National Marine Fisheries Service
Marine Mammals

Marine Mammal General Authorization

OMB No. 0648-0084
Expires: MM/DD/YYYY

NATIONAL MARINE FISHERIES SERVICE
ENDANGERED SPECIES AND MARINE MAMMALS

MARINE MAMMAL GENERAL AUTHORIZATION

TABLE OF CONTENTS

Introduction

What is this application for?

- This application is for submitting a Letter of Intent under the Marine Mammal Protection Act (MMPA) General Authorization (GA) to conduct *bona fide* scientific research on marine mammals for activities involving only Level B harassment[1].

- Species include these under NMFS' jurisdiction:
  - cetaceans (dolphins, porpoises, and whales)
  - pinnipeds (seals and sea lions).

What is this application <u>not</u> for?

- Research on marine mammals listed as endangered or threatened under the Endangered Species Act (ESA). A list of marine mammals that are listed under the ESA can be found here: http://www.nmfs.noaa.gov/pr/species/esa/listed.htm.

- Research that exceeds Level B harassment. Examples include tagging, biopsy sampling, and captures.

What types of research usually qualify as Level B harassment?

- Photo-identification/photogrammetry
- Behavioral observations
- Vessel surveys
- Aerial surveys (except over pinniped rookeries at altitudes < 1,000 feet)
- Other activities may also qualify – call us at 301-427-8401 if you have questions.

What if I want to conduct research on endangered or threatened species or conduct research that exceeds Level B harassment?

- You should apply for a scientific research permit: http://www.nmfs.noaa.gov/pr/permits/mmpa_permits.html#enhancement.

What is a Letter of Intent and a Letter of Confirmation?

- The GA uses different terminology than other permits. A Letter of Intent (LOI) is the application you submit. If your activities qualify, you will receive a Letter of Confirmation (LOC) that allows you to conduct your research.

---

[1] Harassment means any act of pursuit, torment, or annoyance which--

- (Level A Harassment) has the potential to injure a marine mammal or marine mammal stock in the wild; or,
- (Level B Harassment) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering but which does not have the potential to injure a marine mammal or marine mammal stock in the wild.

What are the advantages of applying under the GA?

- The GA is an expedited process. It does not require a 30-day public comment period, unlike other permits.

When should I apply?

- At least 4 months before your project will begin, preferably 6 months.

What is the process for getting an LOC?

1. Follow these instructions and contact the Permits and Conservation Division at 301-427-8401 with any questions.
2. Submit your LOI via APPS.
    a. An assigned permit analyst will review your LOI.
3. Address any questions on the LOI within 60 days or your application will be withdrawn.
    a. We will deem your LOI complete and draft the LOC and supporting documentation. This includes the National Environmental Policy Act analysis, which is reviewed by the appropriate office and signed by the Office Director.
    b. The Division Chief signs the LOC.
4. Keep a copy of your LOC with you during field research.

How do I use APPS?

- Refer to Chapter 2 (“How to Use the System”).

- When starting from your portfolio, click on the link of your file number under the “File Number” column to take you to the application.

- **Save your application every 20 minutes or you will lose information!**

- You do not have to complete an application in one session. Your application will remain in draft mode until you submit.

- An * means it is a required field.

- If you cut and paste from Word, special characters and formatting may be lost.

- Attachments cannot be larger than 10MB – contact us if you have larger files you need to attach.

Important information

- If you do not follow these instructions, your LOI will be withdrawn and you will be asked to resubmit a new LOI that includes the information required.

- If we request additional information and do not receive it within 60 days, we may withdraw your LOI.

- Your LOI must be a stand-alone document and must describe all proposed activities even when you reference published literature.

- The LOI should be free of grammatical errors and readable to a lay person.

- You are highly encouraged to contact us at 301-427-8401 with questions in advance of submitting your application.

Questions?

- Contact the Permits and Conservation Division at 301-427-8401.

Letter of Intent

Project Information

File Number

- This number is automatically generated and cannot be changed. To facilitate processing, reference this File No. in correspondence with our office.

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

- Provide a concise title to include the activity, species (or taxa if multiple species), location, and purpose of the study. For example:
    - *Boat-based photo-ID of bottlenose dolphins in the Gulf of Mexico to characterize population structure and movement patterns.*

****Project Status***

- The project status (New or Renewal) is automatically selected based on your answers in the pre-application guide (PAG). Do not change this field.

Previous Federal or State Permit #

- If applicable, enter your most recent and closely related NMFS LOC or permit number. Otherwise leave blank. State permit numbers are not applicable.

