



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF760]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Sparrows Point Container Terminal Project in Baltimore County, Maryland

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

ACTION: Notice; issuance of 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 consecutive incidental harassment authorizations (IHAs) to Tradepoint TiL Terminals, LLC (TTT) for authorization to take marine mammals incidental to the Sparrows Point Container Terminal Project in Baltimore County, Maryland.

DATES: These authorizations are effective from June 1, 2026, through May 31, 2027; and June 1, 2027, through May 31, 2028.

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/action/incidental-take-authorization-tradepoint-til-terminal-llcs-sparrows-point-container-terminal>. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Cara Hotchkin, 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 April 22, 2026, a notice of NMFS' proposal to issue two consecutive IHAs to TTT for take of marine mammals incidental to the Sparrows Point Container Terminal Project in Baltimore, MD was published in the **Federal Register** (91 FR 21400). 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 IHAs be issued. The **Federal Register** notice also included analysis to support NMFS' preliminary conclusions and determinations that the IHAs, if issued, would satisfy the requirements of section 101(a)(5)(D) of the MMPA

for issuance of the IHAs. The **Federal Register** notice included web links to both draft IHAs for review, as well as other supporting documents.

No substantive 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 IHAs notice. No new information that would change any of the preliminary analyses, conclusions, or determinations in the proposed IHAs notice has become available since that notice was published, and therefore, the preliminary analyses, conclusions, and determinations included in the proposed IHAs are considered final.

Changes from the Proposed IHAs to the Final IHAs

Changes from the proposed IHAs to the final issued IHAs include clarifications of the monitoring and clearance zones, and addition of the largest predicted Level B harassment isopleth to the IHAs. The clearance zones listed in table 13 of the notice of proposed IHAs (91 FR 21400 at 21416) reflect the range of the modeled sound propagation after removal of the farthest 5 percent of points, and this radial distance encompasses at least 95 percent of the horizontal area exposed to sound at or above the 120 decibels (dB) referenced to 1 micropascal (re 1 μ Pa) root-mean-square (RMS) threshold. The maximum modeled distances exceed these clearance zones and for clarity, the maximum distances (table 1) have been added to the IHAs. With NMFS' concurrence, TTT will adjust the sizes of shutdown and clearance zones in year 2 as needed based on the results of hydroacoustic monitoring in year 1.

Table 1 -- Shutdown, Clearance and Largest Level B Harassment Zones During Project Activities

Activity	Shutdown Zone (m)	Clearance zone (m)	Largest Level B Harassment Zone (m)
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Impact Installation	40	1,190	1,360
Vibratory installation	10	2,860	3,890

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 this 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.

No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Authorization

Accordingly, consistent with the requirements of section 101(a)(5)(D) of the MMPA, NMFS has issued two consecutive IHAs to TTT for authorization to take marine mammals incidental to Sparrows Point Container Terminal Project in Baltimore County, Maryland.

Dated: May 29, 2026.

Kimberly Damon-Randall,

Director, Office of Protected Resources,

National Marine Fisheries Service.

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