



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF495]

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

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

ACTION: Notice; request for comments on proposed renewal incidental harassment authorization.

SUMMARY: NMFS received a request from Furie Operating Alaska, LLC (Furie) for the renewal of their currently active incidental harassment authorization (IHA) to take marine mammals incidental to activities supporting natural gas production in Cook Inlet, Alaska. Furie's activities under the renewal IHA would be identical to a subset of those covered in the current IHA. Pursuant to the Marine Mammal Protection Act (MMPA), prior to issuing the current IHA, NMFS requested comments on two consecutive proposed IHAs ("initial IHAs") and the potential for a renewal IHA if certain requirements were satisfied. The renewal requirements have been satisfied, and NMFS is now providing an additional 15-day comment period to allow for any additional comments on the proposed renewal of the current IHA not previously submitted during the initial IHA 30-day comment period.

DATES: Comments and information must be received no later than *[INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]*.

ADDRESSES: Comments should be addressed to the Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, and should

be submitted via email to *ITP.Davis@noaa.gov*. 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.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period.

Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> without change. All personal identifying information (*e.g.*, name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

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 proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

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”); and requirements pertaining to the monitoring and reporting of the takings. The definition of all applicable MMPA statutory used above are included in the relevant sections below and can be found in section 3 of the MMPA (16 U.S.C. 1362) and NMFS’ implementing regulations at 50 CFR 216.103 *et seq.*

NMFS’ regulations implementing the MMPA at 50 CFR 216.107(e) indicate that an IHA may be renewed for an additional period of time not to exceed 1 year. In the **Federal Register** notice of proposed IHA for the initial IHAs (89 FR 51102, June 14, 2024), NMFS described the circumstances under which we would consider issuing a renewal IHA 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 of an 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); and
- 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>. Any comments received on the potential renewal, along with relevant comments on the initial IHA, have been considered in the development of this proposed IHA renewal, and a summary of NMFS' responses to applicable comments is included in this notice. NMFS will consider any additional public

comments prior to making any final decision on the issuance of the requested renewal, and agency responses will be summarized in the final notice of our decision.

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 Furie's 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.

Description of the Specified Activities and Anticipated Impacts

Furie is planning to conduct natural gas activities in Middle Cook Inlet, Alaska. Furie 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 JRP 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. Furie 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. 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 Level A harassment of harbor seal. Under the renewal IHA, NMFS proposes to authorize 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 proposed for authorization 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 Furie is not proposing to conduct pile driving under this renewal IHA.

Detailed Description of the Activity

A detailed description of the rig tugging/positioning activities for which authorization of take is proposed here may be found in the notices of the proposed and final IHAs for the initial IHAs (89 FR 51102, June 14, 2024; 89 FR 77836, September 24, 2024). 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. Furie is proposing to conduct rig towing/positioning under this proposed renewal IHA. It expects to conduct two rig moves during the requested renewal period between September 13, 2026, and September 12, 2027. The first is expected in late fall 2026 (October or November). The second is anticipated during the early to middle part of the 2027 open-water season, depending on rig availability. Furie is not proposing to conduct pile driving during the renewal IHA period. The proposed renewal would be effective for a period not exceeding 1 year from the date of expiration of the initial Year 2 IHA.

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which

authorization of take is proposed 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 authorization of incidental take is proposed here may be found in the 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, 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 notices of the proposed and final initial IHAs (89 FR 51102, June 14, 2024; 89 FR 77836, September 24, 2024).

In its renewal request, Furie 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, Furie'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 proposed 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 Furie proposed in its renewal application would result in an estimated 187 takes by Level B harassment, given that Furie has not observed harbor seals under the Year 1 IHA or to date under the Year 2 IHA, NMFS proposes to authorize 168 takes by Level B harassment of harbor seal under this proposed renewal. This is generally consistent with the initial Year 2 IHA, but does not include take associated with pile driving, as Furie does not propose to pile drive under this renewal IHA. For Steller sea lion, Furie requested, and NMFS is proposing to authorize five takes by Level B harassment.

For all species except for harbor seal and Steller sea lion, applying the densities Furie 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. Furie requested three takes of Dall’s porpoise in its renewal request, and given that Furie has not observed Dall’s porpoises under the Year 1 IHA or to date under the Year 2 IHA, NMFS proposes to authorize three takes by Level B harassment of Dall’s porpoise under this proposed renewal. NMFS authorized 10 takes of killer whale in the initial Year 2 IHA. Furie requested eight takes of killer whale in its renewal request. However, despite the lack of observations of killer whale, NMFS is proposing to authorize 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 -- Take Proposed for Authorization 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 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.* 2024).

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 Proposed Mitigation, Monitoring and Reporting Measures

The proposed 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 Furie has requested take under this proposed renewal IHA), and the discussion of the least practicable adverse impact included in that document remains accurate. The following measures are proposed for this renewal:

- Furie must employ protected species observers (PSOs) and establish monitoring locations as described in the Marine Mammal Monitoring Plan (Monitoring Plan). Furie must monitor the project area to the maximum extent possible based on the required number of PSOs, required monitoring locations, and environmental conditions.
- Furie 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.
- Furie must establish clearance zones for all marine mammal species. For Cook Inlet beluga whale, Furie 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, Furie must establish a clearance zone that extends 1.5 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-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.

- 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.

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

- Furie 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.

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

Furie 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.

Furie 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

NMFS published a notice of the proposed IHAs (89 FR 51102, June 14, 2024) and solicited public comments on both our proposal to issue the initial IHAs for Furie's activities and on the potential for a renewal of the IHAs, should certain requirements be met. All public comments were addressed in the notice announcing the issuance of the initial IHAs (89 FR 77836, September 24, 2024) and none of the comments specifically pertained to the renewal of the initial Year 2 IHA.

Preliminary Determinations

The proposed 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 proposed 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 preliminarily 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 preliminarily 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) Furie'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 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.

For the initial IHAs, NMFS prepared an Environmental Assessment (EA) and analyzed the potential impacts to marine mammals that would result from Furie's activities supporting natural gas production. A Finding of No Significant Impact (FONSI) was signed on September 12, 2024. Copies of the EA and FONSI are available at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-oil-and-gas>. NMFS is preparing an EA for this action.

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, fin whale, humpback whale (Mexico Distinct Population Segment (DPS)), beluga whale (Cook Inlet), and Steller sea lion (Western DPS) occur in the project area and are listed as threatened or endangered under the ESA. The NMFS Alaska Regional Office issued a Biological Opinion 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. 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 proposed renewal IHA.

Proposed Renewal IHA and Request for Public Comment

As a result of these preliminary determinations, NMFS proposes to issue a renewal IHA to Furie for conducting natural gas activities in Cook Inlet, Alaska from September 13, 2026 through September 12, 2027, provided the previously described mitigation, monitoring, and reporting requirements are incorporated. The initial Year 2

IHA can be found at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. We request comment on our analyses, the proposed renewal IHA, and any other aspect of this notice. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for this renewal IHA.

Dated: March 26, 2026.

Kimberly Damon-Randall,

Director, Office of Protected Resources,

National Marine Fisheries Service.

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