



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF482]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to U.S. Marine Corps Training Activities at Cherry Point Range Complex, North Carolina

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

ACTION: Notice; receipt of application for incidental take regulations and Letter of Authorization; request for comments and information.

SUMMARY: NMFS has received a request from the U.S. Marine Corps (USMC) for authorization to take marine mammals incidental to training activities at Marine Corps Air Station (MCAS) Cherry Point, North Carolina over the course of 7 years from 2026 through 2033. Pursuant to regulations implementing the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of the USMC's request for the promulgation of regulations governing the incidental taking of marine mammals and issuance of a 7-year Letter of Authorization (LOA). NMFS invites the public to provide information, suggestions, and comments on the USMC's application and request.

DATES: Comments and information must be received no later than [*INSERT DATE 30 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.clevenstine@noaa.gov*.

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 received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at

<https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-military-readiness-activities> 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: Alyssa Clevestine, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Section 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) directs 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 authorization 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 the species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the monitoring and reporting of the takings.

NMFS has defined “negligible impact” in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term “take” means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

The National Defense Authorization Act (NDAA) for Fiscal Year 2004 (Pub. L. 108-136) amended section 101(a)(5) of the MMPA to remove the “small numbers” and “specified geographical region” provisions and amended the definition of “harassment” as applied to a “military readiness activity” to read as follows (section 3(18)(B) of the MMPA): (i) Any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild (Level A Harassment); or (ii) Any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered (Level B Harassment). On August 13, 2018, the NDAA for Fiscal Year 2019 (Pub. L. 115-232) amended the MMPA to allow incidental take regulations for military readiness activities to be issued for up to 7 years.

Summary of Request

On November 13, 2025, NMFS received an application from the USMC requesting authorization to take marine mammals incidental to military readiness activities, including the use of munitions (live (explosive) and inert ammunition and

ordnance), at the USMC's Cherry Point Range Complex in Pamlico Sound, NC. NMFS provided initial comments on November 28, 2025, and USMC submitted a revised application on April 6, 2026. In response to our comments and following information exchange, the USMC submitted a final revised application on May 1, 2026, that we determined was adequate and complete on May 7, 2026. The USMC requested the regulations and subsequent LOA be valid for 7 years beginning in 2026.

NMFS issued previous MMPA incidental take authorizations to the USMC for similar military readiness activities at the Cherry Point Range Complex effective beginning March 13, 2015 (80 FR 21212), May 18, 2020 (85 FR 31462), and May 18, 2021 (86 FR 27389).

Description of the Specified Activities

The USMC proposes to conduct training activities, which include weapons delivery training exercises (air-to-surface and surface-to-surface) at two water-based bombing targets located within the Cherry Point Range Complex in North Carolina.

The proposed activities would occur from 2026 through 2033, year-round, day or night. The USMC proposes to use small arms, large arms, bombs, missiles, rockets, grenades, and pyrotechnics for air-to-surface and surface-to-surface training exercises, which qualify as military readiness activities. The proposed activities are likely to result in the take of one species of marine mammal: bottlenose dolphin (*Tursiops erebennus*).

The application includes proposed mitigation measures for marine mammals that would be implemented during training activities in the Cherry Point Range Complex (see section 11 of the application). Proposed mitigation generally involves: (1) establishing clearance and monitoring zones for marine mammals; (2) conducting range sweeps during the morning of each exercise day prior to range operations; (3) conducting a cold pass by an aircraft immediately prior to ordnance delivery at the bombing targets; and (4) small boat visual checks before and after live-fire activities.

The USMC also proposes to undertake monitoring and reporting efforts to better understand the impacts of their activities on marine mammals and their habitat.

Information Solicited

Interested persons may submit information, suggestions, and comments concerning the USMC's request (see **ADDRESSES** section). NMFS will consider all information, suggestions, and comments related to the request during the development of proposed regulations governing the incidental taking of marine mammals by the USMC, if appropriate.

Dated: May 12, 2026.

Kimberly Damon-Randall,

Director, Office of Protected Resources,

National Marine Fisheries Service.

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