 50 CFR Part 218, Subpart P regulations, must be in the possession of the on-site Commanding Officer in order to take marine mammals under the authority of this Authorization while conducting the specified activities.

11. The Holder of this Authorization and any person operating under their authority is required to comply with the Terms and Conditions of the Incidental Take Statement corresponding to NMFS' Biological Opinion for the activities identified in Condition 4 as they pertain to Endangered Species Act listed marine mammals.

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For Kimberly Damon-Randall,
Director, Office of Protected Resources,
National Marine Fisheries Service.

Date

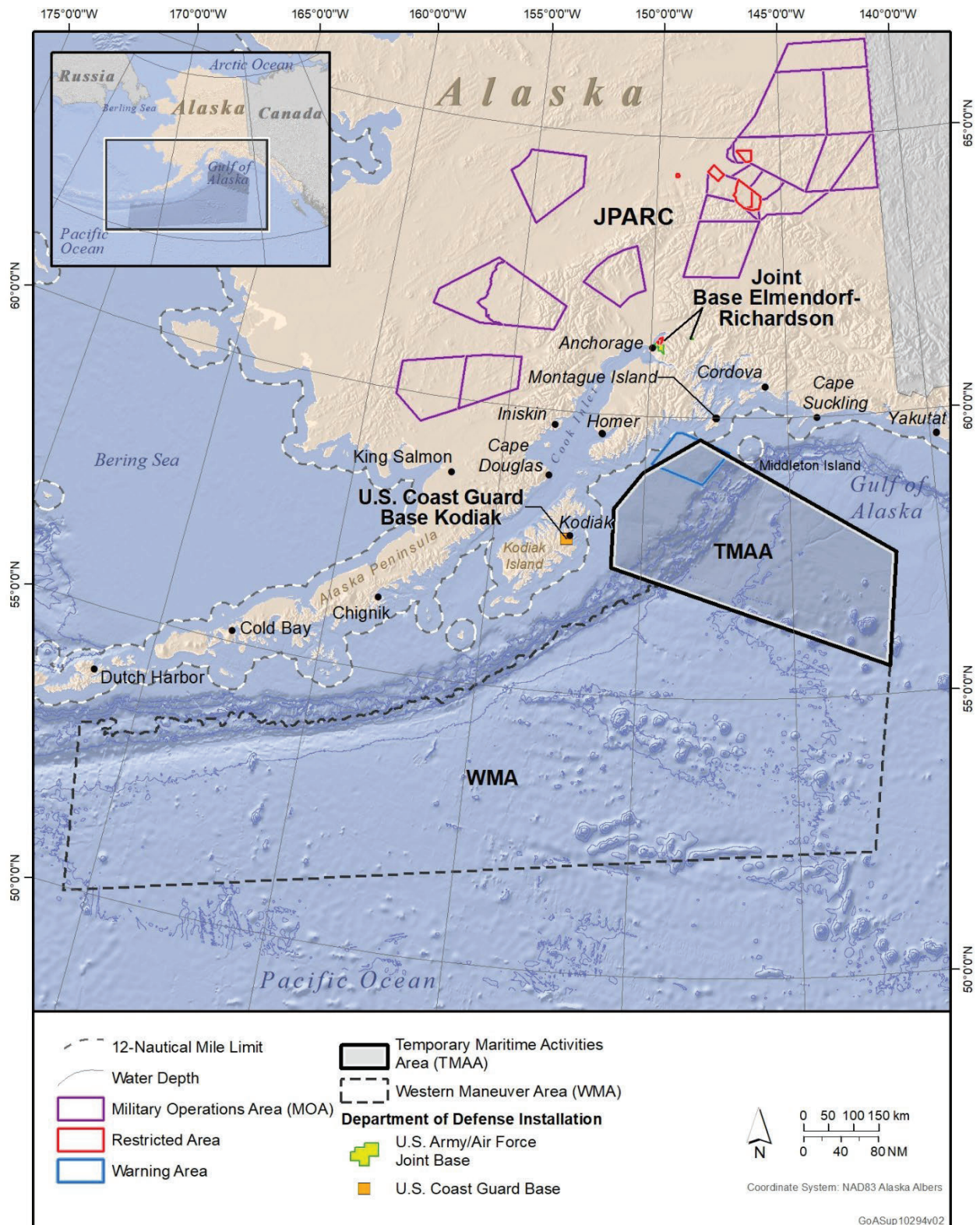


Figure 1. Map of the GOA Study Area.

