

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XG011]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Seward Cruise Ship Passenger Dock and Terminal Facility Project in Seward, 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), as amended, notification is hereby given that NMFS has issued a renewal incidental harassment authorization (IHA) to Turnagain Marine Services (TMC) to incidentally harass marine mammals incidental to the Seward Cruise Ship Passenger Dock and Terminal Facility project in Seward, Alaska.

DATES: This renewal IHA is valid from September 25, 2026, through September 20, 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-marine-mammal-protection-act>. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Carter Esch, 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 216.103).

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 IHA for the initial IHA, 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:

- 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).
- 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.

- 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 5, 2025, NMFS issued an IHA to TMC to take marine mammals incidental to the Seward Cruise Ship Passenger Dock and Terminal Facility project in Seward, AK (90 FR 44047, September 11, 2025), effective from September 21, 2025, through September 20, 2026. On June 23, 2026, NMFS received an application for the renewal of that initial IHA. As described in the application for the renewal IHA, the activities for which authorization of incidental take is requested consist of activities that are covered by the initial authorization but will not be completed prior to its expiration.

As required, the applicant also provided a preliminary monitoring report in the renewal application (available at <https://www.fisheries.noaa.gov/action/incidental-take-authorization-turnagain-marine-constructions-seward-cruise-ship-passenger>) 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 IHA was published in the **Federal Register** on September 8, 2026 (91 FR 57137).

Description of the Specified Activities and Anticipated Impacts

The purpose of this construction project is to remove an existing passenger dock and replace it with a new passenger dock to provide safe harbor for cruise ships and passengers during the visitor season and limited freight and utilities in the off-season at the head of Resurrection Bay in Seward, Alaska. As described in detail in the notices for the initial IHA (90 FR 34463, July 22, 2025; 90 FR 44047, September 11, 2025) and proposed renewal IHA (91 FR 51737, September 8, 2026), the in-water construction activities include vibratory removal of existing H and steel

pipe piles, vibratory installation and removal of temporary steel pipe piles, vibratory and impact installation of permanent steel pipe piles, and down-the-hole drilling (DTH) if required for installation of steel pipe piles deep into the bedrock. Under the initial IHA, TMC completed the majority of planned activities. However, a 1-year renewal of the initial IHA is needed to complete installation of a small number of remaining piles. Takes of marine mammals by Level A harassment and Level B harassment are expected to occur as a result of noise produced by impact and vibratory pile driving, vibratory removal, and DTH.

Detailed Description of the Activity

A detailed description of the construction activities for which take is authorized here may be found in the

notices for the initial IHA (90 FR 34463, July 22, 2025; 90 FR 44047, September 11, 2025). The location and nature of the activities, including the types of equipment planned for use, are identical to those described in the previous notices. The renewal IHA is effective for a period not exceeding 1 year from the date of expiration of the initial IHA (September 20, 2026).

Under the initial IHA, TMC completed the majority of the project activities (table 1). Remaining activities include the installation and removal of eight temporary 36-inch (in) steel piles and installation of eight permanent 48-in steel piles using vibratory and impact piling and DTH, over 12 construction days.

TABLE 1—NUMBER AND TYPE OF PILES INSTALLED AND REMOVED UNDER THE INITIAL IHA AND [RENEWAL IHA]

Method	Pile size and type	Activity duration (minutes (strikes)/pile) ¹	Max piles per day	Number of piles completed under initial IHA [renewal IHA]	Estimated days of work completed under initial IHA [renewal IHA]
Vibratory Pile Driving					
Existing Pile removal	14-in H-pile	5	40	1,820	46
Existing Pile removal	20-in steel pile	10	4	10	2.5
Temporary Pile Installation	36-in steel pile	10	6	92 [8]	31 [2]
Temporary Pile Removal	36-in steel pile	10	6	92 [8]	31 [2]
Permanent Pile Installation	48-in steel pile	10	6	68 [8]	11 [2]
Permanent Pile Installation	60-in steel pile	15	4	16	16
Permanent Pile Installation	72-in steel pile	20	4	16	16
Impact Pile Driving					
Permanent Pile Installation	48-in steel pile	3,000	4	68 [8]	17 [2]
Permanent Pile Installation	60-in steel pile	3,000	3	16	16
Permanent Pile Installation	72-in steel pile	3,000	3	16	16
DTH					
Temporary Pile Installation	36-in steel pile	120	4	16 [8]	4 [2]
Permanent Pile Installation	48-in steel pile	150	4	16 [8]	4 [2]
Permanent Pile Installation	60-in steel pile	240	2	8	8
Permanent Pile Installation	72-in steel pile	360	2	5	5

¹ Vibratory pile driving and DTH units are minutes per pile. Impact pile driving units are strikes per pile.

