

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

This determination is issued and published pursuant to sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221.

Dated: March 6, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

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DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement (NAFTA), Article 1904; Binational Panel Review: Notice of Panel Decision

AGENCY: United States Section, NAFTA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice of Panel Decision.

SUMMARY: On March 6, 2026, the Binational Panel issued its Decision on the Redetermination on Remand in the matter of Certain Softwood Lumber Products from Canada: Final Affirmative Countervailing Duty Determination

(Secretariat File Number: USA-CDA-2017-1904-02). The Binational Panel affirmed in part and remanded in part the Department of Commerce's Redetermination on Remand.

FOR FURTHER INFORMATION CONTACT:

Vidya Desai, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, (202) 482-2311.

SUPPLEMENTARY INFORMATION: Chapter 19 of Article 1904 of NAFTA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to provide judicial review of the trade remedy determination being challenged and then issue a binding Panel Decision. There are established *Rules of Procedure for Article 1904 Binational Panel Reviews*, which were adopted by the three governments for panels requested pursuant to Article 1904(2) of NAFTA. The notice of this Binational Panel's Decision is being published pursuant to Rule 70. For the complete Rules, please see https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/nafta-alena-tlcan/rules-regles-reglas/article-article-articulo_1904.aspx?lang=eng.

Dated: March 6, 2026.

Vidya Desai,

United States Secretary, NAFTA Secretariat.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF548]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Eareckson Air Station Fuel Pier Repair in Alcan Harbor on Shemya Island, Alaska

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

ACTION: Notice; request for comments on proposed renewal incidental harassment authorization.

SUMMARY: NMFS received a request from the U.S. Army Corps of Engineers (USACE) on behalf of the United States Air Force Pacific Air Forces Regional Support Center (USAF) for the renewal of their currently active incidental

harassment authorization (IHA) to take marine mammals incidental to the Eareckson Air Station Fuel Pier Repair Project in Alcan Harbor on Shemya Island, Alaska. USAF's activities are nearly identical to those covered in the current authorization and will not be completed prior to the IHA's expiration. Pursuant to the Marine Mammal Protection Act (MMPA), prior to issuing the currently active IHA, NMFS requested comments on both the proposed IHA and the potential for renewing the initial authorization if certain requirements were satisfied. The renewal requirements have been satisfied, and NMFS is now providing an additional 15-day comment period to allow for any additional comments on the proposed renewal not previously provided during the initial 30-day comment period.

DATES: Comments and information must be received no later than March 26, 2026.

ADDRESSES: Comments should be addressed to the Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, and should be submitted via email to ITP.fleming@noaa.gov. Electronic copies of the original application, renewal request, and supporting documents (including NMFS' Federal Register notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. In case of problems accessing these documents, please call the contact listed below.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Kate Fleming, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Section 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as “mitigation”); and requirements pertaining to the monitoring and reporting of the takings. The definition of all applicable MMPA statutory used above are included in the relevant sections below and can be found in section 3 of the MMPA (16 U.S.C. 1362) and the NMFS’s implementing regulations at 50 CFR 216.103.

NMFS’ regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed 1 year for each reauthorization. In the notice of proposed IHA for the initial IHA, NMFS described the circumstances under which we would consider issuing a renewal for this activity, and requested public comment on a potential renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time, 1-year renewal of an IHA following notice to the public providing an additional 15 days for public comments when: (1) up to another year of identical, or nearly identical, activities as described in the Detailed Description of Specified Activities section of the initial IHA issuance notice is planned or (2) the activities as described in the Description of the Specified Activities and Anticipated

Impacts section of the initial IHA issuance notice would not be completed by the time the initial IHA expires and a renewal would allow for completion of the activities beyond that described in the **DATES** section of the notice of issuance of the initial IHA, provided all of the following conditions are met:

1. A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).

2. The request for renewal must include the following:

- An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take); and

- A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

3. Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed renewal. A description of the renewal process may be found on our website at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals>. Any comments received on the potential renewal, along with relevant comments on the initial IHA, have been considered in the development of this proposed IHA renewal, and a summary of agency responses to applicable comments is included in this notice. NMFS will consider any additional public comments prior to making any final decision on the issuance of the requested renewal, and agency responses will be summarized in the final notice of our decision.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.*, the issuance of a renewal IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has preliminarily determined that the application of this categorical exclusion remains appropriate for this renewal IHA.

