§ 217.170 Specified activity and specified geographical region

(a) Regulations in this subpart apply only to Neptune LNG LLC (Neptune) and those persons it authorizes to conduct activities on its behalf for the taking of marine mammals that occurs in the area outlined in paragraph (b) of this section and that occur incidental to commissioning and operation, including maintenance and repair activities, at the Neptune Deepwater Port (Port).

(b) The taking of marine mammals by Neptune may be authorized in a Letter of Authorization only if it occurs at the Neptune Deepwater Port within Outer Continental Shelf blocks NK 19–04 6525 and NK 19–04 6575, which are located at approximately 42°28′09″ N. lat and 70°36′22″ W. long.

§ 217.171 Effective dates.

Regulations in this subpart are effective from July 11, 2011, through July 10, 2016.

(76 FR 35996, June 21, 2011)

§ 217.172 Permissible methods of taking.

(a) Under Letters of Authorization issued pursuant to §§ 216.106 and 217.177 of this chapter, the Holder of the Letter of Authorization (hereinafter “Neptune”) may incidentally, but not intentionally, take marine mammals within the area described in § 217.153(b) of this chapter, provided the activity is in compliance with all terms, conditions, and requirements of the regulations in this subpart and the appropriate Letter of Authorization.

(b) The incidental take of marine mammals under the activities identified in § 217.170(a) is limited to the following species and is limited to Level B Harassment:

(1) Mysticetes:

(i) North Atlantic right whale (Eubalaena glacialis)—120 (an average of 24 annually).

(ii) Fin whale (Balaenoptera physalus)—145 (an average of 29 annually).

(iii) Humpback whale (Megaptera novaeangliae)—390 (an average of 78 annually).

(iv) Minke whale (Balaenoptera acutorostrata)—90 (an average of 18 annually).

(v) Sei whale (Balaenoptera borealis)—60 (an average of 12 annually).

(2) Odontocetes:

(i) Long-finned pilot whale (Globicephala melas)—595 (an average of 119 annually).

(ii) Atlantic white-sided dolphin (Lagenorhynchus acutus)—1,935 (an average of 387 annually).

(iii) Bottlenose dolphin (Tursiops truncatus)—50 (an average of 10 annually).

(iv) Common dolphin (Delphinus delphis)—100 (an average of 20 annually).

(v) Risso’s dolphin (Grampus griseus)—100 (an average of 20 annually).

(vi) Killer whale (Orcinus orca)—100 (an average of 20 annually).