

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 NAVY CHERRY POINT RANGE COMPLEX

**Submitted To:**  
**National Marine Fisheries Service**  
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**ACRONYMS AND ABBREVIATIONS**

CHPT	Cherry Point
DoN	Department of the Navy
LOA	Letter of Authorization
MMPA	Marine Mammal Protection Act
NMFS	National Marine Fisheries Service

**(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)<sup>1</sup> 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 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 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**

<b>Timeline Date</b>	<b>From</b>	<b>Event</b>	<b>Reference</b>
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
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

<sup>1</sup> under Section 101 (a)(5)(A) of the MMPA

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11 JAN 11	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 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 CHPT Range Complex issued 3 Jun 2010	NMFS 2011a
1 JUL 11	Navy	Application for Modified Letter Of Authorization (request for Incidental Harassment for CHPT 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 2011b
6 JAN 12	NMFS	Modified 2011 Annual Letter of Authorization for taking marine mammals incidental to U.S Navy’s training on the Cherry Point Range Complex issued 6 January 2012	NMFS 2012

**(U) 2. DURATION AND LOCATION OF 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 CHPT for 2012 to 2014.**

Event	Annual Authorization	2-year Authorization (2012-2014)
MINEX (Mine Neutralization [20 lb NEW charges])	20 events	40 events
MISSILEX (Air-to-Surface; Hellfire missile)	8 events	16 events
MISSILEX (Air-to-Surface; TOW missile)	8 events	16 events
FIREX with IMPASS	2 events	4 events

**(U) 3. MARINE MAMMAL SPECIES AND NUMBERS OCCURRING IN THE CHERRY POINT 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		
<b>(i) Mysticetes:</b>		
(A) Minke whale ( <i>Balaenoptera acutorostrata</i> )	3	6
<b>(ii) Odontocetes:</b>		
(A) Bottlenose dolphin ( <i>Tursiops truncatus</i> )	30	60
(B) Pan-tropical spotted dolphin ( <i>Stenella attenuata</i> )	20	40
(C) Clymene dolphin ( <i>Stenella clymene</i> )	30	60
(D) Atlantic Spotted dolphin ( <i>Stenella frontalis</i> )	20	40
(E) Striped dolphin ( <i>Stenella coeruleoalba</i> )	20	40
(F) Spinner dolphin ( <i>Stenella longirostris</i> )	3	6
(G) Risso's dolphin ( <i>Grampus griseus</i> )	30	60
(H) Common dolphin ( <i>Delphinus spp.</i> )	20	40
(I) Atlantic white-sided dolphin ( <i>Lagenorhynchus acutus</i> )	20	40
(J) Pilot whales ( <i>Globicephala macrorhynchus</i> or <i>G. melas</i> )	20	40
(K) Dwarf or pygmy sperm whales ( <i>Kogia sima</i> or <i>Kogia breviceps</i> )	3	6
(L) Beaked Whales (Cuvier's, True's, Gervais', Sowerby's, Blainville's, Northern bottlenose whale) ( <i>Ziphius cavirostris</i> , <i>Mesoplodon mirus</i> , <i>M. europaeus</i> , <i>M. bidens</i> , <i>M. densirostris</i> , <i>Hyperoodon ampullatus</i> )	20	40
(M) Fraser’s dolphin ( <i>Lagenodelphis hosei</i> )	3	6
(N) Melon-headed whale ( <i>Peponocephala electra</i> )	3	6
(O) Pygmy killer whale ( <i>Feresa attenuata</i> )	3	6
(P) Killer whale ( <i>Orcinus orca</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).

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**(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).