

## INCIDENTAL HARASSMENT AUTHORIZATION

The U.S. Marine Corps (USMC) 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 training activities at Marine Corps Air Station (MCAS) Cherry Point Range Complex, when adhering to the following terms and conditions.

1. This Incidental Harassment Authorization (IHA) is valid for a period of one year from the date of issuance.
2. This IHA is valid only for training activities conducted at MCAS Cherry Point Range Complex in North Carolina.

3. General Conditions

- (a) A copy of this IHA must be in the possession of the USMC, its designees, and personnel operating under the authority of this IHA, including the lead personnel on duty and responsible for compliance with the conditions of this Authorization at the time of specified training exercises.
- (b) The taking, by harassment only, is limited to bottlenose dolphins (*Tursiops truncatus*). The taking is limited to 102 incidents of Level B harassment and two incidents of Level A harassment.
- (c) The taking by serious injury or death 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) The USMC must establish and monitor safety zones for marine mammals. Safety zones must comprise the entire Rattan Bay area at the Piney Island Bombing Range (BT-11) and a 3,000 ft radius around the Brant Island Target (BT-9).
- (b) When detonating explosives or delivering ordnance:
  - (i) If personnel observe any marine mammals within the designated safety zone, or if personnel observe marine mammals that are on a course that will put them within the designated safety zone prior to surface-to-surface or air-to-surface training exercises, the USMC must delay ordnance delivery and/or explosives detonations until all marine mammals are no longer within the designated safety zone.

- (ii) If personnel cannot reacquire marine mammals detected in the safety zone after delaying training missions, the USMC must not commence activities until the next verified location of the animal is outside of the safety zone and the animal is moving away from the mission area.
  - (iii) If personnel are unable to monitor the designated safety zone, then the USMC must delay training exercises.
  - (iv) If daytime weather and/or sea conditions preclude adequate surveillance for detecting marine mammals, then the USMC must postpone training exercises until conditions exist for adequate monitoring of the designated safety zone.
- (c) Pre- and Post-Mission Monitoring
- (i) Range operators must conduct or direct visual surveys to monitor BT-9 or BT-11, respectively, for marine mammals before and after each exercise. Range operation and control personnel shall monitor the target area through tower-mounted safety and surveillance cameras.
  - (ii) Range operators must use the surveillance camera's night vision (i.e., infrared) capabilities to monitor BT-9 or BT-11 for marine mammals during night-time exercises.
  - (iii) For BT-9, in the event that a marine mammal is sighted within the safety zone, personnel shall declare the area as fouled and cease training exercises. Personnel may commence operations in BT-9 only after the animal has moved out of the safety zone.
  - (iv) For BT-11, in the event that a marine mammal is sighted anywhere within the confines of Rattan Bay, personnel must declare the water-based targets within Rattan Bay as fouled and cease training exercises. Personnel may commence operations in BT-11 only after the animal has moved out of Rattan Bay.
- (d) Range Sweeps
- (i) The USMC must conduct a range sweep the morning of each exercise day prior to the commencement of range operations and after each exercise following the conclusion of range operations.
  - (ii) Sweeps must be conducted by aircraft at an altitude of 100 to 300 m (328 to 984 ft) above the water surface, at airspeeds between 60 to 100 knots. The path of the sweeps shall run down the western side of BT-11, circle around BT-9, and then continue down the eastern side of BT-9 before leaving the area.

- (e) Cold Pass by Aircraft
  - (i) For waterborne targets, the pilot must perform a cold pass (i.e., low-altitude visual check) for marine mammals immediately prior to ordnance delivery at the bombing targets both day and night.
  - (ii) Pilots must conduct the cold pass with the aircraft (helicopter or fixed-winged) flying straight and level at altitudes of 200 to 3,000 ft over the target area.
- (f) If marine mammals are present in the target area during a range sweep, cold pass, or visual surveillance with the camera, the Range Controller must deny ordnance delivery to the target as conditions warrant.
- (g) All vessels used during training operations shall abide by NMFS' Southeast Regional Viewing Guidelines designed to prevent harassment to marine mammals.

