

9. Endangered Species Act and Marine Mammal Protection Act

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9.1. Introduction

This chapter describes the procedures for complying with the [Endangered Species Act](#) (ESA) and the [Marine Mammal Protection Act \(MMPA\)](#), including integration of the two processes. The ESA was enacted in 1973 to provide for the conservation of species that are threatened or endangered (T&E) throughout all, or a significant portion of, their range. The ESA also provides for the conservation of the ecosystems on which these species depend. The MMPA was enacted in 1972 and protects all marine mammals, regardless of their status under the ESA.

9.1.1. Consultation Requirements

Section 7 of the ESA requires federal action agencies to consult with the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) on proposed actions that may affect ESA-listed T&E species or their designated critical habitat. Section 7 of the ESA also requires federal action agencies to confer with USFWS or NMFS (the Service¹) on any agency action that is likely to jeopardize the continued existence of any species proposed to be listed under the ESA, or actions that may result in the destruction or adverse modification of critical habitat proposed to be designated for such species. Though consultation is not required under the MMPA for non-T&E marine mammals, early coordination with NMFS is recommended to determine if MMPA authorization is needed.

The purpose of consultation for T&E species is to ensure that any federal action authorized, funded, or carried out is not likely to jeopardize the continued existence of any T&E species or result in the destruction or adverse modification of critical habitat, unless the agency has been granted an exception for such action. Implementing regulations for interagency cooperation with respect to Section 7 are found in [50 CFR 402](#). The Services follow the same Section 7 consultation process and use the same [Consultation Handbook](#) for guidance.

9.1.2. Definitions of Take

Both the ESA and MMPA prohibit the “take” of species under their protection. The ESA defines take as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.” ([ESA](#)). Note that the “harass” and “harm” are not defined in the ESA but are subject to the NMFS and USFWS interpretations of the terms. “Harm” includes significant habitat modification or degradation, and “harass” includes actions that disrupt normal behavior patterns. The MMPA defines take as “to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal” ([MMPA](#)).

¹ The term “the Service” is used in this manual to refer to NMFS or the USFWS, as appropriate.

9.1.3. Authorization of Take

For T&E species and marine mammals, it may be necessary to obtain Incidental Take Authorization (ITA) under both the ESA and MMPA. In these cases, MMPA compliance is integrated into the ESA Section 7 consultation process. This should be considered in the project's timeline.

9.2. Identification of Protected Species and/or Habitat

Early in the environmental process the Environmental Impact Analyst will determine whether a T&E species, proposed species, or designated or proposed critical habitat may be present in the project "action area" (i.e., all areas directly or indirectly affected by the action as defined by [50 CFR 402.02](#)). The Environmental Impact Analyst will also determine whether any marine mammals may be present in the action area.

A proposed action must be considered along with any interrelated and interdependent actions. Interrelated actions are those that are part of a larger action and depend on the larger action for their justification. Interdependent actions are those that have no independent utility apart from the action under consideration.

The following online tools are available to identify T&E species, proposed species, marine mammals, and designated and proposed critical habitat:

- The [NMFS Marine Mammal Species Range and Critical Habitat Interactive Map](#) (also called the NMFS ESA/MMPA Mapper)
- [ESA Petitions Awaiting 90-day Findings](#)
- The [USFWS Information for Planning and Consultation tool](#)

9.3. Determinations of Effect under ESA

When a T&E or proposed species or designated or proposed critical habitat may be present in the action area, the Environmental Impact Analyst must evaluate the best available information and determine the proposed action's potential effects. The effects resulting from each component of the project must be considered when making an effect determination, as each component of a project may affect a T&E species differently. Common components of a DOT&PF project include, but are not limited to: earthwork (e.g., grading, cutting, or filling); vegetation removal or clearing; in-water work (e.g., culvert replacement or fill placement); construction activities that take place from a vessel; and construction activities that considerably increase noise above background levels (e.g., blasting near and/or within water or pile driving).

In addition, the Environmental Impact Analyst must consider how proposed impact avoidance and minimization measures might change the impacts of the proposed action. Common avoidance and minimization measures include but are not limited to: timing restrictions; exclusion zones; noise mitigation measures; and restoration of areas disturbed by the project (e.g., re-vegetation or removal of temporary fill).

Analysis of the effects will result in one of three possible determinations: No Effect; May Affect, Not Likely to Adversely Affect; or May Affect, Likely to Adversely Affect.