History of Request

On April 21, 2025, NMFS issued an IHA to USAF to take marine mammals incidental to the Eareckson Fuel Pier Repair in Alcan Harbor in Shemya Island, Alaska (90 FR 17410, April 25, 2025), effective from April 21, 2025 through April 20, 2026. On January 30, 2026, NMFS received an application for the renewal of that initial IHA. As described in the application for renewal IHA, the activities for which incidental take is requested are nearly identical to those covered in the initial authorization, consisting of activities that are covered by the initial authorization but will not be completed prior to its expiration. USAF submitted a revised version on February 9, 2026, which was deemed adequate and complete. As required, the applicant also provided a preliminary monitoring report which confirms that the applicant has implemented the required mitigation and monitoring, and which also shows that no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted.

NMFS first received an application from U.S. Army Corps of Engineers on behalf of USAF for an IHA to take marine mammals incidental to construction associated with the EAS Fuel Pier repair in Alcan Harbor on Shemya Island, Alaska on May 15, 2023. NMFS published a notice of a proposed

IHA and request for comments in the **Federal Register** on October 10, 2023 (88 FR 74451) and issued this IHA on March 5, 2024 [89 FR 17423, March 11, 2024; (2024 IHA)]. On September 23, 2024, USAF informed NMFS that work on the project experienced significant delays and would not be completed during the 2024 IHA time period. NMFS published a notice of a proposed 2025 IHA and request for comments in the **Federal Register** on March 13, 2025 (90 FR 11952). As described above, NMFS issued the 2025 IHA to USAF on April 21, 2025 (90 FR 17410, April 25, 2025).

Description of the Specified Activities and Anticipated Impacts

The purpose of this construction project is to conduct long-term repairs on the only existing fuel pier at Eareckson Air Station on Shemya Island, Alaska. As described in detail in the notice for the initial 2025 IHA (90 FR 11952, March 13, 2025; 90 FR 17410, April 25, 2025) and the original 2024 notices (88 FR 74451, October 31, 2023; 89 FR 17423, March 11, 2024), the in-water construction activity include installation and removal of temporary 30-inch (in) (0.8 meter (m)) steel pipe piles and installation of permanent 42-in (1 m) steel interlocking pipe piles with vibratory and impact hammers and down-the-hole (DTH) drilling. During the 2025 construction season, 11 out of 60 30-in temporary steel pipe piles and 32 out of 208 42-in permanent interlocking steel pipe piles were installed, and 10 out of 64 30-in temporary steel pipe piles were removed. This work was completed over 42 construction days. The remaining necessary activities include installation of 49 30-in temporary steel pipe piles and 176 42-in permanent steel interlocking pipe piles, and the removal of 54 30-in temporary steel piles.

A minor change to the activities conducted by USAF was described in the renewal letter. The initial 2025 IHA noted that the vibratory pile driving and removal of 30-in steel pipe piles would be limited to 60 minutes per day (4 piles at 15 minutes each), and vibratory pile driving of 42-in steel interlocking pipe piles would be limited to 120 minutes

per day (4 piles at 30 minutes each). Under this renewal, USAF would increase the daily amount of vibratory pile driving or removal of 30-in steel pipe piles to 120 minutes (8 piles at 15 minutes each), and increase the daily amount of vibratory pile installation of 42-in interlocking steel pipe piles to 210 minutes (7 piles at 30 minutes each). Additionally, USAF would conduct vibratory pile driving activities during low-light conditions, where Protected Species Observers (PSOs) would use equipment such as infrared light bars, night vision devices, and thermal imaging to ensure sufficient visibility. USAF proposes these changes to help address slower production rates than originally estimated, given challenging environmental conditions and mechanical delays.

