

REQUEST FOR REGULATIONS AND LETTERS OF AUTHORIZATION FOR THE INCIDENTAL TAKING OF MARINE MAMMALS
RESULTING FROM U.S. NAVY TRAINING AND TESTING ACTIVITIES IN THE HAWAII-SOUTHERN CALIFORNIA TRAINING AND
TESTING STUDY AREA

ADDENDUM

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ADDENDUM



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FINAL

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BACKGROUND

U.S. Pacific Fleet Environmental Readiness Division is submitting to the National Marine Fisheries Service Office of Protected Resources additional material in support of Hawaii-Southern California Training and Testing (HSTT) consultations. This material consists of proposed modifications to geographic mitigation areas in HSTT.

The 2017 Draft HSTT Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) Letter of Authorization application contained proposed geographic mitigation areas within the HSTT Study Area. These mitigation areas were the result of biological and operational practicability assessments as discussed in Appendix K of the Draft EIS/OEIS.

In preparation for the Final HSTT EIS/OEIS, the Navy revisited DEIS/OEIS geographic mitigation areas and proposes modifications that will increase environmental protection while remaining operationally practicable:

- a) Increase geographic mitigation areas adjacent to the island of Hawaii to more fully encompass specific biologically important areas and the Alenuihaha Channel. Also, merge all overlapping Hawaii Island geographic mitigation areas (Planning Awareness and Cautionary Areas) into one area of sea space surrounding the island and refer to as Hawaii Island Mitigation Area. (See Figure A-1);
- b) Combine overlapping San Diego Arc Planning Awareness and Cautionary Area and refer to as San Diego Arc Mitigation Area (See Figure A-2);
- c) Rename areas to be more descriptive by changing “Humpback Whale Cautionary Area” to “4-Islands Region Mitigation Area” and change “Channel Islands Sanctuary Cautionary Area” to “Santa Barbara Island Mitigation Area”;
- d) Change the metric for the Hawaii Island and San Diego Arc Mitigation Areas from a limit on the number of major training exercises conducted to a limit on the number of sonar hours (by specific sonar bin). The metric sonar hours better represents the acoustic stressor considered in this mitigation.
- e) Limit additional anti-submarine warfare mid-frequency active sonar (ASW) source bins within geographic mitigation areas. Based on an analysis of the operational practicability of further reducing the effects from ASW sources, the Navy determined that additional limitations on the MF4 source bin could be incorporated into the Hawaii Island Mitigation Area. The MF4 bin represents one of the relatively higher source level ASW sensors. The incorporation of limitations on ASW source bins beyond MF1 or MF4 were determined to either be either: 1) not practicable or 2) not warranted based on their potential to affect marine mammals.

The following pages contain modifications to those previously proposed mitigation areas. It is intended to be used as replacement text and tables in the HSTT Proposed Rule prior to publication.

Mitigation Areas for the HRC

Mitigation Areas for the HRC are described in Table 11-22 below.