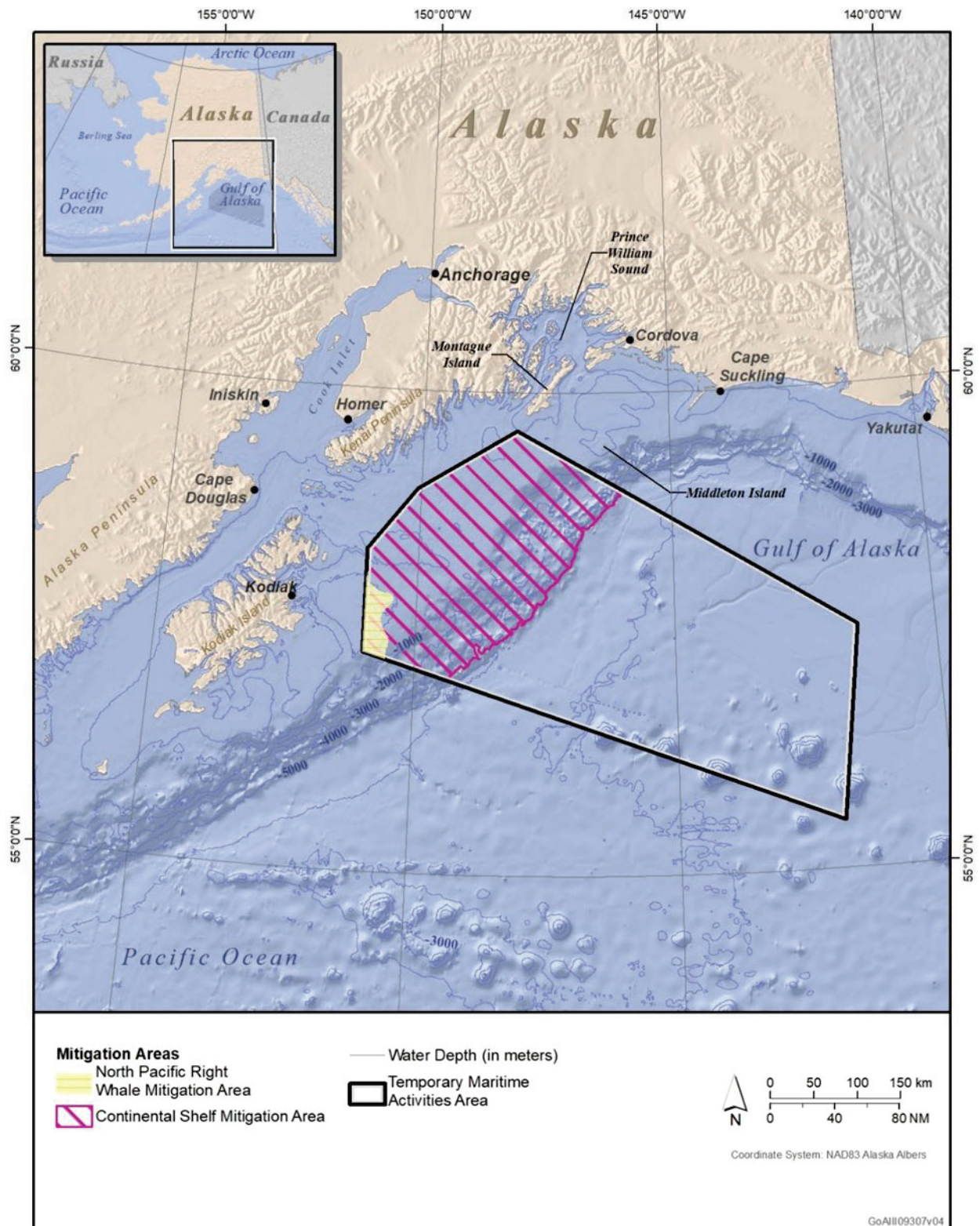


Figure 2. Map of the marine mammal mitigation areas in the GOA Study Area.

