

**REQUEST FOR LETTER OF AUTHORIZATION RENEWAL UNDER
SECTION 101(a) (5) (A) OF THE MARINE MAMMAL PROTECTION ACT
INCIDENTAL TO TRAINING OPERATIONS CONDUCTED WITHIN
THE NAVY CHERRY POINT RANGE COMPLEX**

**Submitted To:
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**Submitted By:
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(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 Cherry Point (CHPT) Range Complex.

(U) This LOA renewal is being sought to cover the annual period from June 2011 to June 2012 to cover the taking of marine mammals, as described by the MMPA, incidental to training and research within the CHPT 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 CHPT 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 CHPT 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 CHPT Range Complex MMPA documents

Timeline Date	From	Event	Reference
5 JUN 08	Navy	Letter Of Authorization Application (request for Incidental Harassment For CHPT activities) submitted via Federal Express to NMFS Office of Protected Resources	DoN 2008a
16 JUN 08	Navy	Addendum to Letter of Authorization Application submitted via email to NMFS Office of Protected Resources	DoN 2008b
8 JUL 08	NMFS	Notice of Receipt of Navy application published in the Federal Register (73 Fed. Reg. 38991): Taking of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Navy Training Operations Conducted Within the Navy Cherry Point Range Complex	NMFS 2008
16 MAR 09	NMFS	Proposed Rule published in Federal Register (74 Fed. Reg. 11052): Taking and Importing Marine Mammals; U.S. Navy Training in the Cherry Point Range Complex	NMFS 2009a
24 APR 09	Navy	Final Cherry Point 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 CHPT Range Complex issued 5 Jun 2009	NMFS 2009b
15 JUN 09	NMFS	Final Rule published in Federal Register (74 Fed. Reg. 28370): Taking and Importing Marine Mammals; U.S. Navy Training in the Cherry Point Range Complex	NMFS 2009c
5 FEB 10	Navy	Letter Of Authorization 2010 Renewal Application (request for Incidental Harassment For CHPT activities) submitted via registered mail to NMFS Office of Protected Resources	DoN 2010

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

UNCLASSIFIED U.S. Fleet Forces Command REQUEST FOR LETTER OF AUTHORIZATION RENEWAL UNDER SECTION 101(a) (5) (A) OF THE MARINE MAMMAL PROTECTION ACT INCIDENTAL TO TRAINING OPERATIONS CONDUCTED WITHIN THE NAVY CHERRY POINT RANGE COMPLEX

5 JUN 10 – 4 JUN 11	NMFS	Annual Letter of Authorization for taking marine mammals incidental to U.S Navy’s training on the CHPT Range Complex issued 3 Jun 2010	NMFS 2010
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(U) 2. DURATION AND LOCATION OF ACTIVITIES

(U) There are no changes to Chapter 2 as described under NMFS June 2009 Final Rule (NMFS 2009c), Navy's 2010 Request for Letter of Authorization (DoN 2010), and NMFS subsequent 2010 Letter of Authorization (NMFS 2010).

(U) 3. MARINE MAMMAL SPECIES AND NUMBERS OCCURRING IN THE CHERRY POINT STUDY AREA

(U) There are no changes to Chapter 3 as described under NMFS June 2009 Final Rule (NMFS 2009c), Navy's 2010 Request for Letter of Authorization (DoN 2010), and NMFS subsequent 2010 Letter of Authorization (NMFS 2010).

(U) 4. AFFECTED SPECIES STATUS AND DISTRIBUTION

(U) There are no changes to Chapter 4 as described under NMFS June 2009 Final Rule (NMFS 2009c), Navy's 2010 Request for Letter of Authorization (DoN 2010), and NMFS subsequent 2010 Letter of Authorization (NMFS 2010).

(U) 5. TAKE AUTHORIZATION REQUESTED

(U) There are no changes to Chapter 5 as described under NMFS June 2009 Final Rule (NMFS 2009c), Navy's 2010 Request for Letter of Authorization (DoN 2010), and NMFS subsequent 2010 Letter of Authorization (NMFS 2010).

(U) 6. NUMBERS AND SPECIES TAKEN

(U) There are no changes to Chapter 6 as described under NMFS June 2009 Final Rule (NMFS 2009c), Navy’s 2010 Request for Letter of Authorization (DoN 2010), and NMFS subsequent 2010 Letter of Authorization (NMFS 2010). Table 2 summarizes the number of each species authorized for taking in the 2009 and 2010 annual LOAs and requested for the 2011 annual LOA.

(U) Table 2. Number of each species authorized for taking in the 2009 and 2010 annual LOAs and requested for the 2011 annual LOA.

