

MMPA by the NMFS OPR Permits and Conservation Division. The Biological Opinion concluded that the action is not likely to jeopardize the continued existence of ESA-listed fin whales, sei whales, sperm whales and blue whales.

Authorization

Accordingly, consistent with the requirements of section 101(a)(5)(D) of the MMPA, NMFS has issued an IHA to L-DEO for authorization to take marine mammals incidental to a marine geophysical survey off the Eastern North American Margin in the Western Central Atlantic Ocean.

Dated: June 16, 2026.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF675]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to HEX Operating, LLC Natural Gas Activities in Cook Inlet, Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of renewal incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA), notification is hereby given that NMFS has issued a renewal incidental harassment authorization (IHA) to HEX Operating, LLC (formerly Furie Operating Alaska, LLC (Furie)) to incidentally harass marine mammals incidental to natural gas activities in Cook Inlet, Alaska.

DATES: This renewal IHA is valid from September 13, 2026 through September 12, 2027.

ADDRESSES: Electronic copies of the original application, renewal request, and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: [https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-](https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act)

[marine-mammal-protection-act](https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act). In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Leah Davis, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are promulgated or, if the taking is limited to harassment, an incidental harassment authorization is issued.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as “mitigation measures”). NMFS must also prescribe requirements pertaining to monitoring and reporting of such takings. The definition of key terms such as “take,” “harassment,” and “negligible impact” can be found in the MMPA and NMFS’s implementing regulations (*see* 16 U.S.C 1362; 50 CFR 216.3; 50 CFR 216.103).

NMFS’ regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed 1 year for each reauthorization. In the notice of proposed IHAs for the initial IHAs (89 FR 51102, June 14, 2024), NMFS described the circumstances under which we would consider issuing a renewal for this activity and requested public comment on a potential renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time 1-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 as described in the Detailed Description of Specified Activities section of the initial IHA issuance notice is planned or (2) the activities as described in the Description of the Specified Activities and Anticipated Impacts section of the initial IHA issuance notice would not be completed by the time the initial IHA expires and a renewal would allow for completion of the activities beyond that described in the **DATES** section of the notice of issuance of the initial IHA, provided all of the following conditions are met:

1. A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).

2. The request for renewal must include the following:

- An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in pile 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).

- 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.

3. 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 in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed renewal. A description of the renewal process may be found on our website at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals>.

History of Request

On September 12, 2024, NMFS issued two consecutive IHAs to Furie to take marine mammals incidental to activities supporting natural gas production in

Cook Inlet, Alaska (89 FR 77836, September 24, 2024), effective from September 13, 2024 through September 12, 2025 (initial Year 1) and September 13, 2025 through September 12, 2026 (initial Year 2). On December 23, 2025, NMFS received an application for the renewal of the initial Year 2 IHA. As described in the IHA renewal application, the activities for which incidental take is requested are identical to a subset of those covered in the initial Year 2 IHA. As required, the applicant also provided a preliminary monitoring report which confirms that the applicant has implemented the required mitigation and monitoring, and which also shows that no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted. The notice of the proposed renewal incidental harassment authorization was published on March 30, 2026 (91 FR 15599). Subsequent to publication of the proposed renewal IHA, Furie notified NMFS that it had changed its name to HEX Operating, LLC (HEX). Therefore, we refer herein to HEX and have issued the requested renewal IHA to HEX.

Description of the Specified Activities and Anticipated Impacts

HEX is planning to conduct natural gas activities in Middle Cook Inlet, Alaska. HEX proposes to relocate the Enterprise 151 jack-up production rig (Enterprise 151 or rig) to the Allegra Lee Platform (ALP; originally referred to as the Julius R. Platform in the notice of proposed and final initial IHAs (89 FR 51102, June 14, 2024; 89 FR 77836, September 24, 2024) but since renamed). This activity represents a subset of the initial activity for which NMFS authorized incidental take. HEX proposes to conduct the rig towing activities between April 1 and November 15 each year, but if favorable ice conditions occur outside of that period, it may tow the rig outside of that period. NMFS assumes that, in this circumstance, noise produced by rig towing may result in take, by Level B harassment only, of marine mammals.

The initial Year 2 IHA authorized take, by Level B harassment, of humpback whale (*Megaptera novaeangliae*), minke whale (*Balaenoptera acutorostrata*), gray whale (*Eschrichtius robustus*), fin whale (*Balaenoptera physalus*), killer whale (*Orcinus orca*), beluga whale (*Delphinapterus leucas*), Dall's porpoise (*Phocoenoides dalli*), harbor porpoise (*Phocoena phocoena*), Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), harbor seal (*Phoca vitulina*), Steller sea lion (*Eumetopias*

jubatus), and California sea lion (*Zalophus californianus*). The initial Year 2 IHA also authorized take by Level A harassment of harbor seal. Under the renewal IHA, NMFS authorizes the same number of takes, by Level B harassment, as were authorized under the initial Year 2 IHA. Take by Level A harassment is not authorized under this renewal IHA, as the take by Level A harassment authorized in the initial Year 2 IHA was anticipated to occur from pile driving, and HEX is not planning to conduct pile driving under this renewal IHA.

