§ 216.242 Permissible methods of taking.

(a) Under Letters of Authorization issued pursuant to §§ 216.106 and 216.247, the Holder of the Letter of Authorization may incidentally, but not intentionally, take marine mammals within the area described in § 216.240(b), provided the activity is in compliance with all terms, conditions, and requirements of these regulations and the appropriate Letter of Authorization.

(b) The activities identified in § 216.240(c) must be conducted in a manner that minimizes, to the greatest extent practicable, any adverse impacts on marine mammals and their habitat.

(c) The incidental take of marine mammals under the activities identified in § 216.240(c) is limited to the following species, by the identified method of take and the indicated number of times:

1. Level B Harassment (±10 percent of the number of takes indicated below):
   - Mysticetes:
     - (A) North Atlantic right whale (Eubalaena glacialis)—3330 (an average of 666 annually).
     - (B) Humpback whale (Megaptera novaeangliae)—21010 (an average of 4202 annually).
     - (C) Minke whale (Balaenoptera acutorostrata)—2075 (an average of 415 annually).
     - (D) Sei whale (Balaenoptera borealis)—5285 (an average of 1057 annually).
     - (E) Fin whale (Balaenoptera physalus)—4410 (an average of 882 annually).
     - (F) Bryde’s whale (Balaenoptera edeni)—180 (an average of 36 annually).
     - (G) Blue whale (Balaenoptera musculus)—4005 (an average of 801 annually).
   - Odontocetes:
     - (A) Sperm whales ( Physeter macrocephalus)—48790 (an average of 9758 annually).
     - (B) Pygmy or dwarf sperm whales ( Kogia breviceps or Kogia sima)—21920 (an average of 4384 annually).
     - (C) Beaked Whales (Cuvier’s, True’s, Gervais’, Sowerby’s, Blainville’s, Northern bottlenose whale) ( Ziphius cavirostris, Mesoplodon lineatus, M. europaeus, M. bidens, M. densirostris, M.]