Species	Level B Harassment	Level A Harassment	Mortality
Minke whale	3	0	0
Atlantic spotted dolphin	20	0	0
Atlantic white-sided dolphin	20	0	0
Beaked whales	20	0	0
Bottlenose dolphin	30	0	0
Clymene dolphin	30	0	0
Common dolphin	20	0	0
Fraser’s dolphin	3	0	0
Killer whale	3	0	0
Dwarf or pygmy sperm whales	3	0	0
Melon-headed whale	3	0	0
Pantropical spotted dolphin	20	0	0
Pilot whales	20	0	0
Pygmy killer whale	3	0	0
Risso’s dolphin	30	0	0
Spinner dolphin	3	0	0
Striped dolphin	20	0	0

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

(U) There are no changes to Chapter 7 as described under NMFS June 2009 Final Rule (NMFS 2009c), Navy's 2010 Request for Letter of Authorization (DoN 2010), and NMFS subsequent 2010 Letter of Authorization (NMFS 2010).

(U) 8. IMPACTS ON SUBSISTENCE USE

(U) There are no changes to Chapter 8 as described under NMFS June 2009 Final Rule (NMFS 2009c), Navy's 2010 Request for Letter of Authorization (DoN 2010), and NMFS subsequent 2010 Letter of Authorization (NMFS 2010).

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

(U) There are no changes to Chapter 9 as described under NMFS June 2009 Final Rule (NMFS 2009c), Navy's 2010 Request for Letter of Authorization (DoN 2010), and NMFS subsequent 2010 Letter of Authorization (NMFS 2010).

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

(U) There are no changes to Chapter 10 as described under NMFS June 2009 Final Rule (NMFS 2009c), Navy's 2010 Request for Letter of Authorization (DoN 2010), and NMFS subsequent 2010 Letter of Authorization (NMFS 2010).

(U) 11. MITIGATION MEASURES

(U) There are no changes to Chapter 11 as described under NMFS June 2009 Final Rule (NMFS 2009c), Navy's 2010 Request for Letter of Authorization (DoN 2010), and NMFS subsequent 2010 Letter of Authorization (NMFS 2010).

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

(U) There are no changes to Chapter 12 as described under NMFS June 2009 Final Rule (NMFS 2009c), Navy's 2010 Request for Letter of Authorization (DoN 2010), and NMFS subsequent 2010 Letter of Authorization (NMFS 2010).

(U) 13. MONITORING AND REPORTING MEASURES

(U) There are no changes to Chapter 13 as described under NMFS June 2009 Final Rule (NMFS 2009c), Navy's 2010 Request for Letter of Authorization (DoN 2010), and NMFS subsequent 2010 Letter of Authorization (NMFS 2010).

(U) 14. RESEARCH EFFORTS

(U) There are no changes to Chapter 14 as described under NMFS June 2009 Final Rule (NMFS 2009c), Navy's 2010 Request for Letter of Authorization (DoN 2010), and NMFS subsequent 2010 Letter of Authorization (NMFS 2010).

(U) 15. LIST OF PREPARERS

(U) There are no changes to Chapter 15 as described under NMFS June 2009 Final Rule (NMFS 2009c), Navy's 2010 Request for Letter of Authorization (DoN 2010), and NMFS subsequent 2010 Letter of Authorization (NMFS 2010) except where noted below.

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(U) 16. LITERATURE CITED

(U) DoN. 2008a. Request for Letter of Authorization Under Section 101(a) (5) (A) of the Marine Mammal Protection Act Incidental to Navy Training Operations Conducted Within the Navy Cherry Point Range Complex. June 5, 2008

(U) DoN. 2008b. Addendum to the Request for Letter of Authorization Under Section 101(a) (5) (A) of the Marine Mammal Protection Act Incidental to Navy Training Operations Conducted Within the Navy Cherry Point Range Complex. June 16, 2008

(U) NMFS. 2008. Taking and Importing Marine Mammals; U.S. Navy Training in the Cherry Point Range Complex; Notice of Receipt. July 8 2008. 73 Fed. Reg. 38991

(U) NMFS. 2009a. Taking and Importing Marine Mammals; U.S. Navy Training in the Cherry Point Range Complex; Proposed Rule. March 16 2009. 74 Fed. Reg. 11052

(U) DoN. 2009. Cherry Point Range Complex Final Environmental Impact Statement\Overseas Environmental Impact Statement-April 2009. Department of the Navy.

(U) NMFS. 2009b. Annual Letter of Authorization for taking of marine mammals incidental to U.S. Navy Training in the Cherry Point Range Complex. June 5, 2009

(U) NMFS. 2009c. Taking and Importing Marine Mammals; U.S. Navy Training in the Cherry Point Range Complex; Final Rule. June 15, 2009. 74 Fed. Reg. 28370

(U) DoN. 2010. Request for Letter of Authorization Renewal Under Section 101(a) (5) (A) of the Marine Mammal Protection Act Incidental to Navy Training Operations Conducted Within the Navy Cherry Point Range Complex. January 28, 2010

(U) NMFS. 2010. Annual Letter of Authorization for taking of marine mammals incidental to U.S. Navy Training in the Cherry Point Range Complex. June 3, 2010