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

Commander, U.S. Pacific Fleet
Attn: Code N465, Fleet Environmental Readiness
250 Makalapa Drive
Pearl Harbor, Hawaii 96860-3131

Dear Sir or Madam:

Enclosed is Letter of Authorization (LOA) issued to the Commander, U.S. Pacific Fleet, under the authority of Section 101(a)(5)(A) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*) and the regulations governing the take of marine mammals incidental to the Navy's training activities in the Gulf of Alaska Temporary Maritime Activities Area (50 C.F.R. Part 218, Subpart P). This authorization is effective for five years and covers the taking of marine mammals incidental to the Navy's training activities, as identified in the final rule, provided the mitigation, monitoring, and reporting requirements are undertaken as required by the regulations and the LOA.

If you have any questions concerning the LOA or its requirements, please contact Jolie Harrison or Stephanie Egger, Office of Protected Resources, National Marine Fisheries Service at 301-427-8401.

Sincerely,

Donna S. Wieting

Donna S. Wieting
Director, Office of Protected Resources

Enclosures

UNITED STATES DEPARTMENT OF COMMERCE
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DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL MARINE FISHERIES SERVICE

Letter of Authorization

The Commander, U.S. Pacific Fleet, Attn: Code N465, Fleet Environmental Readiness 250 Makalapa Drive, Pearl Harbor, Hawaii 96860-3131, and persons operating under his authority (*i.e.*, Navy), are authorized to take marine mammals incidental to Navy training activities conducted in the in the Gulf of Alaska Temporary Maritime Activities Area in accordance with 50 CFR Part 218, Subpart P — Takes of Marine Mammals Incidental to Specified Activities; U.S. Navy Training Activities in the Gulf of Alaska (GOA) Temporary Maritime Activities Area (TMAA) ("the regulations"); 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 April 26, 2017, through April 26, 2022.

2. This Authorization is valid only for the unintentional taking of the species of marine mammals and methods of take identified in Section 5 of this Authorization incidental to the training activities specified in Section 4(a) of this Authorization and occurring within the GOAA Study Area (as depicted on page ES-2 of the 2016 the Navy's 2016 FSEIS/OEIS). The Study Area includes the existing GOA TMAA, which is bounded by a hexagon with the following six corners: 57°30′°N. lat., 141°30′°W. long.; 59°36′°N. lat., 148°10′°W. long.; 58°57′°N. lat., 150°04′°W. long.; 58°20′°N. lat., 151°00′°W. long.; 57°16′°N. lat., 151°00′°W. long.; and 55°30′°N. lat., 142°00′°W. long where sonar and other active sources used during training may occur.

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 §§ 218.154 & 218.155 and implements the Terms and Conditions of this Authorization.

4. (a) This Authorization is valid for the training activities identified below:

   (1) Sonar and other Active Sources Used During Training:

   (i) Mid-frequency (MF) Source Classes:
   (A) MF1 – an average of 271 hours per year.
   (B) MF3 – an average of 24 hours per year.
   (C) MF4 – an average of 26 hours per year.
   (D) MF5 – an average of 126 items per year.

(E) MF6 – an average of 11 items per year.
(F) MF11 – an average of 39 hours per year.

(ii) High-frequency (HF) Source Classes:
(A) HF1 – an average of 12 hours per year.
(B) HF6 – an average of 40 items per year.

(iii) Anti-Submarine Warfare (ASW) Source Classes:
(A) ASW2 – an average of 40 hours per year.
(B) ASW3 – an average of 273 hours per year.
(C) ASW4 – an average 6 items per year.

(iv) Torpedoes (TORP):
(A) TORP2 – an average of 0 items per year.

(2) Impulsive Source Detonations During Training:

(i) Explosive Classes:
(A) E5 (>5 to 10 pound (lb) net explosive weight (NEW)) – an average of 56 detonations per year.
(B) E9 (>100 to 250 lb NEW) – an average of 64 detonations per year.
(C) E10 (>250 to 500 lb NEW) – an average of 6 detonations per year.
(D) E12 (>650 to 1,000 lb NEW) – an average of 2 detonations per year.