Table 11-1: Mitigation Areas for Marine Mammals in the Hawaii Range Complex

<u>Mitigation Area Description</u>
<u>Stressor or Activity</u> Sonar Explosives Vessel strikes
<u>Resource Protection Focus</u> Marine mammals
<u>Mitigation Area Requirements</u> Hawaii Island Mitigation Area (year-round): <ul style="list-style-type: none"> The Navy will minimize the use of mid-frequency active anti-submarine warfare sensor bins MF1 and MF4 to the maximum extent practicable. They Navy will not conduct more than 300 hours of MF1 and 20 hours of MF4 per year. If the Navy needs to conduct more than 300 hours of MF1 or 20 hours of MF4 per year, it will provide NMFS with advance notification and include the information (e.g., hours of sonar usage) in its annual activity reports. The Navy will not use explosives¹ during training and testing. If a naval unit needs to use explosives for national security, it will obtain permission from the appropriate designated Command authority prior to commencement of the activity. The Navy will provide NMFS with advance notification and include the information (e.g., explosives usage) in its annual activity reports. 4-Islands Region Mitigation Area (November 15 – April 15): <ul style="list-style-type: none"> The Navy will not use mid-frequency active anti-submarine warfare sensor MF1 . If a naval unit needs to use MF1 for national security, the Navy will obtain permission from the appropriate designated Command authority prior to commencement of the activity. The Navy will provide NMFS with advance notification and include the information (e.g., hours of sonar usage) in its annual activity reports. Humpback Whale Special Reporting Areas (December 15 – April 15): <ul style="list-style-type: none"> The Navy will report the hours of MF1 used in the special reporting areas in its annual activity reports. Humpback Whale Awareness Notification Message Area (November 1 – April 30): <ul style="list-style-type: none"> The Navy will issue a seasonal awareness notification message to alert ships and aircraft operating in the area to the possible presence of concentrations of large whales, including humpback whales. To maintain safety of navigation and to avoid interactions with large whales during transits, the Navy will instruct vessels to remain vigilant to the presence of large whale species (including humpback whales), that when concentrated seasonally, may become vulnerable to vessel strikes. Lookouts will use the information from the awareness notification message to assist their visual observation of applicable mitigation zones during training and testing activities and to aid in the implementation of procedural mitigation.

¹ Explosive restrictions for the Hawaii Island Mitigation Area apply only to those activities for which the Navy seeks MMPA authorization (e.g., surface-to-surface or air-to-surface missile and gunnery events, BOMBEX, and mine neutralization).

Mitigation Areas for the SOCAL portion of the Study Area

Mitigation Areas for the SOCAL portion of the Study Area are described in Table 11-23 below.

Table 11-2: Mitigation Areas for Marine Mammals in the Southern California Portion of the Study Area

Mitigation Area Description
<p><u>Stressor or Activity</u> Sonar Explosives Vessel strikes</p>
<p><u>Resource Protection Focus</u> Marine mammals</p>
<p><u>Mitigation Area Requirements</u> San Diego Arc Mitigation Area (June 1 – October 31): <ul style="list-style-type: none"> The Navy will minimize the use of mid-frequency active anti-submarine warfare sensor bin MF1 to the maximum extent practicable. <ul style="list-style-type: none"> They Navy will not conduct more than 200 hours of MF1 (with the exception of active sonar maintenance and systems checks) per year from June 1 – October 31. If the Navy needs to conduct more than 200 hours of MF1 (with the exception of active sonar maintenance and systems checks) per year from June 1 – October 31 for national security, it will provide NMFS with advance notification and include the information (e.g., hours of sonar usage) in its annual activity reports. The Navy will not use explosives during large-caliber gunnery, torpedo, bombing, and missile (including 2.75" rockets) activities during training and testing. <ul style="list-style-type: none"> If a naval unit needs to conduct large-caliber gunnery, torpedo, bombing, and missile (including 2.75" rockets) activities using explosives for national security, it will obtain permission from the appropriate designated Command authority prior to commencement of the activity. The Navy will provide NMFS with advance notification and include the information in its annual activity reports. Santa Barbara Island Mitigation Area (year-round): <ul style="list-style-type: none"> The Navy will not use mid-frequency active anti-submarine warfare sensor MF1 and explosives in small-, medium-, and large-caliber gunnery; torpedo; bombing; and missile (including 2.75" rockets) activities during unit-level training and major training exercises. If a naval unit needs to use MF1 and explosives in small-, medium-, and large-caliber gunnery; torpedo; bombing; and missile (including 2.75" rockets) activities during unit-level training or major training exercises for national security, it will obtain permission from the appropriate designated Command authority prior to commencement of the activity. The Navy will provide NMFS with advance notification and include the information in its annual activity reports. Blue Whale (June 1 – October 31), Gray Whale (November 1 – March 31), and Fin Whale (November 1 – May 31) Awareness Notification Message Areas: <ul style="list-style-type: none"> The Navy will issue a seasonal awareness notification message to alert ships and aircraft operating in the area to the possible presence of concentrations of large whales, including blue, gray, or fin whales. <ul style="list-style-type: none"> To maintain safety of navigation and to avoid interactions with large whales during transits, the Navy will instruct vessels to remain vigilant to the presence of large whale species, that when concentrated seasonally, may become vulnerable to vessel strikes. Lookouts will use the information from the awareness notification messages to assist their visual observation of applicable mitigation zones during training and testing activities and to aid in the implementation of procedural mitigation. </p>

