

## INCIDENTAL HARASSMENT AUTHORIZATION

The Office of Naval Research (ONR) and its designees are hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1371(a)(5)(D)) to incidentally harass marine mammals, under the following conditions:

1. This incidental harassment authorization (IHA) is valid from September 14, 2024, through September 13, 2025.
2. This IHA authorizes take incidental to the use of active acoustic sources and icebreaking, as specified in the ONR's IHA application, associated with Arctic Research Activities in the Beaufort and eastern Chukchi Seas.
3. General Conditions
  - (a) A copy of this IHA must be in the possession of the Holder of the Authorization (Holder) and any other relevant designees of the Holder operating under the authority of this IHA at all times that activities subject to this IHA are being conducted.
  - (b) The species and/or stocks authorized for taking are beluga whale (*Delphinapterus leucas*; Beaufort Sea and eastern Chukchi Sea stocks) and ringed seal (*Pusa hispida hispida*; Arctic stock). Authorized take, by Level B harassment only, is limited to the species and numbers listed in Table 1.
  - (c) The taking by serious injury or death of any of the species listed in Table 1 or any taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA. Any taking exceeding the authorized amounts listed in Table 1 is prohibited and may result in the modification, suspension, or revocation of this IHA.
  - (d) The Holder must ensure that supervisors and crews, the monitoring team, and relevant ONR staff are trained prior to the start of activities subject to this IHA, so that responsibilities, communication procedures, monitoring protocols, and operational procedures are clearly understood. New personnel joining during the project must be trained prior to commencing work.
4. Mitigation Requirements
  - (a) All vessels operated by or for the U.S. Navy must have personnel assigned to stand watch at all times while underway. Watch personnel must employ visual search techniques using binoculars. While underway and while using active acoustic sources/towed in-water devices, at least one person with access to binoculars is required to be on watch at all times.

- (b) Vessel captains and vessel personnel must remain alert at all times, proceed with extreme caution, and operate at a safe speed so that the vessel can take proper and effective action to avoid any collisions with marine mammals.
- (c) During moored and drifting acoustic source deployment and recovery, ONR must implement a mitigation zone of 180 feet (55 meters (m)) around the deployed source. Deployment and recovery must cease if a marine mammal is visually deterred within the mitigation zone. Deployment and recovery may recommence if any one of the following conditions are met:
  - (i) The animal is observed exiting the mitigation zone;
  - (ii) The animal is thought to have exited the mitigation zone based on a determination of its course, speed, and movement relative to the sound source;
  - (iii) The mitigation zone has been clear from any additional sightings for a period of 15 minutes for pinnipeds and 30 minutes for cetaceans.
- (d) Vessels must avoid approaching marine mammals head-on and must maneuver to maintain a mitigation zone of 500 yards (457 m) around all observed cetaceans and 200 yards (183 m) around all other observed marine mammals, provided it is safe to do so.
- (e) Activities must cease if a marine mammal species for which take was not authorized, or a species for which authorization was granted but the authorized number of takes have been met, is observed approaching or within the mitigation zone (Table 2). Activities must not resume until the animal is confirmed to have left the area.
- (f) Vessel captains must maintain at-sea communication with subsistence hunters to avoid conflict of vessel transit with hunting activity.

5. Monitoring

- (a) Marine mammal monitoring must be conducted in accordance with the conditions in this section, the Integrated Comprehensive Monitoring Program (ICMP), and this IHA.
- (b) While underway, all vessels must have at least one person trained through the U.S. Navy Marine Species Awareness Training Program on watch during all activities.
- (c) Data Collection:
  - (i) Watch personnel must use standardized data collection forms, whether hard copy or electronic. Watch personnel must distinguish between sightings that occur during transit or during deployment or recovery of acoustic sources. Data must be recorded on all days of activities, even if marine mammals are not sighted.

