

National Marine Fisheries Service

Marine Mammal General Authorization Letter of Intent

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NATIONAL MARINE FISHERIES SERVICE

MARINE MAMMAL GENERAL AUTHORIZATION

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Introduction

What is this application for?

- Submitting a Letter of Intent under the Marine Mammal Protection Act (MMPA) General Authorization (GA) for *bona fide* scientific research¹ on non-listed marine mammals for activities involving only Level B harassment².
- Non-listed marine mammals under NMFS' jurisdiction:
 - cetaceans (dolphins, porpoises, and whales)
 - pinnipeds (seals and sea lions).

What is this application **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](#).
- Research that exceeds Level B harassment (e.g., captures, biopsy sampling, or tagging).

What types of research usually qualify as Level B harassment?

- Photo-identification/photogrammetry
- Behavioral observations
- Vessel surveys
- Aerial surveys, manned and unmanned (except those over pinniped rookeries at altitudes < 1,000 feet)
- Other activities may also qualify – call the National Marine Fisheries Service (NMFS), Office of Protected Resources, Permits and Conservation Division 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. Visit our [scientific research permit web page](#) or use the [APPS Pre-Application Guide](#) to start an application.

¹ Bona fide scientific research means scientific research on marine mammals conducted by qualified personnel, the results of which: (i) Likely would be accepted for publication in a refereed scientific journal; (ii) Are likely to contribute to the basic knowledge of marine mammal biology or ecology. (Note: This includes, for example, marine mammal parts in a properly curated, professionally accredited scientific collection); or (iii) Are likely to identify, evaluate, or resolve conservation problems.

² 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.

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. A permit analyst will review your LOI and contact you if additional information is needed.
3. Address any questions on the LOI within 60 days or your application will be withdrawn.
 - a. Once we consider your LOI complete we will draft the LOC and supporting documentation, including the National Environmental Policy Act analysis and other information.
 - b. The Division Chief will sign the LOC if your proposed activities are for *bona fide* research and Level B harassment only.
4. Keep a copy of your LOC with you during field research.

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.

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 20MB – contact us if you have larger files you need to attach.

Questions?

- You are highly encouraged to contact the NMFS Permits and Conservation Division with questions before submitting your application.

Letter of Intent

Project Information (* = required)

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.

****Permits Requested***

- MMPA General Authorization should be listed based on your answers in the PAG.

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

- One or more general locations will be listed based on your answers in the PAG.

***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 4-6 months after the date you submit. The end date must be within 5 years of the start date because LOCs are valid for a maximum 5-year period.

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

- Describe your annual field season(s) including the months of the year.
- Include the frequency of fieldwork (*e.g.*, when and how many times per year 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). For research on multiple species, you can summarize instead of listing every one. For example: *21 species of cetaceans and 3 species of pinnipeds.*
- Take activities (*e.g.*, boat based photo-ID).
- Specific geographic locations.
- Requested duration of the LOC (the maximum is 5 years).

Project Description

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

- Discuss the purpose of your project including your hypotheses or objectives.
- Briefly summarize published findings related to your objectives.
 - If you previously held or worked under an LOC or research permit, use literature citations from that work to show how you previously met your objectives; and/or
 - Use other published literature on the subject.
- Describe how this study is different from, builds upon, or duplicates past research.
- Explain how you estimated your numbers (see guidance below on how to count take).
 - For example, did you base them 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 methods (i.e., procedures) for each species, and
 - The number of animals by age class³ and sex you expect to harass by each method annually.

For cetaceans, you will count 1 take per animal per day for every animal approached regardless of whether a behavioral reaction has occurred.

For pinnipeds, you will count 1 take per animal per day for those animals that react to the research activities in these ways:

- movements of twice the animal's body length or more,
 - changes of direction greater than 90 degrees, or
 - retreats (flushes) to the water.
- If working with **lactating females and dependent** calves or pups:
 - Indicate the minimum age of the calves/pups.
 - Give specific protocols for working around them, including how you will avoid separating mothers from calves/pups and pinnipeds flushing from beaches.
 - Your narrative description and APPS take table (see Take Table section below) must match.
 - Every procedure listed in the take table must be described in the Project Description.
 - For each method, include a brief statement of its **purpose** (i.e., how the activity relates to meeting your objectives).
 - Figures and photographs are useful to illustrate your methods. You can attach them on the Supplemental Information page.

³ Define how age classes (e.g., neonate, calf/pup, juvenile, subadult, adult) are distinguished, by taxa or species.

- Cite references for the methods where applicable, but do not substitute a literature citation in lieu of a complete description of the methods.
- See the following **examples** of information to include when describing your methods.

Aerial (manned), ground, and vessel (manned or unmanned/remote) surveys

- Type of aircraft and vessel
- Type of survey (e.g., line transect, photogrammetry)
- Track lines (maps may be attached separately)
- Number of surveys per year
- Air speed
- Vessel speed
- Maximum and minimum altitude or approach distance to animals
- Protocols for breaking track to ID species
- Protocols for approaching on land, whether a blind or cover will be used
- Duration spent with group or individual/day
- Description of remotely operated vessel, whether tethered, length of tether, depth

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), model
- Payload components – what is the UAS carrying?
- Size and mass of UAS
- 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 or a Co-investigator have the appropriate FAA permits/authorizations (including pilot licenses)?