****Permits Requested***

- MMPA General Authorization will be listed based on your answers in the PAG. If other options are listed, please call us at 301-427-8401 for assistance.

****Where Will the Activities Occur?***

- One or more general locations will be listed based on your answers in the PAG. If a location is incorrect, please call us at 301-427-8401 for assistance.

****Research Timeframe***

- Enter the desired start and end dates of the entire project in the following format: MM/DD/YYYY. The start date must not be prior to the date you submit the application and should be at least 4 months after the date you submit. The end date must be within five years of the start date because LOCs are valid for a maximum five year period.

Sampling Season/Project Duration (up to 1,000 characters)

- Describe the annual field season(s) including the months of the year and frequency of fieldwork (e.g., when and how many times per year/how frequently will you conduct the research activities?).

Abstract (up to 2,000 characters)

- Purpose of the research
- Target and non-target species (common and scientific names)
- Take activities (e.g., boat based photo-ID)
- Specific geographic locations
- Requested duration of the LOC (the maximum is five years).

Project Description

Project Purpose: Hypothesis/Objectives and Justification (up to 64,000 characters)

- Discuss the purpose of your project including your hypotheses and/or objectives.

- Briefly summarize published findings related to your objectives. If you previously held or worked under an LOC or permit, use literature citations from that work to show how you previously met your objectives; or, use other published literature on the subject. Describe how this study is different from, builds upon, or duplicates past research.

- Explain how you determined your sample size. For example, did you base your numbers on previous encounter rates or abundance estimates for your study area? If appropriate for your study, include a power analysis or other sample size estimation to show whether the sample size is sufficient to provide statistically significant or otherwise robust results appropriate for your study.

- The information above should support how your proposed research is *bona fide*, including how the results of your research:
  - are likely to be accepted for publication in a refereed scientific journal;
  - are likely to contribute to the basic knowledge of the species biology or ecology; or
  - are likely to identify, evaluate, or resolve conservation problems.

Project Description (up to 64,000 characters)

- **Methods**: Provide clear descriptions of all take methods/procedures for each species, and the number of animals by age class[2] and sex you expect to take by each method/procedure annually.

---

[2] Define how age classes (e.g., neonate, calf/pup, juvenile, subadult, adult) are distinguished, by taxa or species.

- If working with lactating females and dependent calves or pups, indicate their minimum age and specific protocols for working around them, and how you will avoid harassment that could result in calf/pup abandonment or injury.

- There should be a narrative description for each take action and procedure in the take table, and vice versa. Further, the take requests in the narrative must match those in the take table.

- Include the purpose of each take activity (i.e., how the take activities relate to meeting your objectives).

- Figures and photographs are useful to illustrate your methods. You can attach them on the Supplemental Information page.

- Cite references for the methods where applicable, but do not substitute a literature citation in lieu of a complete description of the methods.

- See table below for examples of information to include when describing your methods.

Take action/ procedures	**Details to include in methods**
Manned aerial and vessel surveys	-Type of survey craft and vessel -Type of survey (e.g., line transect, photogrammetry) -Track lines (maps may be attached separately) -Number of surveys per year -Altitude and air speed/distance and vessel speed -Protocols for breaking track to ID species including minimum and maximum approach distance and duration spent with group or individual/day
Unmanned aircraft systems (UAS)	Same general questions above for aerial surveys and also the following: -Type of UAS – fixed wing or vertical takeoff and landing (VTOL) -Payload components – what is the UAS carrying? -Will the UAS ever be beyond the line of sight? -Does the device have an auto-return feature should the device fail? -Ground control station (where is it located - on shore or on vessel, number of stations, and how close the station will be to animals) -Spotter roles needed (e.g., one spotter monitoring the UAS, another for monitoring the ground control station) -Battery life -Do you have the appropriate FAA permits/authorizations (including pilot licenses)?

Take action/ procedures	Details to include in methods
Non-intrusive sampling (e.g., behavioral observations via focal follows and ground surveys, collecting scat/spew, photo-ID, underwater photography, passive acoustic monitoring photogrammetry, remote video monitoring)	-Approach method -Sampling method -Minimum and maximum approach distance -Within sight of animals or not (e.g., from a blind)? -Frequency of observations/sampling -Number of approaches/attempts per animal/day -Duration of observations/sampling/day -Data or sample collection and analysis -If conducting underwater photography/videography, specify the method (e.g., snorkeling, underwater pole cam, or divers that could use typical gear or rebreathers) and number of individuals in the water at a given time

- **Behavioral Responses/Mitigation**: For each method, describe the anticipated responses (severity and duration of harassment) and the mitigation measures you use to minimize those responses. If your activities coincide with reproductive seasons or maternal care, how will you avoid disruption of these sensitive biological periods and ensure mother-calf/pup pairs are not disrupted? Explain how your research will not exceed Level B harassment.

