

# National Marine Fisheries Service Endangered Species and Marine Mammals

## General Authorization - Justification

**OMB No. 0648-0084**

**Expires: xx/xx/xxxx**

### Background

Under section 104(c)(3)(C) of the MMPA, as amended, persons may be authorized under the General Authorization (GA) to take marine mammals in the wild by Level B harassment, as defined in 50 CFR 216.3, for purposes of *bona fide* scientific research. Interested persons are required to submit a letter of intent (LOI) in accordance with the interim final rule published on October 3, 1994 and submit certain information outlined at 50 CFR 216.45(b) under the GA and provided in the instructions.

Regulations implementing the GA may be found at 50 CFR 216.45 [59 FR 50376, Oct. 3, 1994] and are available at the following web site: <http://www.gpo.gov/>. MMPA section 104 is available at the following web site: <http://www.nmfs.noaa.gov/pr/pdfs/laws/mmpa104.pdf>.

The information requested in this application is required and is used to determine whether the research described in the LOI is likely to exceed Level B harassment of a marine mammal in the wild, whether a scientific research permit is required to conduct all or part of the subject research, and whether the research as described in the LOI is *bona fide*. Persons issued a Letter of Confirmation (LOC) confirming the activities meet these requirements must conduct the activities as described in the LOI. Activities authorized are limited to those conducted for the purposes, by the means, in the locations, and during the time periods described in the LOI.

### Pre-application Guide (PAG)

The information obtained when filling out the PAG is necessary to determine if the GA is the appropriate authorization or if another type of permit/permit application is needed.

### Project Information

#### **File Number**

Automatically generated by APPS. This number is necessary for identification of the application in the APPS system/database, during correspondence with the applicant, and to identify the administrative record. This number is also used as the LOC ID number when issued.

**Project Title** (enter up to 255 characters)

Necessary for identification of subject matter.

**Project Status**

Automatically selected by APPS based on answers in PAG.

**Previous Federal or state permit #**

Not required. If entered, this information provides permit analysts with the applicant's previous LOC number to determine compliance with that LOC's terms and conditions.

**Permits Requested**

Automatically selected by APPS based on answers in PAG.

**Where will the activities occur?**

One or more general locations will be listed based on answers in the PAG. The application must specify the geographic locations in which the research is to be conducted. This information is necessary for considering impacts to protected species and for conducting the appropriate environmental analyses and assessment of impacts to the species or stock. Activities authorized are limited to those conducted for the purposes, by the means, in the locations, and during the time periods described in the LOI. Applicable regulations/statutes: 50 CFR 216.45 (b)(2)(iii), 216.45(d)(1), and MMPA section 104(c)(3)(C).

**Research Timeframe and Sampling Season/Project Duration**

The LOI must specify the period of time over which the research will be conducted. LOC's are valid for five years unless a shorter time period is requested. This information provides a basis to determine (1) whether it is likely that the objectives will be met during the time allotted with the available resources; (2) when the LOC is needed (i.e., the start date); (3) impacts to the affected species during sensitive periods such as nursing and breeding; and (4) potential cumulative impacts that may arise from multiple LOC holders working on the same species, in the same location, and at the same time. Applicable regulations/statutes: MMPA section 103(c)(3)(C) and 50 CFR 216.45(b)(2)(iv).

**Project Description**

**Project Purpose: Hypothesis/Objectives and Justification**

This information is required to determine the purpose of the research and how the proposed research qualifies as "*bona fide* scientific research." Applicable statute/regulations: MMPA section 104(c)(3)(C) and 50 CFR 216.45(a).

**Project Description**

This section requires the applicant to describe the methods to be used to conduct the research. This information is used to determine if the research is "*bona fide*" and will only result in Level B harassment of marine mammals. Applicable statute/regulations: MMPA section 104(c)(3)(C) and 50 CFR 216.45(a).

NMFS must determine that the proposed method of taking is humane and will not present any unnecessary risks to the health and welfare of marine mammals; and that the

proposed activity by itself or in combination with other activities, will not have a significant adverse impact of the species or stock.

### **Project Location**

The application must specify the geographic locations in which the research is to be conducted. This information is necessary for considering impacts to protected species and for conducting the appropriate environmental analyses and assessment of impacts to the species or stock. Activities authorized are limited to those conducted for the purposes, by the means, in the locations, and during the time periods described in the LOI. Applicable regulations/statutes: 50 CFR 216.45 (b)(2)(iii), 216.45(d)(1), and MMPA section 104(c)(3)(C).

### **Take Information**

Applicants are required to identify the species and number of each species taken by Level B harassment in the form of a table. This table is used to verify the number of animals requested to be taken as described in the narrative portion of the project description. Applicable regulations: 50 CFR 216.45(b)(2)(ii) and (b)(2)(vi).

### **National Environmental Policy Act (NEPA) Considerations**

In addition to information contained in other sections of the application as noted, the questions posed in this section of the application are necessary considerations under NEPA. These questions address such things as whether new or novel techniques will be used and adopted by others (i.e., if a precedent will be set); whether there is risk from hazardous substances or infectious agents; what impacts may occur to unique or protected geographic areas, including refuges, sanctuaries, or critical habitats; whether the work could cause loss or destruction of scientific, cultural, or historic resources; and whether there could be introduction or spread of non-indigenous or invasive species as a result of the permitted activity. Applicable regulations: NEPA CEQ regulations.

### **Project Contacts**

This section is necessary for identification and contact purposes as well as accountability and enforcement. The Principal Investigator/applicant is responsible for the overall research project. The application must include contact information, qualifications, and experience of the applicant and any Co-investigators, relevant to objectives, methodology, or other aspects of the research. This is necessary to determine if the individuals operating under the permit are qualified to successfully accomplish the objectives, conduct bona fide research, and carry out the specific types of take. Applicable regulations: 50 CFR 216.45(b)(1) and (b)(2)(i).

### **Authentication and Certification**

Applicants must authenticate their identity by signature and certify that the information in the application is accurate and in accordance with the MMPA. Applicable regulations: 50 CFR 216.33(a) and 216.45(b)(3); also required by 18 U.S.C. 1001.

## Requesting a Modification

This section of APPS allows the Applicant, Principal Investigator, and Primary Contact to request changes to the issued permit. This information is necessary to identify what type of modification is being requested and what processing steps are involved. The selections made on this screen dictate what fields are available for applicants to edit on the screens that follow. Applicants are required to provide information consistent with that required for a new LOC (e.g., hypothesis, methods), and the justification for requiring this information from applicants is the same as described above, as applicable to the modification being requested.