(b) This authorization is also valid for the activities and sources listed in 4(a) should the amounts (*i.e.*, hours, items, detonations) vary from those estimated in 4(a), provided that the variation does not result in exceeding the amount of take indicated in section 5, below.

5. The incidental take of marine mammals under the activities identified in 4(a), above, and § 218.150(c) is limited to the species listed in this section below, by the indicated method of take and the indicated number of times (estimated based on the authorized amounts of sound source operation):

(1) Level B Harassment for all Training Activities:

(i) Mysticetes:

(A) Blue whale (*Balaenoptera musculus*), Eastern North Pacific – 235 (an average of 47 per year).
(B) Fin whale *(Balaenoptera physalus*), Northeast Pacific – 6,455 (an average of 1,291 per year).
(C) Humpback whale (*Megaptera novaeangliae*), Central North Pacific – 305 (an average of 61 per year).
(D) Humpback whale (*Megaptera novaeangliae*), Western North Pacific – 5 (an average of 1 per year).

(E) Humpback whale (*Megaptera novaeangliae*), CA/OR/WA – 35 (an average of 7 per year).
(F) Minke whale (*Balaenoptera acutorostrata*), Alaska – 215 (an average of 43 per year).
(G) North Pacific right whale (*Eubalaena japonica*), Eastern North Pacific – 15 (an average of 3 per year).
(H) Sei whale (*Balaenoptera borealis*), Eastern North Pacific – 30 (an average of 6 per year).

(ii) Odontocetes:

(A) Baird's beaked whale (*Berardius bairdii*), Alaska – 1,000 (an average of 200 per year).
(B) Cuvier's beaked whale (*Ziphius cavirostris*), Alaska – 6,355 (an average of 1,271 per year).
(C) Dall's porpoise (*Phocoenoidea dalli*), Alaska – 41,350 (an average of 8, 270 per year).
(D) Harbor porpoise (*Phocoena phocoena*), GOA – 13,710 (an average of 2,742 per year).
(E) Harbor porpoise (*Phocoena phocoena*), Southeast Alaska – 4,815 (an average of 963 per year).
(F) Killer whale (*Orcinus orca*), Alaska Resident – 1,405 (an average of 281 per year).
(G) Killer whale (*Orcinus orca*), Eastern North Pacific Offshore – 130 (an average of 26 per year).
(H) Killer whale (*Orcinus orca*), GOA, Aleutian Island, and Bearing Sea Transient – 360 (an average of 72 per year).
(I) Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), North Pacific – 4,905 (an average of 981 per year).
(J) Stejneger's beaked whale (*Mesoplodon stejnegeri*), Alaska – 2,880 (an average of 576 per year).
(K) Sperm whale (*Physeter macrocephalus*), North Pacific – 490 (an average of 98 per year).

(iii) Pinnipeds:

(A) California sea lion (*Zalophus californianus*), U.S. – 10 (an average of 2 per year).
(B) Steller sea lion (*Eumetopias jubatus*), Eastern U.S. – 1,675 (an average of 335 per year).
(C) Steller sea lion (*Eumetopias jubatus*), Western U.S. – 1,430 (an average of 286 per year).
(D) Harbor seal (*Phoca vitulina*), South Kodiak – 5 (an average of 1 per year).
(E) Harbor seal (*Phoca vitulina*), Prince William Sound – 5 (an average of 1 per year).
(F) Northern elephant seal (*Mirounga angustirostris*), California Breeding – 610 (an average of 122 per year).
(G) Northern fur seal (*Callorhinus ursinus*), Eastern Pacific – 3,565 (an average of 713 per year).

