UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

INCIDENTAL HARASSMENT AUTHORIZATION

The United States Army Corps of Engineers (USACE) 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 March 15, 2025 through March 14, 2026.

2. This IHA authorizes take incidental to confined blasting activities, as specified in the USACE's IHA application, associated with the USACE's Unalaska (Dutch Harbor) Channel Deepening project. Hereafter (unless otherwise specified) the term "blasting" refers to confined charges detonated in stemmed boreholes as described in the Federal Register notice associated with this IHA.

3. General Conditions

   (a) A copy of this IHA must be in the possession of the Holder of the Authorization (Holder), supervisory construction personnel, lead protected species observers (PSOs), 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 listed in Table 1. Authorized take, by Level A and 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 construction supervisors and crews, the monitoring team, and relevant USACE 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) Charges for blasting will be laid as early as possible in the day to allow for the longest possible delay time should a marine mammal appear within the monitoring zones. Charges for blasting will not be laid if marine mammals are within the Level A pre-clearance zone or appear likely to enter the Level A pre-clearance zone.

(b) Blasting will only be planned to occur in good visibility conditions, and at least 30 minutes after sunrise and at least one hour prior to sunset.

(c) To minimize the potential for an unavoidable exposure, detonation will be initiated as soon as possible following charges being laid, stemmed, and subsequent zone clearance procedures, in order to minimize the possibility of a marine mammal approaching or entering the clearance zones as the time for the blasting activities approaches.

(d) If a marine mammal is observed entering or within the clearance zones indicated in Table 2, blasting will be delayed until the zones are clear of marine mammals for 30 minutes. This will continue as long as practicable within the constraints of the blasting design but not beyond sunset on the same day as the charges cannot lay dormant for more than 24 hours, which may force the detonation of the blast in the presence of marine mammals.

(e) The Holder must employ PSOs and establish monitoring locations as described in section 5 of this IHA and the Marine Mammal Monitoring Plan (Monitoring Plan; attached). The Holder must monitor the project area to the maximum extent possible based on the required number of PSOs, required monitoring locations, and environmental conditions.

(f) Monitoring must take place from 30 minutes prior to initiation of blasting activity (i.e., pre-start clearance monitoring) through one hour post-completion of blasting activity.

(g) If a detonation occurs when a marine mammal is known to be within the Level A or Level B pre-clearance zones, PSOs will observe the blast area for two hours after the blasting event, or until visibility or safety conditions decline to the point that monitoring is no longer feasible, to determine as much as possible about the behavior and physical status of the marine mammal affected by the blasting event.

(h) If the Level B harassment zone has been observed for 30 minutes and non-permitted species are not present within the zone, activity can commence in good visibility conditions. When a marine mammal permitted for Level B harassment take is present in the monitoring zone, preparation for blasting activities may begin. If work ceases for more than 30 minutes, the pre-activity monitoring of both the monitoring and pre-clearance zones will re-commence.

(i) Pre-start clearance monitoring must be conducted during periods of visibility sufficient for the lead PSO to determine that the zones indicated in Table 2 are clear of marine mammals. Blasting may commence following 30 minutes of observation when the determination is made that the pre-clearance zones are clear of marine mammals.

(j) The Holder, construction supervisors and crews, PSOs, and relevant USACE staff must avoid direct physical interaction with marine mammals during construction activity. If a marine mammal comes within 10 meters of such activity, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions, as necessary to avoid direct physical interaction.

5. Monitoring Requirements

(a) Marine mammal monitoring must be conducted in accordance with the conditions in this section and the Monitoring Plan (attached) and this IHA.

(b) Monitoring must be conducted by qualified, NMFS-approved PSOs, in accordance with the following conditions:

i. PSOs must be independent of the activity contractor (for example, employed by a subcontractor) and have no other assigned tasks during monitoring periods.

ii. At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization.

iii. Other PSOs may substitute other relevant experience, education (degree in biological science or related field), or training for prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization.

iv. Where a team of three or more PSOs is required, a lead observer or monitoring coordinator must be designated. The lead observer must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization.

v. PSOs must be approved by NMFS prior to beginning any activity subject to this IHA.

