



MARINE MAMMAL COMMISSION

17 September 2015

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. Navy's (the Navy) application seeking authorization under section 101(a)(5)(D) of the Marine Mammal Protection Act to take marine mammals by harassment. The taking would be incidental to conducting Civilian Port Defense exercises in California. The Commission also has reviewed the National Marine Fisheries Service's (NMFS) 4 September 2015 notice (80 Fed. Reg. 53658) announcing receipt of the application and proposing to issue the authorization, subject to certain conditions.

The Navy plans to conduct naval mine warfare exercises in support of maritime homeland defense within and near the Ports of Los Angeles and Long Beach in October–November 2015. The exercises would include the use of high-frequency sonar, lasers, helicopters, surface ships, unmanned surface vehicles and underwater vehicles, divers, marine mammal systems, and mine training shapes. Active acoustic transmissions from the high-frequency sonar is the main source of harassment. Two separate 4-day exercises would occur during a 2-week period.

NMFS preliminarily has determined that, at most, the proposed activities would modify temporarily the behavior of nine species of marine mammals. It also anticipates that any impact on the affected species and stocks would be negligible. NMFS does not anticipate any take of marine mammals by death or serious injury and believes that the potential for temporary or permanent hearing impairment would be at the least practicable level because of the proposed mitigation measures. Standard Navy mitigation measures would be implemented and include the use of lookouts and shut-down procedures. If any injury or death of a marine mammal is observed during the Civilian Port Defense training exercises, the Navy would immediately halt the activity and report the incident to NMFS following its standard monitoring and reporting measures. The Commission concurs with NMFS's preliminary finding and therefore recommends that NMFS issue the incidental harassment authorization, subject to inclusion of the proposed mitigation, monitoring, and reporting measures.

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Please contact me if you have questions regarding the Commission's recommendation.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca J. Lent". The signature is written in a cursive style with a large initial "R" and a distinct "Lent" at the end.

Rebecca J. Lent, Ph.D.
Executive Director