(2) Level A Harassment for all Training Activities:

(i) Odontocetes:
(A) Dall's porpoise (*Phocoenoidea dalli*), Alaska – 20 (an average of 4 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:

(1) *Lookouts*. The Navy shall have two types of lookouts for the purposes of conducting visual observations: those positioned on ships; and those positioned ashore, in aircraft, or on boats. The following are protective measures concerning the use of lookouts.

(i) Lookouts positioned on surface ships shall be dedicated solely to diligent observation of the air and surface of the water. Their observation objectives shall 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.

(ii) Due to manning and space restrictions on aircraft, small boats, and some Navy ships, lookouts for these platforms may be supplemented by the aircraft crew or pilot, boat crew, range site personnel, or shore-side personnel. Lookouts positioned in minimally manned platforms may be responsible for tasks in addition to observing the air or surface of the water (*e.g.*, navigation of a helicopter or small boat). However, all lookouts shall, considering personnel safety, practicality of implementation, and impact on the effectiveness of the activity, comply with the observation objectives described above for lookouts positioned on ships.

(iii) All personnel standing watch on the bridge, Commanding Officers, Executive Officers, maritime patrol aircraft aircrews, anti-submarine warfare helicopter crews, civilian equivalents, and lookouts shall successfully complete the United States Navy Marine Species Awareness Training prior to standing watch or serving as a lookout.

(iv) Lookout measures for non-impulsive sound:

(A) With the exception of vessels less than 65 feet (ft) (20 meters (m)) in length, ships using hull-mounted mid-frequency active sonar sources associated with anti-submarine warfare activities at sea shall have two Lookouts at the forward position of the vessel.
(B) While using hull-mounted mid-frequency active sonar sources associated with anti-submarine warfare activities at sea, vessels less than 65 ft (20 m) in length shall have one lookout at the forward position of the vessel due to space and manning restrictions.
(C) During non-hull mounted mid-frequency active sonar training activities, Navy aircraft participating in exercises at sea shall conduct and maintain, when operationally feasible 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. Helicopters shall observe/survey the vicinity of an anti-submarine warfare training event for 10 minutes before the first deployment of active (dipping) sonar in the water.

(D) Ships or aircraft conducting non-hull-mounted mid-frequency active sonar, such as helicopter dipping sonar systems, shall maintain one lookout.
(E) Ships conducting high-frequency active sonar shall maintain one lookout.

(v) Lookout measures for explosives and impulsive sound:

(A) Aircraft conducting explosive signal underwater sound buoy activities using >0.5–2.5 lb. NEW shall have one lookout.
(B) Surface vessels or aircraft conducting small-, medium-, or large-caliber gunnery exercises against a surface target shall have one Lookout. From the intended firing position, trained Lookouts shall survey the mitigation zone for marine mammals prior to commencement and during the exercise as long as practicable. Towing vessels, if applicable, shall also maintain one Lookout. If a marine mammal is sighted in the vicinity of the exercise, the tow vessel shall immediately notify the firing vessel in order to secure gunnery firing until the area is clear.
(C) Aircraft conducting explosive bombing exercises shall have one lookout and any surface vessels involved shall have trained Lookouts. If surface vessels are involved, Lookouts shall survey for floating kelp and marine mammals. Aircraft shall visually survey the target and buffer zone for marine mammals prior to and during the exercise. The survey of the impact area shall be made by flying at 1,500 ft (460 m) or lower, if safe to do so, and at the slowest safe speed. Release of ordnance through cloud cover is prohibited: aircraft must be able to actually see ordnance impact areas. Survey aircraft should employ most effective search tactics and capabilities.
(D) When aircraft are conducting missile exercises against a surface target, the Navy shall have one Lookout positioned in an aircraft. Aircraft shall visually survey the target area for marine mammals. Visual inspection of the target area shall be made by flying at 1,500 ft (457 m) or lower, if safe to do so, and at the slowest safe speed. Firing or range clearance aircraft must be able to actually see ordnance impact areas.
(E) Ships conducting explosive and non-explosive gunnery exercises shall have one Lookout on the ship. This may be the same lookout described in paragraph (B) above for surface vessels conducting small-, medium-, or large-caliber gunnery exercises when that activity is conducted from a ship against a surface target.