9.3.1. No Effect

A "No Effect" determination is appropriate if the proposed action and its interrelated or interdependent actions will not directly or indirectly affect a T&E species or designated critical habitat. In this case, consultation with the Service is not required.

9.3.2. May Affect, Not Likely to Adversely Affect

"May Affect, Not Likely to Adversely Affect" is the appropriate determination when the proposed action may affect T&E species or designated critical habitat, but potential effects would be discountable, insignificant, or completely beneficial.

- Discountable effects are those that are extremely unlikely to occur.

- Insignificant effects:
 - Relate to the size of the impact and are those that are undetectable, not measurable, or so minor that they cannot be meaningfully evaluated;
 - Should never reach the scale where take occurs; and
 - With regard to critical habitat, are those that are so temporary and/or minor that no discernible impact on the physical and biological features of the habitat would occur.
- Beneficial effects are contemporaneous positive effects without any adverse effects on the species or their habitat.

In the case of a “may affect, not likely to adversely affect” determination, the Regional Environmental Manager (REM) proceeds with informal consultation with the Service. For informal consultation, the REM must send the first letter requesting informal consultation but can designate an Environmental Impact Analyst as the point of contact for the Service for the remainder of the informal consultation. The REM must be copied on all correspondence, including email. The REM is ultimately responsible for ensuring informal consultation is complete. Procedures for informal consultation are provided in Section 9.4.1.

Note that, during the informal consultation process, the determination of effect may change at the discretion of the Service.

9.3.3. May Affect, Likely to Adversely Affect

“May Affect, Likely to Adversely Affect” is the appropriate determination if the proposed action would adversely affect T&E species or their designated critical habitat. Adverse effects are those resulting directly or indirectly from the proposed action or its interrelated or interdependent actions, and include impacts that are not discountable, not insignificant, or not completely beneficial. When the overall effect of the proposed action is beneficial to the T&E species but may also result in some adverse effects during implementation (e.g., habitat restoration), the proposed action is “likely to adversely affect” the T&E species and/or its critical habitat. When a “likely to adversely affect” determination is made, formal ESA Section 7 consultation is required, and the Service is responsible for completing a Biological Opinion (BiOp) on the proposed action. The analysis described in the BiOp is used by the Service to determine whether the action is likely to jeopardize the continued existence of a T&E species. Procedures for formal consultation are provided in Section 9.4.2.

9.4. ESA Section 7 Consultation Process

The need for and level of consultation are based on the Environmental Impact Analyst’s determination of effect as shown in Table 9-1.

**Table 9-1.
Section 7 ESA Effects Determination Options**

Species/Critical Habitat Status	Determination	Level of Consultation
Any	No Effect	Not needed
Listed or Designated	May affect, not likely to adversely affect	Informal
Listed or Designated	May affect, likely to adversely affect	Formal
Proposed	May affect ^a	Conference

^a The consultation document may also provide a conditional or provisional effect determination in the event that the listing of species or designation of critical habitat changes prior to project completion.

When consultation is needed, first identify which agency has jurisdiction over the listed or proposed species or designated/proposed critical habitat. In Alaska, the USFWS has management authority over the northern sea otter (*Enhydra lutris*), polar bear (*Ursus maritimus*), and Pacific walrus (*Odobenus rosmarus*). NMFS has management authority over listed marine fish, marine invertebrates, marine vegetation, and all marine mammals other than those managed by USFWS. Free-swimming sea turtles and sea turtles caught in fishing gear are also managed by NMFS, whereas sea turtles on Alaska's beaches are managed by the USFWS. All other listed species are under USFWS management authority. For a complete list of ESA-listed species in Alaska refer to the Service's websites provided in the Technical Appendix.

9.4.1. Informal Consultation

Informal consultation with the applicable Service is required when a project "may affect, but not likely to adversely affect" a T&E species or designated critical habitat under NMFS or USFWS jurisdiction ([50 CFR 402.13](#)). Informal consultation begins when DOT&PF submits a written or email request to the Service to obtain concurrence with a finding of "may affect, not likely to adversely affect." The REM must send the first letter requesting informal consultation but can designate an Environmental Impact Analyst as the point of contact for the Service for the remainder of the informal consultation. The REM must be copied on all correspondence, including email.