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Summary of Mitigation Areas

A summary of Mitigation Areas for marine mammals is described in Table 11-25 below.

Table 11-3: Summary of Mitigation Areas for Marine Mammals

Mitigation Area	Summary of Mitigation Requirements
Mitigation Areas for Marine Mammals	
Hawaii Island Mitigation Area (Year-round)	<ul style="list-style-type: none"> The Navy would not exceed 300 hours of mid-frequency active anti-submarine warfare sensor MF1 and 20 hours of mid-frequency active anti-submarine warfare sensor MF4 per season annually. <ul style="list-style-type: none"> If the Navy needs to conduct additional training and testing using MF1 or MF4 in the mitigation area for national security, it will provide NMFS with advance notification and include the information in any associated annual reports. The Navy will not use explosives² during training or testing activities. <ul style="list-style-type: none"> If required for national security, naval units will obtain permission from the appropriate designated Command authority prior to commencement of the activity. The Navy will provide NMFS with advance notification and include the information in associated reports.
4-Islands Region Mitigation Area (November 15 – April 15)	<ul style="list-style-type: none"> The Navy will not use mid-frequency active anti-submarine warfare sensor MF1 during training or testing activities. <ul style="list-style-type: none"> If required for national security, naval units will obtain permission from the appropriate designated Command authority prior to commencement of the activity. The Navy will provide NMFS with advance notification and include the information in associated annual reports.
San Diego Arc Mitigation Area (June 1 – October 31)	<ul style="list-style-type: none"> The Navy would not exceed 200 hours of mid-frequency active anti-submarine warfare sensor MF1 (with the exception of active sonar maintenance and systems checks) annually within the area. <ul style="list-style-type: none"> If the Navy needs to conduct additional training and testing using MF1 in the mitigation area for national security, it will provide NMFS with advance notification and include the information in any associated annual training or testing activity reports. The Navy will not use explosives during large-caliber gunnery, torpedo, bombing, and missile (including 2.75" rockets) activities during training or testing activities. <ul style="list-style-type: none"> If required for national security, naval units will obtain permission from the appropriate designated Command authority prior to commencement of the activity. The Navy will provide NMFS with advance notification and include the information in associated annual reports.
Santa Barbara Island Mitigation Area (Year-round)	<ul style="list-style-type: none"> The Navy will not use mid-frequency active anti-submarine warfare sensor MF1 and explosives in small-, medium-, and large-caliber gunnery; torpedo; bombing; and missile (including 2.75" rockets) activities during unit-level training or major training exercises. If required for national security, naval units will obtain permission from the appropriate designated Command authority prior to commencement of the activity. The Navy will provide NMFS with advance notification and include the information in associated annual reports.

² Explosive restrictions for the Hawaii Island Mitigation Area apply only to those activities for which the Navy seeks MMPA authorization (e.g., surface-to-surface or air-to-surface missile and gunnery events, BOMBEX, and mine neutralization).

