



EARTHJUSTICE



February 6, 2017

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

Submitted via email to ITP.McCue@noaa.gov

Dear Ms. Harrison:

On behalf of the Animal Welfare Institute, Center for Biological Diversity, Conservation Council for Hawai'i, Earthjustice, Natural Resources Defense Council, and the Ocean Mammal Institute, I submit these brief comments in response to the National Marine Fisheries Service's (NMFS) Notice of receipt of application for a Letter of Authorization (LOA) from the United States Air Force (USAF), 86 Fighter Weapons Squadron (86 FWS), for authorization to take marine mammals incidental to conducting munitions testing for their Long Range Strike Weapons Systems Evaluation Program (LRS WSEP) over the course of five years, from September 1, 2017 through August 31, 2022, [82 Fed. Reg. 1,702 \(Jan. 6, 2017\)](#).

Our organizations are deeply concerned about increasing military activity in and around the Hawaiian Islands, as are many in the Hawaiian community, as the long history of public engagement on this issue indicates.¹ We caution NMFS to look carefully at whether the USAF proposal meets the MMPA's requirement that this activity have a negligible impact on the islands' marine mammal populations (16 U.S.C. § 1371(a)(5)(A)(i)(I)), many of which are small and resident, with high site-fidelity. Should the agency authorize the activity, it must prescribe mitigation measures ensuring the least practicable adverse impact on Hawaiian marine mammals and their habitats. 16 U.S.C. § 1371(a)(5)(A)(i)(II)(aa), (ii). Our constituents and other members of the public are paying attention to this issue, and we fully intend to comment on the proposed rule should NMFS issue one in the future.

Very truly yours,

Georgia V. Hancock
General Counsel
Animal Welfare Institute

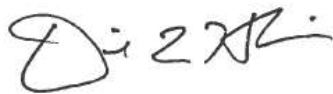
¹ See also Jenna Carpenter, *Air Force gears up for weapons training; UH students research whale behavior*, THE GARDEN ISLAND, Feb. 5, 2017, http://thegardenisland.com/news/local/air-force-airs-weapons-program-uh-studies-whales/article_bd75a51c-b184-59c6-9ec9-5436d5676c7e.html.



Michael Jasny
Director, Marine Mammal Protection Project
Natural Resources Defense Council



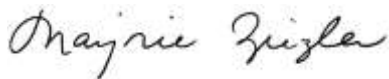
Dr. Marsha Green
President
Ocean Mammal Institute



David Henkin
Staff Attorney, Mid-Pacific Office
Earthjustice



Miyoko Sakashita
Oceans Director, Senior Counsel
Center for Biological Diversity



Marjorie Ziegler
Executive Director
Conservation Council for Hawai'i