These changes would increase the size of the estimated Level A harassment zones and the shutdown zones associated with vibratory pile driving and removal (see Description of Proposed Mitigation, Monitoring, and Reporting Measures). The increase to proposed shutdown zones for vibratory pile driving and removal activities follows the same goals for mitigation articulated in the notice of the initial proposed 2025 IHA, *i.e.*, the shutdown zones are equal to the estimated Level A harassment zones, and there is no increase to the estimated take numbers. Therefore, NMFS has determined that these changes are minor and that the requested renewal IHA is appropriate. Given delays from mechanical failures and inclement weather, USAF estimates that construction would be completed in 173 construction days under this renewal rather than 160 days as estimated in the initial 2025 IHA. Sounds produced by these activities may result in take, by Level A harassment and Level B harassment, of marine mammals located in Alcan Harbor, Alaska.

NMFS proposes to authorize incidental take at the same levels as authorized in the initial 2025 IHA, except for Steller sea lion (take proposed for authorization has been reduced by the amount of potential take reported during completion of activities

under the 2025 IHA, to maintain consistency with the associated Biological Opinion). A total of 12 marine mammal species (15 stocks) are expected to experience Level B harassment and 8 species (10 stocks) have the potential for Level A harassment (see Estimated Take).

All documents related to the initial 2025 IHA and the original 2024 IHA are available on our website: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-pacific-air-forces-regional-support-centers-construction-0>.

Detailed Description of the Activity

A detailed description of the construction activities for which take is proposed here may be found in the Notices of the Proposed (90 FR 11952, March 13, 2025) and Final 2025 IHA (90 FR 17410, April 25, 2025), and/or the Notices of the Proposed (88 FR 74451, October 31, 2023) and Final 2024 IHA (89 FR 17423, March 11, 2024) . The location, timing, and nature of the activities, including the types of equipment planned for use, are a subset of and nearly identical to those described in the previous notices. The only minor change is the increase of vibratory installation and removal of 30-in steel pipe piles from 60 minutes per day to 120 minutes per day and the increase of vibratory installation of 42-in steel interlocking pipe piles from 160 minutes per day to 210 minutes per day (table 1). The longer duration of vibratory hammer use would create larger harassment and, therefore, larger shutdown zones than those analyzed in the initial 2025 IHA. USAF would also include vibratory pile driving and removal at night, and anticipates that work would occur over 173 construction days rather than 160 days. NMFS has preliminarily determined that the amount of take authorized through the initial 2025 IHA remains sufficient to cover the likely effects of the planned activity, and no changes to the authorized take numbers are proposed, other than to account for reported potential takes of Steller sea lion.

USAF's proposed revisions are summarized in table 1 below.

TABLE 1—PRODUCTION RATES FOR VIBRATORY PILE DRIVING AND REMOVAL ACTIVITIES INCLUDED IN THE INITIAL IHA AND USAF’S PROPOSED REVISIONS FOR THE RENEWAL

	Initial IHA		Proposed revision	
	Temporary pile installation and removal: 30-in steel	Permanent pile installation: 42-in steel	Temporary pile installation and removal: 30-in steel	Permanent pile installation: 42-in steel
Maximum piles per day	4	4	8	7

TABLE 1—PRODUCTION RATES FOR VIBRATORY PILE DRIVING AND REMOVAL ACTIVITIES INCLUDED IN THE INITIAL IHA AND USAF'S PROPOSED REVISIONS FOR THE RENEWAL—Continued

	Initial IHA		Proposed revision	
	Temporary pile installation and removal: 30-in steel	Permanent pile installation: 42-in steel	Temporary pile installation and removal: 30-in steel	Permanent pile installation: 42-in steel
Minutes per pile	15	30	15	30
Minutes per day	60	120	120	210

The proposed renewal would be effective for a period not exceeding 1 year from the date of expiration of the initial 2025 IHA.