As part of the informal consultation request, DOT&PF must provide all relevant information to support the determination, including but not limited to:

- The project location and description of the action area
- A description of the project's activities (including any pile driving or blasting, vessel usage, dredging activities and estimated fill amounts)
- Proposed avoidance and minimization measures
- T&E species or designated critical habitat that may occur within the action area
- Anticipated impacts on the T&E species or designated critical habitat
- Effects determination for T&E species and/or critical habitat
- Any supporting documentation

Descriptions and analysis of project activities resulting in potential noise impacts on marine mammals (if applicable) must include specific details regarding local environmental conditions, materials and methods used, and estimates of noise propagation distances from the sound source.

During informal consultation, an Environmental Impact Analyst may serve as the point of contact for the Service at the discretion of the REM. All correspondence with the Service, including email, must be copied to the REM. The REM is ultimately responsible for ensuring informal consultation is complete. Although a timeframe for informal consultation is not mandated by regulation, the Service will respond within 45 calendar days when possible.

The Service may request more information or may require discussions regarding DOT&PF's proposed avoidance and minimization measures or other conservation requirements prior to making a finding. The REM and, as appropriate, the Environmental Impact Analyst are responsible for responding to any requests from the agencies. If the Service concurs with the "may affect, but not likely to adversely affect" finding, the informal consultation is complete. If the Service does not concur and finds that the action "may affect, is likely to adversely affect," DOT&PF will need to enter into formal consultation. This may occur, for example, when adverse effects on T&E species and/or critical habitats are unavoidable or when DOT&PF is unable to commit to the Service's recommended measures to avoid adverse impacts.

9.4.2. Formal Consultation

Formal consultation with the Service is required when a proposed project “may affect, and is likely to adversely affect” a T&E species or designated critical habitat ([50 CFR 402.14](#)). During formal consultation, the REM serves as the point of contact for the Service and must sign any formal correspondence to the Service. The NEPA Program Manager must be copied on all correspondence and be invited to participate in any relevant meetings or field reviews with the Service. Preparation of a Biological Assessment (BA) is required before formal consultation can be initiated. DOT&PF may agree to provide the Service with an informal draft BA for their review and comment prior to formally submitting the BA. Procedures for preparing a BA are discussed in Section 9.5.

Formal consultation is initiated when DOT&PF submits a request for formal consultation along with a BA to the Service. Within 30 business days of submission, the Service should provide acknowledgment of the consultation request, advise DOT&PF of any data deficiencies, and request either missing data or a written statement that the data are not available. The Region may contact the Service and request notification of when the consultation was initiated. If the Service requests additional information, the REM and Environmental Impact Analyst will coordinate compiling the pertinent information, and the REM will provide a written response to the Service.

After receiving all pertinent information, the Service has 90 days to conclude consultation. The Service will determine whether the proposed activity is likely to jeopardize the continued existence of a T&E species or destroy or adversely modify its critical habitat. The time period to make this determination may be extended for complex or large-scale projects, and the 90-day period is suspended if the Service requires more information. After concluding consultation, the Service then has 45 days to write a BiOp. Formal consultation terminates with the issuance of the BiOp. Re-initiation of consultation may be required at any time, until the project is completed, if one of the re-initiation requirements is triggered. Section 7 re-initiation typically take 45 days. See Section 9.4.3.

If the Service determines that the action is not likely to jeopardize the species or adversely modify critical habitat, the Service will prepare a BiOp that includes any “reasonable and prudent measures” and “terms and conditions” developed by DOT&PF and incorporated into the project and any conservation recommendations suggested by the Service. The BiOp also includes an Incidental Take Statement (ITS) to authorize the estimated take of each T&E species. Before formally issuing the BiOp, the Service should first provide a draft BiOp to afford DOT&PF the opportunity to review the reasonable and prudent measures, and terms and conditions before the BiOp is signed. The REM may request a draft BiOp if one is not provided in a timely manner. Conservation measures from the Service are typically associated with essential fish habitat (EFH). Formal consultation is terminated with the issuance of the BiOp.

If the Service determines the action is likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of critical habitat (a “jeopardy biological opinion”), the project cannot proceed as designed. “A ‘jeopardy’ BiOp shall include any reasonable and prudent alternatives, if any. If the Service is unable to develop such alternatives, it will indicate that to the best of its knowledge there are no reasonable and prudent alternatives” ([50 CFR 402.14\(h\)\(3\)](#)).

