National Marine Fisheries Service
Instructions for a Marine Mammal General Authorization Letter of Intent

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Introduction

These instructions are for submitting a Letter of Intent (LOI) under the Marine Mammal Protection Act (MMPA) General Authorization (GA) for *bona fide* **scientific research** on **non-listed marine mammals** for activities involving only **Level B harassment**.

Level B harassment means any act of pursuit, torment, or annoyance which 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.

These instructions are **not** for:

- Research on marine mammals listed as endangered or threatened under the Endangered Species Act (ESA). See a list of ESA species under NMFS' jurisdiction.
- They are also **not** for research that exceeds Level B harassment (e.g., captures, biopsy sampling, or tagging).

New to the GA? Have questions or need help?

We recommend you visit our General Authorization web page, see the Additional Information, or contact us at nmfs.pr1.apps@noaa.gov.

When filling out your LOI:

- Your LOI must be a stand-alone document, readable to a layperson.
- If you do not follow these instructions, your LOI will be returned.
- You will need to enter this information in our online permit system APPS[1]

Entering your information into APPS:
• **Save your LOI every 30 minutes or you will lose information!** • Consider using these instructions as a template to draft your LOI in Word and then cut and paste into APPS. • To save any information you must click the "Save" button. Once the application has been initialized you will see additional sections. Your LOI will remain in draft mode until you submit.

Letter of Intent Instructions

Project Information

File Number: This number is generated by APPS and cannot be changed. To facilitate processing, reference this File No. in correspondence with our office.

Project Title: Provide a concise title that includes activities, species (or taxa if multiple species), location, and purpose of the study. For example:

[1] We are in the process of revising APPS and this link will be updated when the new system is available.

- *Boat-based photo-ID of bottlenose dolphins in North Carolina waters to characterize population structure and movement patterns.*

Previous Federal or State Permit #: If applicable, enter your most recent and closely related NMFS LOC or permit number. Otherwise, leave blank.

Permits Requested: MMPA General Authorization should be listed based on your answers in the APPS PAG.

Where Will the Activities Occur? One or more general locations will be listed based on your answers in the APPS PAG.

Research Timeframe: Enter the desired start and end dates of the entire project in the following format: MM/DD/YYYY. See our webpage for details about when to apply.

Duration Justification: Justify your requested permit duration. The duration should be reasonable in scale, based on your objectives, study design, and available resources.

Sampling Season*:* Describe in which months or seasons you will work. If year-round, indicate when activities are most likely to occur and how frequently.

Project Purpose:

We recommend you provide the information in this order:

1. Discuss the **need for the research** and your **research objectives or hypotheses**.
2. Explain how your proposed research is *bona fide*, including how likely the results of your **research** to: 1) be accepted for publication in a refereed scientific journal; 2) contribute to the basic knowledge of the species biology or ecology; or 3) identify, evaluate, or resolve conservation problems.
3. If you previously held or worked under an LOC or research permit, briefly summarize **relevant findings** resulting from or related to your research (e.g., 5-10 years).

Project Description

Methods

Describe your methods (i.e., procedures).

- Your narrative description must match your APPS take table (see Take Table section below).
- **Mitigation measures** that are inherent to your methods may be included in this section or in the Effects and Mitigation section below.
- **Figures and photographs** that illustrate your methods. You can attach them on the Attachments page at the end of the application.
- **Cite references** for the methods where applicable, but do not substitute a literature citation for a complete description of the methods. You can attach a

Literature Cited on the Attachments page. References must be made available upon request.

1. **Provide clear descriptions of all methods** (i.e., each procedure in your APPS take table). See guidance in Table 1 below for what details to include.
   - Include a brief statement of how each procedure or suite of procedures relate to meeting your objectives.

