(d) Amended regulations are effective February 1, 2012, through June 4, 2016.

(e) The taking of marine mammals may be authorized in an LOA for the explosive types and activities, or similar explosives and activities, listed in §218.10(c) should the amounts (e.g., number of exercises) vary from those estimated in §218.10(c), provided that the variation does not result in exceeding the amount of take indicated in §218.11(c).

§218.11 Permissible methods of taking.

(a) Under Letters of Authorization issued pursuant to §§216.106 of this chapter and 218.16, the Holder of the Letter of Authorization may incidentally, but not intentionally, take marine mammals within the area described in §218.10(b), provided the activity is in compliance with all terms, conditions, and requirements of this subpart and the appropriate Letter of Authorization.

(b) The activities identified in §218.10(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 §218.10(c) is limited to the following species, by the indicated method of take and the indicated number of times:

1. Level B Harassment:
   (i) Bottlenose dolphin (Tursiops truncatus)—150 (an average of 30 annually);
   (ii) Pantropical spotted dolphin (Stenella attenuata)—100 (an average of 20 annually);
   (iii) Clymene dolphin (S. clymene)—100 (an average of 20 annually);
   (iv) Atlantic spotted dolphin (S. frontalis)—310 (an average of 62 annually);
   (v) Striped dolphin (S. coeruleoalba)—100 (an average of 20 annually);
   (vi) Risso’s dolphin (Grampus griseus)—150 (an average of 30 annually); (vii) Common dolphin (Delphinus delphis)—150 (an average of 30 annually);
   (viii) Pilot whales (Globicephala sp.)—100 (an average of 20 annually);
   (ix) Dwarf or pygmy sperm whales (Kogia sp.)—15 (an average of 3 annually);
   (x) Beaked whales—100 (an average of 20 annually);
   (xi) Minke whales (Balaenoptera acutorostrata)—15 (an average of 3 annually).

2. Level A Harassment (injury):
   (i) Atlantic spotted dolphin—10 (an average of 2 annually).

§218.12 Prohibitions.

Notwithstanding takings contemplated in §218.11 and authorized by a Letter of Authorization issued under §218.106 of this chapter and §218.16, no person in connection with the activities described in §218.10 may:

(a) Take any marine mammal not specified in §218.11(c);

(b) Take any marine mammal specified in §218.11(c) other than by incidental take as specified in §218.11(c)(1) and (2);

(c) Take a marine mammal specified in §218.11(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 this Subpart or a Letter of Authorization issued under §218.106 of this chapter and §218.16.

§218.13 Mitigation.

(a) When conducting training activities identified in §218.10(c), the mitigation measures contained in the Letter of Authorization issued under §218.106 of this chapter and §218.16 must be implemented. These mitigation measures include, but are not limited to:

1. General Maritime Measures:
   (i) Personnel Training—Lookouts:
   (A) All bridge personnel, Commanding Officers, Executive Officers, officers standing watch on the bridge, maritime patrol aircraft aircrews, and Mine Warfare (MIW) helicopter crews shall complete Marine Species Awareness Training (MSAT).
   (B) Navy lookouts shall undertake extensive training to qualify as a watchstander in accordance with the