

§217.81

Test and Training Range at property off Santa Rosa Island, Florida, in the northern Gulf of Mexico, under the activity identified in paragraph (a) of this section, is limited to the following species: Atlantic bottlenose dolphins (*Tursiops truncatus*).

(1) The latitude/longitude of corners of W-151 in the Eglin Gulf Test and Training Range are:

- (i) 30.24006° North, -86.808838° West
- (ii) 29.539011° North, -84.995536° West
- (iii) 28.03949° North, -85.000147° West
- (iv) 28.027598° North, -85.199395° West
- (v) 28.505304° North, -86.799043° West

(2) The latitude/longitude of corners of W-151A in the Eglin Gulf Test and Training Range are:

- (i) 30.24006° North, -86.808838° West
- (ii) 30.07499° North, -85.999327° West
- (iii) 29.179968° North, -85.996341° West
- (iv) 29.384439° North, -86.802579° West

§217.81 Effective dates.

Regulations in this subpart are effective from April 23, 2012, through April 24, 2017.

§217.82 Permissible methods of taking.

(a) Under Letters of Authorization issued pursuant to §216.106 of this chapter and §217.87, the U.S. Department of the Air Force, Headquarters 96th Air Base Wing, Eglin Air Force Base (U.S. Air Force), its contractors, and clients, may incidentally, but not intentionally, take marine mammals by Level B harassment, within the area described in §217.80, provided the activity is in compliance with all terms, conditions, and requirements of these regulations and the appropriate Letter of Authorization.

(b) The incidental taking of marine mammals is authorized for the species listed in §217.80(b) and is limited to Level B harassment.

(c) The incidental taking of an average of 10 individuals annually and 50 individuals during the 5-year rule, for Atlantic bottlenose dolphins.

(d) The U.S. Air Force shall suspend NEODS training operations until it obtains additional authorization for the take of marine mammals if:

(1) A marine mammal is injured, seriously injured, or killed during training operations;

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(2) The injury, serious injury, or death could be associated with the activities; and

(3) After coordination and concurrence with NMFS, the U.S. Air Force determines that supplementary measures are unlikely to reduce the risk of injury, serious injury or death to a very low level, require the U.S. Air Force to suspend its activities until an authorization for such taking has been obtained.

§217.83 Prohibitions.

Notwithstanding takings contemplated in §217.80 and authorized by a Letter of Authorization issued under §§216.106 of this chapter and 217.87, no person in connection with the activities described in §217.80 may:

(a) Take any marine mammal not specified in §217.80(b);

(b) Take any marine mammal specified in §217.80(b) other than by incidental take as specified in §217.82(a) through (d);

(c) Take a marine mammal specified in §217.80(b) if such taking results in more than a negligible impact on the species or stocks of such marine mammal; or

(d) Violate, or fail to comply with, the terms, conditions, and requirements of this subpart or a Letter of Authorization issued under §§216.106 of this chapter and 217.87.

§217.84 Mitigation.

(a) The activity identified in §217.80(a) must be conducted in a manner that minimizes, to the greatest extent practicable, adverse impacts on marine mammals and their habitats. When conducting operations identified in §217.80(a), the mitigation measures contained in the Letter of Authorization issued under §§216.106 of this chapter and 217.87 must be implemented. These mitigation measures include (but are not limited to):

(1) Underwater detonations using timed delay devices will only be conducted during daylight hours. The time of detonation shall be limited to an hour after sunrise and an hour before sunset.

(2) NEODS missions shall be postponed if: