



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

DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE
INCIDENTAL HARASSMENT AUTHORIZATION

The U.S. Marine Corps (USMC) 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 harass marine mammals incidental to military training exercises at U.S. Marine Corps Air Station Cherry Point Range Complex, North Carolina.

1. This Authorization is valid from January 1, 2012 through December 31, 2012.
2. This Authorization is valid only for air-to-surface and surface-to-surface training exercises at specified bombing targets (BTs), BT-9 and BT-11, within Pamlico Sound, North Carolina, as described in the IHA application and supplemental information.
3. This Authorization allows the incidental taking of 25 bottlenose dolphins (*Tursiops truncatus*), by Level B harassment only, incidental to the activity specified in 2, above.
4. The taking by Level A harassment, serious injury or death of any of the species listed in 3, 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.
5. The taking of any marine mammal in a manner prohibited under this Authorization must be reported within 24 hours to the Southeast Region, NMFS, 263 13th Ave South, St. Petersburg, FL 33701, (727) 824-5312; and the National Marine Fisheries Service (NMFS) Office of Protected Resources, (301) 713-2289.
6. A copy of this Authorization must be in the possession of the lead personnel on duty and responsible for compliance with the conditions of this IHA at the time of specified training exercises, operating under the authority of this Incidental Harassment Authorization.
7. The holder of this Authorization is required to cooperate with NMFS and any other federal, state or local agency monitoring the impacts of the specified activity on marine mammals. The holder or designees must notify the Southeast Regional Administrator at least 24 hours prior to the commencement of the specified activity.
8. Mitigation and Monitoring Requirements



In order to ensure the least practicable impact on the species listed in 3, above, the holder of this Authorization is required to abide by the following mitigation and monitoring measures listed in 8(a)-(g). While the primary focus of monitoring for both mitigation and reporting shall be on bottlenose dolphins, personnel shall also attempt to identify any other marine mammals that might be present within the exclusion zone. In the unlikely event that a marine mammal other than bottlenose dolphin is sighted within the exclusion zone or determined to have been stranded, injured or killed by target operations, then the same mitigation measure for delay of exercises prescribed for bottlenose dolphins, or immediate suspension of activities, shall apply, and relevant information shall be included in weekly reports and post-IHA monitoring reports.

- (a) Delay of Exercises: An active range shall be considered “fouled” and not available for use if a marine mammal is present within 1000 yards (914 m) of the target area at BT-9 or anywhere within Rattan Bay (BT-11). Therefore, if a marine mammal is sighted within 1000 yards (914 m) of the target at BT-9 or anywhere within Rattan Bay at BT-11, training shall be delayed until the marine mammal moves beyond and on a path away from the 1000 yards (914 m) radius from the BT-9 target or out of Rattan Bay at BT-11.
- (b) Range Sweeps: The VMR-1 squadron, which consists of three specially equipped HH-46D helicopters (PEDRO), shall conduct a 20-30 minute range sweep (pre-exercise) around BT-9 and BT-11 every weekday morning prior to the commencement of range operations. Post-exercise range sweeps (which shall include monitoring for marine mammals) shall be conducted the morning after the exercise if the training occurred Monday-Thursday. If training occurred on a Friday, post-exercise monitoring shall occur the following Monday if the range is not accessible on the weekend.
- (c) Cold Pass: Prior to granting a “First Pass Hot” (use of ordnance), pilots shall be directed to perform a low, cold (no ordnance delivered) first pass which serves as a visual sweep of the targets prior to ordnance delivery to determine if unauthorized civilian vessels or personnel, or protected species, are present.
- (d) Range Cameras: The USMC shall monitor for marine mammals within and around BT-9 and BT-11 during all training events via range cameras. These cameras shall be remotely operated and manned before, during, and after all training activities by personnel trained in detecting protected species.
- (e) Delay of Operations: If there is evidence that a marine mammal has been stranded, injured or killed as a direct result of target operations, the USMC would immediately suspend those activities within the specific target area and re-evaluate for the presence of dolphins around the specific target. Target-specific events, whether occurring at BT-9 or BT-11, shall be communicated throughout the range complex to ensure range management personnel are aware that an incident has occurred and that standard monitoring procedures at other target

areas remain in effect for the duration of an exercise or scheduled mission. The Range Management Office shall immediately report the situation to the Environmental Affairs Department, who shall report the incident to Marine Corps Installations East and the Commandant of the Marine Corps (LFL) via the appropriate chain of command. The situation shall also be reported to the NMFS Stranding Network, Southeast Regional Office, and Office of Protected Species.