- (ii) At minimum, the following information must be recorded:
  - 1. Vessel name;
  - 2. Watch personnel names and affiliation;
  - 3. Effort type (*i.e.*, transit, deployment, recovery); and
  - 4. Environmental conditions (at the beginning of watch stander shift and whenever conditions change significantly), including Beaufort Sea State (BSS) and any other relevant weather conditions, including cloud cover, fog, sun glare, and overall visibility to the horizon.
  
- (iii) Upon visual observation of any marine mammal, the following information must be recorded:
  - 1. Date/time of sighting;
  - 2. Identification of animal (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified) and the composition of the group if there is a mix of species;
  - 3. Location (latitude/longitude) of sighting;
  - 4. Estimated number of animals (high/low/best);
  - 5. Description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars or markings, shape and size of dorsal fin, shape of head, and blow characteristics);
  - 6. Detailed behavior observations (*e.g.*, number of blows/breaths, number of surfaces, breaching, spyhopping, diving, feeding, traveling; as explicit and detailed as possible; length of time observed in the mitigation zone, note any observed changes in behavior);
  - 7. Distance from vessel to animal;
  - 8. Direction of animal's travel relative to the vessel;
  - 9. Platform activity at time of sighting (*i.e.*, transit, deployment, recovery); and
  - 10. Weather conditions (*i.e.*, BSS, cloud cover).
  
- (d) During icebreaking, the following information must be recorded:
  - (i) Start and end time of icebreaking; and

- (ii) Ice cover conditions.
- (e) During deployment and recovery of acoustic sources or unmanned underwater vehicles (UUVs), visual observation must begin 30 minutes prior to deployment or recovery and continue through 30 minutes following the source deployment or recovery.

6. Reporting

- (a) The Holder must submit its draft report(s) on all monitoring conducted under this IHA within 90 calendar days of the completion of monitoring or 60 calendar days prior to the requested issuance of any subsequent IHA for research activities at the same location, whichever comes first. A final report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report. If no comments are received from NMFS within 30 calendar days of receipt of the draft report, the report shall be considered final.
- (b) All draft and final monitoring reports must be submitted to *PR.ITP.MonitoringReports@noaa.gov* and *ITP.clevenstine@noaa.gov*.
- (c) The marine mammal report, at minimum, must include:
  - (i) Dates and times (begin and end) of all marine mammal monitoring;
  - (ii) Acoustic source use or icebreaking;
  - (iii) Watch stander location(s) during marine mammal monitoring;
  - (iv) Environmental conditions during monitoring periods (at beginning and end of watch standing shift and whenever conditions change significantly), including BSS and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance;
  - (v) Upon observation of a marine mammal, the following information:
    1. Name of watch stander who sighted the animal(s), the watch stander location, and activity at time of sighting;
    2. Time of sighting;
    3. Identification of the animal(s) (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified), watch stander confidence in identification, and the composition of the group if there is a mix of species;
    4. Distance and location of each observed marine mammal relative to the acoustic source or icebreaking for each sighting;
    5. Estimated number of animals (min/max/best estimate);

6. Estimated number of animals by cohort (adults, juveniles, neonates, group composition, *etc.*);
  7. Animal's closest point of approach and estimated time spent within the harassment zone; and
  8. Description of any marine mammal behavioral observations (*e.g.*, observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (*e.g.*, no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching.
- (vi) Number of shutdowns during monitoring, if any;
  - (vii) Marine mammal sightings (including the marine mammal's location (latitude and longitude));
  - (viii) Number of individuals of each species observed during source deployment, operation, and recovery; and
  - (ix) Detailed information about implementation of any mitigation (*e.g.*, shutdowns, delays), a description of specific actions that ensued, and resulting changes in behavior of the animal(s), if any.
- (d) The Holder must submit all watch stander data electronically in a format that can be queried, such as a spreadsheet or database (*i.e.*, digital images of data sheets are not sufficient).
- (e) Reporting injured or dead marine mammals:
- (i) In the event that personnel involved in the specified activities discover an injured or dead marine mammal, the Holder must report the incident to the Office of Protected Resources (OPR), NMFS ([PR.ITP.MonitoringReports@noaa.gov](mailto:PR.ITP.MonitoringReports@noaa.gov) and [ITP.clevenstine@noaa.gov](mailto:ITP.clevenstine@noaa.gov)) and to the Alaska regional stranding network (877-925-7773) as soon as feasible. If the death or injury was clearly caused by the specified activity, the Holder must immediately cease the activities until NMFS OPR is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of this IHA. The Holder must not resume their activities until notified by NMFS.