Detailed Description of the Activity

A detailed description of the rig tugging and positioning activities for which take is authorized here may be found in the Notices of the Proposed (89 FR 51102, June 14, 2024) and Final IHAs (89 FR 77836, September 24, 2024) for the initial IHAs. The location, timing, and nature of the activities, including the types of equipment planned for use, are identical to a subset of those described in the previous notices. No pile driving is planned during the effective period of this renewal IHA. This renewal IHA is valid from September 13, 2026 through September 12, 2027.

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which take is authorized here, including information on abundance, status, and distribution, may be found in the notices of the proposed and final initial IHAs (89 FR 51102, June 14, 2024; 89 FR 77836, September 24, 2024). NMFS has reviewed the monitoring data from the initial IHAs, current Stock Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature. Except as discussed below, we have determined there is no other new information that affects which species or stocks have the potential to be affected or the pertinent information in the Description of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the initial IHAs. Specifically, since issuance of the initial IHAs, the abundance estimates have been updated for the Eastern North Pacific stock of gray whale (decrease), Cook Inlet beluga whale (increase), and Western stock of Steller sea lion (decrease). See table 1 for additional information.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine

mammals and their habitat for the activities for which take is authorized here may be found in the **Federal Register** notice of the proposed initial IHAs (89 FR 51102, June 14, 2024). NMFS has reviewed the monitoring data from the initial IHAs, current Stock Assessment Reports, information on relevant Unusual Mortality Events, other scientific literature, and the public comments, and determined that there is no new information that affects our initial analysis of impacts on marine mammals and their habitat.

Estimated Take

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the notices of the proposed and final initial IHAs (89 FR 51102, June 14, 2024; 89 FR 77836, September 24, 2024).

In its renewal request, HEX provided updated marine mammal densities for all species except Cook Inlet beluga whale, Pacific white-sided dolphin, and California sea lion, incorporating data from Shelden *et al.* (2022) and Goetz *et al.* (2023). Relative to the densities applied in estimating take for the initial Year 2 IHA, the densities of humpback whale, minke whale, killer whale, and harbor seal increased slightly, while the densities for gray whale, fin whale, Dall's porpoise, harbor porpoise, and Steller sea lion decreased slightly. For Cook Inlet beluga whale, HEX's application utilized the density applied in estimating take for the initial Year 2 IHA. Densities were not considered for Pacific white-sided dolphin and California sea lion in the analysis for the initial Year 2 IHA given the extremely low occurrence of these species in the project area.

As stated in the notices of proposed and final initial IHAs (89 FR 51102, June 14, 2024; 89 FR 77836, September 24, 2024), while Shelden *et al.* (2022) and Goetz *et al.* (2023) provide more recent survey data than that incorporated into the density estimate, the surveyed area was not included in either report; therefore, NMFS did not incorporate them into the density calculation. For this renewal IHA, NMFS continues to rely upon the density applied in the analysis for the initial Year 2 IHA. For harbor seal, while applying the density HEX proposed in its renewal application would result in an estimated 187 takes by Level B harassment, given that HEX has not observed harbor seals under the Year 1 IHA or to date under the Year 2 IHA, NMFS authorized 168 takes by Level B harassment of harbor seal under this renewal. This is generally consistent with the initial Year 2 IHA

but does not include take associated with pile driving, as HEX does not plan to pile drive under this renewal IHA. For Steller sea lion, HEX requested and NMFS has authorized five takes by Level B harassment.

For all species except for harbor seal and Steller sea lion, applying the densities HEX proposed in its renewal application does not affect the estimated take, as each of these take estimates is lower than assumed average group size and is, therefore, rounded up to account for group size (see the notices of proposed and final initial IHAs (89 FR 51102, June 14, 2024; 89 FR 77836,

September 24, 2024) for more detailed group size information). NMFS authorized six takes of Dall's porpoise (two groups of three animals) in the initial Year 2 IHA. HEX requested authorization of three takes of Dall's porpoise in its renewal request. Given that HEX has not observed Dall's porpoises under the Year 1 IHA or to date under the Year 2 IHA, NMFS authorized three takes by Level B harassment of Dall's porpoise under this renewal. NMFS authorized 10 takes of killer whale in the initial Year 2 IHA. HEX requested authorization of eight

takes of killer whale in its renewal request. However, despite the lack of observations of killer whale, NMFS authorized 10 takes of killer whale (2 groups of 5 animals), consistent with the initial Year 2 IHA.

The source levels and days of operation applicable to this authorization remain unchanged from the previously issued Year 2 IHA. Similarly, the stocks taken, methods of take, and types of take remain unchanged from the previously issued IHA, as do the number of takes, which are indicated below in Table 1.