- (f) Vessel Operation: All vessels used during training operations shall abide by the NMFS' Southeast Regional Viewing Guidelines designed to prevent harassment to marine mammals (<http://www.nmfs.noaa.gov/pr/education/southeast/>).
- (g) Stranding Network Coordination: The USMC shall coordinate with the local NMFS Stranding Coordinator regarding any unusual marine mammal behavior and any stranding, beached live/dead, or floating marine mammals that may occur at any time during training activities or within 24 hours after completion of training.
- (h) Protected Species Observer Training: Operators of small boats, and other personnel monitoring for marine mammals from watercraft shall be required to take the Marine Species Awareness Training (Version 2), maintained and promoted by the Department of the Navy. Pilots conducting Range Sweeps shall be instructed on marine mammal observation techniques during routine Range Management Department briefings. This training will make personnel knowledgeable about marine mammals and other protected species, and visual cues related to the presence of marine mammals and protected species.
- (i) Weekly and Post-Exercise Monitoring: Post-exercise monitoring shall be conducted the morning following an exercise, unless an exercise occurs on a Friday, in which case the post-exercise sweep would take place the following Monday. Weekly monitoring events shall include a maximum of five pre-exercise and four post-exercise sweeps. The maximum number of days that will elapse between pre- and post-exercise monitoring events shall be approximately three days, which would occur only on weekends. If marine mammals are observed during this monitoring, sighting data identical to those collected by PEDRO crew shall be recorded and logged.

9. Reporting Requirements

The holder of this authorization is required to submit a report on all activities and monitoring results to the NMFS Office of Protected Resources and Southeast Regional Administrator 90 days prior to the expiration of the IHA if a renewal is sought, or within 30 days of the expiration of the permit otherwise.

The report shall summarize the type and amount of training exercises conducted, all marine mammal observations made during monitoring, and if mitigation measures were

implemented. The report shall also address the effectiveness of the monitoring plan in detecting marine mammals.

If a marine mammal is sighted during a range sweep or from range cameras, sighting data shall be collected and entered into the USMC sighting database, web-interface, or report generator and this information shall be relayed to the training Commander. Sighting data includes the following (collected to the extent possible): (1) species identification; (2) group size; (3) the behavior of marine mammals (e.g., milling, travel, social, foraging); (4) location and relative distance from the BT; (5) date, time and visual conditions (e.g., Beaufort sea state, weather) associated with each observation; (6) direction of travel relative to the BT; and (7) duration of the observation.

10. 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, direct munitions strike), USMC 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 Benjamin.Laws@noaa.gov and the Southeast Regional Stranding Coordinator at (727) 824-5312 (Erin.Fougeres@noaa.gov). The report must include the following information:

- (a) Time, date, and location (latitude/longitude) of the incident; a complete description of the incident; status of all training activity in the 24 hours preceding the incident; 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).

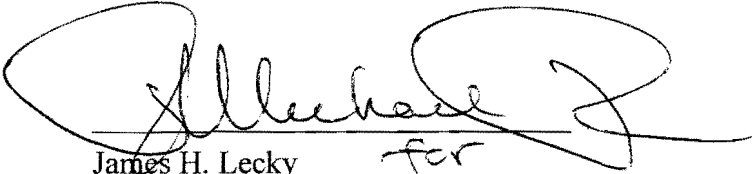
Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with USMC to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. USMC may not resume their activities until notified by NMFS.

In the event that USMC discovers an injured or dead marine mammal, and 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), USMC will immediately report the incident as described above. The report must include the same information identified in Condition 10(a) above. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with USMC to determine whether modifications in the activities are appropriate.

In the event that USMC discovers an injured or dead marine mammal, and 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, scavenger damage), USMC shall report the incident as described above, within 24 hours of the discovery. USMC 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.

11. This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein, or if the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.



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

DEC 27 2011

Date