(vi) Lookout measures for physical strike and disturbance:

(A) While underway, surface ships shall have at least one Lookout with binoculars, and surfaced submarines shall have at least one Lookout with binoculars. Lookouts already posted for safety of navigation and man-overboard precautions may be used to fill this requirement. As part of their regular duties, Lookouts will watch for and report to the Officer of the Deck the presence of marine mammals.

(vii) Lookout measures for non-explosive practice munitions:

(A) Gunnery exercises using non-explosive practice munitions (*e.g.*, small-, medium-, and large-caliber) using a surface target shall have one Lookout.

(B) During non-explosive bombing exercises one Lookout shall be positioned in an aircraft and trained lookouts shall be positioned in any surface vessels involved.
(C) When aircraft are conducting non-explosive missile exercises (including exercises using rockets) against a surface target, the Navy shall have one Lookout positioned in an aircraft.

(2) Mitigation Zones – The following are protective measures concerning the implementation of mitigation zones:

(i) Mitigation zones shall be measured as the radius from a source and represent a distance to be monitored.

(ii) Visual detections of marine mammals or sea turtles within a mitigation zone shall be communicated immediately to a watch station for information dissemination and appropriate action.

(iii) Mitigation zones for non-impulsive sound:

(A) The Navy shall ensure that hull-mounted mid-frequency active sonar transmission levels are limited to at least 6 dB below normal operating levels if any detected marine mammals or sea turtles are within 1,000 yards (yd) (914 m) of the sonar dome (the bow).
(B) The Navy shall ensure that hull-mounted mid-frequency active sonar transmissions are limited to at least 10 dB below the equipment's normal operating level if any detected marine mammals or sea turtles are within 500 yd (457 m) of the sonar dome.
(C) The Navy shall ensure that hull-mounted mid-frequency active sonar transmissions are ceased if any detected cetaceans or sea turtles are within 200 yd (183 m) and pinnipeds are within 100 yd (90 m) of the sonar dome. Transmissions shall not resume until the marine mammal has been observed exiting the mitigation zone, is thought to have exited the mitigation zone based on its course and speed, has not been detected for 30 minutes, the vessel has transited more than 2,000 yd (1830 m) beyond the location of the last detection, or the ship concludes that dolphins are deliberately closing in on the ship to ride the ship's bow wave (and there are no other marine mammal sightings within the mitigation zone). Active transmission may resume when dolphins are bow riding because they are out of the main transmission axis of the active sonar while in the shallow-wave area of the ship bow.
(D) The Navy shall ensure that high-frequency and non-hull-mounted mid-frequency active sonar transmission levels are ceased if any detected cetaceans are within 200 yd (183 m) and pinnipeds are within 100 yd (90 m) of the source. Transmissions shall not resume until the marine mammal has been observed exiting the mitigation zone, is thought to have exited the mitigation zone based on its course and speed, the mitigation zone has been clear from any additional sightings for a period of 10 minutes for an aircraft-deployed source, the mitigation zone has been clear from any additional sightings for a period of 30 minutes for a vessel-deployed source, the vessel or aircraft has repositioned itself more than 400 yd (370 m) away from the location of the last sighting, or 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).

(iv) Mitigation zones for explosive and impulsive sound:

