



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

MAR 05 2014

Mr. Stephen M. Seiber  
Chief, Natural Resources Section  
96<sup>th</sup> CEG/CEVSN  
501 DeLeon Street, Suite 101  
Eglin Air Force Base, Florida 32542-5133

Dear Mr. Seiber:

Enclosed is a Letter of Authorization (LOA) issued to Eglin Air Force Base (Eglin AFB), pursuant to Section 101(a)(5)(A) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*), and the regulations governing the take of marine mammals incidental to conducting Precision Strike Weapon and Air-to-Surface Gunnery activities in Eglin AFB's Gulf Test and Training Range. This authorization is effective for five years and covers the taking of Atlantic bottlenose dolphins, Atlantic spotted dolphins, pantropical spotted dolphins, spinner dolphins, dwarf sperm whales, and pygmy sperm whales incidental to conducting Precision Strike Weapon and Air-to-Surface Gunnery activities, as identified in the final rule, provided that the mitigation, monitoring, and reporting requirements are undertaken as required by the regulations and the LOA.

If you have any questions concerning the LOA or its requirements, please contact Brian D. Hopper, NMFS, Office of Protected Resources, Permits and Conservation Division, at 301-427-8422.

Sincerely,

Donna S. Wieting  
Director  
Office of Protected Resources  
National Marine Fisheries Service

Enclosure

## Letter of Authorization

The Commanding Officer, Eglin Air Force Base, FL 32542-5133 is hereby authorized under section 101(a)(5)(A) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)(5)(A)), 50 CFR 216.107, and 50 CFR 216.250 to harass marine mammals incidental to conducting precision-strike weapon and air-to-surface gunnery activities within the Eglin Gulf Test and Training Range (EGTTR), contingent upon the following conditions:

1. This Authorization is valid from March 5, 2014 through March 4, 2019.
2. This Authorization is valid only for activities within the EGTTR. The EGTTR is the airspace over the Gulf of Mexico beyond 3 nm from shore that is controlled by Eglin Air Force Base. The specified activities will take place within the boundaries of Warning Area W-151. The inshore and offshore boundaries of W-151 are roughly parallel to the shoreline contour. The shoreward boundary is 3 nm from shore, while the seaward boundary extends approximately 85 to 100 nm offshore, depending on the specific location. W-151 has a surface area of approximately 10,247 nm<sup>2</sup> (35,145 km<sup>2</sup>), and includes water depths ranging from approximately 20 to 700 m.
3. The taking of marine mammals by Eglin AFB is only authorized if it occurs incidental to the following activities within the designated amounts of use:
  - (a) The annual use of the following Precision Strike Weapons (PSWs) for PSW training activities, in the amounts indicated below:
    - (i) Joint Air-to-Surface Stand-Off Missile (JASSM) AGM-158 A and B - two live shots (single) and 4 inert shots (single) per year;
    - (ii) Small-diameter bomb (SDB) GBU-39/B - six live shots per year, with two of the shots occurring simultaneously, and 12 inert shots per year, with up to two occurring simultaneously.
  - (b) The annual use of the following ordnance for daytime Air-to-Surface (AS) Gunnery training activities, in the amounts indicated below:
    - (i) 105 mm High Explosive (HE) Full Up (FU) – 25 missions per year with 30 rounds per mission
    - (ii) 40 mm HE – 25 missions per year with 64 rounds per mission
    - (iii) 25 mm HE – 25 mission per year with 560 rounds per mission
  - (c) The annual use of the following ordnance for nighttime Air-to-Surface (AS) Gunnery training activities, in the amounts indicated below:
    - (i) 105 mm HE Training Round (TR) – 45 missions per year with 30 rounds per mission
    - (ii) 40 mm HE – 45 missions per year with 64 rounds per mission
    - (iii) 25 mm HE – 45 mission per year with 560 rounds per mission

4. General Conditions:

(a) The incidental taking of marine mammals is limited to the species listed under condition 4(b) below. The taking by harassment, injury, or death of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this Authorization.