TABLE 1—AUTHORIZED TAKE AS A PERCENTAGE OF STOCK ABUNDANCE

Species	Stock	Abundance (Nbest)	Total take (Level B harassment only)	Take as a percentage of stock abundance
Humpback whale	Hawaii (Hawaii Distinct Population Segment (DPS))	11,278	3	<1
	Mexico—North Pacific (Mexico DPS)	UND ¹		N/A
	Western North Pacific		1,084	<1
Minke whale	Alaska	UND ²	3	N/A
Gray whale	Eastern Pacific	25,960 ³	3	<1
Fin whale	Northeast Pacific	UND ⁴	2	N/A
Killer whale	Eastern North Pacific Alaska Resident	1,920	10	<1
	Eastern North Pacific Gulf of Alaska, Aleutian Islands, and Bering Sea Transient	587		<1
Beluga	Cook Inlet	331 ⁵	11	3.3
Dall's porpoise	Alaska	UND ⁶	3	N/A
Harbor porpoise	Gulf of Alaska	31,046	12	<1
Pacific white-sided dolphin	North Pacific	26,880	3	<1
Harbor seal	Cook Inlet/Shelikof	28,411	168	<1
Steller sea lion	Western U.S	49,837 ⁷	5	<1
California sea lion	U.S	257,606	2	<1

Note: UND = Undetermined.

¹ Abundance estimates are based upon data collected more than 8 years ago and, therefore, current estimates are considered unknown. The most recent minimum population estimates (N_{min}) for this population include an estimate of 2,241 individuals between 2003 and 2006 (Martinez-Aguilar 2011) and 766 individuals between 2004 and 2006 (Wade 2021). Assuming the population has been stable, and that the 3 authorized takes of humpback whale will all be of the Mexico-North Pacific stock, this represents less than 1 percent of the stock abundance given an a N_{min} of 2,241 individuals or 766 individuals.

² Reliable population estimates are not available for this stock. The most relevant estimate of partial stock abundance is 1,233 minke whales in coastal waters of the Alaska Peninsula and Aleutian Islands (Zerbini *et al.* 2006).

³ The abundance estimate used in the analysis for the initial Year 2 IHA was 26,960.

⁴ The best available abundance estimate for this stock is not considered representative of the entire stock as surveys were limited to a small portion of the stock's range. The N_{min} is estimated to be 2,554.

⁵ The abundance estimate used in the analysis for the initial Year 2 IHA was 279.

⁶ The most recent abundance estimate is greater than 8 years old. The minimum population estimate is assumed to correspond to the point estimate of the 2015 vessel-based abundance computed by Rone *et al.* (2017) in the Gulf of Alaska ($N = 13,110$; $CV = 0.22$) (Young *et al.* 2026).

⁷ The abundance estimate used in the analysis for the initial Year 2 IHA was 49,932. Nest is best estimate of counts, which have not been corrected for animals at sea during abundance surveys.

On October 24, 2024, NMFS published (89 FR 84872) its final Updated Technical Guidance (<https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance-other-acoustic-tools>), which includes updated thresholds and weighting functions to inform auditory injury estimates and replaces the 2018 Technical Guidance referenced in the notices of the proposed and final initial IHAs (89 FR 51102, June 14, 2024; 89 FR 77836, September 24, 2024). However, as stated in those notices, take by Level

A harassment is not anticipated to occur from rig tugging/positioning, and the Updated Technical Guidance does not change this conclusion.

Description of Mitigation, Monitoring and Reporting Measures

The mitigation, monitoring, and reporting measures included as requirements in this authorization are identical to those included in the **Federal Register** notice announcing the issuance of the initial IHAs for rig tugging/positioning (the only activity for which HEX has requested take under

this renewal IHA), and the discussion of the least practicable adverse impact included in that document remains accurate. The following measures are included in this renewal:

- HEX must employ protected species observers (PSOs) and establish monitoring locations as described in the Marine Mammal Monitoring Plan (Monitoring Plan). HEX must monitor the project area to the maximum extent possible based on the required number of PSOs, required monitoring locations, and environmental conditions.

- HEX must coordinate with local Tribes as described in its Stakeholder Engagement Plan, notify the communities of any changes in the operation, and take action to avoid or mitigate impacts to subsistence harvests.

- HEX must establish clearance zones for all marine mammal species. For Cook Inlet beluga whale, HEX must establish a clearance zone that extends as far as PSOs can feasibly observe. For all marine mammal species other than Cook Inlet beluga whale, HEX must establish a clearance zone that extends 1.5 kilometers (km) from the jack-up rig.

- Prior to commencing new operational activities in daylight hours, or if there is a 30-minute lapse in operational activities, two NMFS-approved PSOs must observe the clearance zones for 30 minutes. Transitioning from towing to positioning without shutting down is not considered commencing an operational activity. If no marine mammals are observed within the relevant clearance zone during those 30 minutes, activities may commence. If a non-beluga marine mammal(s) is observed within the relevant clearance zone during those 30 minutes, operations may not commence until the PSO(s) observe that one of the following conditions is met, unless the delay interferes with the safety of working conditions: (1) the non-beluga animal(s) is outside of and on a path away from the clearance zone; or (2) for non-Endangered Species Act-listed species, 15 minutes have elapsed without observing the marine mammal, or for ESA-listed species, 30 minutes have elapsed without observing the marine mammal. If a beluga whale is observed within the relevant clearance zone during those 30 minutes, operations may not commence until the beluga whale(s) is no longer detected at any range and 30 minutes have elapsed without any observations of beluga whales.

