

REQUEST FOR 2012-2014 RENEWAL OF THE LETTER OF
AUTHORIZATION UNDER SECTION 101(A) (5) (A) OF THE MARINE
MAMMAL PROTECTION ACT FOR HARASSMENT OF MARINE
MAMMALS INCIDENTAL TO U.S. NAVY TRAINING CONDUCTED
WITHIN THE VIRGINIA CAPES RANGE COMPLEX

Submitted To:
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January 2012

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ACRONYMS AND ABBREVIATIONS

DoN	Department of the Navy
LOA	Letter of Authorization
MMPA	Marine Mammal Protection Act
NMFS	National Marine Fisheries Service
VACAPES	Virginia Capes

(U) 1. DESCRIPTION OF ACTIVITIES

(U) Pursuant to the Marine Mammal Protection Act of 1972 (MMPA), this document is the annual renewal application to the National Marine Fisheries Service (NMFS) for a Letter of Authorization (LOA)¹ for incidental harassment of marine mammals from U.S. Navy (Navy) training and research activities within the Virginia Capes (VACAPES) Range Complex.

(U) This LOA renewal is being sought to cover the two year period from June 2012 to June 2014 to cover the taking of marine mammals, as described by the MMPA, incidental to training and research within the VACAPES Range Complex. The LOA will not address activities designated for armed conflict or direct combat support operations, nor during periods of heightened national threat conditions, as determined by the President and Secretary of Defense or their duly designated alternatives or successors, as assisted by the Chairman of the Joint Chiefs of Staff.

(U) The table below shows the MMPA permit documentation applicable to the VACAPES Range Complex and NMFS’s authorization (**Table 1**). Information contained in these references provide a complete description of the background for the Navy’s request, overview of the VACAPES Range Complex, description of the specified activities, description of marine mammals in the area, discussion of potential effects or lack of effects of specified activities on marine mammals, mitigation, marine mammal monitoring, and associated reporting. The descriptions contained in these references have not changed, except as where noted in this application renewal.

(U) Table 1. Timeline of key VACAPES Range Complex MMPA documents

Timeline Date	From	Event	Reference
17 MAR 08	Navy	Letter Of Authorization Application (request for Incidental Harassment For VACAPES activities) received by NMFS Office of Protected Resources (subsequently revised on 10 April 2008)	DoN 2008a
10 APR 08	Navy	Revised Letter Of Authorization Application (request for Incidental Harassment For VACAPES activities) submitted via Federal Express to NMFS Office of Protected Resources	DoN 2008b
14 APR 08	NMFS	Notice of Receipt of Navy application published in the Federal Register (73 Fed. Reg. 20032): Taking of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Navy Training Operations Conducted within the Virginia Capes and Jacksonville Range Complexes	NMFS 2008a
24 JUL 08	Navy	First Addendum to Letter of Authorization Application submitted via email to NMFS Office of Protected Resources	DoN 2008c
7 NOV 08	Navy	Second Addendum to Letter of Authorization Application submitted via email to NMFS Office of Protected Resources	DoN 2008d
12 DEC 08	NMFS	Proposed Rule published in Federal Register (73 Fed. Reg. 75631): Taking and Importing Marine Mammals; U.S. Navy Training in the Virginia Capes Range Complex	NMFS 2008b
20 MAR 09	Navy	Final Virginia Capes Range Complex Environmental Impact Statement\Overseas Environmental Impact Statement published	DoN 2009
5 JUN 09 – 4 JUN 10	NMFS	Annual Letter of Authorization for taking marine mammals incidental to U.S Navy’s training on the VACAPES Range Complex issued 5 June 2009	NMFS 2009a

¹ under Section 101 (a)(5)(A) of the MMPA

UNCLASSIFIED REQUEST FOR 2012-2014 RENEWAL OF THE LETTER OF AUTHORIZATION UNDER SECTION 101(A) (5) (A) OF THE MARINE MAMMAL PROTECTION ACT FOR HARASSMENT OF MARINE MAMMALS INCIDENTAL TO U.S. NAVY TRAINING CONDUCTED WITHIN THE VIRGINIA CAPES RANGE COMPLEX

