

**REQUEST FOR A LETTER OF AUTHORIZATION RENEWAL
UNDER SECTION 101(a) (5) (A) OF THE MARINE MAMMAL
PROTECTION ACT INCIDENTAL TO NAVAL SURFACE
WARFARE CENTER PANAMA CITY DIVISION (NSWC PCD)
MISSION ACTIVITIES**

**NAVAL SURFACE WARFARE CENTER
PANAMA CITY DIVISION, FLORIDA**

**Submitted To:
Office of Protected Resources
National Marine Fisheries Service (NMFS)
1315 East-West Highway
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AUGUST 2010

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Table of Contents

1. Introduction and Description of Activities	5
2. Dates, Duration and Location of the Test Activities	7
3. Marine Mammal Species and Occurrence	8
4. Affected Species Status and Distribution	9
5. Harassment Authorization Requested	10
6. Numbers and Species Exposed.....	11
7. Effects to Marine Mammal Species or Stocks.....	15
8. Minimization of Adverse Effects to Subsistence Use	16
9. Effects to Marine Mammal Habitat and the Likelihood of Restoration	17
10. Effects to Marine Mammals From Loss or Modification of Habitat	18
11. Means of Effecting the Least Practicable Adverse Impacts – Mitigation Measures	19
12. Monitoring and Reporting.....	20
13. Research.....	21
14. List of Preparers.....	22
15. References.....	23

Table of Tables

Table 1-1. Timeline of Key NSWC PCD MMPA Documents	5
Table 6-1. Marine Mammal Exposures from NSWC PCD RDT&E Mission Activities Per Year	11
Table 6-2. Marine Mammal Exposures from Sonar Missions in Territorial Waters Per Year	12
Table 6-3. Marine Mammal Exposures from Sonar Missions in Non-territorial Waters Per Year	12
Table 6-4. Marine Mammal Exposures from Detonations (0-34 kilograms (kg) [0-75 pounds (lb)]) in Territorial Waters Per Year	13
Table 6-5. Marine Mammal Exposures from Line Charges (794 kg [1,750 lb]) in Territorial Waters Per Year.....	13

Table 6-6. Marine Mammal Exposures from Detonations (34-272 kg [76-600 lb]) in
Non-territorial Waters Per Year 13

Table 6-7. Marine Mammal Exposures from 5-inch Round Detonations in Non-territorial
Waters 14

1. INTRODUCTION AND DESCRIPTION OF ACTIVITIES

Under the provisions of 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) under Section 101(a) of the Marine Mammal Protection Act for the taking of marine mammals incidental to Research, Development, Test, and Evaluation (RDT&E) operations that occur within the Naval Surface Warfare Center Panama City Division (NSWC PCD) Study Area.

This LOA renewal is being sought to cover the annual period from January 2011 to January 2012 to cover the taking of marine mammals, as described by the MMPA, incidental to RDT&E activities within the NSWC PCD Study Area.

The table below shows the MMPA permit documentation applicable to NSWC PCD and NMFS's authorization (**Table 1-1**). Information contained in these references provide a complete description of the background for the U.S. Navy's request, overview of NSWC PCD mission 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.

Table 1-1. Timeline of Key NSWC PCD MMPA Documents

Timeline Date	Issuing Agency	Event	Reference
April 1, 2008	U.S. Navy	LOA Application (request for Incidental Harassment For NSWC PCD Mission Activities) submitted to NMFS Office of Protected Resources	Department of the U.S. Navy (DON), 2008
February 12, 2009	U.S. Navy	LOA Application Addendum submitted to NMFS Office of Protected Resources	DON, 2009
April 30, 2009	NMFS	Taking and Importing Marine Mammals; U.S. Naval Surface Warfare Center Panama City Division Mission Activities; Proposed Rule published in Federal Register (74 FR 20155-20199)	NMFS, 2009
September 25, 2009	U.S. Navy	NSWC PCD Mission Activities Environmental Impact Statement\Overseas Environmental Impact Statement- Final January 2010 published	DON, 2009a

Table 1-1 (Cont'd). Timeline of Key NSWC PCD MMPA Documents

Timeline Date	Issuing Agency	Event	Reference
January 21, 2010	NMFS	Taking and Importing Marine Mammals; U.S. Naval Surface Warfare Center Panama City Division Mission Activities; Final Rule published in Federal Register (75 FR 3395-3416)	NMFS, 2010
January 21, 2010	NMFS	Letter of Authorization to take marine mammals incidental to NSWC PCD Mission Activities issued	NMFS, 2010a

2. DATES, DURATION AND LOCATION OF THE TEST ACTIVITIES

There are no changes to Chapter 2 as described under the U.S. Navy's original April 2008 Request for Letter of Authorization (DON, 2008) and the U.S. Navy's updated February 2009 LOA Addendum (DON, 2009), and subsequent NMFS's April 2009 Proposed Rule (NMFS 2009) and January 2010 Final Rule (NMFS 2010).