Conferences are required if an action is likely to jeopardize the continued existence of a proposed species, or adversely modify or destroy proposed critical habitat ([50 CFR 402.10](#)). DOT&PF as the designated federal action agency may determine conferencing is advantageous even if this threshold is not anticipated. Conferences may be informal or formal, depending on the level of project impacts on proposed species or habitat. It is highly advisable to conference with the Service for any project that affects a proposed species or proposed critical habitat, as proposed species may become listed during the project development process. DOT&PF staff should follow the same procedures for conferences as for consultations.

9.4.3. Circumstances Requiring Re-initiation of Consultation

Informal Consultations

Informal consultation must be re-initiated if any of the following occur:

- A new species is listed, or critical habitat designated, that may be affected by the action.
 - Note: in this case, if the proposed project will not have an effect, re-initiation of consultation is not necessary. The analysis should be documented in the project file.
- New information reveals effects of the action that may affect T&E species or critical habitat in a manner, or to an extent, not previously considered.
- The identified action is subsequently modified in a manner that causes an effect to the T&E species or critical habitat that was not considered in the consultation.

Formal consultations

Per [50 CFR 402.16](#), re-initiation of formal consultation on a previously reviewed action is required if any of the following occur:

- The amount or extent of take specified in the ITS is exceeded.
- New information reveals effects of the action that may affect T&E species or critical habitat in a manner, or to an extent, not previously considered.
- The identified action is subsequently modified in a manner that causes an effect to the T&E species or critical habitat that was not considered in the consultation.
- A new species is listed or critical habitat is designated that may be affected by the action.

During formal consultation, the REM serves as the point of contact for the Service and must sign any formal correspondence to the Service. The NEPA Program Manager must be copied on all correspondence and be invited to participate in any relevant meetings or field reviews with the Service.

9.5. Preparation of the Biological Assessment

A BA is an ESA consultation document that defines the proposed action and analyzes impacts on T&E species and their habitat. A BA is typically prepared for formal consultation; BAs may also be prepared for informal consultation, although a less extensive document is generally sufficient for informal consultation. The BA may be prepared by an Environmental Impact Analyst or a consultant and must follow the Service's guidance. The BA prepared for formal consultations must be reviewed and approved by the REM and NEPA Program Manager prior to submission to the Service. When a consultant prepares the BA, the Environmental Impact Analyst will review the consultant's work prior to submitting the BA to the REM and NEPA Program Manager for review, comment, and approval. The REM is responsible for transmitting the approved BA to the Service.

The NEPA Assignment Program Memorandum of Understanding ([MOU](#) Part 3.2.5) requires the following language be included on the cover page of each BA in a way that is conspicuous to the reader:

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by DOT&PF pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated April 13, 2023, and executed by FHWA and DOT&PF.

The BA includes an evaluation of all potential effects of the action (including interrelated and interdependent actions) on the T&E species and critical habitat found in the action area. To evaluate cumulative effects, required only for formal consultation, the BA should also describe any non-federal activities that are reasonably certain to occur within the action area that are likely to affect the species. The preparer must use the best available scientific

and commercial data, and include the information required by regulation ([50 CFR 402.12\(f\)](#)). The Environmental Impact Analyst should coordinate with the project design team to verify that appropriate mitigation measures and best management practices have been included in the BA's description of the proposed action. The BA must provide all the relevant information necessary to assist the Service in evaluating whether the proposed action is likely to jeopardize the continued existence of a T&E species or destroy or adversely modify its critical habitat.

9.6. Incidental Take Statements/Authorizations

Under the MMPA, the Service issues [Incidental Take Authorizations](#) (ITAs) that permit the incidental, but not intentional, take of marine mammals under certain circumstances that are codified in [50 CFR 18.27](#). For T&E marine mammals, incidental take under both the ESA and MMPA may need to be authorized. The ITA process for T&E marine mammals under the MMPA is linked to the ESA consultation process. Take under the MMPA must be authorized, and the MMPA authorization process nearly completed, before an ITS can be authorized under the ESA. The timelines for completing ESA consultation and the MMPA authorization process are therefore interrelated. Coordination is required within each agency between the branch that implements the ESA and the branch that implements the MMPA. Discussions with the Service regarding both laws should occur early in the project development process for any project in which both ESA consultation and an MMPA ITA are anticipated.