- **Non-target species and conspecifics**: Include a list of non-target species that may be encountered in your study area and whether they will be harassed and what you will do to minimize harassment.
    - The GA cannot authorize you to take threatened or endangered species. If ESA-listed species occur in your study area, explain how you will avoid them (e.g., not in area during time of study; would not approach closer than 100 meters; would halt operations until non-target species moved out of study area).
    - If takes to non-target, non-ESA listed marine mammals may occur, include these on separate rows in the Take Table to include incidental harassment of non-target conspecifics or other marine mammals.

- **Research Coordination**: Describe how you collaborate or coordinate with other researchers in your action area, and who they are. Also, indicate if you will be contributing to a regional photo-ID catalog.

Project Supplemental Information

Attach a Supplemental Information File

- You can attach files to provide additional information. You can attach a map on the Location screen.

Attach a References File

- Attach a bibliography of references cited in this application

Project Locations and Take Information

- You will first describe where you plan to work. Then, for each location, you will use the Take Table to list the species you expect to encounter and the take procedures you will conduct.

- Add New Location: provide information about one (or more) study areas
  - General area (ocean basin)
  - State(s), as applicable.

- Enter **Location Details**, as applicable:
  - Waterbody: enter names of rivers, estuaries, bays, etc.
  - Latitude and longitude of your study area
  - River miles (Begin Mile and End Mile)
  - Limits of your study area (e.g., to the U.S. EEZ, to the edge of the continental shelf, to 50m depth)
  - Names of land masses where research will occur (e.g., islands, rookeries).

- **Attach File**: Include high quality map(s) with the correct scale that clearly shows the location of your proposed activity and any environmental aspects of interest. If possible, include a shapefile, Google Earth kmz/kml, or ASCII text file with lat/long data and the associated basic metadata with your electronic application submission.

Take Table

The take table represents the **estimated** number of animals you may harass (take) **annually** during your research.

The options that appear in the dropdown menus in the take table are based on the species group (marine mammals) you indicated in the PAG, the location that you have selected, and the fact that the GA can only authorize Level B harassment. If you are having difficulties, please first check that the previous fields were entered correctly.

Columns you will fill out in the take table:

1) **Select**: Leave this box blank unless you need to copy, move, or delete the line following the instructions above.

2) **Species**: Use the drop down list to select. Species are listed alphabetically by common name and/or category (e.g., dolphin, bottlenose). If the species you are looking for is not on the drop-down menu, double check your location (species are populated based on location). If you are still having problems, contact the Permits Division at 301-427-8401.

   Note: The GA is for non-ESA listed species only. You will **not** have the option to select endangered or threatened species.

3) **Listing Unit/Stock**: Select the applicable stock. Choose Range-wide if, for example, your location has multiple stocks of the same species and you cannot distinguish between them while in the field.

4) **Production/Origin**: Select Wild from the drop-down list.

5) **Life Stage**: Select from the drop-down list. You may enter take information for more than one life stage (e.g., adult versus juvenile) on separate rows or select a combination of life stages for one take category.

6) **Sex**: Select from the drop-down list. If your activity targets only one sex, indicate which. If it targets both and they can be targeted separately, enter separate rows for male and female; otherwise select Male and Female.

7) **Expected Take**: This represents a reasonable estimate of the number of animals you will encounter, annually. Under the GA, you will not be limited to this number or penalized if you exceed this number.

   For cetaceans, you will count every animal you approach[3] within a certain distance, regardless of whether a behavioral reaction has occurred.
   - Only count 1 take per cetacean per day including all vessel approaches.
   - During manned aerial surveys flown at an altitude lower than 1,000 ft, count 1 take per cetacean observed per day, regardless of the number of passes over the same animal.
   - During Unmanned Aircraft System (UAS) surveys, count 1 take per cetacean approached per day, regardless of the number of passes.

   For pinnipeds, you will only count 1 take per pinniped per day for those that show movement[4] or flushing[5] (excluding alert[6]) to an approach or other permitted activity, regardless of the number of approaches and behavioral responses of the same individual in a day. In the description of methods (above), indicate the number of approaches per animal per procedure per day needed.