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which authorization of take is proposed here, including information on abundance, status, distribution, and hearing, may be found in the Notices of the Proposed (90 FR 11952, March 13, 2025) and Final 2025 IHA (90 FR 17410, April 25, 2025) for the initial 2025 authorization, and the Notices of the Proposed (88 FR 74451, October 31, 2023) and Final 2024 IHA (89 FR 17423, March 11, 2024). NMFS has reviewed the monitoring data from the initial 2025 IHA, current Stock Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature, and determined there is no new information that affects which species or stocks have the potential to be affected or the pertinent information in the Description

of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the initial IHA.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which authorization of incidental take is proposed here may be found in the Notices of the Proposed (88 FR 74451, October 31, 2023) and Final 2024 IHA (89 FR 17423, March 11, 2024). NMFS has reviewed the monitoring data from the initial 2025 IHA, current Stock Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature, and determined that there is no new information that affects our initial analysis of impacts on marine mammals and their habitat.

Estimated Take

A detailed description of the methods used to estimate take for the specified

activity are found in the notices of the Notices of the Proposed (90 FR 11952, March 13, 2025) and Final 2025 IHAs (90 FR 17410, April 25, 2025), and the Notices of the Proposed (88 FR 74451, October 31, 2023) and Final 2024 IHA (89 FR 17423, March 11, 2024). The source levels and marine mammal occurrence data applicable to this authorization remain unchanged from the previously issued IHAs.

USAF and NMFS reanalyzed the Level A harassment zones for vibratory pile installation and removal activities to reflect USAF's proposed revisions (table 1), using the optional User Spreadsheet tool described in the initial 2025 IHA (90 FR 17410, April 25, 2025). Table 2 provides the calculated Level A harassment isopleths from the initial 2025 IHA, and table 3 provides the calculated Level A harassment isopleths given the revised minutes of vibratory pile driving proposed by USAF.

TABLE 2—PROJECT DISTANCES TO LEVEL A AND LEVEL B HARASSMENT ISOPLETHS (m) BY MARINE MAMMAL HEARING GROUP BASED ON PRODUCTION RATES ANALYZED UNDER THE INITIAL 2025 IHA [90 FR 17410, April 25, 2025]

Pile size/type	Level A harassment isopleths (m)					Level B harassment (m)
	LF	HF	VHF	PW	OW	
Vibratory Installation and Removal						
42-in interlocking steel	44.2	17.0	36.1	56.9	19.2	16,343
30-in steel pipe	19.9	7.6	16.2	25.6	8.6	11,659
DTH						
42-in interlocking steel	2,540	324.1	3,930.8	2,256.5	841.1	39,811
30-in steel pipe	2,249.4	287.0	3,480.9	1,998.2	744.9	39,811
Impact Pile Driving						
42-in interlocking steel	2,007.8	256.2	3,107.0	1,783.6	664.9	1,359
30-in steel pipe	930.4	118.7	1,439.9	826.6	308.1	1,166

Note: LF = Low frequency cetaceans; HF = high frequency cetaceans; VHF = Very high frequency cetaceans; PW = Phocids; OW = Otariids.

TABLE 3—PROJECT DISTANCES TO LEVEL A AND LEVEL B HARASSMENT ISOPLETHS (m) BY MARINE MAMMAL HEARING GROUP BASED ON PRODUCTION RATES PROPOSED FOR THE RENEWAL

Pile size/type	Level A harassment isopleths (m)					Level B harassment (m)
	LF	HF	VHF	PW	OW	
Vibratory Installation and Removal						
42-in interlocking steel	64.2	24.7	52.4	82.6	27.8	16,343
30-in steel pipe	31.5	12.1	25.6	40.6	13.7	11,659
DTH						
42-in interlocking steel	2,540	324.1	3,930.8	2,256.5	841.1	39,811
30-in steel pipe	2,249.4	287.0	3,480.9	1,998.2	744.9	39,811
Impact Pile Driving						
42-in interlocking steel	2,007.8	256.2	3,107.0	1,783.6	664.9	1,359
30-in steel pipe	930.4	118.7	1,439.9	826.6	308.1	1,166

Note: Bolded values reflect changes from the 2025 IHA and are based on USAF's proposed daily increase in the planned number of piles to be vibratory installed or removed.

