

DRAFT INCIDENTAL HARASSMENT AUTHORIZATION

The United States Department of the Navy (Navy) 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 marine mammals incidental to Ice Exercises in the Beaufort Sea and Arctic Ocean, when adhering to the following terms and conditions.

1. This Incidental Harassment Authorization (IHA) is valid from February 1, 2020 through January 31, 2021.
2. This IHA is valid only for activities associated with submarine training, testing, and research in the Beaufort Sea and Arctic Ocean.
3. General Conditions
 - (a) A copy of this IHA must be in the possession of the Navy, its designees, and work crew personnel operating under the authority of this IHA.
 - (b) The species authorized for taking are the ringed seal (*Pusa hispida hispida*) and bearded seal (*Erignathus barbatus*).
 - (c) The taking, by Level B harassment only, is limited to the species listed in condition 3(b). The authorized take numbers are shown below:
 - (i) Bearded seal (4)
 - (ii) Ringed seal (1,406)
 - (d) The taking by injury (Level A harassment), serious injury, or death of any of the species listed in condition 3(b) of the Authorization or any taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA.
4. Mitigation Measures

The holder of this Authorization is required to implement the following mitigation measures:

 - (a) Shutdown and Delay Measures:
 - (i) The Navy is required to begin passive acoustic monitoring 15 minutes prior to start of submarine exercise activities.

- (ii) The Navy must delay active acoustic transmissions if marine mammals are detected during pre-activity acoustic monitoring and must shutdown active acoustics if marine mammals are detected during acoustic transmissions.
 - (iii) The Navy must not restart acoustic transmissions until 15 minutes have passed with no marine mammal detections.
- (b) The Navy is required to implement the following measures to avoid take during on-ice activities:
 - (i) The ice camp and runway must be established on multi-year ice without pressure ridges.
 - (ii) Foot and snowmobile movement must avoid pressure ridges.
 - (iii) Snowmobiles must follow established routes, when available.
 - (iv) Camp deployment must be gradual, with activity increasing over the first five days and must be completed by March 15, 2020.
 - (v) All Navy personnel must maintain a 100-meter avoidance distance from all observed marine mammals.
 - (vi) All material (*e.g.*, tents, unused food, excess fuel) and wastes (*e.g.*, solid waste, hazardous waste) must be removed from the ice floe upon completion of ICEX20 activities.

5. Monitoring

The holder of this Authorization is required monitor for marine mammals in the vicinity of the ice camp and to conduct passive acoustic monitoring during all active sonar use.

- (a) Ice camp personnel must maintain an awareness of the surrounding environment and document any observed marine mammals.

6. Reporting

The holder of this Authorization is required to:

- (a) Submit a draft report on all monitoring conducted under the IHA within ninety calendar days of the completion of the planned training and testing activities. A final report shall be prepared and submitted within thirty days following resolution of comments on the draft report from NMFS. This report must include data regarding sonar use and any marine mammal sightings or acoustic detections. It must also include information on the number of sonar shutdowns recorded.
- (b) Reporting injured or dead marine mammals:
 - (i) In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by this IHA, such as an injury

(Level A harassment), serious injury, or mortality, ONR must immediately cease the specified activities and report the incident to the Office of Protected Resources, NMFS at 301-427-8401, and the Alaska Regional Stranding Coordinator, NMFS at 877-925-7773. The following information must be provided:

1. Time, date, and location of the discovery;
 2. Species identification (if known) or description of the animal(s) involved;
 3. Condition of the animal(s) (including carcass condition if the animal is dead);
 4. Observed behaviors of the animal(s), if alive;
 5. If available, photographs or video footage of the animal(s); and
 6. General circumstances under which the animal(s) was discovered (*e.g.*, (*e.g.*, during submarine activities, observed on ice floe, or by transiting vessel)
- (c) All dead/injured marine mammals must be reported to the Office of Protected Resources, NMFS, and the Alaska Regional Stranding Coordinator, NMFS, even if the cause of death/injury is unknown.
7. This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein, or if NMFS determines the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.
8. Renewals - On a case-by-case basis, NMFS may issue a one-year IHA renewal with an additional 15 days for public comments when (1) another year of identical or nearly identical activities as described in the Specified Activities section of this notice is planned or (2) the activities as described in the Specified Activities section of this notice would not be completed by the time the IHA expires and a second IHA would allow for completion of the activities beyond that described in the Dates and Duration section of this notice, provided all of the following conditions are met:
- (a) A request for renewal is received no later than 60 days prior to expiration of the current IHA.
 - (b) The request for renewal must include the following:
 - (i) An explanation that the activities to be conducted under the requested Renewal are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing

the type or amount of take because only a subset of the initially analyzed activities remain to be completed under the Renewal).

- (ii) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.
- (c) Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures remain the same and appropriate, and the findings in the initial IHA remain valid.

Donna S. Wieting,
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National Marine Fisheries Service.

Date