5. Monitoring

The holder of this Authorization is required to conduct marine mammal monitoring in association with training exercises.

- (a) The USMC must designate qualified, on-site individual(s) to record the effects of training exercises on potentially affected marine mammals.
- (b) Operators of small boats, and other personnel monitoring for marine mammals from watercraft must take the Department of the Navy's Marine Species Awareness Training. The USMC shall instruct those pilots conducting range sweeps on marine mammal observation techniques during routine Range Management Department briefings. Designated personnel must be appropriately knowledgeable regarding potentially affected marine mammal species and visual cues related to the presence of marine mammals.
- (c) Weekly and Post-Exercise Monitoring
  - (i) Post-exercise monitoring must be conducted the morning following an exercise, unless an exercise occurs on a Friday, in which case the post-exercise sweep may take place the following Monday.
  - (ii) Weekly monitoring events include a maximum of five pre-exercise and four post-exercise sweeps. The maximum number of days that may elapse between pre- and post-exercise monitoring events is approximately three days, which would occur only on weekends. If the USMC observe marine mammals during the monitoring period, they shall record and log sight data identical to data collected by the PEDRO crew.

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 expiration of the IHA. 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:
  - (i) Date and time of each training exercise;
  - (ii) A complete description of the pre-exercise and post-exercise activities related to mitigating and monitoring the effects of the training exercises on marine mammal populations;
  - (iii) Results of the monitoring, including the number of marine mammals (by species, if possible) that may have been harassed due to presence within the applicable safety zone;
  - (iv) Species identification; group size; behavior (e.g., milling, travel, social, foraging); location and relative distance from the target; date, time and visual conditions (e.g., Beaufort sea state, weather) associated with each observation; direction of travel relative to the target; and duration of the observation; and
  - (v) A detailed assessment of the effectiveness of the sensor based monitoring in detecting marine mammals in the area of the training exercises.
- (b) If a marine mammal is sighted during a range sweep or from range cameras, sighting data shall be collected and entered into the appropriate USMC sighting database and reported to designated personnel as appropriate.
- (a) Reporting Injured or Dead Marine Mammals
  - (i) In the event that personnel involved in the training activities discover an injured or dead marine mammal, the Holder must report the incident to the NMFS Office of Protected Resources (OPR) and to the regional stranding coordinator as soon as feasible. The report must include the following information:
    - A. Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
    - B. Species identification (if known) or description of the animal(s) involved;
    - C. Condition of the animal(s) (including carcass condition if the animal is dead);

- D. Observed behaviors of the animal(s), if alive;
  - E. If available, photographs or video footage of the animal(s); and
  - F. General circumstances under which the animal was discovered.
- (ii) In the event of a ship strike of a marine mammal by any vessel involved in the training activities, the Holder must report the incident to NMFS OPR and to the regional stranding coordinator as soon as feasible. The report must include the following information:
- A. Time, date, and location (latitude/longitude) of the incident;
  - B. Species identification (if known) or description of the animal(s) involved;
  - C. Vessel's speed during and leading up to the incident;
  - D. Vessel's course/heading and what operations were being conducted (if applicable);
  - E. Status of any training exercises;
  - F. Description of avoidance measures/requirements that were in place at the time of the strike and what additional measures were taken, if any, to avoid strike;
  - G. Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, visibility) immediately preceding the strike;
  - H. Estimated size and length of animal that was struck;
  - I. Description of the behavior of the marine mammal immediately preceding and following the strike;
  - J. If available, description of the presence and behavior of any other marine mammals immediately preceding the strike;
  - K. Estimated fate of the animal (e.g., dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared); and
  - L. To the extent practicable, photographs or video footage of the animal(s).

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 Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly 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 Renewal 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 the needed Renewal IHA effective date (recognizing that the Renewal IHA expiration date cannot extend beyond one year from expiration of the initial IHA).
  - (b) The request for renewal must include the following:
    - (i) An explanation that the activities to be conducted under the requested Renewal IHA 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).
    - (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 will remain the same and appropriate, and the findings in the initial IHA remain valid.

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Donna S. Wieting,  
Director, Office of Protected Resources,

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