- Prior to commencing new operational activities in nighttime hours, or if there is a 30-minute lapse in operational activities in low/no-light conditions, two NMFS-approved PSOs must observe out to the greatest extent feasible while using night vision devices for 30 minutes (*i.e.*, pre-clearance monitoring). Transitioning from towing to positioning without shutting down is not considered commencing an operational activity. If no marine mammals are observed during those 30 minutes, activities may commence. If a marine mammal(s) is observed during those 30 minutes, operations may not commence until the PSO(s) observe that one of the following conditions is met,

unless the delay interferes with the safety of working conditions: (1) the animal(s) is outside of the observable area, or (2) for non-ESA-listed species, 15 minutes have elapsed without observing the marine mammal, or for ESA-listed species, 30 minutes have elapsed without observing the marine mammal.

- All monitoring must continue through 30 minutes post-completion of any operations each day, and after each stoppage of 30 minutes or greater.

- HEX must conduct tug towing rig operations with a favorable tide unless human safety or equipment integrity are at risk.

- HEX may only conduct tug towing rig activities at night if necessary to accommodate a favorable tide.

- If a species for which authorization has not been granted, or a species for which authorization has been granted but the authorized takes have been reached, is observed approaching or within the clearance zone, tugging activities must be delayed if not already under load. Operations will not commence until the PSO(s) observe that: (1) the non-beluga marine mammal(s) is outside of and on a path away from the clearance zone, or (2) for non-ESA-listed species, 15 minutes have elapsed without observing the marine mammal, or for ESA-listed species, 30 minutes have elapsed without observing the marine mammal. If a beluga whale is observed within the relevant clearance zone during those 30 minutes, operations may not commence until the beluga whale(s) is no longer detected at any range and 30 minutes have elapsed without any observations of beluga whales.

- HEX must maneuver tugs such that they maintain a consistent speed (approximately 4 knots [7 km/hour]) and avoid multiple changes of speed and direction.

- HEX must maintain a distance of at least 2.4 km from the mean lower-low water line of the Sustina River Delta (Beluga River to the Little Sustina River) between April 15 and November 15.

- Helicopters must transit at an altitude of 1,500 feet (457 meters) or higher, to the extent practicable, while adhering to Federal Aviation Administration flight rules (*e.g.*, avoidance of cloud ceiling, etc.), excluding takeoffs and landing. If flights must occur at altitudes less than 1,500 feet due to environmental conditions, aircraft must make course adjustments, as needed, to maintain at least a 1,500-foot separation from all observed marine mammals. Helicopters must not hover or circle above marine mammals.

HEX will continue to follow the Stakeholder Engagement Plan, provide notifications before future rig moves, and work with tribal groups if impacts to subsistence activities are identified.

A minimum of two NMFS-approved PSOs will be on-watch during all activities wherein the rig is attached to the tugs for the duration of the project. PSOs will be stationed aboard a tug or the rig during tug towing and positioning and may use a combination of equipment to perform marine mammal observations and to verify the required monitoring distance from the project site, including 7 by 50 binoculars and NMFS approved night vision devices for low light and nighttime operations. A minimum of two NMFS-approved PSOs will be stationed on the ALP at the highest possible vantage point to monitor to the maximum extent possible in all directions during pile driving. PSOs will be independent of the activity contractor (for example, employed by a subcontractor) and have no other assigned tasks during monitoring periods. At least one PSO will have prior experience performing the duties of a PSO during an activity pursuant to a NMFS-issued Incidental Take Authorization or Letter of Concurrence. Other PSOs may substitute other relevant experience (including relevant Alaska Native traditional knowledge), education (degree in biological science or related field), or training for prior experience performing the duties of a PSO. 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 an activity pursuant to a NMFS-issued incidental take authorization.

HEX must submit a draft marine mammal monitoring report to NMFS within 90 days after the completion of pile driving activities 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. Additionally, all injured or dead marine mammals must be reported to the Office of Protected Resources (OPR) and to the Alaska regional stranding network.

Comments and Responses

A notice of NMFS' proposal to issue a renewal IHA to HEX was published in the **Federal Register** on March 30, 2026 (91 FR 15599). That notice either described, or referenced descriptions of,

HEX's activity, the marine mammal species that may be affected by the activity, the anticipated effects on marine mammals and their habitat, estimated amount and manner of take, and proposed mitigation, monitoring and reporting measures. NMFS received a comment letter from Friends of Animals (FoA) and a letter of support for issuance of the renewal IHA from the Alaska Department of Natural Resources. The comments and our responses to substantive comments are summarized below. We have not responded to comments that failed to raise a significant point for us to consider (e.g., comments that are out of scope of the proposed rule; mitigation, monitoring, or reporting measures already included in the proposed rule). Furthermore, if a comment received was unclear, NMFS does not include it here as it could not determine whether it raised a significant point for NMFS to consider. The comments and recommendations are available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-oil-and-gas>. Please see the comment submissions for full details regarding the recommendations and supporting rationale.