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 (e.g., by foot; or by vessel or aircraft – see above)
- Sampling method
- Filming/photography equipment and methods
- Minimum and maximum approach distances
- Within sight of animals or not (e.g., from a blind)?
- Number of observations/sampling/year
- Frequency of observations/sampling/year (e.g., monthly)
- 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 using typical gear or re-breathers) and number of individuals in the water at a given time and their roles

Behavioral Responses/Mitigation:

- For each method, describe the anticipated responses (type, severity, and duration of harassment).
- Describe what you will do to minimize those responses, including but not limited to:
 - If your activities coincide with reproductive seasons or maternal care, how will you avoid disrupting these sensitive periods and ensure mother-calf/pup pairs are not separated?
 - Explain how your research will not result in injury or mortality.
 - If applicable, you can cite an ethogram to illustrate potential responses.
- **Non-target species and conspecifics:** Include a list of non-target species that may be encountered in your study area. Describe whether they will be harassed and what you will do to minimize or eliminate 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 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 on separate rows in the Take Table to include incidental harassment of non-target conspecifics or other marine mammals.

Research Coordination:

- Include the names and affiliations of other researchers you will coordinate with in the field and specifically how this will occur to minimize repeated disturbance.
- Indicate how you will collaborate with other researchers, including if you will be contributing to a regional photo-ID catalog or otherwise sharing data.

Project Supplemental Information

Attach a Supplemental Information File

- You can attach up to 10 files to provide additional information.
 - Preferred file formats: Word, WordPerfect, Excel, PDF, or text.
 - Audio and video files (such as mp3, m4b, wav) cannot be uploaded. The maximum file size allowed is 20 MB. Contact us if you need assistance.
 - On the Location screen you will be asked to attach a map.

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
 - 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) to scale that clearly shows the location of your proposed activity and any environmental aspects of interest.

***Take Table**

The take table summarizes the **estimated number of animals** you expect to encounter **annually** during research.

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.
- 2) **Species**: Use the drop down list to select one species. The GA is for non-ESA listed species only. You **cannot** select endangered or threatened species.
- 3) **Listing Unit/Stock**: Select the applicable stock. Only choose Range-wide if your location has multiple stocks of the same species and you cannot distinguish them while in the field.
- 4) **Production/Origin**: Select Wild.
- 5) **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 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 approached regardless of whether a behavioral reaction has occurred.

- During vessel 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.
- During aerial surveys (manned or UAS) flown at an altitude lower than 1,000 feet, count 1 take per animal observed per day, regardless of the number of passes over the same animal.

For pinnipeds, you will count 1 take per animal per day for those animals that react to the research, regardless of the number of 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.

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.

For cetaceans and pinnipeds: in the Project Description (above), you must indicate **how many times per day** you would approach the same animal or group of animals as well as how many times per year you will target the same group of animals.

- 8) **Takes Per Animal:** Estimate the number of times the same identifiable individuals will be encountered annually, if known. If you are not certain the same individuals will be encountered, enter 1. If you intend to resample/re-sight the same individuals, enter the number of intentional takes per year.
- 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. If you will be approaching animals from a boat to fly UAS surveys, select “survey, aerial/vessel.”
- 11) **Procedures:** Provide specific information on the research activities that may cause Level B harassment. 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.
- 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 that is shorter than the overall duration of the project.
- 13) **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.
- 14) **Details:** Enter up to 255 characters in this text box to provide details (optional).

*National Environmental Policy Act (NEPA) Considerations

Answer these questions on the potential environmental effects of your proposed activities. Your responses are required to help us determine what level of NEPA analysis is required (categorically excluded vs. environmental assessment vs. environmental impact statement). 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.

Table 1. Project Contact Guidance

Project Contact	Must be named in the LOC	Able to make changes to the LOI, request changes to the LOC, and submit reports; will receive automatic emails from APPS.	Description of qualifications required
Applicant/Permit Holder	✓	✓	✓
Responsible Party	✓	✓	Required only if also serving as the PI or a CI
Principal Investigator	✓	✓	✓
Primary Contact	✓	✓	
Co-Investigator	✓		✓
Research Assistants			

To prevent duplicate entries, **you MUST ALWAYS search APPS 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 LOC.

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 authorized by the LOC
- 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.

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 an LOC 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.**

Table 2. Personnel Roles in Research

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 corresponding to their duties.

Submit the following information to show that the qualifications and experience of the PI and each CI correspond to their duties listed in the Personnel Roles table. **A biosketch, resume, or CV must be up to date and contain all relevant information listed below.**

If you do not provide sufficient information, we will not authorize the person(s) to conduct the research activities.

- 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)
 - Current affiliation
 - Business mailing address, email, and phone

- 2) **Education and training relevant to the research**
 - Degree, major, name of institution, year received
 - Applicable certificates or licenses, year received
 - Other relevant training or certification, year received

- 3) **Experience relevant to the research**
 - 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 Table 2 (Personnel Roles). 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 the activities without supervision or have supervised the proposed activities

- 4) **List of awarded grants** – to demonstrate resources available for the proposed research and/or to show a history of securing resources for similar work.

- 5) **Annotated publication history** - relevant to the activities being conducted under the GA.

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:

<https://www.gpo.gov/fdsys/granule/CFR-2009-title50-vol7/CFR-2009-title50-vol7-sec216-45>. MMPA section 104 is available at the following web site:
<https://www.fisheries.noaa.gov/marine-mammal-protection-act>.

Paperwork Reduction Act Statement

The information requested in this application is required. It will be 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,
- whether the research as described in the LOI is *bona fide*, and
- 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 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.

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.

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