(A) A mitigation zone with a radius of 350 yd (320 m) shall be established for explosive signal underwater sonobuoys using >0.5 to 2.5 lb NEW. Explosive signal underwater sonobuoys shall not be deployed if concentrations of floating vegetation (kelp paddies) are observed in the mitigation zone (around the intended deployment location). Explosive signal underwater sonobuoy deployment shall cease if a marine mammal is sighted within the mitigation zone. Detonations shall recommence if any one of the following conditions is met: the animal is observed exiting the mitigation zone, the animal is thought to have exited the mitigation zone based on its course and speed, or the mitigation zone has been clear from any additional sightings for a period of 10 minutes. Passive acoustic monitoring shall also be conducted with Navy assets, such as sonobuoys, already participating in the activity. These assets would only detect vocalizing marine mammals within the frequency bands monitored by Navy personnel. Passive acoustic detections would not provide range or bearing to detected animals, and therefore cannot provide locations of these animals. Passive acoustic detections would be reported to Lookouts posted in aircraft in order to increase vigilance of their visual surveillance.
(B) A mitigation zone with a radius of 200 yd (183 m) shall be established for small- and medium-caliber gunnery exercises with a surface target. The exercise shall not commence if concentrations of floating vegetation (kelp paddies) are observed in the mitigation zone. Firing shall cease if a marine mammal is sighted within the mitigation zone. Firing shall recommence if any one of the following conditions is met: the animal is observed exiting the mitigation zone, the animal is thought to have exited the mitigation zone based on its course and speed, the mitigation zone has been clear from any additional sightings for a period of 10 minutes for a firing aircraft, the mitigation zone has been clear from any additional sightings for a period of 30 minutes for a firing ship, or the intended target location has been repositioned more than 400 yd (370 m) away from the location of the last sighting.
(C) A mitigation zone with a radius of 600 yd (549 m) shall be established for large-caliber gunnery exercises with a surface target. The exercise shall not commence if concentrations of floating vegetation (kelp paddies) are observed in the mitigation zone. Firing shall cease if a marine mammal is sighted within the mitigation zone. Firing shall recommence if any one of the following conditions is met: the animal is observed exiting the mitigation zone, the animal is thought to have exited the mitigation zone based on its course and speed, or the mitigation zone has been clear from any additional sightings for a period of 30 minutes.
(D) A mitigation zone with a radius of 2,500 yd (2.3 km) around the intended impact location for explosive bombs and 1000 yd (920 m) for non-explosive bombs shall be established for bombing exercises. The exercise shall not commence if concentrations of floating vegetation (kelp paddies) are observed in the mitigation zone. Bombing shall cease if a marine mammal is sighted within the mitigation zone. Bombing shall recommence if any one of the following conditions is met: the animal is observed exiting the mitigation zone, the animal is thought to have exited the mitigation zone based on its

course and speed, or the mitigation zone has been clear from any additional sightings for a period of 10 minutes.
(E) A mitigation zone of 70 yd (64 m) shall be established for all explosive large-caliber gunnery exercises conducted from a ship. The exercise shall not commence if concentrations of floating vegetation (kelp paddies) are observed in the mitigation zone. Firing shall cease if a marine mammal is sighted within the mitigation zone. Firing shall recommence if any one of the following conditions is met: the animal is observed exiting the mitigation zone, the animal is thought to have exited the mitigation zone based on its course and speed, the mitigation zone has been clear from any additional sightings for a period of 30 minutes, or the vessel has repositioned itself more than 140 yd (128 m) away from the location of the last sighting.

(v) Mitigation zones for vessels and in-water devices:

(A) Vessels shall avoid approaching marine mammals head on and shall maneuver to keep at least 500 yd (457 m) away from observed whales and 200 yd (183 m) away from all other marine mammals (except bow riding dolphins), providing it is safe to do so. These requirements shall not apply if a vessel's safety is threatened and to the extent that vessels are restricted in their ability to maneuver. Restricted maneuverability includes, but is not limited to, situations when vessels are engaged in dredging, submerged activities, launching and recovering aircraft or landing craft, minesweeping activities, replenishment while underway and towing activities that severely restrict a vessel's ability to deviate course.
(B) A mitigation zone of 250 yd (229 m) shall be established for all towed in-water devices, providing it is safe to do so.