9.6.1. ESA Incidental Take Statement

If the proposed action is anticipated to result in incidental "take" (e.g., harassment, harm) of a T&E species, DOT&PF makes a "may affect, likely to adversely affect" determination in the ESA consultation document prepared for the project (e.g., BA). If, upon review of the consultation document, the Service concurs with this determination, they will issue an ITS as part of the BiOp completed for the proposed action. The ITS quantifies the amount of "take," either to individuals or to habitat area as a surrogate.

If the proposed action results in the "take" of a marine mammal listed under the ESA, an ITA must also be requested in accordance with the MMPA.

9.6.2. MMPA Incidental Take Authorization

With some exceptions, most activities, federal or otherwise, that "take" marine mammals are subject to take prohibitions under the MMPA. An ITA is required whether or not a marine mammal is listed under the ESA.

The MMPA does not require a determination of effect. The MMPA prohibits take of marine mammals, but the Service may make exceptions for certain situations. If take of a marine mammal has the potential to occur, DOT&PF must apply for an ITA under the MMPA. Determining whether take could occur requires an analysis of how the proposed action may impact marine mammals, their habitats, and the availability of marine mammals for subsistence uses (where relevant). Harassment is defined under the MMPA as "any act of pursuit, torment, or annoyance" of a marine mammal. Harassment is further categorized as Level A or Level B:

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

DOT&PF actions that have the potential to affect marine mammals include those that produce underwater noise during construction. In considering acoustic impacts on marine mammals, the Environmental Impact Analyst should refer to NMFS' [Marine Mammal Acoustic Technical Guidance](#) for calculating estimated sizes of the Level A (injury) harassment zones based on project-specific noise estimates and marine mammal functional hearing groups. Other resources in the NMFS West Coast Region's [Marine Mammal ESA Section 7 Consultation Tools](#) may also be helpful in considering noise impacts on marine mammals.

9.7. Preparation of the Incidental Harassment Authorization, Letter of Authorization, or Marine Mammal Protection Act Application

Two types of ITA can be obtained under the MMPA: the Incidental Harassment Authorization (IHA) and the Letter of Authorization (LOA). Both authorizations allow the incidental, but not intentional, take of small numbers of marine mammals by harassment during the course of an activity. An IHA is issued for a period of up to 1 year and must be reapplied for in subsequent years. For projects of longer duration, Incidental Take Regulations can be promulgated for a specified activity in a specified geographic region for up to five years. An LOA can then be requested each year from the Service to carry out these activities.

To obtain an ITA under the MMPA from NMFS, an application must be submitted to the Division Chief of the Office of Protected Resources in Silver Spring, Maryland. At a minimum, applications for IHAs should be submitted 6 to 9 months in advance of the intended project start date, and applications for LOAs should be submitted 12 to 18 months in advance.

The ITA application can be completed by an Environmental Impact Analyst or a consultant, and must include 14 specific pieces of information, as identified below. The application must be reviewed and approved by the REM and NEPA Program Manager before the REM transmits the application to NMFS.

An ITA application is designed to provide a detailed explanation of the proposed action, the action's anticipated effects on marine mammals and/or their habitats, the availability of marine mammals for subsistence uses, and the methods of mitigating, monitoring, and reporting on the effects of the action. Detailed descriptions of the 14 required components for applications to NMFS can be found on the NMFS [ITA website](#).

The 14 required components are:

- Description of Specified Activity
- Dates and Duration, Specified Geographic Region
- Species and Numbers of Marine Mammals
- Affected Species Status and Distribution
- Type of Incidental Taking Authorization Requested
- Take Estimates for Marine Mammals
- Anticipated Impact of the Activity
- Anticipated Impacts on Subsistence Uses
- Anticipated Impacts on Habitat
- Anticipated Effects of Habitat Impacts on Marine Mammals
- Mitigation Measures
- Arctic Subsistence Plan of Cooperation
- Monitoring and Reporting
- Suggested Means of Coordination

One-time, one-year Reissuances and [Renewals](#) for IHAs can be granted when no work has occurred and there are no changes to project activities. These types of IHA renewals are often granted when project activities are delayed and are issued on a case-by-case basis. In these circumstances NMFS may reissue the IHA with a pushed back

date that accommodates the project schedule. Renewal requests must be submitted no later than 60 days prior to the IHA's expiration. NMFS recommends contacting them directly prior to submitting a request for a Renewal to ensure the activity qualifies. The Renewal IHA is published in the *Federal Register* for a mandatory 15-day public comment period.

