



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

OCT 31 2011

Woody C. Sutherland
Shipboard Technical Support
Scripps Institution of Oceanography
8602 La Jolla Shores Drive
La Jolla, California 92037

Dear Mr. Sutherland:

Enclosed is an Incidental Harassment Authorization (IHA) issued to the Scripps Institution of Oceanography, under the authority of section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*), to harass small numbers of marine mammals, by Level B harassment, incidental to the R/V *Thomas G. Thompson's* low-energy marine seismic survey in the western tropical Pacific Ocean during November to December, 2011.

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

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

Sincerely,

James H. Lecky
Director
Office of Protected Resources

Enclosures



OCT 31 2011

Incidental Harassment Authorization

Scripps Institution of Oceanography, 8602 La Jolla Shores Drive, La Jolla, California 92037, is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1371(a)(5)(D)), to harass small numbers of marine mammals incidental to a low-energy marine geophysical (seismic) survey conducted by the R/V *Thomas G. Thompson* (*Thompson*) in the western tropical Pacific Ocean, November to December, 2011:

1. This Authorization is valid from November 5, 2011 through January 31, 2012.
2. This Authorization is valid only for the *Thompson's* activities associated with low-energy seismic survey operations that shall occur in the following specified geographic area:

In the western tropical Pacific Ocean, in the area approximately 13° to 23° North, 158° to 172° East, just north of the Marshall Islands. Water depths in the survey area generally range from approximately 2,000 to 6,000 m (6,561.7 to 19,685 ft). Wake Island is included in the survey area. The seismic survey will be conducted partly in international waters and partly in the Exclusive Economic Zone (EEZ) Wake Island (United States), possibly in the EEZ of the Republic of the Marshall Islands, as specified in Scripps Institution of Oceanography's Incidental Harassment Authorization application and the National Science Foundation's (NSF) associated Environmental Assessment.

3. Species Authorized and Level of Takes

(a) The incidental taking of marine mammals, by Level B harassment only, is limited to the following species in the waters of the western tropical Pacific Ocean:

- (i) Mysticetes – see Table 2 (attached) for authorized species and take numbers.
- (ii) Odontocetes – see Table 2 (attached) for authorized species and take numbers.
- (iii) If any marine mammal species are encountered during seismic activities that are not listed in Table 2 (attached) for authorized taking and are likely to be exposed to sound pressure levels (SPLs) greater than or equal to 160 dB re 1 μ Pa (rms), then the Holder of this Authorization must alter speed or course or shut-down the airguns to avoid take.

(b) The taking by injury (Level A harassment), serious injury, or death of any of the species listed in Condition 3(a) above or the taking of any kind of any other species of marine mammal is prohibited and may result in the modification, suspension or revocation of this Authorization.

4. The methods authorized for taking by Level B harassment are limited to the following acoustic sources without an amendment to this Authorization:

- (i) A two Generator Injector (GI) airgun array with a total capacity of 210 in³ (or smaller);
- (ii) A multi-beam echosounder; and
- (iii) A sub-bottom profiler.

5. The taking of any marine mammal in a manner prohibited under this Authorization must be reported immediately to the Office of Protected Resources, National Marine Fisheries Service (NMFS), at 301-427-8401.

6. Mitigation and Monitoring Requirements

The Holder of this Authorization is required to implement the following mitigation and monitoring requirements when conducting the specified activities to achieve the least practicable adverse impact on affected marine mammal species or stocks:

(a) Utilize one, NMFS-qualified, vessel-based Protected Species Observer (PSO) to visually watch for and monitor marine mammals near the seismic source vessel during daytime airgun operations (from nautical twilight-dawn to nautical twilight-dusk) and before and during start-ups of airguns day or night. The *Thompson's* vessel crew shall also assist in detecting marine mammals, when practicable. PSOs shall have access to reticle binoculars (7x50 Fujinon), big-eye binoculars (25x150), optical range finders, and night vision devices. PSO shifts shall last no longer than 4 hours at a time. PSOs shall also make observations during daytime periods when the seismic system is not operating for comparison of animal abundance and behavior, when feasible.

(b) PSOs shall conduct monitoring while the airgun array and streamer(s) are being deployed or recovered from the water.

(c) Record the following information when a marine mammal is sighted:

(i) Species, group size, age/size/sex categories (if determinable), behavior when first sighted and after initial sighting, heading (if consistent), bearing and distance from seismic vessel, sighting cue, apparent reaction to the airguns or vessel (e.g., none, avoidance, approach, paralleling, etc., and including responses to ramp-up), and behavioral pace; and

(ii) Time, location, heading, speed, activity of the vessel (including number of airguns operating and whether in state of ramp-up or shut-down), Beaufort sea state and wind force, visibility, and sun glare; and

(iii) The data listed under Condition 6(c)(ii) shall also be recorded at the start and end of each observation watch and during a watch whenever there is a change in one or more of the variables.