Comment 1: FoA stated that aerial survey data collected in 2024 and delayed until June 2025 by NMFS is still under review and has not yet been incorporated into current population estimates (NMFS, 2024), and as a result, no updated official population figure is available. FoA further asserted that proceeding with authorization of additional take before this data is fully reviewed is especially concerning given the species known behavioral patterns, including congregation in specific areas for feeding and reproduction.

Response: The MMPA requires NMFS to make its findings based upon the best available science. The most recent Cook Inlet beluga whale SAR (Young *et al.*, 2026), includes an abundance based on survey data from 2022 (331 animals), and it is the most recent available abundance estimate for the stock. NMFS has appropriately utilized this abundance estimate in its analysis as the best scientific information available.

Comment 2: FOA requested that NMFS deny the requested renewal IHA and decline to issue any additional Incidental Take Authorizations (ITAs) for Cook Inlet beluga whales. It also requested that NMFS extend its public comment periods to at least 1 month to obtain adequate public findings before the issuance of renewals and consecutive IHAs. It stated that continued issuance of IHAs and

incidental take authorizations is inconsistent with the purposes of the MMPA, and risks bringing this already imperiled species closer to the point of no return.

Response: The MMPA requires that, upon request, NMFS, as delegated by the Secretary of Commerce, shall issue an ITA for the incidental take of marine mammals in the course of specified activities, provided the necessary findings are made and appropriate mitigation, monitoring, and reporting measures are set forth, as described in the Background section of this notice. Please refer to that section for additional information. Such findings have been made (see the Determinations section of this notice), and therefore, NMFS has issued the renewal IHA to HEX.

Consistent with the MMPA, NMFS made the required negligible impact and small numbers determinations, included measures to ensure the least practicable adverse impact on marine mammal species and their habitat, and also included appropriate monitoring and reporting requirements. For example, during tugging, HEX must conduct pre-clearance monitoring prior to commencing activities and must delay the start of activities if marine mammals are within designated pre-clearance zones. Further, it must conduct tugging activities with a favorable tide to reduce noise output. Please see the Mitigation section of the notice of issuance of the initial IHAs (89 FR 77836, September 24, 2024) for a full description of the required mitigation measures associated with rig tugging and positioning (note that measures related to pile driving do not apply to this renewal IHA).

Further, monitoring results from previous similar tugging and construction activities have not recorded responses from Cook Inlet beluga whales that indicate impacts that would affect the survival or recovery of Cook Inlet beluga whales. Hilcorp's most recent (2025) annual marine mammal monitoring report indicated two sightings of Cook Inlet beluga whales (groups of three and four animals), one of which occurred when tugging activity was occurring. However, no behavioral reaction was observed (Hanks *et al.* 2025). Hilcorp's 2023 annual marine mammal monitoring report indicates that it did not record any sightings of beluga whales from their rig-based monitoring efforts (Horsley and Larson, 2023). Furie's 2025 report indicated that there were zero marine mammal sightings during project activities, and two opportunistic sightings of beluga whales when project activities were not occurring. Further, monitoring data from construction at the Port of Alaska

(POA) demonstrates Level B harassment of Cook Inlet beluga whales typically manifests as increased swim speeds past the POA, tighter group formations, and cessation of vocalizations, none of which would be expected to impact survival or recovery of Cook Inlet beluga whales.

Regarding the duration of the public comment period, the notice of the proposed initial IHAs published in the **Federal Register** on June 14, 2024 (89 FR 51102) provided a 30-day public comment period and made clear that NMFS was seeking comment on the proposed IHA and the potential issuance of renewal IHAs (see Background section for renewal criteria). As detailed in the **Federal Register** notice for the proposed IHAs and on the agency's website, renewals are subject to an additional 15-day public comment period. Additional documents are submitted for renewal request; however, these documents are limited to identifying the specified activities that the applicant plans to continue and preliminary monitoring reports. NMFS has also confirmed, among other things, that the activities will occur in the same location; involve the same species and stocks; provide for continuation of the same mitigation, monitoring, and reporting requirements for the relevant activities; and that no new information has been received that would alter the prior analysis. The additional 15-day public comment period, which included NMFS' direct notice to anyone who commented on the proposed initial IHA, provides the public an adequate opportunity to review these limited documents, provide any additional pertinent information, and comment on whether they think the criteria for a renewal have been met. Combined, the 30-day public comment period on the initial IHA and the additional 15-day public comment period on the renewal of the subset of activities provides the public with a total of 45 days to comment on the potential issuance of the IHA.

Comment 3: FoA stated that the potential impacts from Level B harassment that HEX's proposed project will continue to have on the species are varied and numerous. They state this includes hearing impairment, separation of family groups, loss of prey and/or habitat, disturbances to biologically sensitive feeding and mating areas, bodily harm, behavioral changes, and synergistic and/or cumulative effects, among others. For these reasons, FoA asserts the numerous negative effects on marine mammals do not constitute negligible impacts, and therefore, HEX does not meet the qualifications for

obtaining a renewal IHA under the MMPA.