Table 1. Guidance on Describing Commonly Used Methods

Take action/ procedures	Method Description Guidance
Aerial, ground, and vessel surveys	Number of surveys per year Type of aircraft and vessel Number of platforms to be operated at the same time Type of survey (e.g., line transect, photogrammetry) Minimum altitude/approach distance Air/vessel speed Protocols for breaking track to ID species Protocols for approaching on land (e.g., whether a blind or cover will be used) Duration spent with group or individual per day
Uncrewed aircraft systems (UAS)	Provide the general aerial survey information above and the following: Number of platforms (UAS) to be operated at the same time Encounter duration – maximum amount of time over same animals Type of UAS – fixed wing or vertical takeoff and landing (VTOL) Payload components – what is the UAS carrying and for what purpose (e.g., camera, sensor)? Ground control station description (what it is, where it will be located-on shore or on vessel, number of stations, and how close the station will be to animals) Appropriate FAA permits/authorizations (including pilot licenses)
Other Non-invasive methods (e.g., blow sample; focal follows; passive acoustic; photograph/video; underwater pole cam)	Approach method Sampling method Minimum approach distance For pinnipeds: within sight of animals or not (e.g., from a blind) Number of observations/sampling events per year Frequency of observations/sampling per year (e.g., monthly) Samples to be collected and method (e.g., scat or molt by hand) Number of approaches per animal per day for biological sampling Duration of observations/sampling per day
Remotely operated vehicle (ROV) (vessel or amphibious)	For underwater and amphibious ROVs, same details as for vessel surveys and also: Description and size of ROV Whether it is tethered or wireless, tether material and length Deployment method Describe any light sources Whether there will be a live video feed monitored Encounter duration

Take action/ procedures	Method Description Guidance
Dive/Snorkel	Method (e.g., snorkeling, conventional scuba gear, or re-breathers) Maximum number of individuals in the water at a given time and their roles (including safety divers) Minimum approach distance to animals Maximum amount of time spent with same animals per day

2. Define how you differentiate age classes (e.g., neonate, calf/pup, juvenile, subadult, adult). If applicable, distinguish by taxa or species.
3. Will you approach obviously compromised animals or vulnerable lifestages?
4. **Data analysis:** Provide a brief description of how data and/or samples will be analyzed.
5. **Opportunistic research:** If there are species that are not your main research focus, but that you would approach and study if opportunistically encountered, include a discussion of them in this section. Describe how the research would fit within your objectives and which methods you would use to study these species. Include rows for these species in your take table.

Non-target Marine Mammals

6. Discuss whether and how non-target marine mammals under NMFS jurisdiction may be unintentionally harassed in your study area.

These are species that co-occur with your target species and that could be harassed or taken during your research but that you will not opportunistically incorporate into your study.

The GA cannot authorize you to take threatened or endangered species. If ESA-listed species occur in your study area, explain how you will identify and 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 as separate rows in your Take Table with unintentional harassment in the procedure column.

Project Supplemental Information

Effects and Mitigation

You may include mitigation and monitoring protocols here, or above in your methods. Do not restate them here if they are included above; simply reference the section where the following information is found. Cite best available science and your experience.

1. Discuss how **each take table** procedure **will affect target and non-target animals.**
   - Typical behavioral responses

- Worst-case responses

2. Explain how your research **will not result in injury or mortality (e.g., stampede)**.
3. **If working with dependent calves/pups**, their moms, or known pregnant females, give specific protocols for working around them. Do you expect to interrupt nursing behavior or separate mothers from calves/pups?
4. Please describe any **mitigation you will take to avoid or minimize impacts to non-target protected taxa** (e.g., sea turtles, corals, USFWS species). Discuss whether and how they may be unintentionally harassed or otherwise affected.

Research Coordination

5. Describe how you will coordinate with other LOC/Permit Holders in your study area.
   - List their names and affiliations.
   - Explain how you will work together. For example, will you share vessels or coordinate the timing of surveys to avoid repeated takes of the same animals?
6. Will you collaborate with other permitted researchers to share data, for example, by contributing to a regional photo-ID catalog? If so, list names and affiliations and explain your collaboration plans.

Attach a References File

On the Attachments page, you will be asked to upload a **bibliography** of references cited in your LOI. Referenced materials must be made available upon request, as needed for evaluation of the LOI and preparation of environmental analyses. If a link to your referenced material is available, add the link to your References File.

Project Location

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

1. Add **New Location**: provide information about one or more study areas
   - General area (ocean basin)
   - State(s), as applicable.
2. Enter **Location Details**, as applicable:
   - Waterbody: enter names of rivers, estuaries, bays, etc.
   - Latitude and longitude of your study area
   - 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).
3. Use the mapper tool at the bottome of the page to denote your study location(s) or, on the Attachments page, attach a map(s) to scale that clearly shows the location of your proposed activity.

