



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE
1011 East Tudor Road
Anchorage, Alaska 99503



In Reply Refer to:
FWS/R7/AFES/MMM

March 27, 2026

Jeanette Holt
Alaska Railroad Corporation
327 West Ship Creek Ave.
Anchorage, Alaska 99501

Dear Ms. Holt:

Thank you for the submission of your request for an authorization under the Marine Mammal Protection Act (MMPA) for harassment of northern sea otters (*Enhydra lutris kenyoni*) incidental to your proposed marine construction activities in Seward, Alaska.

Under the MMPA, otherwise prohibited incidental taking by harassment of small numbers of marine mammals may be authorized by the U.S. Fish and Wildlife Service (FWS) for a period of up to one year, provided certain findings are made. The FWS must find the total taking will affect only small numbers of individuals of the species or stock, will have no more than a negligible impact on the species or stock, and will not have an unmitigable adverse impact on the availability of these species or stock for taking for subsistence use by Alaska Natives. If the requisite findings are made, we issue an authorization that sets forth permissible methods of taking, means of effecting the least practicable adverse impact (LPAI) on the species or stock, its habitat, and the availability for subsistence uses, and requirements for monitoring and reporting of such taking by harassment.

Your request describes project activities that will occur over a period of one year, and disturbance is expected to be limited to the Resurrection Bay area. We are reviewing the request, and are in the process of determining whether it is adequate and complete. Meanwhile, we are preparing a Proposed Incidental Harassment Authorization (IHA). We are also reviewing the project's proposed mitigation measures submitted through your Protected Species Monitoring and Mitigation Plan and the FWS Marine Mammals LPAI Worksheet.

At this time, we have yet to identify any additional mitigation measures not already included in your request that would be both effective in reducing impacts and also practicable, however such measures may be identified during further development of the proposed IHA and after review of public comment. If you have any questions regarding this process, please reach out to Ms. Leslie Curran, Regulatory Biologist, at leslie_curran@fws.gov.

Sincerely,

Stephanie Burgess
Regulatory Program Lead
Marine Mammals Management