Response: NMFS disagrees with the FoA's claim that the effects of HEX's activities on marine mammals do not constitute a negligible impact. In the Negligible Impact Analysis and Determination section of the notice of the final initial IHAs (89 FR 77836, September 24, 2024), we describe how the take estimated and authorized for the project will have a negligible impact on all of the affected species, including Cook Inlet beluga whales. We discuss how this determination is based upon the authorized number of takes of each stock that might be exposed briefly during the activity, the low level of behavioral harassment that might result from an instance of take that could occur within a year (noting that the Level A harassment authorized in the initial IHAs is not authorized herein, as HEX is not proposing to conduct pile driving activities from which NMFS estimated Level A harassment could occur), and the likelihood that the mitigation measures further lessen the likelihood or severity of exposures. NMFS has considered the status of each stock in its analysis, as well as the importance of reducing impacts from anthropogenic noise, and there is no evidence that brief exposure to low level noise causing Level B harassment would have the impacts asserted by the commenter aside from temporary behavior changes.

NMFS' negligible impact finding considers a number of parameters including, but not limited to, the nature of the activities (e.g., duration, sound source), effects/intensity of the taking, the context of takes, and mitigation. NMFS understands that marine mammals will have varying responses to elevated noise levels resulting from tugging activities such as masking of communication and foraging signals, avoidance behaviors, and more. However, NMFS does not anticipate that these responses will result in separation of family groups, nor has the commenter provided information supporting that assertion.

No serious injury or mortality (i.e., bodily harm, as referred to by the commenter) is anticipated or authorized. While exposure to elevated noise levels associated with HEX's activities may result in low-level behavioral changes in marine mammals, NMFS' review of the best available scientific evidence, as summarized and cited herein, demonstrates that these responses do not rise to the level of having adverse effects on the fitness of individuals for reproduction or survival, and thus would not affect reproduction

or survival rates of any stock, and the commenter has provided no evidence to the contrary. Further, while HEX's project area does overlap ESA-designated critical habitat for Cook Inlet beluga whale, the impacts from the project are not expected to occur in areas that are important for feeding or reproduction for any species, including Cook Inlet beluga whales, nor are they anticipated to result in a loss of prey or habitat. Monitoring data from Hilcorp's activities suggest that tugging activities do not discourage Cook Inlet beluga whales from transiting throughout Cook Inlet and between critical habitat areas and that the whales do not abandon critical habitat areas (Horsley and Larson, 2023). In addition, large numbers of Cook Inlet beluga whales have continued to use Cook Inlet and pass through the area, likely traveling to critical foraging grounds found in upper Cook Inlet (i.e., outside of the project area), while noise-producing anthropogenic activities, including vessel use, have taken place during the past 2 decades (e.g., Shelden *et al.* 2013, 2015, 2017, 2022; Shelden and Wade 2019; Geotz *et al.* 2023). Therefore, NMFS has appropriately concluded that the taking authorized in this renewal IHA will have a negligible impact on the affected stocks, and accordingly has issued a renewal IHA to HEX.

Please see NMFS' response to Comment 5 regarding cumulative effects.

Comment 4: FoA stated that given what it refers to as the severe risk to Cook Inlet beluga whales, NMFS should emphasize greater measures to enhance the survival of the species and address a needed reduction of anthropogenic activities within the Cook Inlet. It asserts that doing so will support recovery efforts while eliminating long-term harassment and further endangerment to the species.

Response: NMFS has prescribed mitigation measures in the renewal IHA to effect the least practicable adverse impact on Cook Inlet beluga whales and all other affected marine mammal species. Of note, consistent with the initial IHAs, this renewal IHA extends the pre-clearance zone for Cook Inlet beluga whales ahead of tugging activities to include the extent to which PSOs can feasibly observe, rather than a zone of 1,500 meters (m) included in previous IHAs for similar activities (87 FR 62364, October 14, 2022).

We note that NMFS' authority under section 101(a)(5)(A) of the MMPA pertains only to the authorization of marine mammal take incidental to that activity and to the prescription of appropriate mitigation, monitoring, and

reporting requirements. Therefore, while NMFS cannot reduce anthropogenic activities within Cook Inlet, we will continue to consider the vulnerable status of Cook Inlet beluga whales in our negligible impact analyses and require that any activity for which we issue an ITA will meet that standard; and we will prescribe appropriate measures under the least practicable adverse impact standard.

Comment 5: FOA recommended that NMFS complete a more robust analysis of cumulative effects from anthropogenic activities and other high-concern threats in the region in order to better inform recovery efforts and ensure meaningful protection of the Cook Inlet beluga whale.

FoA asserts that the estimated 11 takes of Cook Inlet beluga whale reflect only a limited, estimated subset of impacts, rather than the full scope of ongoing disturbance. FOA recommended that NMFS consider the potential cumulative impact from past, current, and future activities and their impact on the environmental baseline when determining whether "take is negligible" (which we interpret as a reference to the negligible impact standard). FoA quoted the Cook Inlet beluga whale recovery plan (NMFS 2016a), which states "applications for IHAs have historically been reviewed on the basis of an individual activity in isolation. But the high level of human activity in Cook Inlet has increased such that cumulative effects of multiple activities must be appropriately accounted for." FoA further stated that there are already a number of authorizations throughout Cook Inlet allowing for the take of Cook Inlet beluga whales and projected additional authorizations.