The report must include the following information:

1. Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
2. Species identification (if known) or description of the animal(s) involved;

3. Condition of the animal(s) (including carcass condition if the animal is dead);
4. Observed behaviors of the animal(s), if alive;
5. If available, photographs or video footage of the animal(s); and
6. General circumstances under which the animal was discovered.

(ii) Vessel Strike: In the event of a vessel strike of a marine mammal by any vessel involved in the activities covered by the authorization, the IHA-holder shall report the incident to OPR, NMFS, and to the Alaska regional stranding coordinator (877-925-7773) as soon as feasible. The report must include the following information:

1. Time, date, and location (latitude/longitude) of the incident;
2. Species identification (if known) or description of the animal(s) involved;
3. Vessel's speed during and leading up to the incident;
4. Vessel's course/heading and what operations were being conducted (if applicable);
5. Status of all sound sources in use;
6. 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 strike;
7. Environmental conditions (*e.g.*, wind speed and direction, Beaufort sea state, cloud cover, visibility) immediately preceding the strike;
8. Estimated size and length of animal that was struck;
9. Description of the behavior of the marine mammal immediately preceding and following the strike;
10. If available, description of the presence and behavior of any other marine mammals immediately preceding the strike;
11. Estimated fate of the animal (*e.g.*, dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared); and
12. To the extent practicable, photographs or video footage of the animal(s).

7. This Authorization may be modified, suspended or revoked if the Holder fails to abide by the conditions prescribed herein (including, but not limited to, failure to comply with

monitoring or reporting requirements), or if NMFS determines: (1) the authorized taking is likely to have or is having more than a negligible impact on the species or stocks of affected marine mammals, (2) the authorized taking is likely to have or is having an unmitigable adverse impact on the availability of the affected species or stocks for subsistence uses, or (3) the prescribed measures are likely not or are not effecting the least practicable adverse impact on the affected species or stocks and their habitat.

8. Renewals

On a case-by-case basis, NMFS may issue a one-time, one-year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities (or a subset of those activities) are planned or (2) the specified activities will not be completed by the time the IHA expires and a Renewal would allow for completion of the activities, provided all of the following conditions are met:

- (a) A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (note a Renewal IHA expiration date cannot extend beyond one year from expiration of this IHA).
- (b) The request for renewal must include the following:
  - (i) An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed for this IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in number of days of icebreaking) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).
  - (ii) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.
- (c) Upon review of the request for Renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings made in support of this IHA remain valid.

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National Marine Fisheries Service

**Table 1. Authorized Incidental Take**

Common name	Scientific name	Stock	Level B harassment
Beluga whale	<i>Delphinapterus leucas</i>	Beaufort Sea	99
Beluga whale	<i>Delphinapterus leucas</i>	Eastern Chukchi Sea	99
Ringed seal	<i>Pusa hispida hispida</i>	Arctic	904

**Table 2. Mitigation Zones**

Activity and/or effort type	Species	Mitigation zone
Acoustic source deployment and recovery, stationary	Beluga whale	55 m (180 ft)
Acoustic source deployment and recovery, stationary	Ringed seal	55 m (180 ft)
Transit	Beluga whale	457 m (500 yards)
Transit	Ringed seal	183 m (200 yards)