15 JUN 09	NMFS	Final Rule published in Federal Register (74 Fed. Reg. 28328): Taking and Importing Marine Mammals; U.S. Navy Training in the Virginia Capes Range Complex	NMFS 2009b
5 FEB 10	Navy	Letter Of Authorization Application (request for Incidental Harassment For VACAPES activities) received by NMFS Office of Protected Resources	DoN 2010
5 JUN 10 – 4 JUN 11	NMFS	Annual Letter of Authorization for taking marine mammals incidental to U.S Navy’s training on the VACAPES Range Complex issued 3 June 2010	NMFS 2010
19 JAN 11	Navy	Letter Of Authorization Application (request for Incidental Harassment For VACAPES activities) received by NMFS Office of Protected Resources	DoN 2011a
26 MAY 11	NMFS	Interim Final Rule published in Federal Register (76 Fed. Reg. 30552): Taking and Importing Marine Mammals: U.S. Navy Training in the Virginia Capes Range Complex and Jacksonville Range Complex	NMFS 2011a
5 JUN 11 – 4 JUN 12	NMFS	Annual Letter of Authorization for taking marine mammals incidental to U.S Navy’s training on the VACAPES Range Complex issued 1 June 2011	NMFS 2011b
1 JUL 11	Navy	Application for Modified Letter Of Authorization (request for Incidental Harassment for VACAPES mine neutralization activities) received by NMFS Office of Protected Resources	DoN 2011b
7 NOV 11	NMFS	Notice of proposed LOA modification and request for comments published in Federal Register (76 Fed. Reg. 68734): Taking and Importing Marine Mammals: Taking Marine Mammals Incidental to Navy Training Exercises in Three East Coast Range Complexes	NMFS 2011c
6 JAN 12	NMFS	Modified 2011 Annual Letter of Authorization for taking marine mammals incidental to U.S Navy’s training on the VACAPES Range Complex issued 6 January 2012	NMFS 2012

(U) 2. LOCATION AND DEFINITION OF EXPLOSION ACTIVITIES

(U) There are no changes to the description in Navy’s 2011 requests for letters of authorization (DoN 2011a, 2011b), and NMFS’ most recent 2011 Letter of Authorization (NMFS 2012), except where noted below.

(U) The amount of training over the 2-year renewal authorization request from June 2012 to June 2014 is consistent with (although doubled) previous annual authorizations from NMFS (**Table 2**).

(U) Table 2. U.S. Navy training in VACAPES for 2012 to 2014.

Event	Annual Authorization	2-year Authorization (2012-2014)
MINEX (Mine Neutralization [AMNS])	30 events	60 events
MINEX (Mine Neutralization [5 lb NEW charges])	9 events	18 events
MINEX (Mine Neutralization [10 lb NEW charges])	150 events	300 events
MINEX (Mine Neutralization [20 lb NEW charges])	160 events	320 events
BOMBEX (Air-to-Surface [500 lb High Explosive bomb])	10 events (40 bombs)	20 events (80 bombs)
MISSILEX (Air-to-Surface; Hellfire missile)	60 events	120 events
MISSILEX (Air-to-Surface; Maverick missile)	20 events	40 events
FIREX with IMPASS	22 events	44 events

(U) 3. MARINE MAMMAL SPECIES AND NUMBERS OCCURRING IN THE VIRGINIA CAPES STUDY AREA

(U) There are no changes to the description in Navy’s 2011 requests for letters of authorization (DoN 2011a, 2011b), and NMFS’ most recent 2011 Letter of Authorization (NMFS 2012).

(U) 4. AFFECTED SPECIES STATUS AND DISTRIBUTION

(U) There are no changes to the description in Navy’s 2011 requests for letters of authorization (DoN 2011a, 2011b), and NMFS’ most recent 2011 Letter of Authorization (NMFS 2012).

(U) 5. TAKE AUTHORIZATION REQUESTED

(U) There are no changes to the description in Navy’s 2011 requests for letters of authorization (DoN 2011a, 2011b), and NMFS’ most recent 2011 Letter of Authorization (NMFS 2012).

(U) The amount of harassment authorization requested by the U.S. Navy is similar to the previous NMFS annual authorizations from 2009 to 2011 and is shown below both annually (June 2012 to June 2013) and for the two year requested authorization (June 2012 to June 2014) (**Table 3**).

(U) Table 3. Annual and 2-year harassment authorization request for 2012-2014.