This section, therefore, remains as described in the Final Rule (NMFS 2010).

3. MARINE MAMMAL SPECIES AND OCCURRENCE

There are no changes to Chapter 3 as described under the U.S. Navy's original April 2008 Request for a LOA (DON, 2008) and the U.S. Navy's updated February 2009 LOA Addendum (DON, 2009) and the subsequent NMFS's April 2009 Proposed Rule (NMFS 2009) and January 2010 Final Rule (NMFS 2010).

This section, therefore, remains as described in the Final Rule (NMFS 2010).

4. AFFECTED SPECIES STATUS AND DISTRIBUTION

There are no changes to Chapter 4 as described under the U.S. Navy's original April 2008 Request for a LOA (DON, 2008) and the U.S. Navy's updated February 2009 LOA Addendum (DON, 2009) and the subsequent NMFS's April 2009 Proposed Rule (NMFS 2009) and January 2010 Final Rule (NMFS 2010).

This section, therefore, remains as described in the Final Rule (NMFS 2010).

5. HARASSMENT AUTHORIZATION REQUESTED

There are no changes to Chapter 5 as described under the U.S. Navy's original April 2008 Request for a LOA (DON, 2008) and the U.S. Navy's updated February 2009 LOA Addendum (DON, 2009) and the subsequent NMFS's April 2009 Proposed Rule (NMFS 2009) and January 2010 Final Rule (NMFS 2010).

This section, therefore, remains as described in the Final Rule (NMFS 2010).

6. NUMBERS AND SPECIES EXPOSED

There are no changes to Chapter 6 as described under the U.S. Navy’s original April 2008 Request for LOA (DON, 2008) and the U.S. Navy’s updated February 2009 LOA Addendum (DON, 2009) and the subsequent NMFS’s April 2009 Proposed Rule (NMFS 2009) and January 2010 Final Rule (NMFS 2010).

This section, therefore, remains as described in the Final Rule (NMFS 2010). A summary of the annual takes requested in the 2010 LOA application for all NSWC PCD RDT&E missions, as well as annual takes requested for each NSWC PCD RDT&E activity is reiterated in the following tables.

Table 6-1. Marine Mammal Exposures from NSWC PCD RDT&E Mission Activities Per Year

Marine Mammal Species	Level A	Level B
Bryde’s whale	0	0
Sperm whale	0	2
Dwarf/Pygmy sperm whale	0	0
All beaked whales	0	0
Killer whale	0	0
False killer whale	0	0
Pygmy killer whale	0	0
Melon-headed whale	0	2
Short-finned pilot whale	0	1
Risso’s dolphin	0	2
Rough-toothed dolphin	0	0
Bottlenose dolphin	2	614
Atlantic spotted dolphin	2	471
Pantropical spotted dolphin	1	23
Striped dolphin	0	5
Spinner dolphin	1	23
Clymene dolphin	0	5
Fraser’s dolphin	0	0

Table 6-2. Marine Mammal Exposures from Sonar Missions in Territorial Waters Per Year

Marine Mammal Species	Level A	Level B (TTS)	Level B (Behavioral)
Bottlenose dolphin	0	3	521
Atlantic spotted dolphin	0	2	408

Table 6-3. Marine Mammal Exposures from Sonar Missions in Non-territorial Waters Per Year

Marine Mammal Species	Level A	Level B (TTS)	Level B (Behavioral)
Bryde's whale	0	0	0
Sperm whale	0	0	1
Dwarf/Pygmy sperm whale	0	0	0
All beaked whales	0	0	0
Killer whale	0	0	0
False killer whale	0	0	0
Pygmy killer whale	0	0	0
Melon-headed whale	0	0	1
Short-finned pilot whale	0	0	1
Risso's dolphin	0	0	1
Rough-toothed dolphin	0	0	0
Bottlenose dolphin	0	1	46
Atlantic spotted dolphin	0	1	39
Pantropical spotted dolphin	0	0	16
Striped dolphin	0	0	3
Spinner dolphin	0	0	13
Clymene dolphin	0	0	5
Fraser's dolphin	0	0	0