USAF would continue to implement shutdown zones that are equivalent to the Level A harassment zones during all vibratory pile driving and removal activities for all hearing groups, as described in the initial 2025 IHA (90 FR

17410, April 25, 2025). While USAF estimates a small increase in the number of construction days needed to complete the project under this renewal, data reported by PSOs monitoring during the 2025 construction period do not suggest

that authorization of additional take is warranted. Similarly, the stocks taken, methods of take, and types of take remain unchanged from the previously issued IHA, as do the number of takes, which are indicated in table 4.

TABLE 4—ESTIMATED TAKE BY LEVEL A AND LEVEL B HARASSMENT, BY SPECIES AND STOCK

Species	Stock	Take by Level B harassment	Take by Level A harassment	Proposed take as a percentage of stock abundance
Fin whale	Northeast Pacific	14	7	<1
Humpback whale	Western North Pacific	3	1	<1
	Mexico-North Pacific	10	2	1.3
	Hawai'i	118	20	< 1
Minke whale	Alaska	5	3	<1
Sperm whale	North Pacific	40	0	16.2
Baird's beaked whale	Alaska	10	0	(*)
Stejneger's beaked whale	Alaska	8	0	(*)
Killer whale	ENP Alaska Resident	176	0	9.1
	ENP Gulf of Alaska, Aleutian Islands, and Bering Sea			30
Dall's porpoise	Alaska	21	19	< 1
Harbor porpoise	Bering sea	9	6	< 1
Northern fur seal	Eastern Pacific	5		< 1
Steller sea lion	Western, U.S.	**87	10	< 1
Harbor seal	Aleutian Islands	319	176	9

* Reliable abundance estimates for these stocks are currently unavailable.

** While NMFS authorized 89 takes by Level B harassment under the initial IHA, NMFS is proposing to authorize 87 takes by Level B harassment to stay consistent with the existing Biological Opinion for this project.

Description of Proposed Mitigation, Monitoring and Reporting Measures

The proposed mitigation, monitoring, and reporting measures included as requirements in this authorization are identical to those included in the **Federal Register** notice announcing the issuance of the initial 2025 IHA (90 FR 17410, April 25, 2025), and the discussion of the least practicable adverse impact included in that document and the Notice of the proposed IHA remains accurate. The

following measures are proposed for this renewal:

- USAF must employ NMFS-approved PSOs and establish monitoring locations to the maximum extent possible based on the required number of PSOs, required monitoring locations, and environmental conditions.
- Monitoring must take place from 30 minutes prior to initiation of pile driving activity (*i.e.*, pre-start clearance monitoring) through 30 minutes post completion of pile driving activity.

• Pre-start clearance monitoring must be conducted during periods of visibility sufficient for the lead PSO to determine that the shutdown zones are clear of marine mammals.

• If a marine mammal is observed entering or within the shutdown zones pile driving activity must be delayed or halted.

• If pile driving is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been

visually confirmed beyond the required shutdown zones or 15 minutes have passed (delphinids and pinnipeds) or 30 minutes for all other species without redetection of the animal.

- Soft start techniques must be used when impact pile driving.
- Pile driving activity must be halted upon observation of either a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met, entering or within the harassment zone.
- USAF must shut down construction operations if a marine mammal comes within 10 m of construction activity to avoid direct physical interaction with marine mammals.
- USAF must submit a draft marine mammal monitoring report to NMFS within 90 days after the completion of pile driving activities or 60 calendar

days prior to the requested issuance of any subsequent IHA for construction activity at the same location, whichever comes first. A final report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report.

