



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

DEC 11 2008

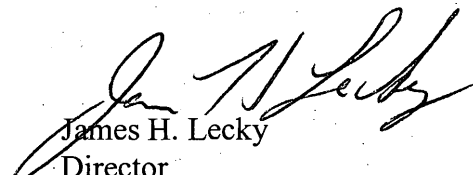
Mr. Stephen M. Seiber
Chief, Natural Resources Branch
AAC/EMSN
501 DeLeon Street, Suite 101
Eglin Air Force Base, Florida 32542-5133

Dear Mr. Seiber:

Enclosed is an Incidental Harassment Authorization (IHA) issued to Eglin Air Force Base (Eglin AFB), pursuant to Section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*), to take marine mammals by Level B harassment incidental to conducting Air-to-Surface Gunnery exercises in Eglin AFB's Gulf Test and Training Range. Eglin AFB is required to comply with the conditions contained in the IHA. In addition, Eglin AFB must cooperate with any Federal, state, or local agency with authority to monitor the impacts of Eglin AFB's activities, and submit a draft report to the National Marine Fisheries Service's (NMFS) Office of Protected Resources, within 90 days after completion of the work authorized herein. Along with other mitigation measures to be incorporated, the IHA requires monitoring for the presence and behavior of marine mammals and an analysis of the effectiveness of the sensor-based monitoring for detecting marine mammals in the area of Eglin AFB's air-to-surface gunnery operations.

If you have any questions concerning the IHA or its requirements, please contact Ken Hollingshead, NMFS, Office of Protected Resources, at (301) 713-2289, ext. 128.

Sincerely,


James H. Lecky
Director
Office of Protected Resources

Enclosure



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DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

Incidental Harassment Authorization

The Commanding Officer, Eglin Air Force Base, Florida 32542-5133 is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)(5)(D)) and 50 CFR 216.107 to take marine mammals by Level B harassment incidental to conducting air-to-surface gunnery exercises within the Eglin Gulf Test and Training Range (EGTTR), contingent upon the following conditions:

1. This Authorization is valid from December 11, 2008 through December 10, 2009.

2. This Authorization is valid only for activities associated with air-to-surface gunnery exercises utilizing gunnery rounds of 25-mm (0.98 in), 40-mm (1.57 in), 105-mm (4.13 in) Full-Up, and 105-mm (4.13 in) Training Round containing, 0.0662 lb (1.1 oz 30 g), 0.865 (13.8 oz, 392 g), 4.7 lbs (2.1 kg); and 0.35 lb (0.16 kg) of explosive, respectively.

3(a). The incidental taking, by Level B harassment only, is limited to Atlantic bottlenose dolphins (*Tursiops truncatus*), Atlantic spotted dolphin (*Stenella frontalis*), pantropical spotted dolphin (*Stenella attenuata*), dwarf sperm whale (*Kogia simus*) and pygmy sperm whale (*Kogia breviceps*), Bryde's whale (*Balaenoptera edeni*), sperm whale (*Physeter macrocephalus*), Blainville's beaked whale (*Mesoplodon densirostris*), Cuvier's beaked whale (*Ziphius cavirostris*), Gervais' beaked whale (*Mesoplodon europaeus*), Clymene dolphin (*Stenella clymene*), spinner dolphin (*Stenella longirostris*), striped dolphin (*Stenella coeruleoalba*), killer whale (*Orcinus orca*), false killer whale (*Pseudorca crassidens*), pygmy killer whale (*Feresa attenuata*), Risso's dolphin (*Grampus griseus*), Fraser's dolphin (*Lagenodelphis hosei*), melon-headed whale (*Peponocephala electra*), rough-toothed dolphin (*Steno bredanensis*), and short-finned pilot whale (*Globicephala macrorhynchus*).

(b) The taking by injury or death of these species, the taking of these species in violation of the conditions of this Incidental Harassment Authorization, or the taking by harassment, injury or death of any other species of marine mammal is prohibited and may result in the modification, suspension or revocation of this Authorization.

4. Mitigation.

The activity described in condition 2 of this Authorization must be conducted in a manner that minimizes, to the greatest extent practicable, adverse impacts on marine mammals and their habitat. When conducting this activity, the following mitigation measures must be undertaken:

(a) If daytime weather and/or sea conditions preclude adequate aerial surveillance for detecting marine mammals and other marine life, air-to-surface gunnery exercises must be delayed until adequate sea conditions exist for aerial surveillance to be undertaken. Daytime air-to-surface gunnery exercises will be conducted only when sea surface conditions do not exceed Beaufort sea state 4 (i.e., wind speed 13-18 mph (11-16 knots); wave height 1 m (3.3 ft)), the visibility is 5.6 km (3 nm) or greater, and the ceiling is 305 m (1,000 ft) or greater.

(b) The aircrews of the air-to-surface gunnery missions will initiate location and surveillance of a suitable firing site immediately after exiting U.S. territorial waters (> 12 nm).

(c) Prior to each firing event, the aircraft crew will conduct a visual and/or instrument survey of the 5-nm (9.3-km) wide prospective target area to locate any marine mammals that may be present.

(i) The AC-130 gunship will conduct at least two complete orbits at a minimum safe airspeed around a prospective target area at an altitude of approximately 6,000 ft (1829 m).