Table 6-4. Marine Mammal Exposures from Detonations (0-34 kilograms (kg) [0-75 pounds (lb)]) in Territorial Waters Per Year

Marine Mammal Species	Level A (Severe Lung Injury)	Level A (Slight Lung Injury)	Level B (Non-Injury)
Bottlenose dolphin	0	0	3
Atlantic spotted dolphin	0	0	2

Table 6-5. Marine Mammal Exposures from Line Charges (794 kg [1,750 lb]) in Territorial Waters Per Year

Marine Mammal Species	Level A (Severe Lung Injury)	Level A (Slight Lung Injury)	Level B (Non-Injury)
Bottlenose dolphin	0	0	0
Atlantic spotted dolphin	0	0	0

Table 6-6. Marine Mammal Exposures from Detonations (34-272 kg [76-600 lb]) in Non-territorial Waters Per Year

Marine Mammal Species	Level A (Severe Lung Injury)	Level A (Slight Lung Injury)	Level B (Non-Injury)
Bryde's whale	0	0	0
Sperm whale	0	0	1
Dwarf/Pygmy sperm whale	0	0	0
All beaked whales	0	0	0
Killer whale	0	0	0
False killer whale	0	0	0
Pygmy killer whale	0	0	0
Melon-headed whale	0	0	1
Short-finned pilot whale	0	0	0
Risso's dolphin	0	0	1
Rough-toothed dolphin	0	0	0
Bottlenose dolphin	1	1	38
Atlantic spotted dolphin	1	1	18
Pantropical spotted dolphin	0	1	6
Striped dolphin	0	0	2
Spinner dolphin	0	1	10
Clymene dolphin	0	0	0
Fraser's dolphin	0	0	0

Table 6-7. Marine Mammal Exposures from 5-inch Round Detonations in Non-territorial Waters

Marine Mammal Species	Level A (Severe Lung Injury)	Level A (Slight Lung Injury)	Level B (Non-Injury)
Bryde's whale	0	0	0
Sperm whale	0	0	0
Dwarf/Pygmy sperm whale	0	0	0
All beaked whales	0	0	0
Killer whale	0	0	0
False killer whale	0	0	0
Pygmy killer whale	0	0	0
Melon-headed whale	0	0	0
Short-finned pilot whale	0	0	0
Risso's dolphin	0	0	0
Rough-toothed dolphin	0	0	0
Bottlenose dolphin	0	0	2
Atlantic spotted dolphin	0	0	1
Pantropical spotted dolphin	0	0	1
Striped dolphin	0	0	0
Spinner dolphin	0	0	0
Clymene dolphin	0	0	0
Fraser's dolphin	0	0	0

7. EFFECTS TO MARINE MAMMAL SPECIES OR STOCKS

There are no changes to Chapter 7 as described under the U.S. Navy's original April 2008 Request for LOA (DON, 2008) and the U.S. Navy's updated February 2009 LOA Addendum (DON, 2009) and the subsequent NMFS's April 2009 Proposed Rule (NMFS 2009) and January 2010 Final Rule (NMFS 2010).

This section, therefore, remains as described in the Final Rule (NMFS 2010).

8. MINIMIZATION OF ADVERSE EFFECTS TO SUBSISTENCE USE

There are no changes to Chapter 8 as described under the U.S. Navy's original April 2008 Request for LOA (DON, 2008) and the U.S. Navy's updated February 2009 LOA Addendum (DON, 2009) and the subsequent NMFS's April 2009 Proposed Rule (NMFS 2009) and January 2010 Final Rule (NMFS 2010).

This section, therefore, remains as described in the Final Rule (NMFS 2010).

9. EFFECTS TO MARINE MAMMAL HABITAT AND THE LIKELIHOOD OF RESTORATION

There are no changes to Chapter 9 as described under the U.S. Navy's original April 2008 Request for LOA (DON, 2008) and the U.S. Navy's updated February 2009 LOA Addendum (DON, 2009) and the subsequent NMFS's April 2009 Proposed Rule (NMFS 2009) and January 2010 Final Rule (NMFS 2010).

