



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF596]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Naval Base Point Loma Deperming Pier Replacement Project and the Naval Base San Diego Chollas Creek Quay Wall Repair Project in San Diego Bay, California

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

ACTION: Notice; issuance of two incidental harassment authorizations.

SUMMARY: In accordance with regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued two separate incidental harassment authorizations (IHAs) to the United States (U.S.) Navy (Navy) for authorization to take marine mammals incidental to the Naval Base Point Loma (NBPL) Deperming Pier Replacement Project and the Naval Base San Diego (NBSD) Chollas Creek Quay Wall Repair Project, respectively, both in San Diego Bay, California (CA).

DATES: Each authorization is effective for 1 year from the date of notification by the IHA-holder, not to exceed 1 year from the date of issuance.

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

<https://www.fisheries.noaa.gov/action/incidental-take-authorization-united-states-navys-naval-base-point-loma-deperming-pier>. For any issues accessing these documents, please contact the person listed below.

FOR FURTHER INFORMATION CONTACT: Krista Graham, 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 shall issue an IHA if it determines 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,” are found in the MMPA and in NMFS’ implementing regulations (see 16 U.S.C. 1362; 50 CFR 216.103).

On February 3, 2026, a notice of NMFS’ proposal to issue separate IHAs to the Navy for take of marine mammals incidental to the NBPL Deperming Pier Replacement Project and the NBSD Chollas Creek Quay Wall Repair Project, respectively, both in San Diego Bay, CA, was published in the **Federal Register** (91 FR 4875). In that notice,

NMFS provided estimates of the numbers, types, 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 an analysis to support NMFS' preliminary conclusions and determinations that each 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 each draft IHA for review, along with other supporting documents.

No substantive comments were received during the public comment period. There are no changes to the specified activities, the species taken, the type or methods of take, or the mitigation, monitoring, or reporting measures in the proposed IHAs notice. No new information has become available that would substantively change any of the preliminary analyses, conclusions, or determinations in either of the proposed IHA. Therefore, the preliminary analyses, conclusions, and determinations included in the two proposed IHAs are considered final.

Changes from the Proposed IHAs to the Final IHAs

There are no changes from the draft IHAs posted on our website during the 30-day public comment period and the issued IHAs. However, after publication in the **Federal Register**, we identified a few minor numerical errors (such as transposed numbers) in tables 6 and 7 of the **Federal Register** notice for the proposed IHAs and discovered a formatting error in the heading columns. The errors are as follows:

(a) In table 6 (User Spreadsheet Input Parameters Used for Calculating Level A Harassment Isopleths), the table should indicate four piles per day (instead of three) for the impact installation of 16-inch round plastic piles (NBPL Project). However, we based our calculations on four piles per day, so this minor error does not affect the analysis. Elsewhere in the **Federal Register** notice, it correctly states that up to four piles per day may be installed by this method for this pile type (e.g., page 4880).

(b) In table 7 (Calculated Distances to the Level A Harassment and Level B Harassment Thresholds by Marine Mammal Hearing Group and Activity), under the NBPL Deperming Pier Replacement Project Pile Installation Activities section, the Level A harassment zones for 16-inch round plastic piles are transposed for the “OW” (Otariid in-water) and “PW” (Phocid in-water) columns. For OW, the Level A harassment zone should be 2.2 meters (m), and for PW, it should be 6.7 m, which are the same as the calculations for the vibratory extraction of 16-inch round timber piles.

(c) Additionally, in table 7, under the NBPL Deperming Pier Replacement Project Installation Activities section, the Level B harassment zone for 16-inch round plastic piles should be 1,445 m, not 1,455 m, which is the same as the calculation for the vibratory extraction of 16-inch round timber piles.

(d) We also identified a formatting error in table 7, where the information in each column was not properly aligned with the correct column title.

We notified the Office of the Federal Register of this error, and the Office published a notice correcting the table (see table 7; 91 FR 6827, February 13, 2026).

In summary, we have identified relatively minor errors in the notice of proposed IHAs that, upon correction, do not substantially alter the analysis or our findings. That is, based on the analysis contained in the notice of proposed IHAs (91 FR 4875, February 3, 2026) of the likely effects of the specified activities on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures for each project, NMFS finds that the total marine mammal take authorized in each IHA will have a negligible impact on all affected marine mammal species or stocks and will not have an unmitigable adverse impact on the availability of marine mammals for subsistence use.

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 two separate IHAs) 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 these two separate IHAs qualifies for categorical exclusion from further NEPA review.

Endangered Species Act (ESA)

Section 7(a)(2) of the ESA of 1973 (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 issuing IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species was proposed for authorization or expected to result from these activities. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for these actions.

Authorization

Accordingly, consistent with the requirements of section 101(a)(5)(D) of the MMPA, NMFS has issued separate IHAs to the Navy for authorization to take marine

mammals incidental to the NBPL Deperming Pier Replacement Project and the NBSD Chollas Creek Quay Wall Repair Project, respectively, both in San Diego Bay, CA.

Dated: March 20, 2026.

Kimberly Damon-Randall,

Director, Office of Protected Resources,

National Marine Fisheries Service.

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