(ii) If marine mammals are not detected, the AC-130 can then continue orbiting the selected target point as it climbs to the mission testing altitude.

(iii) During the low altitude orbits and the climb to testing altitude, aircraft crew will scan the sea surface within the aircraft's orbit circle for the presence of marine mammals.

(iv) The AC-130's optical and electronic sensors must be employed for target detection, especially at night when visibility will be poor.

(v) If any marine mammals are detected within the AC-130's orbit circle, either during initial clearance or after commencement of live firing, the mission will be immediately halted and relocated as necessary or suspended until the marine mammal has left the area. If relocated to another target area, the clearance procedures described in condition 4(c)(i) must be repeated.

(vi) If multiple firing events occur within the same flight, these clearance procedures must precede each event.

(d) If no marine mammals are detected, gunnery exercises may begin with the deployment of MK-25 flares into the center of the designated 5-nm target area.

(e) Ramp-up air-to-surface gunnery firing activities by beginning either with calibration testing; or with the round having least impact on marine life.

(f) Air-to-surface gunnery exercises conducted after sunset must use the 105-mm training round instead of the 105-mm full up round.

(g) Aircrews will utilize onboard electronic sensors to search for marine mammals while performing area clearance procedures during night-time pre-mission activities.

(h) If post-detonation surveys determine that an injury or lethal take of a marine mammal has occurred, the test procedure and the monitoring methods must be reviewed with the National Marine Fisheries Service and appropriate changes must be made, prior to conducting the next air-to-surface gunnery exercise.

5. Monitoring.

(a) The holder of this Authorization is required to cooperate with the National Marine Fisheries Service and any other Federal, state or local agency monitoring the impacts of the activity on marine mammals.

(b) Aircrews will initiate the post-mission clearance procedures beginning at the operational altitude of approximately 15,000 to 20,000 ft (4572 to 6096 m) elevation, and initiating a spiraling descent down to an observation altitude of approximately 1,500 ft. (457 m) elevation. Rates of descent will occur over a 3- to 5-minute time frame.

(c) The holder of this Authorization will track their use of the EGTR for test firing missions and marine mammal observations, through the use of mission reporting forms.

(d) Air-to-surface gunnery exercises will coordinate with future flight activities to provide supplemental post-mission observations for marine mammals in the operations area of the exercise.

(e) If one or more dead or injured marine mammals are observed or detected prior to testing, or injured or killed during live fire, a report must be made to the National Marine Fisheries Service by the following business day.

(f) Any unauthorized impacts on marine mammals must be immediately reported to the NMFS representative and to the respective stranding network representative.

(g) The holder of this Authorization will closely coordinate air-to-surface gunnery missions with marine animal stranding networks.

(h) The monitoring team will document any marine mammals that were killed or injured as a result of the test and, if practicable, recover and examine any dead animals.

(i) Activities related to the monitoring described in this Authorization, including the retention of marine mammals, do not require a separate scientific research permit issued under section 104 of the Marine Mammal Protection Act.

6. Reporting.

(a) An annual report of marine mammal observations and air-to-surface gunnery activities must be submitted to the NMFS Southeast Regional Office and the Office of Protected Resources at the time of a request for renewal of this Authorization or 90 days after expiration of this Authorization if a new authorization will not be requested. This annual report must include the following information:

(i) Date and time of each air-to-surface gunnery exercise;

(ii) A complete description of the pre-exercise and post-exercise activities related to mitigating and monitoring the effects of air-to-surface gunnery exercises on marine mammal populations;

(iii) Results of the monitoring program, including numbers by species/stock of any marine mammals noted injured or killed as a result of the gunnery exercises and number of marine mammals (by species if possible) that may have been harassed due to presence within the 5-nm activity zone; and

(iv) A detailed assessment of the effectiveness of sensor-based monitoring in detecting marine mammals in the area of air-to-surface gunnery operations.

(b) The draft report will be subject to review and comment by the National Marine Fisheries Service. Any recommendations made by the National Marine Fisheries Service must be addressed in the final report prior to acceptance by the National Marine Fisheries Service. The draft report will be considered the final report for this activity under this Authorization if the National Marine Fisheries Service has not provided comments and recommendations within 90 days of receipt of the draft report.

7. Additional Conditions:


(a) The air-to-surface gunnery mission aircrews will participate in the marine mammal species observation training. Designated crew members will be selected to receive training as protected species observers. Observers will receive training in protected species survey and identification techniques through a National Marine Fisheries Service-approved training program.

(b) The holder of this Authorization must inform the Director, Office of Protected Resources, NMFS, (301-713-2332) or designee (301-713-2289) prior to the initiation of any changes to the monitoring plan for a specified mission activity.

(c) A copy of this Authorization must be in the possession of each aircraft operating under the authority of this Incidental Harassment Authorization.

(d) The holder of this Authorization is required to fully implement the Terms and Conditions contained in the Biological Opinion issued by the National Marine Fisheries Service for this activity as they relate to any listed marine mammals.

(e) Failure to abide by the Terms and Conditions contained in this Incidental Harassment Authorization may result in a modification, suspension or revocation of the Authorization.



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

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Date