This document is scheduled to be published in the Federal Register on 2026-11-20 and available online at https://www.federalregister.gov/d/2026-23728, and on https://govinfo.gov

: 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XG129]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Military Readiness Activities in the Northwest Training and Testing Study Area

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

ACTION: Notice; receipt of application for regulations and letters of authorization; request for comments and information.

SUMMARY: NMFS has received a request from the U.S. Department of the Navy (including the U.S. Navy and the U.S. Marine Corps (Navy)) and on behalf of the U.S. Coast Guard (Coast Guard); hereafter, Navy and Coast Guard are collectively referred to as Action Proponents) for authorization to take marine mammals incidental to training, testing, and modernization and sustainment of ranges conducted in the Northwest Training and Testing (NWTT) Study Area over the course of 7 years from November 2027 through November 2034. Pursuant to regulations implementing the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of the Action Proponents' request for the development and implementation of regulations governing the incidental taking of marine mammals and issuance of two 7-year Letters of Authorization (LOAs). NMFS invites the public to provide information, suggestions, and comments on the Action Proponents' 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 sent to *ITP.clevenstine@noaa.gov*. An electronic copy of the Action Proponents' application may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-military-readiness-activities*. In case of problems accessing the document, 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 be generally 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 Clevenstine, 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 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 October 2, 2026, NMFS received an application from the Action Proponents requesting authorization to take marine mammals, by Level A and Level B harassment, incidental to training, testing, and modernization and sustainment of ranges (all characterized as military readiness activities) including the use of sonar and other transducers and in-water detonations in the NWTT Study Area. In addition, the Action Proponents are requesting authorization of four takes of large whales by serious injury or mortality from vessel strikes over the 7-year period of the LOAs: one take incidental to the Navy's training and testing activities, and three takes incidental to the Coast Guard's training activities. In response to our comments and following information exchange, the Action Proponents submitted a final revised application that we determined was adequate and complete on November 2, 2026. The Action Proponents requested the regulations and subsequent LOAs be valid for 7 years beginning in November 2027.

This will be the fourth time NMFS has promulgated incidental take regulations pursuant to the MMPA relating to similar military readiness activities in the NWTT Study Area, following those effective beginning November 9, 2010 (75 FR 69296, November 10, 2010; Northwest Training Range Complex only), April 11, 2011 (76 FR 20257, April 12, 2011; Naval Undersea Warfare Center Keyport Range Complex only), November 9, 2015 (80 FR 73555, November 24, 2015), and from November 9, 2020, through November 8, 2027 (85 FR 72312, November 12, 2020). For this fourth rulemaking, the Action Proponents are proposing to conduct similar activities as conducted over the past 16 years under the previous rulemakings.

Description of the Specified Activity

The NWTT Study Area includes the at-sea components of the Northwest Training Range Complex, Navy pierside locations and port transit channels, bays, harbors, and inshore waterways and is divided into three areas: the Offshore Area, the Inland Waters Area, and the Southeast Alaska Area. The Offshore Area includes air, surface, and subsurface operating areas extending generally west from the coastline of Washington, Oregon, and Northern California for a distance of approximately 463 kilometers (km) into international waters. The eastern boundary of the Offshore Area is 22.2 km off the coastline for most of the Study Area, including southern Washington, Oregon, and Northern California. The Offshore Area includes the ocean up to 5.6 km from the coastline only along that part of the Washington coast that lies beneath the airspace of Warning Area 237 (W-237), and the northern Washington coastline. The Inland Waters includes air, sea, and undersea space inland of the coastline, from buoy "J" at 48° 29.6' N, 125° W, eastward to include all U.S. waters of the Strait of Juan de Fuca and the Puget Sound. None of this area extends into Oregon or California. The Southeast Alaska Area is located in the Western Behm Canal in Southeast Alaska, near the city of Ketchikan, Alaska. The Southeast Alaska Acoustic Measurement Facility covers an area of approximately 164 square kilometers (km^2). Please refer to figure 1-1 of the application for a map of the NWTT Study Area.

The following types of training and testing, which are classified as military readiness activities pursuant to section 315(f) of Public Law 101-314 (16 U.S.C. 703), are included in the specified activity described in the application:

- Anti-submarine warfare (sonar and other transducers),
- Mine warfare (sonar and other transducers, in-water detonations),
- Surface warfare (in-water detonations),
- Other training (sonar and other transducers),

• Acoustic and oceanographic science and technology (sonar and other transducers, in-water detonations, non-explosive impulsive sources)

• Unmanned system (sonar and other transducers), and

• Vessel evaluation (sonar and other transducers).

The application includes proposed mitigation measures for marine mammals that would be implemented during training and testing activities in the NWTT Study Area (see section 11 of the application). Proposed activity-based mitigation would generally involve: (1) the use of one or more trained Lookouts to diligently observe for specific biological resources within a mitigation zone; (2) requirements for Lookouts to immediately communicate sightings of specific biological resources to the appropriate watch station for information dissemination; and (3) requirements for the watch station to implement mitigation (*e.g.*, halt an activity) until certain recommencement conditions have been met. Mitigation measures are also proposed for specific mitigation areas and consist of a variety of measures including, but not limited to: (1) not conducting hull-mounted mid-frequency active sonar; (2) conducting a limited amount of hull-mounted mid-frequency active sonar per year; and (3) not expending explosive or non-explosive ordnance.

The Action Proponents also propose 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 Action Proponents' 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 Action Proponents, if appropriate.

Dated: November 18, 2026.

Larissa Plants,

Deputy Director, Office of Protected Resources,

National Marine Fisheries Service.

[FR Doc. 2026-23728 Filed: 11/19/2026 8:45 am; Publication Date: 11/20/2026]