

## NOTIFICATION AND REPORTING PLAN FOR SURTASS LFA SONAR

### BACKGROUND

This Notification and Reporting Plan would be cited as a requirement in the Marine Mammal Protection Act final rule and Letter of Authorization (LOA) requirements for the U.S. Navy's (Navy) SURTASS LFA sonar as outlined below. The LOA indicates the conditions under which the Navy is authorized to take marine mammals pursuant to SURTASS LFA sonar training and testing activities. This Notification and Reporting Plan is specifically intended to outline the applicable requirements the authorization is conditioned upon in the event that a marine mammal stranding (or milling) event is reported. Since the National Marine Fisheries Service (NMFS) considers all plausible causes when investigating any injury, death, or stranding, any reporting provided pursuant to this plan does not, in any way, presume that any injuries, deaths, strandings, or milling events are related to, or caused by, Navy training or testing activities. Prior to release to NMFS, all data provided would undergo appropriate security clearance procedures.

### REQUIREMENTS

#### 1) Notification of the Discovery of a Stranded Marine Mammal

##### a. Discovery of any Stranded Marine Mammal<sup>1</sup>

In the event that Navy personnel (uniformed military, civilian, or contractors conducting Navy work) associated with operating a T-AGOS class vessel discover a live or dead stranded marine mammal at sea, the Navy shall report the incident to NMFS (see communication protocols below) as soon as is feasible.

The Navy will provide NMFS with:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the marine mammal(s) involved;
- Condition of the marine mammal(s) (including carcass condition if the marine mammal is dead);
- Observed behaviors of the marine mammal(s), if alive;
- If available, photographs or video footage of the marine mammal(s)
- General circumstances under which the marine mammal was discovered (e.g., vessel transit)

##### b. Vessel Strike

In the event of a ship strike of a marine mammal by any T-AGOS class vessel, the Navy shall immediately report, or as soon as security clearance procedures and safety conditions allow, the information above in (a), to NMFS (see Communication Protocols below).

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<sup>1</sup> As defined in Title IV of the MMPA, a "stranding" is defined as "an event in the wild in which (A) a marine mammal is dead and is (i) on a beach or shore of the United States, or (ii) in waters under the jurisdiction of the United States (including any navigable waters) ; or (B) a marine mammal is alive and is (i) on a beach or shore of the United States and unable to return to the water; (ii) on a beach or shore of the United States and, although able to return to the water, is in need of apparent medical attention; or (iii) in the waters under the jurisdiction of the United States (including any navigable waters), but is unable to return to its natural habitat under its own power or without assistance."

As soon as feasible, but no later than seven (7) business days, the Navy shall additionally report to NMFS, the:

- Vessel's speed during and leading up to the incident;
- Vessel's course/heading and what training or testing activity was being conducted (if applicable);
- Status of all sound sources in use (e.g., active sonar);
- 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 marine mammal strike;
- Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, visibility) immediately preceding the marine mammal strike;
- Estimated size and length of marine mammal that was struck;
- Description of the behavior of the marine mammal immediately preceding and following the strike;
- If available, description of the presence and behavior of any other marine mammals immediately preceding the strike;
- Estimated fate of the marine mammal (e.g., dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared, etc.);
- To the extent practicable, photographs or video footage of the struck marine mammal (s); and
- Any relevant information discovered during Navy's investigation of the ship strike.

## **2) Additional Information Requests**

If NMFS personnel determine that the circumstances of any marine mammal stranding suggests investigation of the association of Navy SURTASS LFA training and testing activities is warranted (example circumstances noted below), and an investigation into the stranding is being pursued, NMFS personnel would submit a written request to the Navy asking that they provide the following initial information as soon as possible, but no later than seven (7) business days after the request for information is received.

- If any SURTASS LFA sonar use occurred within the 48 hours (hrs) preceding and within 50 km (27 nmi) of the discovery/notification of the stranding by NMFS, or estimated time of stranding; and
- If available, description of the behavior of any marine mammal(s) sightings preceding (48 hrs and 50 km (27 nmi)) and immediately after the discovery of the stranding (as available).

Examples of circumstances that could trigger the additional information request include, but are not limited to, the following:

- Atypical nearshore milling events of live cetaceans;
- Mass strandings of cetaceans (two or more individuals, not including cow/calf pairs);
- Beaked whale strandings; and
- Necropsies with findings of pathologies that are unusual for the species or area.

In the event that the NMFS initial investigation is inconclusive, additional investigation of the association of Navy activities may still be warranted and NMFS may have additional information requests. In that case, the Navy would be required to answer additional questions regarding their activities within 148 km (80 nmi) and 72 hrs prior to the stranding event, provided appropriate security clearance procedures are followed.

## **3) Actions to Minimize Additional Harm to Live-Stranded (or Milling) Marine Mammals**

In the event of a live stranding (or near-shore atypical milling) event where a stranding network has confirmed the status and location of the stranding, NMFS (individuals specifically identified in the Stranding Communication Protocol, NMFS Office of Protected Resources (OPR) – HQ senior administrators) would advise the Navy of the need to implement shutdown procedures for any use of SURTASS LFA sonar within 50 km (27 nmi) of the stranding. Following this initial shutdown, NMFS would communicate with the Navy to determine if circumstances support any modification of the shutdown zone. The Navy may decline to implement all or part of the shutdown if the holder of the LOA, or his/her designee, determines that it is necessary for national security. Shutdown procedures for live stranding or milling marine mammals include the following:

- If at any time, the marine mammal(s) die or are euthanized, or if herding/intervention efforts that were occurring are stopped, NMFS (individuals specifically identified in the Stranding Communication Protocol) would immediately advise the Navy that the shutdown around that animal(s)' location is no longer needed.
- Otherwise, shutdown procedures would remain in effect until NMFS (individuals specifically identified in the Stranding Communication Protocol) determines and advises the Navy that all live animals involved have left the area (either of their own volition or following an intervention).
- If further observations of the marine mammals indicate the potential for re-stranding, additional coordination with the Navy may be required to determine what measures are necessary to minimize that likelihood (e.g., extending the shutdown or moving operations farther away) and to implement those measures as appropriate.

Shutdown procedures are not related to the investigation of the cause of the stranding and their implementation is not intended to imply that Navy activity is the cause of the stranding. Rather, shutdown procedures are intended to protect marine mammals exhibiting indicators of distress by minimizing their exposure to possible additional stressors, regardless of the factors that contributed to the stranding.

## **COMMUNICATION PROTOCOL**

Effective communication is critical to the successful implementation of this Notification and Reporting Plan. Very specific protocols for communication, including identification of the Navy personnel authorized to implement a shutdown and the NMFS personnel authorized to advise the Navy of the need to implement shutdown procedures, have been identified. These protocols and associated phone trees are currently in usable form and would be finalized by August 2019 and updated yearly (or more frequently, as appropriate) in the document entitled "SURTASS Stranding Communication Protocols."