(b) The incidental take of marine mammals under the activities identified in paragraph 3(a) through (c) and § 217.110(c) is limited to the following species, by the indicated method of take and the indicated number:

(i) Level B Harassment

(A) Atlantic bottlenose dolphin (Tursiops truncatus) – 444 per year

(B) Atlantic spotted dolphin (Stenella frontalis) – 353 per year

(C) Pantropical spotted dolphin (S. attenuate) – 3 per year

(D) Spinner dolphin (S. longirostris) – 3 per year

(E) Dwarf or pygmy sperm whale (K. simus or K. breviceps) – 2 per year

(ii) Level A Harassment

(A) Atlantic bottlenose dolphin (Tursiops truncatus) – 5 per year

(B) Atlantic spotted dolphin (Stenella frontalis) – 4 per year

5. Cooperation:

The holder of this Letter of Authorization is required to cooperate with NMFS and any other Federal, state, or local agency authorized to monitor the impacts of the activity on marine mammals. The holder must notify the Protected Species Office, Southeast Region, NMFS, (telephone: (727) 570-5312), at least two weeks prior to mission launches.

6. Mitigation Requirements:

(a) The activities identified in section 3 and § 217.110(c) must be conducted in a manner that minimizes, to the greatest extent practicable, adverse impacts on marine mammals and their habitats. When conducting operations identified in section 3 and § 217.110(c), the following mitigation measures must be implemented.

(b) Precision Strike Weapon Missions

(i) Safety Zones

(A) For the JASSM, the Air Force must establish and monitor a safety zone for marine mammals with a radius of 2.0 nm (3.7 km) from the center of the detonation and a buffer zone with a radius of 1.0 nm (1.85 km) radius from the outer edge of the safety zone.

(B) For the SDB, the holder of the Letter of Authorization must establish and monitor a safety zone for marine mammals with a radius of no less than 5 nm (9.3 km) for single bombs and 10 nm (18.5 km) for double bombs and a buffer zone from the outer edge of the safety zone with a radius of at least 2.5 nm (4.6 km) for single bombs and 5 nm (18.5 km) for double bombs.

(ii) For PSW missions, the holder of the Letter of Authorization must comply with the monitoring requirements, including pre-mission monitoring, set forth in §217.115(c)

(iii) When detonating explosives:

(A) If any marine mammals or sea turtles are observed within the designated safety zone or the buffer zone prescribed in condition (b)(1) above or that are on a course that will put them within the safety zone prior to JASSM or SDB launch, the launching must be delayed until all marine mammals are no longer within the designated safety zone.

(B) If any marine mammals are detected in the buffer zone and subsequently cannot be reacquired, the mission launch will not continue until the next verified location is outside of the safety zone and the animal is moving away from the mission area.

(C) If large Sargassum rafts or large concentrations of jellyfish are observed within the safety zone, the mission launch will not continue until the Sargassum rafts or jellyfish that caused the postponement are confirmed to be outside of the safety zone due to the current and/or wind moving them out of the mission area.

(D) If weather and/or sea conditions preclude adequate aerial surveillance for detecting marine mammals or sea turtles, detonation must be delayed until adequate sea conditions exist for aerial surveillance to be undertaken. Adequate sea conditions means the sea state does not exceed Beaufort sea state 3.5 (i.e., whitecaps on 33 to 50 percent of surface; 0.6 m (2 ft) to 0.9 m (3 ft) waves), the visibility is 5.6 km (3 nm) or greater, and the ceiling is 305 m (1,000 ft) or greater.

(E) To ensure adequate daylight for pre- and post-detonation monitoring, mission launches may not take place earlier than 2 hours after sunrise, and detonations may not take place later than 2 hours prior to sunset, or whenever darkness or weather conditions will preclude completion of the post-test survey effort described in § 217.115.

(F) If post-detonation surveys determine that a serious injury or lethal take of a marine mammal has occurred, the test procedure and the monitoring methods must be reviewed with the National Marine Fisheries Service and appropriate changes to avoid unauthorized take must be made prior to conducting the next mission detonation.

(G) Mission launches must be delayed if aerial or vessel monitoring programs described under § 217.115 cannot be fully carried out.

(c) Air-to-Surface Gunnery Missions

(i) Sea State Restrictions

(A) If daytime weather and/or sea conditions preclude adequate aerial surveillance for detecting marine mammals and other marine life, air-to-surface gunnery exercises must be delayed until adequate sea conditions exist for aerial surveillance to be undertaken. Daytime air-to-surface gunnery exercises will be conducted only when sea surface conditions do not exceed Beaufort sea state 4 (i.e., wind speed 13-18 mph (11-16 knots));

wave height 1 m (3.3 ft)), the visibility is 5.6 km (3 nm) or greater, and the ceiling is 305 m (1,000 ft) or greater.

(ii) Pre-mission and Mission Monitoring

(A) The aircrews of the air-to-surface gunnery missions will initiate location and surveillance of a suitable firing site immediately after exiting U.S. territorial waters (> 12 nm).

