

(d) Violate, or fail to comply with, any of the terms, conditions, or requirements of these regulations or a Letter of Authorization issued under §§ 216.106 and 218.238 of this chapter.

§ 218.234 Mitigation.

When conducting operations identified in § 218.230, the mitigation measures described in this section and in any Letter of Authorization issued under §§ 216.106 and 218.238 must be implemented.

(a) *Personnel Training—Lookouts:* (1) The Navy shall train the lookouts in the most effective means to ensure quick and effective communication within the command structure in order to facilitate implementation of protective measures if they spot marine mammals.

(2) The Navy will hire one or more marine mammal biologists qualified in conducting at-sea marine mammal visual monitoring from surface vessels to train and qualify designated ship personnel to conduct at-sea visual monitoring.

(b) *General Operating Procedures:* (1) Prior to SURTASS LFA sonar operations, the Navy will promulgate executive guidance for the administration, execution, and compliance with these regulations and any Letters of Authorization issued.

(2) The Holder of a Letter of Authorization will not transmit the SURTASS LFA sonar signal at a frequency greater than 500 Hertz (Hz).

(c) *LFA Sonar Mitigation Zone and 1-km Buffer Zone; Suspension and Delay:*

(1) Prior to commencing and during SURTASS LFA sonar transmissions, the Holder of a Letter of Authorization will determine the propagation of LFA sonar signals in the ocean and the distance from the SURTASS LFA sonar source to the 180-decibel (dB) re: 1 μ Pa isopleth.

(2) The Holder of a Letter of Authorization will establish a 180-dB LFA sonar mitigation zone around the surveillance vessel that is equal in size to the 180-dB re: 1 μ Pa isopleth (i.e., the volume subjected to sound pressure levels of 180 dB or greater) as well as a one-kilometer (1-km) buffer zone around the LFA sonar mitigation zone.

(3) If a marine mammal is detected, through monitoring required under § 218.235, within or about to enter the LFA sonar mitigation zone plus the 1-km buffer zone, the Holder of the Letter of Authorization will immediately delay or suspend SURTASS LFA sonar transmissions.

(d) *Resumption of SURTASS LFA sonar transmissions:* (1) The Holder of a Letter of Authorization will not resume SURTASS LFA sonar transmissions earlier than 15 minutes after:

(i) All marine mammals have left the area of the SURTASS LFA sonar mitigation and buffer zones; and

(ii) There is no further detection of any marine mammal within the LFA sonar mitigation and buffer zones as determined by the visual, passive, and high frequency monitoring described in § 218.235.

(e) *Ramp-up Procedures for the high-frequency marine mammal monitoring (HF/M3) sonar required under § 218.235:*

(1) The Holder of a Letter of Authorization will ramp up the HF/M3 sonar power level beginning at a maximum source sound pressure level of 180 dB re: 1 μ Pa at 1 meter in 10-dB increments to operating levels over a period of no less than five minutes:

(i) At least 30 minutes prior to any SURTASS LFA sonar transmissions;

(ii) Prior to any SURTASS LFA sonar calibrations or testing that are not part of regular SURTASS LFA sonar transmissions described in § 218.230; and

(iii) Anytime after the HF/M3 active sonar source has been powered down for more than two minutes.

(2) The Holder of a Letter of Authorization will not increase the HF/M3 active sonar system's sound pressure level once a marine mammal is detected; ramp-up may resume once marine mammals are no longer detected.

(f) *Geographic Restrictions on the SURTASS LFA Sonar Sound Field:* (1) The Holder of a Letter of Authorization will not operate the SURTASS LFA sonar such that:

(i) The SURTASS LFA sonar sound field exceeds 180 dB re: 1 μ Pa (rms) at a distance less than 12 nautical miles (nm) (22 kilometers (km)) from any coastline, including offshore islands;

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(ii) The SURTASS LFA sonar sound field exceeds 180 dB re: 1 µPa (rms) at a distance less than 1 km (0.5 nm) seaward of the outer perimeter of any offshore biologically important area designated in §218.234(f)(2) during the period specified.