[3] An "approach" is defined as a continuous sequence of maneuvers involving a vessel, including drifting, directed toward a cetacean or group of cetaceans closer than 100 yards for baleen whales and 50 yards for all other cetaceans.

[4] Movements in response to the source of disturbance, ranging from short withdrawals at least twice the animal's body length to longer retreats over the beach, or if already moving a change of direction of greater than 90 degrees.

[5] All retreats (flushes) to the water.

[6] Seal head orientation or brief movement in response to disturbance, which may include turning head towards the disturbance, craning head and neck while holding the body rigid in a u-shaped position, changing from a lying to a sitting position, or brief movement of less than twice the animal's body length.

8) **Takes Per Animal**: Estimate the number of times the same identifiable individual will be encountered, annually, if known. If you are not certain the same individuals will be encountered, put 1.

9) **Take Action**: Select Harass.

10) **Observe/Collect Method**: Select the method of observation (e.g., survey, vessel). Select only one observe/collect method per row. If various methods will be used, you must provide take information in separate rows for each observe method.

11) **Procedures**: Provide specific information on the research activities that will be conducted. A separate pop-up window will appear with a species-specific list of activities. Hold down the Control key to select all activities to be performed concurrently. Choose Other if your proposed activity is not listed. In the Details box (see below), briefly describe what the Other means.

    Note: The procedures list includes only activities that would qualify as Level B harassment. For example: observations, behavioral; photo-id; and acoustics, passive recording.

12) **Begin Date**: Populated with the Begin Date you entered on the Project Information page. You may change the date to coincide with a specific project time shorter than the overall duration of the project. You cannot enter a date that is earlier than your original Begin Date.

13) **End Date**: Populated with the End Date you entered on the Project Information page. You may change the date to coincide with a specific project time shorter than the overall duration of the project. You cannot enter a date that is later than the End Date you previously entered.

14) **Details**: Enter up to 255 characters in this text box to provide details on each take table row.

National Environmental Policy Act (NEPA) Considerations

In addition to providing information on effects to the target and non-target species in other sections of the application, provide information as requested below on potential environmental effects to determine if your activity may be categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement under NEPA. If you believe any of the criteria are "not applicable" you must explain why.

1) If your activities will involve equipment (e.g., scientific instruments) or techniques that are new, untested, or otherwise have unknown or uncertain impacts on the biological or physical environment, please describe the equipment and techniques and provide any information about the use of these in the natural

environment. In addition, please discuss the degree to which they are likely to be adopted by others for similar activities or applied more broadly.

2) Describe the physical characteristics of your project location, including:
   a. Whether you will be working in or near unique geographic areas including but not limited to Critical Habitat for endangered or threatened species, Essential Fish Habitat, National Marine Sanctuaries, Marine Protected Areas, State or National Parks, Wilderness Areas, Wildlife Refuges, Wild and Scenic Rivers, etc.

   b. Next, discuss how your activities could impact the physical environment in those locations, such as by direct alteration of substrate during use of anchoring vessels or buoys, erecting blinds or other structures, or ingress and egress of researchers, and measures you will take to minimize these impacts.

3) Briefly describe important scientific, cultural, or historic resources (e.g., archeological resources, animals used for subsistence, sites listed in or eligible for listing in the National Register of Historic Places) in your project area and discuss measures you will take to ensure your work does not cause loss or destruction of such resources. If your activity will target marine mammals in Alaska or Washington, discuss measures you will take to ensure your project does not adversely affect the availability (e.g., distribution, abundance) or suitability of these animals for subsistence uses.

4) Discuss whether your project involves activities known or suspected of introducing or spreading invasive species, intentionally or not, (e.g., discharging ballast water, use of boats/equipment at multiple sites). Describe measures you would take to prevent the possible introduction or spread of non-indigenous or invasive species, including plants, animals, microbes, or other biological agents.

Project Contacts

As the person entering the application, you will automatically be assigned the following roles: **Applicant/Permit Holder, Principal Investigator,** and **Primary Contact**. See Chapter 2 for directions on how to change who is assigned to these roles, and this table.

Project Contact	Must be named in the permit application	Able to make changes to application, request changes to the permit, and submit reports; will receive automatic emails from APPS.	Description of qualifications required
Applicant/ Permit Holder	✓	✓	✓
Applicant or Responsible Party*	✓	✓	
Principal Investigator	✓	✓	✓

Project Contact	Must be named in the permit application	Able to make changes to application, request changes to the permit, and submit reports; will receive automatic emails from APPS.	Description of qualifications required
Primary Contact	✓	✓	
Co-Investigator	✓		✓
Research Assistants			

* The Applicant/Responsible Party may also be the PI or a CI if participating in the research; therefore, the description of qualifications is required if they are listed as the PI or a CI.