Response: We note first that the Migura and Bollini (2022) paper cited by FoA, regarding the projected authorized take of Cook Inlet beluga whale through 2025, seems to have led to a misunderstanding of the takes authorized or permitted by NMFS. The vast majority of the asserted ~120,000 total takes (over 99 percent), including all of the very small amount of take by Level A harassment, were authorized under directed research or enhancement permits, which directly support research or actions identified in the Recovery Plan to address Cook Inlet beluga whale recovery goals. Further, the vast majority (~99 percent) of the total permitted research or enhancement take numbers are low-level Level B harassment from remote or non-invasive procedures that were considered "not likely to adversely affect" listed species under the consultation requirements of

section 7 of the ESA (*i.e.*, take under the ESA is neither expected to occur nor is it exempted for those activities). We refer the commenter to NMFS' Cook Inlet beluga whale 5-year review (NMFS 2022; section 2.3.2), in which NMFS addressed the assertions in Migura and Bollini (2022). Last, it is worth noting that for research activities, authorized takes are typically a larger number than the actual takes that occur. For example, 22,090 takes were authorized for Cook Inlet beluga research occurring in 2019 but only 2,405 takes occurred.

Regarding the comprehensive evaluation and minimization of permitted takes, we reference the analysis that has already been completed through NMFS' 2019 Biological and Conference Opinion on the Proposed Implementation of a Program for the Issuance of Permits for Research and Enhancement Activities on Cetaceans in the Arctic, Atlantic, Indian, Pacific, and Southern Oceans (NMFS 2019), which determined that the research and enhancement takes permitted by the program would not jeopardize the existence of any of the affected species. As part of our programmatic framework for permitting directed take of ESA species, the Permits and Conservation Division will continue to closely evaluate the number and manner of Cook Inlet beluga whale takes requested by each applicant, how the proposed research ties to recovery plan goals, and the collective number of authorized and requested takes to consider the potential cumulative impact of the activities to the population. Each directed take annual report is reviewed to understand how authorized takes were actually used and to closely monitor the impacts that permitted research methods are having on the target animals.

Regarding the comment about the negligible impact determination for this action, neither the MMPA nor NMFS' implementing regulations call for consideration of the take resulting from other activities in the negligible impact analysis. The preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989) states, in response to comments, that the impacts from other past and ongoing anthropogenic activities are to be incorporated into the negligible impact analysis via their impacts on the baseline. Consistent with that direction, NMFS has factored into its negligible impact analysis the impacts of other past and ongoing anthropogenic activities via their impacts on the baseline (*e.g.*, as reflected in the density/distribution and status of the species, population size and growth rate, and other relevant

stressors (such as incidental mortality in commercial fisheries, Unusual Mortality Events, and subsistence hunting)); see the Negligible Impact Analyses and Determinations section of the notice of issuance of the initial IHAs (89 FR 77836, September 24, 2024). The 1989 final rule for NMFS' implementing regulations also addressed public comments regarding cumulative effects from future, unrelated activities. There, NMFS stated that such effects are not considered in making findings under section 101(a)(5) concerning negligible impact. In this case, the renewal IHA issued to HEX is appropriately considered an unrelated activity relative to other ITAs currently in effect or proposed within the specified geographic region. The ITAs are unrelated in the sense that they are discrete actions under section 101(a)(5)(A) or (D) issued to discrete applicants.

Section 101(a)(5)(D) of the MMPA requires NMFS to make a determination that the take incidental to a "specified activity" will have a negligible impact on the affected species or stocks of marine mammals and will not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence uses. NMFS' implementing regulations require applicants to include in their request a detailed description of the specified activity or class of activities that can be expected to result in incidental taking of marine mammals (see 50 CFR 216.104(a)(1)). Thus, the "specified activity" for which incidental take coverage is being sought under section 101(a)(5)(D) is generally defined and described by the applicant. Here, HEX was the applicant for the renewal IHA, and we are responding to the specified activities as described in that application (and making the necessary findings on that basis). The take estimates NMFS authorizes represent the upper limits for individuals and some instances of take may represent multiple exposures to a single individual.

As described in further detail in the Analysis and Negligible Impact Determination section of the notice of issuance of the initial IHAs (89 FR 77836, September 24, 2024), the area of exposure would be limited to habitat primarily used for transiting and not areas known to be of particular importance for feeding or reproduction, the activities are not expected to result in Cook Inlet beluga whales abandoning critical habitat nor are they expected to restrict passage of Cook Inlet beluga whales within or between critical habitat areas, and any disturbance to

Cook Inlet beluga whales is expected to be limited to temporary modifications in behavior and would not be of a duration or intensity expected to result in impacts on reproduction or survival. FoA's assertion that the takes represent only a limited, estimated subset of impacts is unsupported.