(d) Visually observe the entire extent of the exclusion zone (EZ) (180 dB re 1 μ Pa [rms] for cetaceans; see Table 1 [attached] for distances) using NMFS-qualified PSOs, for at least 30 minutes (min) prior to starting the airgun array (day or night). If the PSO finds a marine mammal within the EZ, SIO must delay the seismic survey until the marine mammal(s) has left the area. If the PSO sees a marine mammal that surfaces, then dives below the surface, the PSO shall wait 30 min. If the PSO sees no marine mammals during that time, they should assume that the animal has moved beyond the EZ. If for any reason the entire radius cannot be seen for the entire 30 min (i.e., rough seas, fog, darkness), or if marine mammals are near, approaching, or in the EZ, the airguns may not be ramped-up. If one airgun is already running at a source level of at least 180 dB re 1 μ Pa (rms), SIO may start the second airgun without observing the entire EZ for 30 min prior, provided no marine mammals are known to be near the EZ (in accordance with Condition 6[f] below).

(e) Establish a 180 dB re 1 μ Pa (rms) EZ for cetaceans before the two GI airgun array (210 in³ total) is in operation. See Table 1 (attached) for distances and EZs.

(f) Implement a “ramp-up” procedure when starting up at the beginning of seismic operations or anytime after the entire array has been shut-down for more than 15 min, which means starting with a single GI airgun and adding a second GI airgun after five min. During ramp-up, the PSOs shall monitor the EZ, and if marine mammals are sighted, a shut-down shall be implemented as though the full array (both GI airguns) were operational. Therefore, initiation of ramp-up procedures from shut-down requires that the PSOs be able to view the full EZ as described in Condition 6(d) (above).

(g) Alter speed or course during seismic operations if a marine mammal, based on its position and relative motion, appears likely to enter the relevant EZ. If speed or course alteration is not safe or practicable, or if after alteration the marine mammal still appears likely to enter the EZ, further mitigation measures, such as a shut-down, shall be taken.

(h) Shut-down the airgun(s) if a marine mammal is detected within, approaches, or enters the relevant EZ (as defined in Table 1, attached). A shut-down means all operating airguns are shut-down (i.e., turned off).

(i) Following a shut-down, the airgun activity shall not resume until the PSO has visually observed the marine mammal(s) exiting the EZ and is not likely to return, or has not been seen within the EZ for 15 min for species with shorter dive durations (small odontocetes and pinnipeds) or 30 min for species with longer dive durations (mysticetes and large odontocetes, including sperm, pygmy sperm, dwarf sperm, killer, and beaked whales).

(j) Following a shut-down and subsequent animal departure, airgun operations may resume following ramp-up procedures described in Condition 6(f).

(k) Marine geophysical surveys may continue into night and low-light hours if such segment(s) of the survey is initiated when the entire relevant EZs are visible and can be effectively monitored.

(l) No initiation of airgun array operations is permitted from a shut-down position at night or during low-light hours (such as in dense fog or heavy rain) when the entire relevant EZ cannot be effectively monitored by the PSO(s) on duty.

(m) To the maximum extent practicable, schedule seismic operations (i.e., shooting airguns) during daylight hours and deploying/retrieving autonomous underwater vehicle *Sentry* operations (i.e., deploy/retrieve) to nighttime hours.

7. Reporting Requirements

The Holder of this Authorization is required to:

(a) Submit a draft report on all activities and monitoring results to the Office of Protected Resources, NMFS, within 90 days of the completion of the *Thompson's* western tropical Pacific Ocean cruise. This report must contain and summarize the following information:

(i) Dates, times, locations, heading, speed, weather, sea conditions (including Beaufort sea state and wind force), and associated activities during all seismic operations and marine mammal sightings;

(ii) Species, number, location, distance from the vessel, and behavior of any marine mammals, as well as associated seismic activity (number of shut-downs), observed throughout all monitoring activities.

(iii) An estimate of the number (by species) of marine mammals that: (A) are known to have been exposed to the seismic activity (based on visual observation) at received levels greater than or equal to 160 dB re 1 μ Pa (rms) and/or 180 dB re 1 μ Pa (rms) for cetaceans and 190 dB re 1 μ Pa (rms) for pinnipeds with a discussion of any specific behaviors those individuals exhibited; and (B) may have been exposed (based on modeled values for the two GI airgun array) to the seismic activity at received levels greater than or equal to 160 dB re 1 μ Pa (rms) and/or 180 dB re 1 μ Pa (rms) for cetaceans and 190 dB re 1 μ Pa (rms) for pinnipeds with a discussion of the nature of the probable consequences of that exposure on the individuals that have been exposed.

(iv) A description of the implementation and effectiveness of the: (A) terms and conditions of the Biological Opinion's Incidental Take Statement (ITS)

(attached); and (B) mitigation measures of the Incidental Harassment Authorization. For the Biological Opinion, the report shall confirm the implementation of each Term and Condition, as well as any conservation recommendations, and describe their effectiveness, for minimizing the adverse effects of the action on Endangered Species Act-listed marine mammals.