To prevent duplicate entries, **you MUST ALWAYS search the database for the person before entering a new contact.** To facilitate the search, start with only putting the last name in APPS search box.

A project must have a **Responsible Party** if the Applicant/Permit Holder is an organization, institution, or agency. The Responsible Party or Applicant/Permit Holder is an official who has the legal authority to bind the organization, institution, or agency and is ultimately responsible for the activities of any individual operating under the authority of the permit.

The **Principal Investigator** (PI) is the individual primarily responsible for the take and any related activities conducted under the permit. There can only be one PI on a permit. The PI:

- must have qualifications, knowledge and experience relevant to the activities authorized by the LOC
- must be on site during activities conducted under the permit unless a Co-Investigator is present to act in place of the PI
- may also be the Applicant/Permit Holder and Primary Contact.

Co-investigators (CIs) are individuals who are qualified and authorized to conduct or directly supervise activities conducted under an LOC without the on-site supervision of the PI.

- You may add CIs to the application if the PI will not always be present during the permitted activities.
- CIs can also be added or removed once a permit has been issued.

Include a table listing the names of the PI and CIs, and the specific procedures they will oversee or conduct. **Attach the table on the Supplemental Information page**.

Example Table Attachment: Personnel Roles

Name/Affiliation	Role	Activities
Researcher name, Affiliation, City, State	PI or CI	Specific activities they will conduct under the LOC and whether they are supervising
John Smith, Ph.D., University A, City, State	Principal Investigator	Supervise and perform all activities under the LOC
Jane Doe, Ph.D., Institution B, City, State	Co-Investigator	Conduct and oversee close approach and photo-ID

Qualifications and Experience

Federal Regulations require that persons authorized as the PI or CIs have qualifications commensurate with their duties. In addition, the names of the PI and CIs are sent to the NOAA Office of Law Enforcement to determine if any violations of the MMPA, ESA, and other environmental laws have occurred.

The permit applicant is therefore required to submit the following information about the qualifications and experience of the PI and all CIs to demonstrate they have qualifications commensurate with their duties as stipulated in the Personnel Table. **A CV or resume must be up to date and contain all relevant information below**. If sufficient experience is not provided, additional information will be required and the personnel will not be authorized to conduct the proposed activities unless sufficient experience is demonstrated

1) **Contact information -** All documentation submitted will be publicly available. DO NOT include personal information (e.g., social security number, date of birth, nationality, or home phone/ address-unless it is also the business phone/address).
   - Name (first middle last)
   - Business phone, e-mail, and mailing address

2) **Relevant education and training**
   - Degree, major, name of institution, year received
   - Applicable certificates or licenses, year received
   - Other relevant training or certification, year received

3) **Relevant experience**
   - Job title, affiliation/location, and dates
   - Detailed description of when and how the individual obtained experience in the methods they will be conducting and/or supervising as outlined in the Personnel Table**.** This should include objective metrics such as:
     - The level of training received and who trained them
     - The number of hours/months/years they have been performing the activities and with what species

- Whether and to what extent they have performed them without supervision or have supervised the proposed activities

4) **List of grants awarded demonstrating available resources relevant to the proposed activities or history of securing resources for similar work**

5) **Annotated publication history relevant to the activities being conducted under the permit**

Submit Application

See Chapter 2 for how to submit your application and check on its status.

Additional Information

Under section 104(c)(3)(C) of the MMPA, as amended, persons may be authorized 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 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 General Authorization and provided in these 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.nmfs.noaa.gov/pr/laws/50cfr216.txt. MMPA section 104 is available at the following web site: http://www.nmfs.noaa.gov/pr/pdfs/laws/mmpa104.pdf.

Paperwork Reduction Act Statement

The information requested in this application is required and is used to determine whether the research described in the letter of intent 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, whether the research as described in the letter of intent is *bona fide*, and to determine the effects of the activity on marine mammals and the environment.

Public reporting burden for this collection of information is estimated to *average* 10 hours per response (i.e., the above application), including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Chief, Permits and Conservation Division, Office of Protected Resources, F/PR1, NOAA/National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

The letter of intent and any associated documents, including any reports required under the GA, are considered public information and as such, are subject to the Freedom of Information Act.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

OMB No. 0648-0084
Expires: MM/DD/YYYY