Description of Marine Mammals

A description of the marine mammals in the project area for which take is authorized, including information on abundance, status, distribution, and hearing, may be found in the notice of the proposed IHA (90 FR 34463, July 22, 2025) for the initial authorization. NMFS has reviewed the monitoring data from the initial IHA, recent stock assessment reports, and other scientific literature, and determined there is no 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 IHA.

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 notice of the proposed IHA (90 FR 34463, July 22, 2025) for the initial authorization. NMFS has reviewed the monitoring data

from the initial IHA, recent stock assessment reports, and other scientific literature, 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 notice of the proposed IHA (90 FR 34463, July 22, 2025) for the initial authorization. Specifically, the action area and marine mammal density and occurrence data

applicable to this authorization remain unchanged from the initial and modified IHA. Similarly, source levels, type of activity, methods of take, and types of take remain unchanged from the initial IHA. The number of takes authorized here (table 2) is based on the

subset of activities to be completed under this renewal IHA and, therefore, represents a proportion of the initially authorized takes. These takes reflect the estimated remaining number of days of work and number of piles to be driven. TMC and NMFS quantitatively assessed

potential exposure of marine mammals to noise levels from pile driving and DTH over the NMFS threshold guidance using the same methodology as that used for the initial IHA (90 FR 44047, September 11, 2025).

TABLE 2—AUTHORIZED TAKE BY LEVEL A HARASSMENT AND LEVEL B HARASSMENT BY SPECIES AND STOCK

Common name	Scientific name	Stock	Level A harassment	Level B harassment	Authorized take as percentage of stock
Gray Whale	<i>Eschrichtius robustus</i>	Eastern North Pacific	1	1	<1
Fin Whale	<i>Balaenoptera physalus</i>	Northeast Pacific	1	1	1 <1
Humpback Whale	<i>Megaptera novaeangliae</i>	Hawai'i	1	11	<1
		Mexico-North Pacific		1	2 <1
		Western North Pacific ³		0	N/A
Killer Whale ⁴	<i>Orcinus orca</i>	Eastern North Pacific Alaska Resident.	1	12	<1
		AT1 Transient	0	0	NA
		Eastern North Pacific Gulf of Alaska, Aleutian Islands and Bering Sea Transient.	0	0	NA
Dall's Porpoise	<i>Phocoenoides dalli</i>	Alaska	2	5	5 <1
Harbor Porpoise	<i>Phocoena phocoena</i>	Gulf of Alaska	1	12	<1
Steller Sea Lion	<i>Eumetopias jubatus</i>	Western	2	96	<1
Harbor Seal	<i>Phoca vitulina</i>	Prince William Sound	6	144	<1

¹ Based on 2,554 animals discussed in SARs, although it's noted that this is likely an underestimate.

² Based on proportion of each distinct population segment (DPS) being in Resurrection Bay: 89 percent Hawaii, 10 percent Mexico, and 1 percent Western North Pacific (NMFS, 2021).

³ Based on 918 animals discussed in SARs, derived from Wade (2021).

⁴ Based on a proportion from acoustic monitoring of stocks in Resurrection Bay: 95.7 percent Eastern North Pacific residents, 2.7 percent Gulf/Aleutian/Bering transients, and 1.6 percent AT1 transients (Yurk et al., 2010).

⁵ NMFS does not have an official abundance estimate for this stock, and the minimum population estimate is considered to be unknown (Young et al., 2023). See Small Numbers of the proposed notice for the initial IHA for additional discussion (90 FR 34463, July 22, 2025).

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 IHA (90 FR 44049, September 11, 2025), and the discussion of the least practicable adverse impact included in that document and the notice of the proposed IHA (90 FR 34463, July 22, 2025) for the initial authorization remains accurate. The initial IHA included a measure requiring that TMC deploy a bubble curtain during installation of all 60- and 72-in piles and at least 12 of the 48-in piles used in the installation of the mooring dolphins). TMC completed these requirements under the initial IHA, thus, the renewal IHA would not have a bubble curtain requirement. The draft renewal IHA made available for public inspection during the 15-day comment period mistakenly retained the bubble curtain requirement included in the initial IHA. NMFS has removed that requirement in the issued renewal IHA, for the previously described reason.