(vi) Mitigation zones for non-explosive practice munitions:

(A) A mitigation zone of 200 yd (183 m) shall be established for small-, medium-, and large-caliber gunnery exercises using a surface target. The exercise shall not commence if concentrations of floating vegetation (kelp paddies) are observed in the mitigation zone. Firing shall cease if a marine mammal is sighted within the mitigation zone. Firing shall recommence if any one of the following conditions is met: the animal is observed exiting the mitigation zone, the animal is thought to have exited the mitigation zone based on its course and speed, the mitigation zone has been clear from any additional sightings for a period of 10 minutes for a firing aircraft, the mitigation zone has been clear from any additional sightings for a period of 30 minutes for a firing ship, or the intended target location has been repositioned more than 400 yd (370 m) away from the location of the last sighting.
(B) A mitigation zone of 1,000 yd (920 m) shall be established for bombing exercises. Bombing shall cease if a marine mammal is sighted within the mitigation zone. The exercise shall not commence if concentrations of floating vegetation (kelp paddies) are observed in the mitigation zone. Bombing shall recommence if any one of the following conditions is met: the animal is observed exiting the mitigation zone, the animal is thought to have exited the mitigation zone based on its course and speed, or the mitigation zone has been clear from any additional sightings for a period of 10 minutes.

(3) *Cautionary Areas* – The following are additional measures the Navy shall comply with when conducting training activities in the GOA TMAA Study Area:

(i) The Navy shall avoid training activities using hull-mounted surface ship active sonar and explosive detonations within the North Pacific Right Whale Cautionary Area, defined as the portion of the NMFS-identified biologically important feeding area for North Pacific right whale overlapping the GOA TMAA, except when required by national security needs.
(ii) In the event of national security needs, the Navy shall seek approval in advance from the Commander, U.S. Third Fleet, prior to conducting training activities using hull-mounted active sonar or explosive detonations within the Cautionary Area.

(4) *Stranding response plan.*

(i) The Navy shall abide by the letter of the "Stranding Response Plan for the Gulf of Alaska Temporary Maritime Activities Area," to include the following measures:
(A) *Shutdown procedures*. When an Uncommon Stranding Event (USE – defined in § 218.151) occurs during an MTE in the Study Area, the Navy shall implement the procedures described below:
(*1*) The Navy shall implement a shutdown when advised by a NMFS Office of Protected Resources Headquarters Senior Official designated in the GOA TMAA Study Area Stranding Communication Protocol that a USE involving live animals has been identified and that at least one live animal is located in the water. NMFS and the Navy shall maintain a dialogue, as needed, regarding the identification of the USE and the potential need to implement shutdown procedures.
(*2*) Any shutdown in a given area shall remain in effect in that area until NMFS advises the Navy that the subject(s) of the USE at that area die or are euthanized, or that all live animals involved in the USE at that area have left the area (either of their own volition or herded).
(*3*) If the Navy finds an injured or dead animal floating at sea during an MTE, the Navy shall notify NMFS immediately or as soon as operational security considerations allow. 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(s) is/are dead, location, time of first discovery, observed behavior (if alive), and photo or video (if available). Based on the information provided, NFMS shall determine if, and advise the Navy whether a modified shutdown is appropriate on a case-by-case basis.
(*4*) In the event, following a USE, that qualified individuals are attempting to herd animals back out to the open ocean and animals are not willing to leave, or animals are seen repeatedly heading for the open ocean but turning back to shore, NMFS and the Navy shall coordinate (including an investigation of other potential anthropogenic stressors in the area) to determine if the proximity of mid-frequency active sonar training activities or explosive detonations, though farther than 14 nautical miles from the distressed animal(s), is likely contributing to the animals' refusal to return to the open water. If so, NMFS and the Navy shall further coordinate to determine what measures

are necessary to improve the probability that the animals will return to open water and implement those measures as appropriate.
(B) Within 72 hours of NMFS notifying the Navy of the presence of a USE, the Navy shall provide available information to NMFS (per the GOA TMAA Study Area Communication Protocol) regarding the location, number and types of acoustic/explosive sources, direction and speed of units using mid-frequency active sonar, and marine mammal sightings information associated with training activities occurring within 80 nautical miles (148 km) and 72 hours prior to the USE event. Information not initially available regarding the 80-nautical miles (148-km), 72-hour period prior to the event shall be provided as soon as it becomes available. The Navy shall provide NMFS investigative teams with additional relevant unclassified information as requested, if available.