The following text replaces mitigation area discussions:

The Navy will implement mitigation areas that will avoid or reduce impacts to mysticetes and contain BIAs for large whales in the SOCAL portion of the HSTT Study Area. The Navy will implement the San Diego Arc Mitigation Area from June 1 through October 31 to protect blue whales. The San Diego Arc overlaps the San Diego Blue Whale Feeding Area (BIA) (see also the HSTT DEIS/OEIS Section K.4 [Biologically Important Areas within the Southern California Portion of the HSTT Study Area for blue whale feeding areas]). In the San Diego Arc Mitigation Area, the Navy would not exceed 200 hours of MFAS sensor MF1 use (with the exception of active sonar maintenance and systems checks) per season annually. Additionally, in the San Diego Arc Mitigation Area, the Navy would not use explosives during large-caliber gunnery, torpedo, bombing, and missile (including 2.75" rockets) activities during training or testing.

In addition, the Navy will implement the Santa Barbara Island Mitigation Area year-round for the protection of blue, fin, and gray whales (and other marine mammals) within that portion of the Channel Island NMS. The Navy will restrict the use of MFAS sensor MF1 and explosives used in gunnery (all calibers), torpedo, bombing, and missile exercises (including 2.75" rockets) during unit-level training and MTEs.

The Navy will implement mitigation areas that will avoid or reduce impacts to mysticetes and contains BIAs for large whales in the HRC portion of the HSTT Study Area, as described below.

In the 4-Islands Region Mitigation Area, the Navy will not use MFAS sensor MF1 during training or testing activities from November 15 through April 15. Since 2009, the Navy has adhered to a Humpback Whale Cautionary Area as a mitigation area within the Hawaiian Islands Humpback Whale NMS, an area identified as having one of the highest concentrations of humpback whales during the critical winter months. As added protection, the Navy proposes to expand the size and extend the season of the current Humpback Whale Cautionary Area, renaming this area the 4-Islands Region Mitigation Area to reflect the benefits afforded to multiple species. The season is currently between December 15 and April 15; the Navy proposes to extend it from November 15 through April 15. The size of the 4-Islands Region Mitigation Area would expand to include an area north of Maui and Molokai and overlaps an area identified as a BIA for the critically endangered Main Hawaiian Islands insular false killer whales (Baird *et al.*, 2015; Van Parijs, 2015) (see Figure 5.4-3, in Chapter 5 [Mitigation Areas for Marine Mammals in the Hawaii Range Complex] of the HSTT DEIS/OEIS). This proposed measure to include the additional area north of Maui and Molokai for this 4-Islands Region Mitigation Area provides further protective measures for humpback whales and false killer whales.

Within the 4-Islands Region Mitigation Area is the Hawaiian Island Humpback Whale Reproduction Area BIA. The use of sonar and other transducers primarily occur farther offshore

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than the designated boundaries of the Hawaiian Islands Humpback Whale Reproduction Area BIA. Explosive events are typically conducted in areas that are designated for explosive use, which are areas outside of the Main Hawaiian Islands Humpback Whale Reproduction Area (BIA).

The Navy is also proposing an additional mitigation area, the Hawaii Island Mitigation Area. This additional geographic mitigation area overlaps with portions of the Hawaiian Islands Humpback Whale NMS. The Hawaii Island Mitigation Area would be established where year-round, the Navy would not use more than 300 hours of MFAS sensor MF1 and would not exceed 20 hours of MFAS sensor MF4 annually. This proposed mitigation area (see Figure 5.4-3, in Chapter 5 [Mitigation Areas for Marine Mammals in the Hawaii Range Complex] of the HSTT DEIS/OEIS) encompasses a portion of the Hawaiian Islands Humpback Whale NMS. Also within the Hawaii Island Mitigation Area the Navy would not use any explosives³ during testing, unit-level training, and major training exercises year-round. This measure is designed to provide additional protection for humpback whales, ESA-listed Main Hawaiian Islands insular false killer whales, and two species of beaked whales (Cuvier's and Blainville's). This area also overlaps with other identified BIAs for other marine mammal species such as dwarf sperm whale, pygmy killer whale, melon-headed whale, short-finned pilot whale, and dolphin species for which the Mitigation Area would provide additional protection (Baird *et al.*, 2015; Van Parijs, 2015).