Appendix 1

NOTIFICATION AND REPORTING PLAN FOR THE U.S. NAVY GULF OF ALASKA TRAINING AREA

BACKGROUND

This Notification and Reporting Plan will be cited as a requirement in the U.S. Navy (Navy) Gulf of Alaska (GOA) Study Area final rule and requirements outlined below will be included as part of the Navy's Marine Mammal Protection Act (MMPA) Letter of Authorization (LOA). The LOA indicates the conditions under which the Navy is authorized to take marine mammals pursuant to Navy training activities involving sonar or explosive detonations, conducted in the waters in the GOA Study Area. This Notification and Reporting Plan is specifically intended to outline the applicable requirements the authorization is conditioned upon, in the event that a marine mammal stranding (or milling) event is reported in or immediately adjacent to (within 50 kilometer (km) (27 nautical miles (nmi) of)) the GOA Study Area. Since the National Marine Fisheries Service (NMFS) considers all plausible causes when investigating any injury, death, or stranding, any reporting provided pursuant to this plan does not, in any way, presume that any injuries, deaths, strandings, or milling events are related to, or caused by, Navy training activities. All data provided will undergo appropriate security procedures prior to release to NMFS.

REQUIREMENTS

1) Notification of the Discovery of a Stranded Marine Mammal

a. Discovery of any Stranded Marine Mammal¹

In the event that Navy personnel (uniformed military, civilian, or contractors while conducting Navy work) discover a live or dead stranded marine mammal within the GOA Study Area, the Navy shall report the incident to NMFS (see Communication Protocol below) as soon as feasible.

The Navy will provide NMFS with:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s)
- General circumstances under which the animal was discovered (e.g., during an MTE, explosive event, or by transiting vessel)

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As defined in Title IV of the MMPA, a "stranding" is defined as "an event in the wild in which (A) a marine mammal is dead and is (i) on a beach or shore of the United States, or (ii) in waters under the jurisdiction of the United States (including any navigable waters) ; or (B) a marine mammal is alive and is (i) on a beach or shore of the United States and unable to return to the water; (ii) on a beach or shore of the United States and, although able to return to the water, is in need of apparent medical attention; or (iii) in the waters under the jurisdiction of the United States (including any navigable waters), but is unable to return to its natural habitat under its own power or without assistance."

b. Vessel Strike

Within the boundaries of the GOA Study Area, whether such ship strike was authorized by the LOA or not, in the event of a ship strike of a marine mammal by any Navy vessel, the Navy shall immediately report, or as soon as security clearance procedures and safety conditions allow, the information above in (a), to NMFS (see Communication Protocol below).

As soon as feasible, but no later than seven (7) business days, the Navy shall additionally report to NMFS, the:

- Vessel's speed during and leading up to the incident;
- Vessel's course/heading and what training or testing activity was being conducted (if applicable);
- Status of all sound sources in use (*e.g.*, active sonar, explosives);
- Description of avoidance measures/requirements that were in place at the time of the strike and what additional measures were taken, if any, to avoid strike;
- Environmental conditions (*e.g.*, wind speed and direction, Beaufort sea state, cloud cover, visibility) immediately preceding the strike;
- Estimated size and length of animal that was struck;
- Description of the behavior of the marine mammal immediately preceding and following the strike;
- If available, description of the presence and behavior of any other marine mammals immediately preceding the strike;
- Estimated fate of the animal (*e.g.*, dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared, etc.);
- To the extent practicable, photographs or video footage of the animal(s); and
- Any relevant information discovered during Navy's investigation of a ship strike, including but not limited to other in-water platforms in use within a mile immediately preceding the strike, as available.