(c) The Holder must establish monitoring locations as described in the Monitoring Plan (attached). For all blasting activities, a minimum of three PSOs must be on duty to monitor the monitoring and pre-clearance zones. One PSO must be stationed aboard the on-site vessel; two PSOs shall be stationed at land-based observation posts.

(d) PSOs must record all observations of marine mammals, regardless of distance from the blasting location, as well as the additional data indicated in section 6 of this IHA.

6. Reporting

(a) At least 24 hours prior to blasting, the USACE must notify the Office of Protected Resources, NMFS Alaska Regional Office, and the Alaska Regional Stranding Coordinator, as well as within 24 hours post-blasting.

(b) If a marine mammals is known to be within the Level A or Level B pre-clearance zones during a detonation, USACE will report the following information within 24 hours of the blasting event:

(i) Description of the blasting event;

(ii) PSO positions and monitoring effort for the 24 hours preceding the blast;

(iii) Environmental conditions (e.g., Beaufort sea state, visibility);

(iv) Description of all marine mammal observations in the 24 hours preceding the incident;

(v) Species identification or description of the animal(s) involved;

(vi) Fate of the animal(s); and

(vii) Photographs or video footage of the animal(s) (if equipment is available).

(c) 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 construction activity 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.

(d) All draft and final monitoring reports must be submitted to *PR.ITP.MonitoringReports@noaa.gov* and *ITP.Hotchkin@noaa.gov*.

(e) The marine mammal report must contain the informational elements described in the Monitoring Plan and, at minimum, must include:

i. Dates and times (begin and end) of all marine mammal monitoring;

ii. Construction activities occurring during each daily observation period, including dredging, dredge disposal, drilling of boreholes, and blasting.

iii. PSO locations during marine mammal monitoring;

iv. Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state 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 PSO who sighted the animal(s) and PSO 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), PSO 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 dredge or blast activity 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;

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 marine mammals detected within the harassment zones, by species; and

vii. Detailed information about implementation of any mitigation (e.g., shutdowns and delays), a description of specific actions that ensued, and resulting changes in behavior of the animal(s), if any.

(f) The Holder must submit all PSO datasheets and/or raw sighting data with the draft report, as specified in condition 6(b) of this IHA.

(g) Reporting injured or dead marine mammals:

In the event that personnel involved in the construction 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*

and *itp.hotchkin@noaa.gov*) and to the Alaska regional stranding network stranding coordinator ((907) 586-7349) as soon as feasible. If the death or injury was likely 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:

i. Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);

ii. Species identification (if known) or description of the animal(s) involved;

iii. Condition of the animal(s) (including carcass condition if the animal is dead);

iv. Observed behaviors of the animal(s), if alive;

v. If available, photographs or video footage of the animal(s); and

vi. General circumstances under which the animal was discovered.

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 charge size) 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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Kimberly Damon-Randall,
Director, Office of Protected Resources
National Marine Fisheries Service

Table 1. Authorized Incidental Take.

Common name	Scientific name	Stock	Level A harassment	Level B harassment
Humpback whale[1]	*Megaptera novaeangliae*	Western North Pacific	3	48
		Mexico – North Pacific		
		Hawaii		
Harbor porpoise[1]	*Phocoena phocoena*	Bering Sea	5	12
		Gulf of Alaska		
Steller sea lion	*Eumetopias jubatus*	Western DPS	5	48
Harbor seal	*Phoca vitulina*	Aleutian Island Stock	5	240

[1]It is not possible to visually distinguish separate stocks of humpback whales or harbor porpoise in the field. Takes by Level A and Level B harassment will be assumed to occur in proportion to statistical occurrences of stocks in the action area.

Table 2. Blasting Pre-clearance Monitoring and Harassment Zones for authorized species

	Pre-Clearance Zones (m)		Monitoring Zones (m)
	Level A Harassment Thresholds (PTS)	Level B Harassment Thresholds (TTS)	
Humpback whale	345	1,918	2,500
Harbor Porpoise	1,214	4,500	5,000
Steller sea lion	92	250	2,500
Harbor seal	231	910	2,500