Take Table

The take table summarizes the **species** you expect to take **annually** during research. You will not need to enter estimated numbers in your LOI. Please note, you will have to report numbers of animals taken in your annual reports. See additional guidance below for counting takes for your annual reports.

How to Count Takes of Pinnipeds

• Count 1 take per pinniped per day for those hauled-out animals that react to the research, regardless of the number of approaches or responses, including:
  ○ Movements of twice the animal's body length or more,
  ○ Changes of direction greater than 90 degrees, or
  ○ Retreats (flushes) to the water.
• Count 1 take per animal per day for those pinnipeds in water that exhibit a noticeable adverse behavioral response from your activities
• Do not count alert behaviors such as:
  ○ 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 movements of less than twice the animal's body length.

How to Count Takes of Cetaceans
• Count every cetacean approached regardless of whether a behavioral reaction has occurred. • During vessel and aerial surveys, only count 1 take per animal per day including all approaches.   ○ An "approach" is defined as a continuous sequence of maneuvers involving a vessel, equipment, or researcher's body, including drifting, directed toward a cetacean or group of cetaceans closer than 100 yards for baleen and sperm whales and 50 yards for all other cetaceans. • For UAS surveys flown at a distance less than 50 yards (150 feet), count 1 take per cetacean observed per day, regardless of the number of passes over the same animal. • During crewed aerial surveys flown at an altitude lower than 1,000 feet, count 1 take per cetacean observed per day, regardless of the number of passes over the same animal.

Columns you will fill out in the take table in APPS:

1. **Species**: Use the drop down list. The GA is for non-ESA listed species only. You **cannot** select endangered or threatened species.
2. **Listing Unit/Stock**: Select the applicable stock. You should select multiple stocks from the dropdown for one row if you will not be able to identify singular stock while in the field. Choose Range-wide if it is the only stock available.
3. **Life Stage**: Select from the drop-down list. You may enter take information for more than one life stage (e.g., adult and juvenile) on separate rows or select a combination of life stages.
4. **Sex**: Select from the drop-down list. If your activity targets only one sex, indicate which. Otherwise select Male and Female.
5. **Take Action**: Select Harass.

6. **Observe/Collect Method**: Select the method of observation (e.g., "survey, vessel"). If you will be approaching animals from a boat to fly UAS surveys, select "Survey, aerial" and "Survey, vessel."
7. **Procedures**: A separate pop-up window will appear with a species-specific list of activities. Check the boxes to select all activities to be performed concurrently on the same animals.
   - Choose "Other" if your proposed activity is not listed. In the Details box (see below), briefly describe what the "Other" means.
   - Use "Unintentional Harassment" if you may unintentionally harass non-target, non-ESA listed marine mammals during your research.
8. **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 that is shorter than the overall duration of the project. You cannot enter a date that is earlier than your original Begin Date.
9. **End Date**: Populated with the End Date 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.
10. **Details**: You may enter details on each take table line. This is especially useful to clarify age class, takes, specific activities, or projects.

Anticipated Effects on the Environment

1. Will you be working in or near areas with unique environmental characteristics or important scientific, cultural or historical resources? Yes or No.
   Examples include:
   - Animals used for subsistence
   - Archaeological resources
   - Critical Habitat of ESA-listed species
   - Essential Fish Habitat including wetlands, coral reefs, seagrasses, and rivers
   - Federally recognized Tribal and Native Alaskan lands, cultural or natural resources, or religious or cultural sites
   - Marine Protected Areas
   - National or State Parks
   - National Marine Sanctuaries and National Monuments
   - National Historic Landmarks
   - Sites listed in or eligible for listing in the National Register of Historic Places
   - Wild and Scenic Rivers
   - Wilderness Areas
   - Wildlife Refuges

   a. If yes, please list those areas. As applicable, mention if you will need to or have already obtained permission (licenses, permits, authorizations) to work in these areas.
   b. How would your activities affect such resources? What measures will you take to ensure your work does not cause loss or destruction of such resources?

