

§218.81

- (i) HF4—an average of 192 hours.
- (ii) [Reserved]
- (6) Active Acoustic Sources Used During Non-Annual Testing:
 - (i) LF5—an average of 240 hours.
 - (ii) MF9—an average of 480 hours.
 - (iii) HF5—an average of 240 hours.
 - (iv) HF6—an average of 720 hours.
 - (v) HF7—an average of 240 hours.
 - (vi) FLS2 and FLS3—an average of 240 hours.
 - (vii) SAS2—an average of 720 hours.
- (7) Explosive Sources Used During Non-Annual Training:
 - (i) E2 (0.26 to 0.5 lbs NEW)—an average of 2.
 - (ii) E4 (2.6 to 5 lbs NEW)—an average of 2.
- (8) Explosive Sources Used During Non-Annual Testing:
 - (i) E1 (0.1 to 0.25 lbs NEW)—an average of 600.
 - (ii) E16 (7,251 to 14,500 lbs NEW)—an average of 12.
 - (iii) E17 (14,501 to 58,000 lbs NEW)—an average of 4.

§218.81 Effective dates and definitions.

(a) Regulations are effective December 3, 2013 and applicable to the Navy November 14, 2013 through November 13, 2018.

(b) The following definitions are utilized in these regulations:

(1) *Uncommon Stranding Event (USE)*—A stranding event that takes place within an OPAREA where a major training event (MTE) occurs and involves any one of the following:

(i) Two or more individuals of any cetacean species (not including mother/calf pairs), unless of species of concern listed in §218.81(b)(1)(ii) found dead or live on shore within a 2-day period and occurring within 30 miles of one another.

(ii) A single individual or mother/calf pair of any of the following marine mammals of concern: beaked whale of any species, *Kogia* spp., Risso's dolphin, melon-headed whale, pilot whale, North Atlantic right whale, humpback whale, sperm whale, blue whale, fin whale, or sei whale.

(iii) A group of two or more cetaceans of any species exhibiting indicators of distress.

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(2) *Shutdown*—The cessation of MFAS/HFAS operation or detonation of explosives within 14 nautical miles of any live, in the water, animal involved in a USE.

§218.82 Permissible methods of taking.

(a) Under Letters of Authorization (LOAs) issued pursuant to §218.87, the Holder of the Letter of Authorization may incidentally, but not intentionally, take marine mammals within the area described in §218.80, provided the activity is in compliance with all terms, conditions, and requirements of these regulations and the appropriate LOA.

(b) The incidental take of marine mammals under the activities identified in §218.80(c) is limited to the following species, by the identified method of take:

(1) Harassment (Level A and Level B) for all Training and Testing Activities:

(i) Mysticetes:

(A) Blue whale (*Balaenoptera musculus*)—817.

(B) Bryde's whale (*Balaenoptera edeni*)—5,079.

(C) Fin whale (*Balaenoptera physalus*)—25,239.

(D) North Atlantic right whale (*Eubalaena glacialis*)—955.

(E) Humpback whale (*Megaptera novaeangliae*)—9,196.

(F) Minke whale (*Balaenoptera acutorostrata*)—336,623.

(G) Sei whale (*Balaenoptera borealis*)—54,766.

(ii) Odontocetes:

(A) Atlantic spotted dolphin (*Stenella frontalis*)—994,221.

(B) Atlantic white-sided dolphin (*Lagenorhynchus acutus*)—206,144.

(C) Blainville's beaked whale (*Mesoplodon densirostris*)—164,454.

(D) Bottlenose dolphin (*Tursiops truncatus*)—1,570,031.

(E) Clymene dolphin (*Stenella clymene*)—108,199.

(F) Common dolphin (*Delphinus* spp.)—2,562,969.

(G) Cuvier's beaked whale (*Ziphius cavirostris*)—204,945.

(H) False killer whale (*Pseudorca crassidens*)—4,062.