(2) The Offshore Biologically Important Areas (OBIAs) for marine mammals (with specified periods) for SURTASS LFA sonar operations are the following:

Name of area	Location of area	Months of importance
(i) Georges Bank	40°00' N, 72°30' W; 39°37' N, 72°09' W; 39°54' N, 71°43' W; 40°02' N, 71°20' W; 40°08' N, 71°01' W; 40°04' N, 70°44' W; 40°00' N, 69°24' W; 40°16' N, 68°27' W; 40°34' N, 67°13' W; 41°00' N, 66°24' W; 41°52' N, 65°47' W; 42°20' N, 66°06' W; 42°18' N, 67°23' W.	Year-round.
(ii) Roseway Basin Right Whale Conservation Area.	43°05' N, 65°40' W; 43°05' N, 65°03' W; 42°45' N, 65°40' W; 42°45' N, 65°03' W.	June through December, annually.
(iii) Great South Channel, U.S. Gulf of Maine, and Stellwagen Bank National Marine Sanctuary (NMS).	41°00.000' N, 69°05.000' W; 42°09.000' N, 67°08.400' W; 42°53.436' N, 67°43.873' W; 44°12.541' N, 67°16.847' W; 44°14.911' N, 67°08.936' W; 44°21.538' N, 67°03.663' W; 44°26.736' N, 67°09.596' W; 44°16.805' N, 67°27.394' W; 44°11.118' N, 67°56.398' W; 43°59.240' N, 68°08.263' W; 43°36.800' N, 68°46.496' W; 43°33.925' N, 69°19.455' W; 43°32.008' N, 69°44.504' W; 43°21.922' N, 70°06.257' W; 43°04.084' N, 70°21.418' W; 42°51.982' N, 70°31.965' W; 42°45.187' N, 70°23.396' W; 42°39.068' N, 70°30.188' W; 42°32.892' N, 70°35.873' W; 42°07.748' N, 70°28.257' W; 42°05.592' N, 70°02.136' W; 42°03.664' N, 69°44.000' W; 41°40.000' N, 69°45.000' W.	January 1 to November 14, annually.
(iv) Southeastern U.S. Right Whale Seasonal Habitat.	Critical Habitat Boundaries are coastal waters between 31°15' N and 30°15' N from the coast out 15 nautical miles (nmi); and the coastal waters between 30°15' N and 28°00' N from the coast out 5 nmi. (50 CFR §226.13(c)); OBIA Boundaries are coastal waters between 31°15' N and 30°15' N from 12 to 15 nmi..	November 15 to April 15, annually.
(v) North Pacific Right Whale Critical Habitat.	57°03' N, 153°00' W; 57°18' N, 151°30' W; 57°00' N, 151°30' W; 56°45' N, 153°00' W. (50 CFR §226.215).	March through August, annually.
(vi) Silver Bank and Navidad Bank	Silver Bank: 20°38.899' N, 69°23.640' W; 20°55.706' N, 69°57.984' W; 20°25.221' N, 70°00.387' W; 20°12.833' N, 69°40.604' W; 20°13.918' N, 69°31.518' W; 20°28.680' N, 69°31.900' W. Navidad Bank: 20°15.596' N, 68°47.967' W; 20°11.971' N, 68°54.810' W; 19°52.514' N, 69°00.443' W; 19°54.957' N, 68°51.430' W; 19°51.513' N, 68°41.399' W.	December through April, annually.
(vii) Coastal waters of Gabon, Congo and Equatorial Guinea.	An exclusion zone following the 500-m isobath extending from 3°31.055' N, 9°12.226' E in the north offshore of Malabo southward to 8°57.470' S, 12°55.873' E offshore of Luanda	June through October, annually.
(viii) Patagonian Shelf Break	Between 200- and 2000-m isobaths and the following latitudes: 35°00' S, 39°00' S, 40°40' S, 42°30' S, 46°00' S, 48°50' S..	Year-round.