This section, therefore, remains as described in the Final Rule (NMFS 2010).

10. EFFECTS TO MARINE MAMMALS FROM LOSS OR MODIFICATION OF HABITAT

There are no changes to Chapter 10 as described under the U.S. Navy's original April 2008 Request for LOA (DON, 2008) and the U.S. Navy's updated February 2009 LOA Addendum (DON, 2009) and the subsequent NMFS's April 2009 Proposed Rule (NMFS 2009) and January 2010 Final Rule (NMFS 2010).

This section, therefore, remains as described in the Final Rule (NMFS 2010).

11. MEANS OF EFFECTING THE LEAST PRACTICABLE ADVERSE IMPACTS – MITIGATION MEASURES

There are no changes to Chapter 11 as described under the U.S. Navy's original April 2008 Request for LOA (DON, 2008) and the U.S. Navy's updated February 2009 LOA Addendum (DON, 2009) and the subsequent NMFS's April 2009 Proposed Rule (NMFS 2009) and January 2010 Final Rule (NMFS 2010).

This section, therefore, remains as described in the Final Rule (NMFS 2010).

12. MONITORING AND REPORTING

There are no changes to Chapter 12 as described under the U.S. Navy's original April 2008 Request for LOA (DON, 2008) and the U.S. Navy's updated February 2009 LOA Addendum (DON, 2009) and the subsequent NMFS's April 2009 Proposed Rule (NMFS 2009) and January 2010 Final Rule (NMFS 2010).

Requirements for monitoring during this fiscal year included developing the contract requirements and standard operating procedures, which were conducted. Thus, no aerial, vessel, or passive acoustic monitoring was conducted from the period January 2010 through August 2010. Furthermore, no test events occurred that would have required aerial, vessel, or passive acoustic monitoring.

This section, therefore, remains as described in the Final Rule (NMFS 2010).

13. RESEARCH

As of this renewal application, Gulf of Mexico oil spill focus has concentrated on wildlife strandings and response and carcass recoveries. Direct scientific surveys and research, while likely preliminarily planned, have not been undertaken yet in the NSWC PCD Study Area to document changes in distribution or effects to marine mammals. NSWC PCD will continue to monitor research proposed and any outcomes in the area as it relates to oil spill impacts.

There are no changes to Chapter 13 as described under the U.S. Navy's original April 2008 Request for LOA (DON, 2008) and the U.S. Navy's updated February 2009 LOA Addendum (DON, 2009) and the subsequent NMFS's April 2009 Proposed Rule (NMFS 2009) and January 2010 Final Rule (NMFS 2010).

This section, therefore, remains as described in the Final Rule (NMFS 2010).

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15. REFERENCES

- Department of the U.S. Navy (DoN), 2008. Request for a Letter of Authorization for the Incidental Harassment of Marine Mammals Resulting from the Naval Surface Warfare Center Panama City Division (NSWC PCD) Mission Activities. Submitted to NMFS, Office of Protected Resources by NSWC PCD, Panama City, Florida.
- DoN. 2009. Addendum to the Request for Letter of Authorization under Section 101(a)(5)(a) of the Marine Mammal Protection Act Incidental to Naval Surface Warfare Center Panama City Division Mission Activities. Submitted to NMFS, Office of Protected Resources by NSWC PCD, Panama City, Florida.
- DoN. 2009a. Naval Surface Warfare Center Panama City Division (NSWC PCD) Mission Activities Environmental Impact Statement (EIS)/Overseas Environmental Impact Statement (OEIS). NSWC PCD, Panama City, Florida. September 2009.
- National Marine Fisheries Service (NMFS), 2009. Taking and Importing Marine Mammals; U.S. Naval Surface Warfare Center Panama City Division Mission Activities. Proposed Rule. *Federal Register* 74(82): 20155-20199. April 30, 2009.
- NMFS. 2010. Taking and Importing Marine Mammals; U.S. Naval Surface Warfare Center Panama City Division Mission Activities. Final Rule. *Federal Register* 75(13): 3395-3416. January 21, 2010.
- NMFS. 2010a. Letter of Authorization to Take Marine Mammals Incidental to U.S. Naval Surface Warfare Center Panama City Division Mission Activities. Issued, January 21, 2010.