   c. For marine mammal activities in Alaska or Washington, how will you ensure your project does not adversely affect the availability (e.g., distribution, abundance) or suitability (e.g., food safety) of marine mammals for subsistence uses?
2. Discuss if your activities have the potential to impact the physical or biological environment, in particular coastal and marine environments. Impacts can be positive or negative. Examples of potential impacts include:
   - Altering substrate while anchoring vessels and buoys
   - Using bottom trawls or other types of nets
   - Erecting blinds or other structures
   - Ingress and egress of researchers
   - Injuring or killing benthic organisms (e.g., seagrass, corals)
   - Altering the physical or chemical characteristics of water (e.g., oil spills)
   - Affecting a species' abundance or distribution
3. Invasive Species
   a. Does your project involve activities known or suspected of introducing or spreading invasive species, intentionally or not? Examples include transporting animals or other biological specimens, discharging ballast water, and using boats/equipment at multiple sites. Yes or No.
   b. 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.
4. Biological Specimens
   a. Will your activities involve collecting, handling, or transporting potentially infectious agents or pathogens, such as biological specimens (animals, blood, tissues)? Yes or No.
   b. Will your activities involve using or transporting hazardous substances, such as toxic chemicals? Yes or No.
   c. If yes to either question, describe the protocols you will use to ensure that public health and human safety are not adversely affected, such as by spread of zoonotic diseases, chemical injuries, or contamination of food or water supplies.
5. Do your activities involve equipment (e.g., scientific instruments) or techniques that are untested, or have unknown or uncertain impacts on the biological or physical environment? Yes or No.
   If yes:
   a. Briefly describe the equipment or techniques and provide any information about the use of these in your study area and/or with other taxa and what is known about their impacts.
   b. Discuss the degree to which they are likely to be adopted by others for similar activities or applied more broadly.

Project Contacts

The person entering the application in APPS will automatically be assigned the following roles: **Applicant/Permit Holder, Principal Investigator (PI),** and **Primary Contact**.

1. You may need to change or add personnel.
2. Use the guidance below to help you decide who should have what role.
3. To prevent duplicate entries, **ALWAYS search APPS for the person before entering a new contact**. Start with only putting the last name in APPS search box.
4. Include a table with the names of the PI and Co-Investigators (CIs), and the specific procedures they will oversee or conduct (see example Table 3). **Attach the table on the Attachments page.**
5. As you add personnel, **check whether each person already has a Qualifications Form (QF) in APPS**. It will appear next to their name once you add them to your Contacts page. If there is not a QF in APPS, then attach one for the PI and each CI. See Qualifications and Experience below.

Descriptions of Personnel Roles

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 LOC. There can only be one PI on an LOC. The PI:

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

The **Primary Contact** is the person primarily responsible for correspondence during the application review process and after an LOC is issued. Typically this person administers the LOC, submits amendments/modifications (e.g., personnel changes), and submits reports. The Primary Contact may also serve other roles on the permit (e.g., Applicant/Permit Holder, PI, CI).

The Applicant/Permit Holder or Responsible Party, PI, and Primary Contact will have access to APPS to enter and edit the application, submit reports and modification requests, and will receive automatic emails from APPS.

To prevent duplicate entries, **ALWAYS search APPS for the person before entering a new contact.** Start with the last name in the APPS search box.

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 must 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 an LOC has been issued.

If a researcher is always under supervision of the PI or another CI, they do not need to be named on the permit.

Uncrewed Aircraft Systems (UAS) Pilots are persons who have their FAA certification to fly UAS and experience piloting UAS. A CI or the PI with marine mammal experience may be qualified to serve in this role. In other cases, you may designate someone as a UAS Pilot who is tasked with only that role and does not have marine mammal experience.

Personnel for UAS

To fly UAS, we recommend you have 1) someone with experience working with the target species in the wild, and 2) someone who is FAA-certified to conduct or oversee UAS flights with flight experience. These may be satisfied by one or more persons, depending on the qualifications of your team. The following scenarios in Table 2 describe the personnel roles for UAS that you may request based on their qualifications.