The Navy will continue to issue an annual humpback whale awareness notification message to remind ships and aircraft to be extra vigilant during times of high densities of humpback whales while in transit and to maintain certain distances from animals during the operation of ships and aircraft within the Sanctuary boundaries.

³ Explosive restrictions within the Hawaii Mitigation Area apply only to those activities for which the Navy seeks MMPA authorization (e.g., surface-to-surface or air-to-surface missile and gunnery events, BOMBEX, and mine neutralization).

MITIGATION AREA SUMMARY

HAWAII

Hawaii Island Mitigation Area (year-round):

- (1) The Navy shall not exceed 300 hours of MFAS sensor MF1 and 20 hours of MFAS sensor MF4 annually.
- (2) If the Navy needs to increase the amount of MF1 or MF4 used in this area for national security, the Navy would provide NMFS with advance notification and include the activity exceedance information (e.g., sonar usage) in the annual activity reports.
- (3) The Navy shall not use explosives⁴ during training or testing activities.
- (4) If the Navy needs to use explosives during training or testing activities in the mitigation area for national security, the Navy shall obtain permission from the appropriate designated Command authority prior to commencement of the activity. The Navy shall provide NMFS with advance notification and include the information in any associated annual activity reports.

4-Islands Region Mitigation Area (November 15 – April 15):

- (1) The Navy shall not use MFAS sensor MF1 during training or testing activities.
- (2) If the Navy needs to use MF1 during training or testing activities in the mitigation area for national security, the Navy shall obtain permission from the appropriate designated Command authority prior to commencement of the activity. The Navy shall provide NMFS with advance notification and include the information in any associated annual activity reports.

⁴ Explosive restrictions within the Hawaii Mitigation Area apply only to those activities for which the Navy seeks MMPA authorization (e.g., surface-to-surface or air-to-surface missile and gunnery events, BOMBEX, and mine neutralization).

SOUTHERN CALIFORNIA

San Diego Arc Mitigation Area (June 1 – October 31):

- (1) The Navy shall not exceed 200 hours of MFAS sensor MF1 (with the exception of active sonar maintenance and systems checks) per season annually.
- (2) If the Navy needs to increase the amount of MF1 in this area per season for national security, the Navy would provide NMFS with advance notification and include the activity exceedance information (e.g., sonar usage) in the annual reports.
- (3) The Navy shall not use explosives during large-caliber gunnery, torpedo, bombing, and missile (including 2.75" rockets) activities during training or testing activities.
- (4) If the Navy needs to conduct large-caliber gunnery exercises, torpedo exercises, bombing exercises, and missile (including 2.75" rockets) activities using explosives during training or testing activities in the Mitigation Area for national security, the Navy shall obtain permission from the appropriate designated Command authority prior to commencement of the activity. The Navy shall provide NMFS with advance notification and include the information in any associated annual exercise reports.

Santa Barbara Mitigation Area (year-round):

- (1) The Navy shall not use MFAS sensor MF1 and explosives in small-, medium-, and large-caliber gunnery; torpedo; bombing; and missile (including 2.75" rockets) activities during unit-level training or MTEs.
- (2) If the Navy needs to use MF1 or explosives in small-, medium-, and large-caliber gunnery; torpedo; bombing; and missile (including 2.75" rockets) activities during unit-level training or MTEs in the Mitigation Area for national security, the Navy shall obtain permission from the appropriate designated Command authority prior to commencement of the activity. The Navy shall provide NMFS with advance notification and include the information in any associated annual activity reports.