(B) Prior to each firing event, the aircraft crew will conduct a visual and/or instrument survey of the 5-nm (9.3-km) wide prospective target area to locate any marine mammals that may be present.

(1) The AC-130 gunship will conduct at least two complete orbits at a minimum safe airspeed around a prospective target area at an altitude of approximately 6,000 ft (1,829 m).

(2) If marine mammals are not detected, the AC-130 can then continue orbiting the selected target point as it climbs to the mission testing altitude.

(3) During the low altitude orbits and the climb to testing altitude, aircraft crew will scan the sea surface within the aircraft's orbit circle for the presence of marine mammals.

(4) The AC-130's optical and electronic sensors must be employed for target detection, especially at night when visibility will be poor.

(5) If any marine mammals are detected within the AC-130's orbit circle, either during initial clearance or after commencement of live firing, the mission will be immediately halted and relocated as necessary or suspended until the marine mammal has left the area. If relocated to another target area, the clearance procedures described in paragraph (c)(2)(ii) of this section must be repeated.

(6) If multiple firing events occur within the same flight, these clearance procedures must precede each event.

(C) If no marine mammals are detected, gunnery exercises may begin with the deployment of MK-25 flares into the center of the designated 5-nm target area.

(iii) Operational Mitigation Measures

(A) Ramp-up air-to-surface gunnery firing activities by beginning with the lowest caliber munition and proceeding to the highest, which means the munitions would be fired in the following order: 25 mm; 40 mm; and 105 mm.

(B) Air-to-surface gunnery exercises conducted after sunset must use the 105-mm training round instead of the 105-mm full up round.

(C) One mission per year may be conducted beyond the 200 m isobaths, which is south of a line delineating the shelf break with coordinates of 29° 42.73'N, 86° 48.27' W and 29° 12.73' N, 85° 59.88' W (Figure 1-12 in Eglin AFB's LOA application). The single mission beyond the shelf break will occur during daylight hours only.

(iv) Post-mission Monitoring

(A) Aircrews will initiate the post-mission clearance procedures beginning at the operational altitude of approximately 15,000 to 20,000 ft (4572 to

6096 m) elevation, and then initiate a spiraling descent down to an observation altitude of approximately 6,000 ft (1,829 m) elevation. Rates of descent will occur over a 3- to 5-minute time frame.

(B) If post-detonation surveys determine that an injury or lethal take of a marine mammal has occurred, the test procedure and the monitoring methods must be reviewed with the National Marine Fisheries Service and appropriate changes to avoid unauthorized take must be made, prior to conducting the next air-to-surface gunnery exercise.

7. Monitoring Requirements:

(a) Monitoring Procedures for Precision Strike Weapon Missions

(i) The Holder of this Authorization must:

(A) Designate qualified on-site individual(s) to record the effects of mission launches on marine mammals that inhabit the northern Gulf of Mexico;

(B) Have on-site individuals, approved in advance by the National Marine Fisheries Service, to conduct the mitigation, monitoring and reporting activities specified in these regulations and in the Letter of Authorization issued pursuant to §§ 216.106 and 217.117 of this chapter.

(C) Conduct aerial surveys to reduce impacts on protected species. The aerial survey/monitoring team will consist of two experienced marine mammal observers, approved in advance by the Southeast Region, National Marine Fisheries Service. The aircraft will also have a data recorder who would be responsible for relaying the location, the species if possible, the direction of movement, and the number of animals sighted.

(D) Conduct shipboard monitoring to reduce impacts to protected species. Trained observers will conduct monitoring from the highest point possible on each mission or support vessel(s). The observer on the vessel must be equipped with optical equipment with sufficient magnification (e.g., 25X power "Big-Eye" binoculars).

(ii) The aerial and shipboard monitoring teams will maintain proper lines of communication to avoid communication deficiencies. The observers from the aerial team and operations vessel will have direct communication with the lead scientist aboard the operations vessel.

(iii) Pre-mission Monitoring: Approximately 5 hours prior to the mission, or at daybreak, the appropriate vessel(s) would be on-site in the primary test site near the location of the earliest planned mission point. Observers onboard the vessel will assess the suitability of the test site, based on visual observation of marine mammals and sea turtles, the presence of large Sargassum mats, seabirds and jellyfish aggregations and overall environmental conditions (visibility, sea state, etc.). This information will be relayed to the lead scientist.

(iv) Three Hours Prior to Mission:

(A) Approximately three hours prior to the mission launch, aerial monitoring will commence within the test site to evaluate the test site for environmental suitability. Evaluation of the entire test site would take

approximately 1 to 1.5 hours. The aerial monitoring team will begin monitoring the safety zone and buffer zone around the target area.

