without prior notification and an opportunity for public comment. Notification will be published in the Federal Register within 30 days subsequent to the action.

Subparts S–W [Reserved]

Subpart X—Taking and Importing of Marine Mammals; Navy Operations of Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) Sonar

§ 218.230 Specified activity, level of taking, and species.

Regulations in this subpart apply only to the incidental taking of those marine mammal species specified in paragraph (b) of this section by the U.S. Navy, Department of Defense, while engaged in the operation of no more than four SURTASS LFA sonar systems conducting active sonar operations in areas specified in paragraph (a) of this section. The authorized activities, as specified in a Letter of Authorization issued under §§216.106 and 218.238, include the transmission of low frequency sounds from the SURTASS LFA sonar system and the transmission of high frequency sounds from the mitigation sonar described in §218.234 during routine training and testing as well as during military operations.

(a) The incidental take, by Level A and Level B harassment, of marine mammals from the activity identified in this section may be authorized in certain areas of the Pacific, Atlantic, and Indian Oceans and the Mediterranean Sea, as specified in a Letter of Authorization.

(b) The incidental take, by Level A and Level B harassment, of marine mammals from the activity identified in this section is limited to the following species and species groups:

1. Mysticetes—blue whale (Balaenoptera musculus), bowhead whale (Balaena mysticetus), Bryde’s whale (Balaenoptera edeni), fin whale (Balaenoptera physalus), gray whale (Eschrichtius robustus), humpback whale (Megaptera novaeangliae), minke whale (Balaenoptera acutorostrata), North Atlantic right whale (Eubalaena glacialis), North Pacific right whale (Eubalaena japonica), pygmy right whale (Caspermachinatus), sei whale (Balaenoptera borealis), southern right whale (Eubalaena australis),

2. Odontocetes—Andrew’s beaked whale (Mesoplodon bowdoini), Arnoux’s beaked whale (Berardius arnuxii), Atlantic spotted dolphin (Stenella frontalis), Atlantic white-sided dolphin (Lagenorhynchus acutus), Baird’s beaked whale (Berardius bairdii), Beluga whale (Delphinapterus leucas), Blainville’s beaked whale (Mesoplodon densirostris), Chilean dolphin (Cephalorhynchus australis), Clymene dolphin (Stenella chlorocea), Commerson’s dolphin (Cephalorhynchus commersonii), common bottlenose dolphin (Tursiops truncatus), Cuvier’s beaked whale (Ziphius cavirostris), Dall’s porpoise (Phocoenoides dalli), Dusky dolphin (Lagenorhynchus obscurus), dwarf sperm and pygmy sperm whales (Kogia simus and K. breviceps), false killer whale (Pseudorca crassidens), Fraser’s dolphin (Lagenodelphis hosei), Gervais’ beaked whale (Mesoplodon europaeus), ginkgo-toothed beaked whale (Mesoplodon ginkgodens), Gray’s beaked whale (Mesoplodon grayi), Heaviside’s dolphin (Cephalorhynchus heavisidii), Hector’s beaked whale (Mesoplodon hectori), Hector’s dolphin (Cephalorhynchus hectori); Hourglass dolphin (Lagenorhynchus cruciger), Hubbs’ beaked whale (Mesoplodon caribbicus), harbor porpoise (Phocoena phocoena); Indo-Pacific bottlenose dolphin (Tursiops aduncus), killer whale (Orca orca); long-beaked common dolphin (Delphinus capensis), long-finned pilot whale (Globicephala melas), Longman’s beaked whale (Indopacetus pacificus), melon-headed whale (Peponocephala electra), northern bottlenose whale (Hyperoodon ampullatus), northern right whale dolphin (Lissodelphis borealis), Pacific white-sided dolphin (Lagenorhynchus
obliquidens), pantropical spotted dolphin (Stenella attenuata), Peale’s dolphin (Lagenorhynchus australis), Perrin’s beaked whale (Mesoplodon perkinsi), pygmy beaked whale (Mesoplodon peruvianus), pygmy killer whale (Feresa attenuata), Risso’s dolphin (Grampus griseus), short-finned pilot whale (Globicephala macrorhynchus), southern bottlenose whale (Hyperoodon planifrons), southern right whale dolphin (Lissodelphis peronii), Sowerby’s beaked whale (Mesoplodon bidens), spade-toothed beaked whale (Mesoplodon traversii), spectacled porpoise (Phocoena dioptrica), sperm whale (Physeter macrocephalus), spinner dolphin (Stenella longirostris), Stejneger’s beaked whale (Mesoplodon stejnegeri), strap-toothed beaked whale (Mesoplodon layardi), striped dolphin (Stenella coeruleoalba), True’s beaked whale (Mesoplodon mirus), white-beaked dolphin (Lagenorhynchus albirostris).

(3) Pinnipeds—Australian sea lion (Neophoca cinerea), California sea lion (Zalophus californianus), Galapagos fur seal (Arctocephalus galapagoensis), Galapagos sea lion (Zalophus wollebaeki), gray seal (Halichoerus grypus), Guadalupe fur seal (Arctocephalus townsendi), harbor seal (Phoca vitulina), harp seal (Pagophilus groenlandicus), Hawaiian monk seal (Monachus schauinslandi), hooded seal (Cystophora cristata), Juan Fernandez fur seal (Arctocephalus philippi), Mediterranean monk seal (Monachus monachus), New Zealand fur seal (Arctocephalus forsteri), New Zealand fur seal (Phocarctos hookeri), northern elephant seal (Mirounga angustirostris), northern fur seal (Callorhinus ursinus), ribbon seal (Phoca fasciata), South African and Australian fur seals (Arctocephalus pusillus), South American sea lion (Otaria flavescens), southern elephant seal (Mirounga leonina), spotted seal (Phoca largha), Steller sea lion (Eumetopias jubatus), subantarctic fur seal (Arctocephalus tropicalis).