Table 2. UAS Personnel

Scenario 1: Species expert who is also an FAA-certified UAS pilot	
If the person has:	They may be named as:
Experience working with the subject species/taxa in the wild **and** UAS experience with an FAA UAS certification	**PI or CI to supervise and operate UAS**. No separate UAS Pilot required to be named on the application
Scenario 2: Species expert (PI or CI) accompanied by an FAA-certified UAS pilot	
If the person has:	They may be named as:
Experience working with the subject species/taxa in the wild, but no UAS experience	**PI or CI to supervise UAS**. A separate UAS Pilot must be named for the UAS operation
UAS experience and FAA UAS certification but no marine mammal experience	**UAS pilot to operate the UAS or directly oversee operation** as the remote pilot in command. The UAS pilot must be supervised by the PI or a CI with marine mammal experience

In addition, **you must submit a table (see Table 3) defining the PI and CI roles** and activities to be performed. You can ask your analysts for a table. Attach this on the Attachments page.

Table 3. Example Personnel Roles

Name	Role	Activities
Jane Smith, Ph.D.	Principal Investigator	Supervise and perform all activities under the LOC, except UAS pilot
John Doe	Co-Investigator	Conduct photo-ID and behavioral observations
Bob Smith	UAS pilot	UAS pilot accompanied by the PI or a CI

Qualifications and Experience

We recommend the PI and each CI submit a QF. Once you fill out a QF and attach it to your profile in APPS, you won't need to upload a new QF unless you acquire new skills, your level of experience changes, or 10 years have passed. Each contact should only have **one** QF file in their profile; it will apply to all LOCs or permits they are affiliated with. They may replace the QF with an updated version when they gain new experience.

Persons authorized as the PI or CIs must have qualifications corresponding to their duties. If you do not provide sufficient information, we will not authorize the person(s).

Attachments

You can attach files requested throughout the application on the Attachments page.

- Preferred file formats: Word, Excel, PDF, or text.
- As applicable, attach a personnel table (see Table 3) with the names of the PI and CIs, and the specific procedures they will oversee or conduct.
- Example of required files, depending on the permit type: literature references, map, figures, and photographs.

Certification and Signature

Before you can submit your LOI you must authenticate your identity, certify that all information is correct, and sign the LOI.

Submit Application

Submit your application via our online system APPS. If you encounter problems email us at nmfs.pr1.apps@noaa.gov.

Additional Information

What types of research usually qualify as Level B harassment?

- Behavioral observations
- Photo-identification/photogrammetry
- Aerial surveys, crewed or uncrewed (except those over pinniped rookeries where stampeding may occur)
- Vessel surveys
- Other activities may also qualify – contact us if you have questions.

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

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.

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 prior.

What is the process for getting an LOC?

1. Follow these instructions and contact the NMFS Permits and Conservation Division with any questions.
2. Submit your LOI via APPS. A permit analyst will review your LOI and contact you if additional information is needed.
3. Address any questions within 60 days or your LOI will be withdrawn.
4. Once we consider your LOI complete, we will draft the LOC and supporting documentation, including the environmental analysis and other information.
5. The Division Chief will sign the LOC if your proposed activities are for *bona fide* research and Level B harassment only.

What is the process for requesting a change to an LOC?

Use APPS to request a change to your LOC. You'll need to provide a description of your proposed changes and include all the necessary details for those changes. Use these application instructions as a guide. For example, changes to your objectives will require you discuss all the points in the Project Purpose section. Additions to personnel should include QFs and descriptions of their roles.

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. Visit our scientific research permit web page or use the APPS Pre-Application Guide to start an application.

Applicable Laws and Regulations

Under section 104(c)(3)(C) of the MMPA, as amended, and the Fur Seal Act of 1966, 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. Under NEPA, Federal agencies must assess the effects of federal actions on the environment.

The LOI 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.

Paperwork Reduction Act Statement

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995 unless the information collection has a currently valid OMB Control Number. The approved OMB Control Number for this information collection is 0648-0084. Without this approval, we could not conduct this information collection. Public reporting for this information collection is estimated to be approximately 10 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. All responses to this information collection are required to obtain an LOC under the GA pursuant to the MMPA, FSA, NEPA, and their implementing regulations. Send comments regarding this burden estimate or any other aspect of this information collection, 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; email nmfs.pr1.apps@noaa.gov.