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Name of area	Location of area	Months of importance
(ix) Southern Right Whale Seasonal Habitat.	Coastal waters between 42°00' S and 43°00' S from 12 to 15 nm including the enclosed bays of Golfo Nuevo, Golfo San Jose, and San Matias. Golfos San Jose and San Nuevo are within 22 km (14 mi; 12 nm) coastal exclusion zone	May through December, annually.
(x) Central California National Marine Sanctuaries.	Single stratum boundary created from the Cordell Bank (15 CFR 922.10), Gulf of the Farallones (15 CFR 922.80), and Monterey Bay (15 CFR 922.30) NMS legal boundaries. Monterey Bay NMS includes the Davidson Seamount Management Zone	June through November, annually.
(xi) Antarctic Convergence Zone	30° E to 80° E, 45° S; 80° E to 150° E, 55° S; 150° E to 50° W, 60° S; 50° W to 30° E, 50° S.	October through March, annually.
(xii) Piltun and Chayvo offshore feeding grounds in the Sea of Okhotsk.	54°09.436' N, 143°47.408' W; 54°09.436' N, 143°17.354' W; 54°01.161' N, 143°17.354' W; 53°53.580' N, 143°13.398' W; 53°26.963' N, 143°28.230' W; 53°07.013' N, 143°35.481' W; 52°48.705' N, 143°38.447' W; 52°32.077' N, 143°37.788' W; 52°21.605' N, 143°34.163' W; 52°09.470' N, 143°26.582' W; 51°57.686' N, 143°30.208' W; 51°36.033' N, 143°42.794' W; 51°08.082' N, 143°51.301' W; 51°08.082' N, 144°16.742' W; 51°24.514' N, 144°11.139' W; 51°48.116' N, 144°10.809' W; 52°03.194' N, 144°20.363' W; 52°23.235' N, 144°10.150' W; 52°28.674' N, 144°12.787' W; 52°42.523' N, 144°10.150' W; 53°12.972' N, 143°55.648' W; 53°18.505' N, 143°56.637' W; 53°23.041' N, 143°53.011' W; 53°28.250' N, 143°53.341' W; 53°44.039' N, 143°49.056' W; 53°53.207' N, 143°50.045' W; 53°59.819' N, 143°48.067' W.	June through November, annually.
(xiii) Coastal waters off Madagascar	16°03'55.04" S, 50°27'12.59" E; 16°12'23.03" S, 51°03'37.38" E; 24°30'45.06" S, 48°26'00.94" E; 24°15'28.07" S, 47°46'51.16" E; 22°18'00.74" S, 48°14'13.52" E; 20°52'24.12" S, 48°43'13.49" E; 19°22'33.24" S, 49°15'45.47" E; 18°29'46.08" S, 49°37'32.25" E; 17°38'27.89" S, 49°44'27.17" E; 17°24'39.12" S, 49°39'17.03" E; 17°19'35.34" S, 49°54'23.82" E; 16°45'41.71" S, 50°15'56.35" E.	July through September, annually for humpback whale breeding and November through December, annually for migrating blue whales.
(xiv) Madagascar Plateau, Madagascar Ridge, and Walters Shoal.	25°55'20.00" S, 44°05'15.45" E; 25°46'31.36" S, 47°22'35.90" E; 27°02'37.71" S, 48°03'31.08" E; 35°13'51.37" S, 46°26'19.98" E; 35°14'28.59" S, 42°35'49.20" E; 31°36'57.96" S, 42°37'49.35" E; 27°41'11.21" S, 44°30'11.01" E.	November through December, annually.