The request for Renewal must include the following:

- An explanation that the activities to be conducted are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor that the changes do not affect the previous analyses, mitigation, and monitoring requirements, or take estimate.
- A preliminary monitoring report.

To obtain an [ITA](#) under the MMPA for species managed by the USFWS, an application must be submitted to USFWS Marine Mammals Management in Anchorage. USFWS generally follows the same application format as NMFS; however, USFWS recommends contacting them directly before the ITA process is initiated.

The authorization process for both USFWS and NMFS involves developing a detailed marine mammal monitoring and mitigation plan (4MP). The 4MP provides a detailed description and methodology for implementing mitigation measures and for monitoring and reporting project activities. The 4MP is generally submitted to the Service after the IHA or LOA application has been reviewed by the Service, so that agency concerns or mitigation methods can be incorporated into the monitoring program strategy.

Once an application is received by the Services it is reviewed for completeness. The application and the proposed authorization for an IHA are published in the *Federal Register* for a mandatory 30-day public comment period. The Service then reviews the public comments, the ESA findings, and its own NEPA findings on the proposed IHA, and makes a final determination on issuance or denial of the IHA. For Incidental Take Regulations and LOAs, there are generally two public comment periods: one for the application and information that should be considered in developing the proposed rule (typically 30 days), and a second for the proposed rule and preliminary determination (typically 30 to 60 days). The Service reviews the public comments, the ESA findings, and its own NEPA findings on the proposed LOA, and makes a final determination on issuance or denial of the rulemaking for the regulations.

9.8. NEPA Documentation

The analysis of impacts on T&E species and any Section 7 consultations must be completed and included in the NEPA document as part of DOT&PF's NEPA responsibilities. Section 7 consultations can lengthen the NEPA completion timeline significantly, and therefore consultation with the Service should begin as early as possible. The Environmental Impact Analyst must provide support for any determinations of effect made by DOT&PF.

When the proposed action "may affect, but is not likely to adversely affect," a T&E species or its designated critical habitat, the Environmental Impact Analyst is required to attach informal consultation documentation and concurrence from the Service to the NEPA document. When the proposed action "may affect, and is likely to adversely affect" a T&E species, the NEPA document cannot be approved until the BiOp is issued.

In the NEPA document, the Environmental Impact Analyst is required to summarize the impacts to T&E species or its designated critical habitat; describe any avoidance and minimization measures, including conservation measures and other requirements provided by the Service to be implemented; and incorporate by reference the BiOp and BA, and retain these documents in the region project file. If a project re-evaluation is required and it is determined that the changes to the project may affect the BiOp analysis, an updated BA is submitted to the Service and an updated BiOp is required prior to the approval of a re-evaluation.

Technical Appendix

Endangered Species Act: <https://www.fws.gov/endangered/esa-library/pdf/ESAall.pdf>

Endangered Species Consultation Handbook (used by NMFS and USFWS):

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

ESA Section 7 Implementing Regulations in 50 CFR 402:

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title50/50cfr402_main_02.tpl

Marine Mammal Protection Act of 1972, as amended: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-protection-act>

NMFS Endangered Species in Alaska: <https://www.fisheries.noaa.gov/alaska/endangered-species-conservation/endangered-threatened-and-candidate-species-alaska>

NMFS Marine Mammal Species Range and Critical Habitat Interactive Map (Habitat Mapper):

<https://www.fisheries.noaa.gov/resource/data/alaska-endangered-species-and-critical-habitat-mapper-web-application>

NMFS National Critical Habitat website: <http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm>

USFWS Consultation website: <https://www.fws.gov/service/esa-section-7-consultation>

USFWS Endangered Species website: <https://www.fws.gov/program/endangered-species>

USFWS Endangered Species in Alaska: <https://ecos.fws.gov/ecp/report/species-listings-by-state?stateAbbrev=AK&stateName=Alaska&statusCategory=Listed>

USFWS Information for Planning and Conservation: <https://ecos.fws.gov/ipac/>

USFWS Marine Mammal Stock Assessment Reports: <https://www.fws.gov/project/marine-mammal-stock-assessment-reports>