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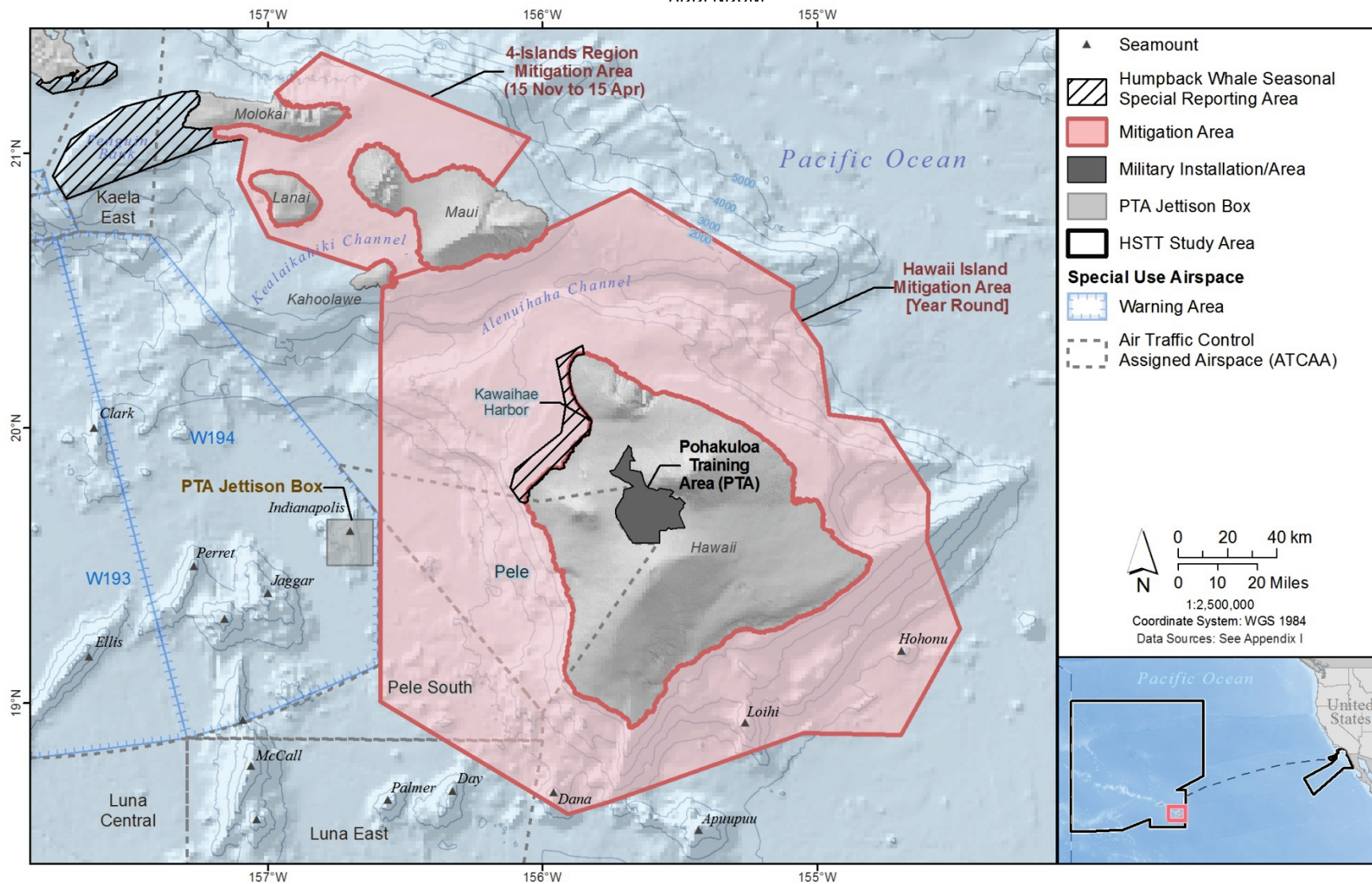


Figure E-1. Revised Mitigation Areas For The HSTT Hawaii Range Complex.