Name of area	Location of area	Months of importance
(xv) Ligurian-Corsican-Provencal Basin and Western Pelagos Sanctuary in the Mediterranean Sea.	42°50.271' N, 06°31.883' E; 42°55.603' N, 06°43.418' E; 43°04.374' N, 06°52.165' E; 43°12.600' N, 07°10.440' E; 43°21.720' N, 07°19.380' E; 43°30.600' N, 07°32.220' E; 43°33.900' N, 07°49.920' E; 43°36.420' N, 08°05.580' E; 43°42.600' N, 08°22.140' E; 43°50.880' N, 08°34.500' E; 43°58.560' N, 08°47.700' E; 43°59.040' N, 08°56.040' E; 43°57.047' N, 09°03.540' E; 43°52.260' N, 09°08.520' E; 43°47.580' N, 09°13.500' E; 43°36.060' N, 09°16.620' E; 43°28.440' N, 09°05.820' E; 43°21.360' N, 09°02.100' E; 43°16.020' N, 08°57.240' E; 43°04.440' N, 08°47.580' E; 42°54.900' N, 08°35.400' E; 42°45.900' N, 08°27.540' E; 42°36.060' N, 08°22.020' E; 42°22.620' N, 08°15.849' E; 42°07.202' N, 08°17.174' E; 41°52.800' N, 08°15.720' E; 41°39.780' N, 08°05.280' E; 41°28.200' N, 08°51.600' E; 42°57.060' N, 06°19.860' E.	July to August, annually.
(xvi) Hawaiian Islands Humpback Whale NMS and Penguin Bank.	21°10'02.179" N, 157°30'58.217" W; 21°09'46.815" N, 157°30'22.367" W; 21°06'39.882" N, 157°31'00.778" W; 21°02'51.976" N, 157°30'30.049" W; 20°59'52.725" N, 157°29'28.591" W; 20°58'05.174" N, 157°27'35.919" W; 20°55'49.456" N, 157°30'58.217" W; 20°50'44.729" N, 157°42'42.418" W; 20°51'02.654" N, 157°44'45.333" W; 20°53'56.784" N, 157°46'04.716" W; 20°56'32.988" N, 157°45'33.987" W; 21°01'27.472" N, 157°43'10.586" W; 21°05'20.499" N, 157°39'27.802" W; 21°10'02.179" N, 157°30'58.217" W.	November through April, annually.
(xvii) Costa Rica Dome	Centered at 9° N and 88° W	Year-round.
(xviii) Great Barrier Reef Between 16° S and 21° S.	16°01.829' S, 145°38.783' E; 15°52.215' S, 146°20.936' E; 17°28.354' S, 146°59.392' E; 20°16.228' S, 151°39.674' E; 20°58.381' S, 150°30.897' E; 20°17.007' S, 149°38.247' E; 20°10.941' S, 149°18.247' E; 20°02.403' S, 149°12.623' E; 19°53.287' S, 149°03.986' E; 19°49.866' S, 148°52.135' E; 19°53.287' S, 148°44.302' E; 19°47.965' S, 148°36.870' E; 19°47.205' S, 148°26.024' E; 19°19.978' S, 147°39.626' E; 19°14.065' S, 147°37.014' E; 19°08.913' S, 147°31.993' E; 19°05.667' S, 147°24.160' E; 19°07.576' S, 147°18.134' E; 18°51.718' S, 146°51.219' E; 18°44.258' S, 146°54.031' E; 18°37.175' S, 146°51.420' E; 18°31.620' S, 146°43.385' E; 18°27.595' S, 146°40.573' E; 17°36.676' S, 146°20.488' E; 17°20.484' S, 146°16.671' E; 17°07.745' S, 146°13.056' E; 16°49.769' S, 146°11.047' E; 16°41.835' S, 146°03.817' E; 16°39.706' S, 145°54.979' E.	May through September, annually.
(xix) Bonney Upwelling on the south coast of Australia.	37°12'20.036" S, 139°31'17.703" E; 37°37'33.815" S, 139°42'42.508" E; 38°10'36.144" S, 140°22'57.345" E; 38°44'50.558" S, 141°33'50.342" E; 39°07'04.125" S, 141°11'00.733" E; 37°28'33.179" S, 139°10'52.263" E.	December through May, annually.