7. Monitoring and Reporting – When conducting operations identified in Section 4, 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) The Holder of the Authorization must notify NMFS immediately (or as soon as operational security considerations allow) if the specified activity identified in § 218.150 is thought to have resulted in the mortality or injury of any marine mammals, or in any take of marine mammals not identified in § 218.152(c).

(b) The Holder of the LOA must conduct all monitoring and required reporting under the LOA, including abiding by the GOA TMAA monitoring plan.

(c) *General notification of injured or dead marine mammals*. Navy personnel shall ensure that NMFS (regional stranding coordinator) is notified immediately (or as soon as operational security considerations allow) if an injured or dead marine mammal is found by Navy personnel during or shortly after, and in the vicinity of, a Navy training activity utilizing mid- or high-frequency active sonar, or underwater explosive detonations. 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). In the event that an injured, stranded, or dead marine mammal is found by the Navy that is not in the vicinity of, or during or shortly after, MFAS, HFAS, or underwater explosive detonations, the Navy shall report the same information as listed above as soon as operationally feasible and clearance procedures allow.

(d) *General notification of ship strike*. In the event of a ship strike by any Navy vessel, at any time or place, the Navy shall do the following:

(1) Immediately report to NMFS the species identification (if known), location (lat/long) of the animal (or the strike if the animal has disappeared), and whether the animal is alive or dead (or unknown), and the time of the strike.

(2) Report to NMFS as soon as operationally feasible the size and length of animal, an estimate of the injury status (ex., dead, injured but alive, injured and moving, unknown, etc.), vessel class/type and operational status.
(3) Report to NMFS the vessel length, speed, and heading as soon as feasible.
(4) Provide NMFS a photo or video, if equipment is available.
(5) Within 2 weeks of the strike, provide NMFS with 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.

(e) *Communication plan*. The Navy and NMFS shall develop a communication plan that will include all of the communication protocols (phone trees, etc.) and associated contact information required for NMFS and the Navy to carry out the necessary expeditious communication required in the event of a stranding or ship strike, including information described in the proposed notification measures above.

(f) *Annual GOA TMAA monitoring report*. The Navy shall submit an annual report of the GOA TMAA monitoring describing the implementation and results from the previous calendar year. Data collection methods shall be standardized across range complexes and study areas to allow for comparison in different geographic locations. The report shall be submitted either 90 days after the calendar year, or 90 days after the conclusion of the monitoring year to be determined by the adaptive management process. The GOA TMAA Monitoring Report may be provided to NMFS within a larger report that includes the required Monitoring Plan reports from multiple range complexes and study areas (the multi-Range Complex Annual Monitoring Report). Such a report would describe progress of knowledge made with respect to monitoring plan study questions across all Navy ranges associated with the Integrated Comprehensive Monitoring Program. Similar study questions shall be treated together so that progress on each topic shall 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.

(g) *Annual GOA TMAA exercise reports*. Each year, the Navy shall submit a preliminary report detailing the status of authorized sound sources within 21 days after the anniversary of the date of issuance of the LOA. Each year, the Navy shall submit a detailed report within 3 months after the anniversary of the date of issuance of the LOA. The annual report shall contain information on Major Training Exercises (MTEs) and a summary of all sound sources used, as described in paragraph (g)(2) of this section. The analysis in the detailed report shall be based on the accumulation of data from the current year's report and data collected from previous the report. The detailed reports shall contain information identified in paragraphs (g)(1) through (4) of this section.