Species	Annual Requested Take	2-year Requested Take (2012-2014)
Level B Harassment		
(i) Mysticetes:		
(A) Humpback whale (<i>Megaptera novaeangliae</i>)	2	4
(B) Fin whale (<i>Balaenoptera physalus</i>)	2	4
(ii) Odontocetes:		
(A) Sperm whales (<i>Physeter macrocephalus</i>)	2	4
(B) Pygmy or dwarf sperm whales (<i>Kogia breviceps</i> or <i>Kogia sima</i>)	3	6
(C) Rough-toothed dolphin (<i>Steno bredanensis</i>)	1	2
(D) Bottlenose dolphin (<i>Tursiops truncatus</i>)	29	58
(E) Pan-tropical spotted dolphin (<i>Stenella attenuata</i>)	70	140
(F) Striped dolphin (<i>Stenella coeruleoalba</i>)	68	136
(G) Clymene dolphin (<i>Stenella clymene</i>)	33	66
(H) Atlantic Spotted dolphin (<i>Stenella frontalis</i>)	43	86
(I) Common dolphin (<i>Delphinus spp.</i>)	2193	4386
(J) Risso's dolphin (<i>Grampus griseus</i>)	16	32
(K) Pilot whales (<i>Globicephala macrorhynchus</i> or <i>G. melas</i>)	10	20
Level A Harassment		
(i) Odontocetes:		
(A) Atlantic Spotted dolphin (<i>Stenella frontalis</i>)	1	2
(B) Common dolphin (<i>Delphinus spp.</i>)	20	40
(C) Pan-tropical spotted dolphin (<i>Stenella attenuata</i>)	1	2
(D) Striped dolphin (<i>Stenella coeruleoalba</i>)	3	6

(U) 6. NUMBERS AND SPECIES TAKEN

(U) There are no changes to the description in Navy's 2011 requests for letters of authorization (DoN 2011a, 2011b), and NMFS' most recent 2011 Letter of Authorization (NMFS 2012).

(U) 7. IMPACTS TO MARINE MAMMAL SPECIES OR STOCKS

(U) There are no changes to the description in Navy's 2011 requests for letters of authorization (DoN 2011a, 2011b), and NMFS' most recent 2011 Letter of Authorization (NMFS 2012).

(U) 8. IMPACTS ON SUBSISTENCE USE

(U) There are no changes to the description in Navy's 2011 requests for letters of authorization (DoN 2011a, 2011b), and NMFS' most recent 2011 Letter of Authorization (NMFS 2012).

(U) 9. IMPACTS TO MARINE MAMMAL HABITAT AND RESTORATION LIKELIHOOD

(U) There are no changes to the description in Navy's 2011 requests for letters of authorization (DoN 2011a, 2011b), and NMFS' most recent 2011 Letter of Authorization (NMFS 2012).

(U) 10. IMPACTS TO MARINE MAMMALS FROM LOSS OR MODIFICATION OF HABITAT

(U) There are no changes to the description in Navy's 2011 requests for letters of authorization (DoN 2011a, 2011b), and NMFS' most recent 2011 Letter of Authorization (NMFS 2012).

(U) 11. MITIGATION MEASURES

(U) There are no changes to the description in Navy's 2011 requests for letters of authorization (DoN 2011a, 2011b), and NMFS' most recent 2011 Letter of Authorization (NMFS 2012).

(U) 12. MINIMIZATION OF ADVERSE EFFECTS ON SUBSISTENCE USE

(U) There are no changes to the description in Navy's 2011 requests for letters of authorization (DoN 2011a, 2011b), and NMFS' most recent 2011 Letter of Authorization (NMFS 2012).

(U) 13. MONITORING AND REPORTING MEASURES

(U) There are no changes to the description in Navy's 2011 requests for letters of authorization (DoN 2011a, 2011b), and NMFS' most recent 2011 Letter of Authorization (NMFS 2012).

(U) 14. RESEARCH EFFORTS

(U) There are no changes to the description in Navy's 2011 requests for letters of authorization (DoN 2011a, 2011b), and NMFS' most recent 2011 Letter of Authorization (NMFS 2012).

(U) 15. LIST OF PREPARERS

(U) There are no changes to the description in Navy's 2011 requests for letters of authorization (DoN 2011a, 2011b), and NMFS' most recent 2011 Letter of Authorization (NMFS 2012).

(U) 16. LITERATURE CITED

(U) There are no changes to the description in Navy's 2011 requests for letters of authorization (DoN 2011a, 2011b), and NMFS' most recent 2011 Letter of Authorization (NMFS 2012).