The following measures are planned for this renewal:

- TMC must employ NMFS-approved protected species observers (PSOs) and establish monitoring locations to the maximum extent possible based on the required number of PSOs, required monitoring locations, and environmental conditions.

- Monitoring must take place from 30 minutes prior to initiation of pile driving and DTH activity (*i.e.*, pre-start clearance monitoring) through 30 minutes post completion of pile driving and DTH activity.

- Pre-start clearance monitoring must be conducted during periods of sufficient visibility or the lead PSO to determine that the shutdown zones are clear of marine mammals.

- If a marine mammal is observed entering or within the shutdown zones pile driving and DTH activity must be delayed or halted.

- If pile driving or DTH is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the required shutdown zones or 15 minutes have passed (delphinids and pinnipeds) or 30 minutes for all other species without redetection of the animal.

- Soft start techniques must be used when impact pile driving.

- Pile driving and DTH activity must be halted upon observation of either a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met, entering or within the harassment zone.

- TMC must shut down construction operations if a marine mammal comes within 10 meters of construction activity to avoid direct physical interaction with marine mammals.

- TMC must submit a draft marine mammal monitoring report to NMFS within 90 days after the completion of pile driving and DTH 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.

- All injured or dead marine mammals must be reported to the Office of Protected Resources and to the Alaska Regional Stranding Network.

Table 3 provides a subset of the shutdown zones from the initial 2025 IHA, limited to the pile types TMC

would install under the renewal IHA (*i.e.*, 36- and 48-in steel piles).

TABLE 3—SHUTDOWN AND LEVEL B HARASSMENT ZONES (m)

Method	Pile size and type	Shutdown zone					Level B harassment zone
		LF	HF	VHF	PW	OW	
Vibratory Install and removal	36-in steel pile (temporary)	20	10	20	30	10	11,660
Vibratory Install	48-in steel pile	45	20	35	60	20	¹ 24,100
Impact Install	48-in steel pile	2,000	365	300	300	300	1,360
DTH	36-in steel pile (temporary)	2,000	405	300	300	300	¹ 24,100
DTH ²	48-in steel pile	2,000	785	300	300	300	24,100

¹ The Level B harassment zone is truncated by landmass interception, limited to a maximum of 24,100 m.

² Although this row was included in the draft renewal IHA available for public inspection, it was errantly missing from table 3 in the **Federal Register** notice for the proposed renewal IHA.

Comments and Responses

A notice of NMFS' proposal to issue a renewal IHA to TMC was published in the **Federal Register** on September 8, 2026 (91 FR 51737). That notice either described, or referenced descriptions of TMC's activities, 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.

During the 15-day public comment period, NMFS received comments from one member of the public. Our responses to relevant substantive comments are 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 renewal IHA or that call for mitigation, monitoring, or reporting measures already included in the proposed renewal IHA). 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/action/incidental-take-authorization-turnagain-marine-constructions-seward-cruise-ship-passenger>. Please see the comment submission for full details regarding the recommendations and supporting rationale.

Comment 1: The commenter requests that NMFS publish TMC's preliminary monitoring report and extend the public comment period to allow meaningful public review.

Response: TMC's request met NMFS' requirements for a renewal IHA, in part, because it included preliminary monitoring data describing all observations of species within the areas estimated to be ensonified at or above the MMPA harassment thresholds.

Therefore, the data referred to by the commenter was made available to the public during the comment period, and no additional public review is warranted.

For each species and harassment type, the number of observed animals was well below the number of authorized takes, supporting the conclusion that no impacts of a scale or nature not previously analyzed occurred. Further, the low number of animals observed entering the Level A harassment zone indicates successful implementation of required mitigation through soft starts and shutdowns that eliminate the potential for exposure to noise at or above the MMPA Level A harassment thresholds (*i.e.*, no more than the authorized number of takes by Level A harassment occurred). TMC is required to submit a full monitoring report including all details outlined in IHA measure 6(c) for each sighting, which NMFS will make available to the public once finalized at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-turnagain-marine-constructions-seward-cruise-ship-passenger>.

Comment 2: The commenter requests that NMFS resolve contradictory language regarding proposed requirements for use of a bubble-curtain and require attenuation for the remaining 48-inch impact driving and drilling, unless an equally protective alternative is supported by site-specific evidence.

