



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF081]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Ketchikan Dock Company, LLC's Ketchikan Berth IV Expansion Project in the East Tongass Narrows, Alaska

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

ACTION: Notice; issuance of incidental harassment authorization.

SUMMARY: In accordance with regulations implementing the Marine Mammal
Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued
an incidental harassment authorization (IHA) to the Ketchikan Dock Company, LLC
(KDC) for authorization to take marine mammals incidental to construction work for the
Ketchikan Berth IV Expansion Project in Ketchikan, Alaska in the East Tongass
Narrows.

DATES: This authorization is effective from February 1, 2026 through January 31, 2027.

ADDRESSES: Electronic copies of the application and supporting documents, as well as
a list of the references cited in this document, may be obtained online at:

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

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

SUPPLEMENTARY INFORMATION:

MMPA Background and Determinations

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Among the exceptions is section 101(a)(5)(D) of the MMPA (16 U.S.C. 1361 *et seq.*) which directs the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking by harassment 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 the public has an opportunity to comment on the proposed IHA.

Specifically, NMFS will issue an IHA if it 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”). NMFS must also prescribe requirements pertaining to the monitoring and reporting of such takings. The definitions of key terms, such as “take,” “harassment,” and “negligible impact,” can be found in the MMPA and the NMFS' implementing regulations (see 16 U.S.C. 1362; 50 CFR 216.103).

On September 30, 2025, a notice of NMFS' proposal to issue an IHA to the Ketchikan Dock Company, LLC (KDC) for take of marine mammals incidental to the Ketchikan Berth IV Expansion Project in Ketchikan, Alaska in the East Tongass Narrows was published in the **Federal Register** (90 FR 46834). In that notice, NMFS indicated the estimated numbers, type, and methods of incidental take proposed for each species or stock, as well as the mitigation, monitoring, and reporting measures that would be required should the IHA be issued. The **Federal Register** notice also included analysis to support NMFS' preliminary conclusions and determinations that the IHA, if issued,

would satisfy the requirements of section 101(a)(5)(D) of the MMPA for issuance of the IHA. The **Federal Register** notice included web links to a draft IHA for review, as well as other supporting documents.

No comments were received during the public comment period. With the exception of the minor changes described below, there are no changes to the specified activity, the species taken, the proposed numbers, type, or methods of take, or the mitigation, monitoring, or reporting measures in the proposed IHA notice. No new information that would change any of the preliminary analyses, conclusions, or determinations in the proposed IHA notice has become available since that notice was published, and therefore, the preliminary analyses, conclusions, and determinations included in the proposed IHA are considered final.

Changes from the Proposed IHA to the Final IHA

Upon feedback received by the applicant, NMFS made minor changes to some of the mitigation and monitoring measures that were originally found in the proposed draft IHA. These include removal of a requirement to soft-start during down-the-hole drilling and anchoring, as soft-start is not possible given the continuous nature of the sound source, a removal of the requirement to use pile caps during impact pile driving as the contractor is not planning on using them, and minor adjustments to the locations where Protected Species Observers (PSOs) would be stationed to monitoring for marine mammals, as well as the number of PSOs needed depending on each pile driving scenario. These latter two changes were made to align with the Protected Species Mitigation and Monitoring Plan. None of these changes affect our analysis, findings, determinations, or the effectiveness of the prescribed mitigation and monitoring measures.

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 proposed action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs 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 has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review.

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 ensures 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, in this case, with NMFS' Alaska Regional Office.

There is one ESA-listed marine mammal species (humpback whale (Mexico DPS)) with confirmed occurrence in the project area. NMFS requested consultation under section 7 of the ESA on September 25, 2025. The NMFS Alaska Regional Office Protected Resources Division issued a Biological Opinion, under section 7 of the ESA, on the issuance of an IHA to KDC under section 101(a)(5)(D) of the MMPA by the NMFS Permits and Conservation Division. The Biological Opinion concluded that the

proposed action is not likely to jeopardize the continued existence of the Mexico DPS of humpback whales, and is not likely to destroy or adversely modify critical habitat for this species.

Authorization

Accordingly, consistent with the requirements of section 101(a)(5)(D) of the MMPA, NMFS has issued an IHA to KDC for authorization to take marine mammals incidental to the Ketchikan Berth IV Expansion Project in Ketchikan, Alaska in the East Tongass Narrows.

Dated: January 14, 2026.

Kimberly Damon-Randall,

Director, Office of Protected Resources,

National Marine Fisheries Service.

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