course of 5 years (an average of 40 torpedoes per year);
(vii) AN/SSQ–110 (IEER)—up to 530 buoys deployed over the course of 5 years (an average of 106 per year);
(viii) AN/SSQ–125 (AEER)—up to 530 buoys deployed over the course of 5 years (an average of 106 per year);
(ix) Range Pingers—up to 1,400 hours over the course of 5 years (an average of 280 hours per year); and
(x) PUTR Transponder—up to 1,400 hours over the course of 5 years (an average of 280 hours per year).
(2) The detonation of the underwater explosives indicated in this paragraph (c)(2)(i) conducted as part of the training events indicated in this paragraph (c)(2)(ii):
(i) Underwater Explosives (Net Explosive Weight (NEW)):
(A) 5″ Naval Gunfire (9.5 lbs NEW);
(B) 76 mm rounds (1.6 lbs NEW);
(C) Maverick (78.5 lbs NEW);
(D) Harpoon (448 lbs NEW);
(E) MK–82 (238 lbs NEW);
(F) MK–83 (574 lbs NEW);
(G) MK–84 (945 lbs NEW);
(H) MK–48 (851 lbs NEW);
(I) Demolition Charges (10 lbs NEW);
(J) AN/SSQ–110A (IEER explosive sonobuoy—5 lbs NEW);
(K) Hellfire (16.5 lbs NEW);
(L) GBU 38/32/31.
(ii) Training Events:
(A) Gunnery Exercises (S–S GUNEX)—up to 60 exercises over the course of 5 years (an average of 12 per year);
(B) Bombing Exercises (BOMBEX)—up to 20 exercises over the course of 5 years (an average of 4 per year);
(C) Sinking Exercises (SINKEX)—up to 10 exercises over the course of 5 years (an average of 2 per year);
(D) Extended Echo Ranging and Improved Extended Echo Ranging (EER/IEER) Systems—up to 530 deployments over the course of 5 years (an average of 106 per year);
(E) Demolitions—up to 250 over the course of 5 years (an average of 50 per year); and
(F) Missile exercises (A–S MISSILEX)—up to 10 exercises over the course of 5 years (an average of 2 per year).
(3) The taking of marine mammals may also be authorized in an LOA for the activities and sources listed in §218.100(c) should the amounts (i.e., hours, dips, number of exercises) vary from those estimated in §218.100(c), provided that the variation does not result in exceeding the amount of take indicated in §218.102.
§ 218.101 Effective dates.
Regulations are effective August 3, 2010 through August 3, 2015.
§ 218.102 Permissible methods of taking.
(a) Under Letters of Authorization issued pursuant to §§216.106 and 218.107 of this chapter, the Holder of the Letter of Authorization (hereinafter “Navy”) may incidentally, but not intentionally, take marine mammals within the area described in §218.100(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 §218.100(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 §218.100(c) is limited to the species listed in this paragraph (4), (5), and (6) of this section (c) by the indicated method of take and the indicated number of times (estimated based on the authorized amounts of sound source operation), but with the following allowances for annual variation in activities:
(1) In any given year, annual take, by harassment, of any species of marine mammal may not exceed the amount identified in paragraphs (b)(4) and (b)(5) of this section, for that species by more than 25% (a post-calculation/estimation of which must be provided in the annual LOA application);
(2) In any given year, annual take by harassment of all marine mammal species combined may not exceed the estimated total of all species combined, indicated in paragraphs (b)(4) and (b)(5) of this section, by more than 10%; and
(3) Over the course of the effective period of this subpart, total take, by harassment, of any species may not exceed the 5-year amounts indicated in

§ 218.103 Prohibitions.

No person in connection with the activities described in §218.100 may:

(a) Take any marine mammal not specified in §218.102(c);

(b) Take any marine mammal specified in §218.102(c) other than by incidental take as specified in §§218.102(c)(1) and (c)(2);

(c) Take a marine mammal specified in §218.102(c) 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 these regulations or a Letter of Authorization issued under §§216.106 and 218.107 of this chapter.