Response: NMFS agrees with the commenter's recommendations to reconcile the bubble-curtain measures identified in the proposed renewal IHA FRN and IHA. TMC's planned specified activities included installation of 48-in piles for construction of mooring dolphins and a trestle. The initial IHA did not require the use of a bubble curtain for the installation of 48-inch trestle piles because they would be

spaced too closely together for use of a bubble curtain to be practicable. TMC installed all mooring dolphin piles, for which a bubble curtain was required, under the original IHA. Thus, to address the commenter's recommendation, NMFS removed the bubble curtain requirement in the issued renewal IHA to align with the statement in the proposed renewal IHA FRN indicating no bubble curtain is required under the renewal IHA.

Comment 3: The commenter suggests that the renewal IHA should include an explicit 48-inch drilling row stating the source level, attenuation assumption, shutdown zones and Level B monitoring zone.

In addition, the commenter requests that NMFS explain why the proposed operational shutdown distances adequately address the substantially larger modelled auditory-injury distances.

Response: NMFS agrees with the commenter's suggestion regarding mitigation for marine mammals during DTH drilling of 48-in piles and, accordingly, included shutdown zones and the Level B harassment zone in the bottom row of table 2 of the proposed renewal IHA. However, table 3 of the proposed renewal IHA FRN mistakenly excluded this row. Thus, to address the commenter's suggestion, NMFS added a row to table 3 specifying the shutdown zones and Level B harassment zone for DTH installation of 48-inch piles. The associated source level for this activity was included in table 5 of the proposed initial IHA FRN (90 FR 34463, July 22, 2025).

For all hearing groups other than HFC, the shutdown zones for this activity are smaller than the unattenuated modeled distances to the Level A harassment zones, thus TMC and NMFS acknowledge there is some potential for take by Level A harassment for certain species during DTH

installation of 48-in piles. Shutdown zone sizes are limited by the cryptic nature and assumed lower detectability of some species (*i.e.*, harbor and Dall's porpoise and pinnipeds) or limits to the distances to which PSOs can practicably observe. To account for these limitations, TMC requested and NMFS is authorizing a small number of takes by Level A harassment for each species.

Comment 4: The commenter requested that NMFS demonstrate that PSOs can adequately monitor the shutdown and Level B harassment zones.

Response: Figure 6 of TMC's Protected Species Monitoring and Mitigation Plan, included as an appendix to initial IHA application, provides a map depicting PSO deployment locations, all selected by TMC to optimize monitoring of the required zones. The initial and renewal IHAs include a requirement for monitoring for marine mammals for 30 minutes before, during, and after pile driving and removal and DTH activities and stating that TMC may not begin or resume these activities if visibility limits monitoring of these zones in their entirety. In addition, PSOs are required to document environmental conditions (*e.g.*, cloud cover, estimated observable distance) throughout monitoring periods and include these data in the final report submitted to NMFS following completion of work under the IHA. The commenter recommended that NMFS require TMC to use other monitoring methods (*e.g.*, passive acoustic monitoring, vessel-based monitoring) to supplement the required visual monitoring. TMC did not propose and NMFS did not require additional monitoring methods given practicability concerns. Finally, the commenter requested that NMFS offer a transparent method for estimating the number of animals present in unobserved portions of the Level B harassment zone. The MMPA does not require that IHA Holders monitor the entire Level B harassment zone or extrapolate the observed number of marine mammals to estimate those potentially unobserved. Take estimation for the initial and renewal IHAs incorporated the expected occurrence of each species based on the best available science within the entire modeled Level B harassment zones (truncated by land interference), thus accounting for the likely presence of each species. For each species, the number of individuals TMC observed within the Level B harassment is substantially less than the number of authorized takes.

Comment 5: The commenter requests that NMFS clarify whether sound

measurements were collected during the work completed under the initial IHA and, if so, replace proxy source levels used for modeling with those values collected during acoustic monitoring or, if not, explain why and require hydroacoustic verification during the remaining 48-inch pile installations.

Response: NMFS agrees that site-specific hydroacoustic monitoring data valuably inform analyses of potential acoustic impacts to marine mammals. However, TMC did not propose and NMFS did not require this type of monitoring for the initial or renewal IHAs given practicability concerns (*i.e.*, budget constraints).

Comment 6: The commenter suggested that NMFS require specific protections for the AT1 stock of transient killer whales and that the final IHA specify how stock-level take limits will be enforced.