(B) Shipboard observers will monitor the safety and buffer zone, and the lead scientist will enter all marine mammals and sea turtle sightings, including the time of sighting and the direction of travel, into a marine animal tracking and sighting database.

(v) One to 1.5 Hours Prior to Mission Launch:

(A) Depending upon the mission, aerial and shipboard viewers will be instructed to leave the area and remain outside the safety area. The aerial team will report all marine animals spotted and their directions of travel to the lead scientist onboard the vessel.

(B) The shipboard monitoring team will continue searching the buffer zone for protected species as it leaves the safety zone. The surface vessels will continue to monitor from outside of the safety area until after impact.

(vi) Post-mission monitoring:

(A) The vessels will move into the safety zone from outside the safety zone and continue monitoring for at least two hours, concentrating on the area down current of the test site.

(B) The holder of the Letter of Authorization will closely coordinate mission launches with marine animal stranding networks.

(C) The monitoring team will document any dead or injured marine mammals or turtles and, if practicable, recover and examine any dead animals.

(b) Monitoring Procedures for Air-to-Surface Gunnery Missions

(i) In addition to the monitoring requirements in 217.114(c), the holder of the Letter of Authorization must:

(A) Cooperate with the National Marine Fisheries Service and any other Federal, state or local agency monitoring the impacts of the activity on marine mammals.

(ii) Require aircrews to initiate the post-mission clearance procedures beginning at the operational altitude of approximately 15,000 to 20,000 ft (4572 to 6096 m) elevation, and then initiate a spiraling descent down to an observation altitude of approximately 6,000 ft (1,829 m) elevation. Rates of descent will occur over a 3- to 5-minute time frame.

(iii) Track their use of the EGTR for test firing missions and marine mammal observations, through the use of mission reporting forms.

(iv) Coordinate air-to-surface gunnery exercises with future flight activities to provide supplemental post-mission observations of marine mammals in the operations area of the exercise.

8. Reporting Requirements:

(a) An annual report must be submitted to the Director, Office of Protected Resources, NMFS, on January 31 of each year. This report must include the following information:

(i) Date and time of each PSW/air-to-surface gunnery exercise;

- (ii) A complete description of the pre-test and post-test activities related to mitigating and monitoring the effects of PSW/air-to-surface exercises on marine mammals and marine mammal populations;
- (iii) Results of the monitoring program, including numbers by species/stock of any marine mammals noted injured or killed, presumably as a result of the exercises, and number of marine mammals (by species if possible) that may have been harassed due to presence within the applicable safety zone;
- (iv) A detailed assessment of the effectiveness of sensor-based monitoring in detecting marine mammals in the area of air-to-surface gunnery operations; and
- (v) Results of coordination with coastal marine mammal stranding networks.

(b) The final comprehensive report on all marine mammal monitoring and research conducted during the period of these regulations authorizing this Letter of Authorization must be submitted to the Director, Office of Protected Resources, NMFS, at least 240 days prior to the expiration of the governing regulations or 240 days after the expiration of the regulations if new regulations will not be requested.

9. Additional Conditions:

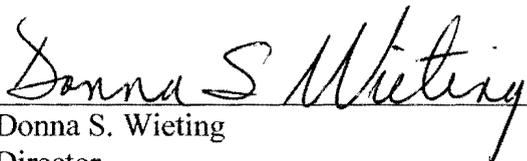
(a) Activities related to the monitoring described in this Authorization do not require a separate scientific research permit issued under section 104 of the Marine Mammal Protection Act.

(b) The holder of this Authorization must inform the Assistant Administrator for Fisheries, NOAA (301-713-2239), prior to the initiation of any changes to the monitoring plan for a specified mission launch.

(c) Failure to comply with the terms and conditions contained in Subpart L—Taking Marine Mammals Incidental to Conducting Precision Strike Weapon and Air-to-Surface Gunnery Missions at Eglin Gulf Test and Training Range in the Gulf of Mexico (50 CFR 217.110-217.119) or this LOA may result in the modification, suspension, or revocation of this Authorization.

(d) A copy of this Authorization and Subpart L of the regulations must be in the possession of each ship or aircraft operating under the authority of this Letter of Authorization.

(e) The holder of this Authorization is required to fully implement the Terms and Conditions contained in the Biological Opinion issued by NMFS for this activity.

  
\_\_\_\_\_  
Donna S. Wieting

Director  
Office of Protected Resources  
National Marine Fisheries Service

**MAR 05 2014**

\_\_\_\_\_  
Date