(b) Submit a final report to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, within 30 days after receiving comments from NMFS on the draft report. If NMFS decides that the draft report needs no comments, the draft report shall be considered to be the final report.

8. In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by this Authorization, such as an injury (Level A harassment), serious injury or mortality (e.g., ship-strike, gear interaction, and/or entanglement), SIO shall immediately cease the specified activities and immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at 301-427-8401 and/or by email to Michael.Payne@noaa.gov and Howard.Goldstein@noaa.gov and the Pacific Islands Regional Stranding Coordinator at 808-944-2269 (David.Schofield@noaa.gov). The report must include the following information:

(a) Time, date, and location (latitude/longitude) of the incident; the name and type of vessel involved; the vessel's speed during and leading up to the incident; description of the incident; status of all sound source use in the 24 hours preceding the incident; water depth; environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility); description of marine mammal observations in the 24 hours preceding the incident; species identification or description of the animal(s) involved; the fate of the animal(s); and photographs or video footage of the animal (if equipment is available).


Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with SIO to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. SIO may not resume their activities until notified by NMFS via letter, email, or telephone.

In the event that SIO discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition as described in the next paragraph), SIO will immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at 301-427-8401, and/or by email to Michael.Payne@noaa.gov and Howard.Goldstein@noaa.gov, and the NMFS Pacific Islands Regional Office (808-944-2269) and/or by email to the Pacific Islands Regional Stranding Coordinator (David.Schofield@noaa.gov). The report must include the same information identified in Condition 8(a) above. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with SIO to determine whether modifications in the activities are appropriate.

In the event that SIO discovers an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in Condition 2 of this Authorization (e.g., previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), SIO shall report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at 301-427-8401, and/or by email to Michael.Payne@noaa.gov and Howard.Goldstein@noaa.gov, and the NMFS Pacific Islands Regional Office (808-944-2269) and/or by email to the Pacific Islands Regional Stranding Coordinator (David.Schofield@noaa.gov), within 24 hours of the discovery. SIO shall provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network. Activities may continue while NMFS reviews the circumstances of the incident.

9. SIO is required to comply with the Terms and Conditions of the ITS corresponding to NMFS's Biological Opinion issued to both NSF and NMFS's Office of Protected Resources (attached).

10. A copy of this Authorization and the ITS must be in the possession of all contractors and PSOs operating under the authority of this Incidental Harassment Authorization.



James H. Lecky
Director
Office of Protected Resources
National Marine Fisheries Service

OCT 31 2011

Date

Attachments

Attachment

Table 1. Exclusion Zone Radii for Triggering Mitigation.

Source and Volume	Tow Depth (m)	Water Depth (m)	Predicted RMS Distances (m)		
			Shut-down EZ for Pinnipeds 190 dB	Shut-down EZ for Cetaceans 180 dB	Level-B Harassment Zone 160 dB
Two Generator Injector (GI) airguns 45 to 105 in ³	3	Deep (>1,000)	20	70	670

Table 2. Authorized Take Numbers for Each Marine Mammal Species in the Western Tropical Pacific Ocean.

Species	Authorized Take in the Western Tropical Pacific Ocean Study Area
Mysticetes	
Humpback whale (<i>Megaptera novaeangliae</i>)	0
Minke whale (<i>Balaenoptera acutorostrata</i>)	0
Bryde's whale (<i>Balaenoptera edeni</i>)	2
Sei whale (<i>Balaenoptera borealis</i>)	2
Fin whale (<i>Balaenoptera physalus</i>)	0
Blue whale (<i>Balaenoptera musculus</i>)	0
Odontocetes	
Sperm whale (<i>Physeter macrocephalus</i>)	25
Pygmy sperm whale (<i>Kogia breviceps</i>)	5
Dwarf sperm whale (<i>Kogia sima</i>)	12
Cuvier's beaked whale (<i>Ziphius cavirostris</i>)	10
Longman's beaked whale (<i>Indopacetus pacificus</i>)	18
Blainville's beaked whale (<i>Mesoplodon densirostris</i>)	2
Ginkgo-toothed beaked whale (<i>Mesoplodon ginkgodens</i>)	0
Rough-toothed dolphin (<i>Steno bredanensis</i>)	20
Bottlenose dolphin (<i>Tursiops truncatus</i>)	20
Risso's dolphin (<i>Grampus griseus</i>)	15
Pantropical spotted dolphin (<i>Stenella attenuata</i>)	64
Spinner dolphin (<i>Stenella longirostris</i>)	98

Striped dolphin (<i>Stenella coeruleoalba</i>)	27
Fraser's dolphin (<i>Lagenodelphis hosei</i>)	182
Melon-headed whale (<i>Peponocephala electra</i>)	95
Pygmy killer whale (<i>Feresa attenuata</i>)	0
False killer whale (<i>Pseudorca crassidens</i>)	10
Killer whale (<i>Orcinus orca</i>)	7
Short-finned pilot whale (<i>Globicephala macrorhynchus</i>)	18
Pinnipeds	
Hawaiian monk seal (<i>Monachus schauinslandi</i>)	0