Response: TMC sighted only ten killer whales in total throughout approximately 200 in-water construction days under the initial IHA. Acoustic monitoring of stocks in Resurrection Bay predicts that 1.6 percent of all killer whales that occur in the project area are part of the AT1 transient stock (Yurk *et al.*, 2010). Given the small stock size ($n=7$), low likelihood of encounters, and the limited number of construction days under the renewal IHA ($n=12$), NMFS does not anticipate that AT1 transient killer whales would occur in the area impacted by TMC's construction activities under the renewal IHA.

Comment 7: The commenter suggested that NMFS assess overlapping Seward construction and other disturbances.

Response: Under the MMPA, NMFS may authorize 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 proposed or, if the taking is limited to harassment. In this case, the specified activity is limited to the in-water construction activities TMC described in their initial IHA application and renewal request.

Determinations

TMC's action requires the completion of a subset of pile driving activities that were not completed under the initial IHA (*i.e.*, installation of eight permanent piles using eight temporary template piles). The method of taking and effects of the work were analyzed in the initial IHA. Work planned under the initial IHA was expected to take 203 in-water

construction days. TMC estimates that only 12 days of work remain under the renewal IHA. The take estimates for the renewal IHA are based on the activities proposed to occur during these remaining days. The renewal IHA take numbers represent a subset of the total take authorized under the initial IHA. In analyzing the effects of the activities for the initial IHA, NMFS determined that TMC's activities would have a negligible impact on the affected species or stocks and that authorized take numbers of each species or stock were small relative to the relevant stocks (*e.g.*, less than one-third the abundance of all stocks). The mitigation measures and monitoring and reporting requirements as described above are identical to the initial IHA. NMFS has concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. 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) TMC's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no subsistence uses of marine mammals would be affected 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 (NAO) 216-6A, NMFS must review our action (*i.e.*, the issuance of a renewal IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NAO 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further

NEPA review. NMFS has determined that the application of this categorical exclusion remains appropriate for this renewal IHA.

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 ensure 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.

The NMFS Alaska Regional Office issued a Biological Opinion under section 7 of the ESA (16 U.S.C. 1531 *et seq.*) on the issuance of an IHA and potential renewal IHA to TMC under section 101(a)(5)(D) of the MMPA by the NMFS Office of Protected Resources. NMFS is authorizing take of the following distinct population segments: Western United States Steller sea lion, Western North Pacific humpback whale, Mexico-North Pacific humpback whale, and fin whale, which are listed under the ESA. The Alaska Regional Office's biological opinion states that the action is not likely to jeopardize the continued existence of the listed species.

Renewal

NMFS has issued a renewal IHA to TMC for authorization to take marine mammals incidental to the Seward Cruise Ship Passenger Dock and Terminal Facility project in Seward, Alaska from September 25, 2026, through September 20, 2027.

Dated: October 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-XG142]

Marine Mammals; File No. 29925

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Craig O'Connell, Ph.D., O'Seas Conservation Foundation, Inc., 26 South Shore Drive, Ridgefield, CT 06877, has applied in due form for a permit to conduct commercial and educational photography on cetaceans.

DATES: Written comments must be received on or before November 23, 2026.

ADDRESSES: The application and related documents are available for review upon written request via email to NMFS.Pr1Comments@noaa.gov.

Written comments on this application should be submitted via email to NMFS.Pr1Comments@noaa.gov. Please include File No. 29925 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to NMFS.Pr1Comments@noaa.gov. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT:

Shasta McClenahan, Ph.D., or Sara Young, (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant requests a 2-year permit to harass and film cetaceans for a documentary film about the ecological relationships between sharks and cetaceans and the anthropogenic threats they face, including opportunistic filming of sharks feeding on marine mammal carcasses. Up to 5 humpback whales (*Megaptera novaeangliae*), 5 minke whales (*Balaenoptera acutorostrata*), 100 common dolphin (*Delphinus delphis*), 100 Atlantic white-sided dolphins (*Lagenorhynchus acutus*), and 50 bottlenose dolphins (*Tursiops truncatus*) may be harassed, observed, and filmed annually by vessel, unmanned aircraft system, and underwater divers.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: October 19, 2026.

Larissa Plants,

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

[FR Doc. 2026-21616 Filed 10-21-26; 8:45 am]

BILLING CODE 3510-22-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Date added to and deleted from the Procurement List: November 22, 2026.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 250 E Street SW, Suite 3100, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R.

Jurkowski, Telephone: (703) 489-1322, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION:

Deletions

On September 17, 2026 (91 FR 58853), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51-2.3.

After consideration of the relevant matter presented, the Committee has determined that the service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501-8506 and 41 CFR 51-2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the service(s) to the Government.