(1) *MFAS/HFAS Major Training Exercises* - This section shall contain the following information for Major Training Exercises conducted in the GOA TMAA:

(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 when mitigation occurred:

(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) 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 is <200 yd, 200 to 500 yd, 500 to 1,000 yd, 1,000 to 2,000 yd, or >2,000 yd from sonar source.
(K) *Mitigation implementation.* Whether operation of sonar sensor was delayed, or sonar was powered or shut down, and how long the delay was.
(L) 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.

(iii) 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 annual hours or quantity (per the LOA) of each bin of sonar or other non-impulsive source;
(B) Total annual number of each type of explosive exercises and total annual expended/detonated rounds (missiles, bombs, sonobuoys, etc.) for each explosive bin.

(3) *Geographic information presentation.* The reports shall present an annual (and seasonal, where practical) depiction of training exercises and testing bin usage geographically across the Study Area.

(h) *MTE Prior Notification.* The Navy shall submit to NMFS (contact as specified in the LOA and Stranding Plan) an electronic notice of pending MTEs 72 hours prior to the start of the MTE indicating:
(i) Location of the exercise.
(ii) Beginning and end dates of the exercise.
(iii) Type of exercise.

(i) *Five-year close-out exercise report.* This report shall be included as part of the 2021 annual exercise report. This report shall provide the annual totals for each sound source bin with a comparison to the annual allowance and the 5-year total for each sound source bin with a comparison to the 5-year allowance. Additionally, if there were any changes to the sound source allowance, this report shall include a discussion of why the change was made and include the analysis to support how the change did or did not result in a change in the SEIS and final rule determinations. The report shall be submitted 3 months after the expiration of this subpart. NMFS shall submit comments on the draft close-out report, if any, within 3 months of receipt. The report shall be considered final after the Navy has addressed NMFS' comments, or 3 months after the submittal of the draft if NMFS does not provide comments.

8. Prohibitions - Notwithstanding takings contemplated in Section 5 of this Authorization and authorized by an LOA issued under §§ 216.106 and 218.157, no person in connection with the activities described in Section 4 of this Authorization may take any marine mammal specified in Section 5 of this Authorization other than by incidental take as specified in Section 4; take a marine mammal specified in Section 5 if such taking results in more than a negligible impact on the species or stocks of such marine mammal; or violate, or fail to comply with, the terms, conditions, and requirements of the regulations or a LOA issued under §§ 216.106 and 218.157.

9. (a) A letter of authorization issued under §§ 216.106 and 218.157 of this chapter for the activity identified in § 218.150(c) shall be renewed or modified upon request of the applicant, provided that:

(1) The proposed 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 of this chapter), and;
(2) NMFS determines that the mitigation, monitoring, and reporting measures required by the previous LOA under the regulations were implemented.

(b) For LOA modification or renewal requests by the applicant that include changes to the activity or the mitigation, monitoring, or reporting (excluding changes made pursuant to the adaptive management provision of this chapter) 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 years), NMFS may publish a notice of proposed LOA in the **Federal Register**, including the associated analysis illustrating the change, and solicit public comment before issuing the LOA.

10. An LOA issued under § 216.106 and § 218.157 of this chapter for the activity identified in § 218.150 may be modified by NMFS under the following circumstances:

(1) *Adaptive management.* NMFS may modify and augment the existing mitigation, monitoring, or reporting measures (after consulting with the Navy regarding the practicability of the modifications) 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, and reporting measures in an LOA:
(A) Results from 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 subsequent LOA.

(ii) If, through adaptive management, the modifications to the mitigation, monitoring, or reporting measures are substantial, NMFS would publish a notice of proposed 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 § 218.152(c), an LOA may be modified without prior notification and an opportunity for public comment. Notification would be published in the **Federal Register** within 30 days of the action.

11. A copy of this Authorization and the attached Subpart P of the regulations, or a document containing the equivalent requirements specified in this Authorization or 50 CFR Subpart P, 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).

12. The Holder of this Authorization and any person operating under his authority is required to comply with the Terms and Conditions of the Incidental Take Statement corresponding to NMFS' Biological Opinion as they pertain to listed marine mammals.

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

APR 26 2017
Date