NMFS has prepared an EA and as described in that document, incremental impacts of NMFS' Proposed Action, in combination with other past, present, and reasonably foreseeable future actions, would be minor to negligible on the populations of species analyzed. The Proposed Action is not expected to reach a level of significant impact on the quality of the human environment, and no population-level consequences are anticipated. Additionally, the NMFS Alaska Regional Office issued a Biological Opinion on September 11, 2024, under section 7 of the ESA, on the issuance of two IHAs to Furie under section 101(a)(5)(D) of the MMPA by NMFS OPR that independently considered the reasonably foreseeable cumulative effects of activities on ESA-listed species. The Biological Opinion concluded that the action is not likely to jeopardize the continued existence of these species and is not likely to destroy or adversely modify their critical habitat. This conclusion remains applicable to this renewal IHA.

Determinations

The planned activity is identical to a subset of the initial Year 2 IHA. The only change is that anticipated effects from pile driving would not occur, as no pile driving is planned to occur. The same marine mammals are affected, and the potential effects and estimated take are assumed to remain the same, as described in the Estimated Take section of this notice. Mitigation and monitoring remain the same as the initial Year 2 IHA, with the exception of removal of pile driving measures that no longer apply.

NMFS has concluded that there is no new information suggesting that our analysis or findings should change from those for the initial Year 2 IHA. This includes consideration of the estimated abundance of Eastern North Pacific stock of gray whale (decrease), Cook Inlet beluga whale (increase), and Western stock of Steller sea lion (decrease). Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected

marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) HEX's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action; and (5) appropriate monitoring and reporting requirements are included.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order 216–6A, NMFS must review our proposed action (*i.e.*, the issuance of a renewal IHA) with respect to potential impacts on the human environment.

NMFS prepared an Environmental Assessment (EA) and analyzed the potential impacts to marine mammals that would result from HEX's rig tugging and positioning activities. A Finding of No Significant Impact (FONSI) was signed on June 16, 2026. Copies of the EA and FONSI are available at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-oil-and-gas>.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

Four marine mammal species (*i.e.*, fin whale, humpback whale (Mexico Distinct Population Segment (DPS) and Western North Pacific DPS), beluga whale (Cook Inlet DPS), and Steller sea lion (Western DPS)) occur in the project area and are listed as threatened or endangered under the ESA. On September 11, 2024, the NMFS Alaska Regional Office issued a Biological Opinion under section 7 of the ESA on the issuance of two IHAs to HEX under section 101(a)(5)(D) of the MMPA by NMFS OPR. The Biological Opinion concluded that the action is not likely to jeopardize the continued existence of these species and is not likely to destroy or adversely modify their critical habitat. This conclusion remains applicable to this renewal IHA.

Renewal

NMFS has issued a renewal IHA to HEX for the take of marine mammals incidental to conducting natural gas activities in Cook Inlet Alaska from September 13, 2026 to September 12, 2027.

Dated: June 16, 2026.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Reporting Requirements for the Ocean Salmon Fishery Off the Coasts of Washington, Oregon, and California

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before August 21, 2026.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at NOAA.PRA@noaa.gov. Please reference OMB Control Number 0648–0433 in the subject line of your comments. All comments received are part of the public record and will generally be posted on <https://www.regulations.gov> without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection

activities should be directed to Shannon Penna, Regulatory Specialist, National Marine Fisheries Service (NMFS) West Coast Region, 501 West Ocean Blvd., Long Beach, CA 90802–4213, 562–980–4239; email: shannon.penna@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of an approved information collection.

Ocean salmon fisheries conducted in the U.S. exclusive economic zone, 3–200 nautical miles off the West Coast states of Washington, Oregon, and California are managed by the Pacific Fishery Management Council (Council) and NOAA's National Marine Fisheries Service (NMFS) under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Management measures for the ocean salmon fisheries are set annually, consistent with the Council's Pacific Coast Salmon Fishery Management Plan (FMP). The FMP provides a framework for managing the ocean salmon fisheries in a sustainable manner, as required under the MSA, through the use of conservation objectives, annual catch limits, and other reference points and status determination criteria described in the FMP. To meet these criteria, annual management measures, published in the **Federal Register** by NMFS, specify regulatory areas, catch restrictions, and landing restrictions based on the stock abundance forecasts. These catch and landing restrictions include area-, time- and species-specific quotas for the commercial ocean salmon fishery and generally require catch and landings to be reported to the appropriate state and tribal agencies to allow for timely and accurate accounting of the season's catch (50 CFR 660.404 and 50 CFR 660.408(o)). The best available catch and effort data and projections are presented by the state fishery managers in telephone conference calls involving the NMFS Regional Administrator and representatives of the Council. However, NMFS acknowledges that unsafe weather or mechanical problems could prevent commercial fishermen from making their landings at the times and places specified, and the MSA requires conservation and management measures to promote the safety of human life at sea. Therefore, the annual management measures will include provisions to exempt commercial salmon fishermen from compliance with the landing requirements when they experience unsafe weather conditions or mechanical problems at sea, so long as the appropriate notifications are made by, for example, at-sea radio and