2) Additional Information Requests

If NMFS personnel determine that the circumstances of any marine mammal stranding found within the GOA Study Area or within 50 km (27 nmi) of the boundary of the GOA Study Area, suggest investigation of the association of Navy activities is warranted (example circumstances noted below), and an investigation into the stranding is being pursued, NMFS personnel will submit a written request to the Navy asking that they provide the following initial available information as soon as possible, but no later than seven (7) business days after the request for information.

- Status of all permitted sound source and/or explosive use in the 48 hours (hrs) preceding and within 50 km (27 nmi) of the discovery/notification of the stranding by NMFS, or estimated time of stranding; and
- If available, description of the behavior of any marine mammal(s) sightings preceding (48 hrs and 50 km (27 nmi)) and immediately after the discovery of the stranding (as available).

Examples of circumstances that could trigger the additional information request include, but are not limited to, the following:

- Atypical nearshore milling events of live cetaceans;
- Mass strandings of cetaceans (two or more individuals, not including cow/calf pairs);
- Beaked whale strandings;
- Necropsies with findings of pathologies that are unusual for the species or area; and
- Stranded animals with findings consistent with blast trauma.

In the event that the investigation is still inconclusive, the investigation of the association of Navy activities is still warranted, and the investigation is still being pursued, NMFS may have

additional information requests. If the previously mentioned factors are present (*i.e.*, investigation is still inconclusive, etc.), the Navy would be required to answer additional questions regarding their activities within 148 km (80 nmi) and 72 hrs prior, provided appropriate security clearance procedures are followed.

3) Actions to Minimize Additional Harm to Live-Stranded (or Milling) Marine Mammals

In the event of a live stranding (or near-shore atypical milling) event within the GOA Study Area or within 50 km (27 nmi) of the boundary of the GOA Study Area, where the stranding network is engaged in herding or other interventions to return animals to the water, NMFS (individuals specifically identified in the Communication Protocol, NMFS Office of Protected Resources (OPR) – HQ senior administrators) will advise the Navy of the need to implement shutdown procedures for all permitted active acoustic sources or explosive devices within 50 km (27 nmi) of the stranding. Following this initial shutdown, NMFS will communicate with the Navy to determine if circumstances support any modification of the shutdown zone. The Navy may decline to implement all or part of the shutdown if the holder of the LOA, or his/her designee, determines that it is necessary for national security. Shutdown procedures for live stranding or milling marine mammals include the following:

- If at any time, the marine mammal(s) die or are euthanized, or if herding/intervention efforts are stopped, NMFS (individuals specifically identified in the Communication Protocol) will immediately advise the Navy that the shutdown around that animal(s)' location is no longer needed.
- Otherwise, shutdown procedures will remain in effect until NMFS (individuals specifically identified in the Communication Protocol) determines and advises the Navy that, all live animals involved have left the area (either of their own volition or following an intervention).
- If further observations of the marine mammals indicate the potential for restranding, additional coordination with the Navy will be required to determine what measures are necessary to minimize that likelihood (*e.g.*, extending the shutdown or moving operations farther away) and to implement those measures as appropriate.

Shutdown procedures are not related to the investigation of the cause of the stranding and their implementation is not intended to imply that Navy activity is the cause of the stranding. Rather, shutdown procedures are intended to protect marine mammals exhibiting indicators of distress by minimizing their exposure to possible additional stressors, regardless of the factors that contributed to the stranding.

COMMUNICATION PROTOCOL

Effective communication is critical to the successful implementation of this Notification and Reporting Plan in the GOA Study Area. Very specific protocols for communication, including identification of the Navy personnel authorized to implement a shutdown and the NMFS personnel authorized to advise the Navy of the need to implement shutdown procedures, have been identified. These protocols and associated phone trees are found within the “Communication Protocol” for the GOA Study Area, which is maintained and reviewed annually by the Navy and NMFS. Updates to the “Communication Protocol” occur on an ‘as needed basis’, and are not limited to the annual review (*e.g.* personnel changes, updates to contact information, or other).