- All injured or dead marine mammals must be reported to the Office of Protected Resources and to the Alaska Regional stranding network.

As noted above, the proposed increase in vibratory pile installation or removal time from 60 minutes per day to 120 minutes per day (30-in steel pipe piles) and from 120 minutes per day to 210 minutes per day (42-in steel interlocking pipe piles) has increased the size of the associated Level A harassment zones. As such, the proposed shutdown zones for these same activities have been revised.

Consistent with the mitigation required through the initial IHA, during all vibratory pile driving and removal activities for all hearing groups, and during all other activities for high frequency cetaceans, USAF will implement shutdown zones equivalent to the estimated Level A harassment isopleths. For all other hearing groups, during DTH and impact pile driving, shutdown zones are established at the distance that these species are assumed to be able to be reliably observed under typical conditions at the location.

Table 5 provides the shutdown zones from the initial 2025 IHA, and table 6 provides the revised shutdown zones under this renewal given the revised minutes of vibratory pile driving and removal proposed by USAF.

TABLE 5—SHUTDOWN ZONES REQUIRED UNDER THE INITIAL IHA

Activity	Pile diameter	Shutdown zones				
		LF	HF	VHF	PW	OW
Vibratory Installation and Removal	42-in	50	50	50	60	50
	30-in	25	25	25	30	25
DTH	42-in	1000	350	500	400	400
	30-in		290			
Impact	42-in		260			
	30-in		120			

TABLE 6—PROPOSED SHUTDOWN ZONES UNDER THE RENEWAL IHA

Activity	Pile diameter	Shutdown zones				
		LF	HF	VHF	PW	OW
Vibratory Installation and Removal	42-in	65	50	55	85	50
	30-in	35	25	30	45	25
DTH	42-in	1000	350	500	400	400
	30-in		290			
Impact	42-in		260			
	30-in		120			

* Bold font represents a change from the initial IHA.

Comments and Responses

As noted previously, NMFS published a notice of a proposed IHA (90 FR 11952, March 13, 2025) and solicited public comments on both our proposal to issue the initial IHA for construction activities associated with the project and on the potential for a renewal IHA, should certain requirements be met. No public comments were received on the proposed IHA.

Preliminary Determinations

The construction activities are nearly identical to those analyzed for the initial IHA, as are the method of taking and the effects of the action. The higher minutes of vibratory pile driving and removal

time each day does increase the size of the Level A harassment zones and shutdown zones slightly for these activities. This increase in zone sizes, however, does not change the anticipated take numbers analyzed in the initial IHA. In analyzing the effects of the activities for the initial IHA, NMFS determined that the USAF's activities would have a negligible impact on the affected species or stocks and that the authorized take numbers of each species or stock were small relative to the relevant stocks (e.g., less than one-third of the abundance of all stocks). Aside from the revised shutdown zones associated with vibratory pile driving and removal

activities, the mitigation measures and monitoring and reporting requirements as described above are identical to the initial 2025 IHA.

NMFS has preliminarily concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) the required mitigation measures will affect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3)

the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) USAF's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action; and (5) appropriate monitoring and reporting requirements are included.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA, 16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

The NMFS Alaska Regional Office issued a Biological Opinion under section 7 of the ESA (16 U.S.C. 1531 *et seq.*) on the issuance of an IHA and potential renewal IHA to USAF under section 101(a)(5)(D) of the MMPA by the NMFS Office of Protected Resources. The Biological Opinion concluded that the action is not likely to jeopardize the continued existence of ESA-listed fin whales (Northeast Pacific), humpback whales (Western North Pacific and Mexico North Pacific), sperm whales (North Pacific), and Steller sea lions (Western North Pacific).