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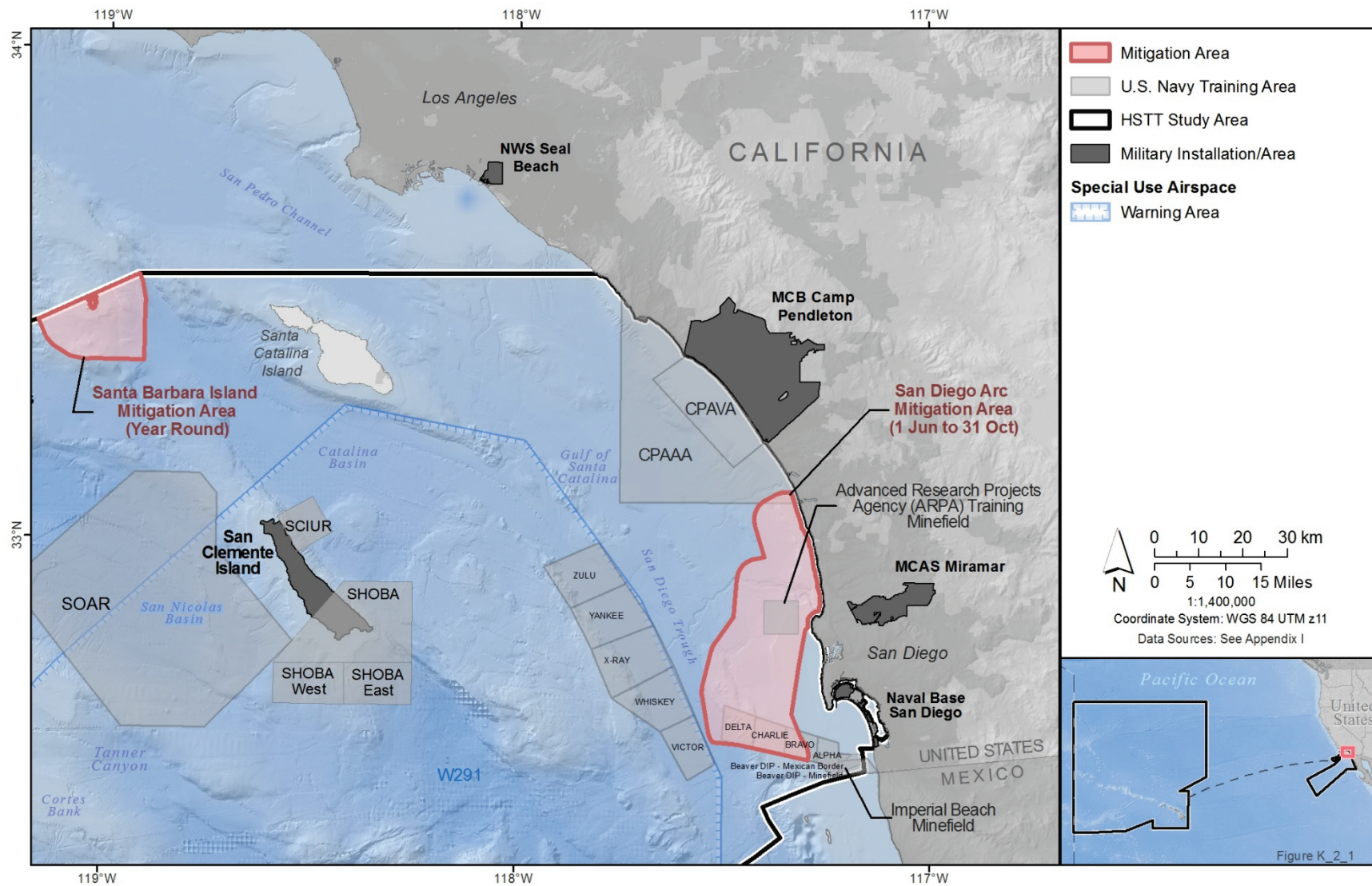


Figure E-2. Revised Mitigation Areas For The HSTT Southern California Range Complex