



# MARINE MAMMAL COMMISSION

14 July 2016

Ms. Jolie Harrison, Chief  
Permits and Conservation Division  
Office of Protected Resources  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910-3225

Dear Ms. Harrison:

The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the U.S. Air Force's (the Air Force) application seeking authorization under section 101(a)(5)(D) of the Marine Mammal Protection Act (the MMPA) to take marine mammals by harassment incidental to conducting long range strike weapon systems evaluation program (LRS WSEP) activities at the Pacific Missile Range Facility (PMRF), off Kauai, Hawaii. The Commission also has reviewed the National Marine Fisheries Service's (NMFS) 7 July 2016 notice (80 Fed. Reg. 44277) announcing receipt of the application and proposing to issue the authorization, subject to certain conditions.

## Background

The Air Force plans to conduct its LRS WSEP activities during a one-day period, likely in September 2016 on the Barking Sands Underwater Range Expansion (BSURE) at PMRF. The purpose of those activities is to evaluate the maneuvers and performance of various munitions. Those activities involve the use of missiles and bombs<sup>1</sup> (ranging from a 10 kg bomb to a 136 kg missile). The Air Force would conduct all LRS WSEP activities during daylight hours in waters approximately 4,645 m in depth and at a distance of approximately 81 km from the coast.

NMFS preliminarily has determined that the proposed activities could cause both Level A and/or Level B harassment of dwarf sperm whales and pygmy sperm whales but anticipates that any impact on the affected species and stocks would be negligible. NMFS does not anticipate any take of marine mammals by serious injury or death and believes the proposed mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat. The proposed mitigation, monitoring, and reporting measures include—

- conducting aerial monitoring for approximately 30 minutes both 1 hour before and 30 minutes after the proposed activities;

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<sup>1</sup> Up to one missile and 8 bombs.

- using delay and shut-down procedures;
- reporting injured and dead marine mammals immediately to NMFS's local stranding network, regional office, and Office of Protected Resources; and
- submitting a final report.

### **Mitigation and monitoring measures**

In previous Commission letters regarding the Air Force's activities at Eglin Air Force Base (Eglin) off Florida, the Commission has recommended that NMFS require the Air Force to determine the effectiveness of its mitigation measures and to supplement those measures with the use of passive acoustic monitoring (PAM) devices, which in this case already are in place at PMRF<sup>2</sup>. For the proposed authorization, the mission area would be determined clear of marine mammals for at least 30 minutes, and likely longer, before the munitions are detonated. The aircraft used for monitoring then would move to the periphery of the human safety zone, which has not been specified in this authorization but was 15 km for previous Air Force WSEP activities. The Commission is not convinced that the Air Force would be able to monitor effectively for marine mammals entering the mortality and injury zone after the area has been cleared and during the timeframe prior to detonation.

In addition to the PAM supplementing mitigation, those devices also can be used to provide in-situ measurements<sup>3</sup> of the detonations and data on impacts they may have had on marine mammals present in the vicinity prior to, during, and after the detonations. For resident species, such data could provide insights regarding how long it takes for those species to come back onto the range after an activity, similar to the monitoring the Navy conducts at PMRF, off Southern California, and off Andros Island in the Bahamas. Fulfilling monitoring requirements under section 101(a)(5) of the MMPA will be especially important given that the Air Force plans to seek regulations governing the taking of marine mammals during future LRS WSEP at PMRF for a five-year period.

For these reasons, the Commission again recommends that NMFS and the Air Force assess practicable ways to supplement the Air Force's mitigation and monitoring measures with PAM, including obtaining access to the Navy's hydrophone array data at PMRF. In response to the Commission's recommendations for WSEP activities at Eglin, the Air Force indicated it was willing to discuss alternatives with the Commission and NMFS during the development of the upcoming rulemaking and NEPA documentation for Eglin (80 Fed. Reg. 17398, 81 Fed. Reg. 7310). The Commission would welcome such a meeting and would want to extend that discussion to activities at PMRF as well.

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<sup>2</sup> Barking Sands Tactical Underwater Range has 42 bottom-mounted hydrophones, and BSURE has 18 hydrophones.

<sup>3</sup> Including sound propagation.

Ms. Jolie Harrison  
14 July 2016  
Page 3

The Commission trusts you will find its letter helpful. Please contact me if you have questions regarding the Commission's comments and recommendation.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca J. Lent". The signature is written in a cursive style with a large, sweeping initial "R".

Rebecca J. Lent, Ph.D.  
Executive Director