Proposed Renewal IHA and Request for Public Comment

As a result of these preliminary determinations, NMFS proposes to issue a renewal IHA to USAF for conducting the Eareckson Fuel Pier Repair Project in Alcan Harbor on Shemya Island, Alaska between April 21, 2026 and April 20, 2027, provided the previously described mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed and final initial 2025 IHA can be found at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. We request comment on our analyses, the proposed renewal IHA, and any other aspect of this notice. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for this renewal IHA.

Dated: March 9, 2026.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF590]

Implementation of Fish and Fish Product Import Provisions of the Marine Mammal Protection Act—Notification of Comparability Findings

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

ACTION: Notice of comparability findings.

SUMMARY: Under the authority of the Marine Mammal Protection Act (MMPA), the NMFS Assistant Administrator for Fisheries (Assistant Administrator) announces comparability finding determinations for the Government of New Zealand's (GNZ) North Island and South Island multi-species set net fisheries and North Island and South Island multi-species trawl fisheries. NMFS bases the comparability findings on documentary evidence submitted by the GNZ and other relevant, readily available information.

DATES: These comparability findings are valid and in effect from March 11, 2026 through December 31, 2029, or for such other period as NMFS may specify.

FOR FURTHER INFORMATION CONTACT: Mi Ae Kim, Office of International Affairs, Trade, and Commerce, NMFS, mmpa.loff@noaa.gov, or by phone at (301) 427-8365.

SUPPLEMENTARY INFORMATION:

Background

The MMPA requires the United States to ban the importation of commercial fish or fish products that have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of U.S. standards (16 U.S.C. 1371(a)(2)). For the purposes of applying this import ban, the Secretary of Commerce shall insist on reasonable proof from the government of any nation from which fish or fish products will be exported to the United States of the effects on ocean mammals of the commercial fishing

technology in use for such fish or fish products exported from such nation to the United States (16 U.S.C. 1371(a)(2)(A)).

In August 2016, NMFS published a final rule (81 FR 54390; August 15, 2016) (Final Rule) implementing the fish and fish product import provisions in section 1371(a)(2) of the MMPA. The Final Rule established a process to evaluate a harvesting nation's regulatory program concerning the incidental and intentional mortality and serious injury of marine mammals in fisheries operated by nations that export fish and fish products to the United States. Under the Final Rule, a valid comparability finding for a fishery must be in effect for the importation of fish and fish products into the United States.

The GNZ submitted its comparability finding application to NMFS, including information pertaining to the North Island and South Island multi-species set net and trawl fisheries. NMFS issued comparability findings for a select number of New Zealand's fisheries (*i.e.*, West Coast North Island multi-species set net and trawl fisheries) in November 2020. *See* 85 FR 71297 (November 9, 2020). Following the publication of the findings, two environmental organizations filed a lawsuit against NMFS claiming that its comparability findings violated the MMPA and Administrative Procedure Act (APA). *See Sea Shepherd New Zealand and Sea Shepherd Conservation v. United States, et al.*, Case No. 20-00112. A brief history of the litigation can be found at 89 FR 4595 (January 24, 2024). In response to the litigation, the GNZ submitted supplemental documentary evidence regarding its regulatory program pertaining to the West Coast North Island multi-species set net and trawl fisheries. NMFS reconsidered its earlier comparability findings issued on November 9, 2020, based on the supplemental information provided and issued new comparability findings for these fisheries on January 24, 2024. *See* 89 FR 4595 (January 24, 2024).

A new lawsuit was initiated by a different environmental organization on December 4, 2024, challenging NMFS' January 24, 2024 comparability findings. *See Maui and Hector's Dolphin Defenders NZ Inc. v. National Marine Fisheries Service, et al.*, Case No. 1:24-cv-00218 (CIT) (*MHDD v. NMFS I*). Plaintiff asserted that NMFS' comparability findings and its failure to ban imports from New Zealand's West Coast North Island multi-species set net and trawl fisheries (specifically from Fishery IDs 1969 and 1977) violated the MMPA and APA. On August 26, 2025, the U.S. Court of International Trade