Name of area	Location of area	Months of importance
(xx) Northern Bay of Bengal and Head of Swatch-of-No-Ground.	20°59.735' N, 89°07.675' E; 20°55.494' N, 89°09.484' E; 20°52.883' N, 89°12.704' E; 20°55.275' N, 89°18.133' E; 21°04.558' N, 89°25.294' E; 21°12.655' N, 89°25.354' E; 21°13.279' N, 89°16.833' E; 21°06.347' N, 89°15.011' E.	Year-round.
(xxi) Olympic Coast NMS and Prairie, Barkley Canyon, and Nitnat Canyon.	Boundaries within 23 nm (26.5 m; 42.6 km) of the coast from 47°07' N to 48°30' N latitude. 48°30'01.995" N, 125°58'38.786" W; 48°16'55.605" N, 125°38'52.052" W; 48°23'07.353" N, 125°17'10.935" W; 48°12'38.241" N, 125°16'42.339" W; 47°58'20.361" N, 125°31'14.517" W; 47°58'20.361" N, 126°06'16.322" W; 48°09'46.665" N, 126°25'48.758" W.	Olympic NMS: December, January, March, and May, annually. The Prairie, Barkley Canyon, and Nitnat Canyon: June through September, annually.
(xxii) Abrolhos Bank	16°35'34.909" 38°52'30.455"; 16°35'31.619" 38°43'41.069"; 16°40'00.131" 37°23'52.492"; 19°30'59.069" 37°23'52.446"; 19°30'59.974" 39°33'38.351"; 19°20'24.752" 39°30'33.03"; 18°52'16.884" 39°32'31.789"; 18°45'09.937" 39°32'27.709"; 18°30'59.345" 39°30'59.669"; 18°27'28.985" 39°30'13.453"; 18°17'30.429" 39°26'21.073"; 18°07'43.518" 39°19'52.924"; 18°09'24.931" 39°16'24.913"; 18°10'04.585" 39°12'30.425"; 18°10'20.682" 38°39'06.185"; 18°08'50.404" 38°35'00.059"; 18°06'05.466" 38°31'41.385"; 18°02'09.399" 38°29'26.179"; 17°58'01.372" 38°28'45.409"; 17°53'58.883" 38°29'34.612"; 16°48'58.768" 38°55'23.768"; 16°43'15.682" 38°53'40.007".	August through November, annually.

(g) *Operational Exception for the SURTASS LFA Sonar Sound Field.* During military operations SURTASS LFA sonar transmissions may exceed 180 dB re: 1 µPa (rms) within the boundaries of a SURTASS LFA sonar OBIA when: operationally necessary to continue tracking an existing underwater contact; or operationally necessary to detect a new underwater contact within the OBIA. This exception does not apply to routine training and testing with the SURTASS LFA sonar systems.

§ 218.235 Requirements for monitoring.

(a) The Holder of a Letter of Authorization issued pursuant to §§ 216.106 and 218.238 must:

- (1) Conduct visual monitoring from the ship's bridge during daylight hours (30 minutes before sunrise until 30 minutes after sunset) during operations that employ SURTASS LFA sonar in

the active mode. The SURTASS vessels shall have lookouts to maintain a top-side watch with standard binoculars (7x) and with the naked eye.

- (2) Use low frequency passive SURTASS sonar to listen for vocalizing marine mammals; and

(3) Use the HF/M3 active sonar to locate and track marine mammals in relation to the SURTASS LFA sonar vessel and the sound field produced by the SURTASS LFA sonar source array, subject to the ramp-up requirements in § 216.234(e).

(b) Monitoring under paragraph (a) of this section must:

- (1) Commence at least 30 minutes before the first SURTASS LFA sonar transmission;

(2) Continue between transmission pings; and

- (3) Continue either for at least 15 minutes after completion of the