§ 218.71 Effective dates and definitions.

(a) The regulations in this subpart are effective December 24, 2013, through December 24, 2018.

(b) The following definitions are utilized in this subpart:

(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 paragraph (b)(1)(ii) of this section 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 listed in paragraph (b)(1)(i) of this section:
      
      (A) Two or more individuals of any cetacean species exhibiting indicators of distress.
      
      (B) Bottlenose dolphin (Tursiops truncatus), California Coastal — 5,600.
      
      (C) Bottlenose dolphin (Tursiops truncatus), CA/OR/WA — 145,125.
      
      (D) Bottlenose dolphin (Tursiops truncatus), Oahu — 3,879.
      
      (E) Bottlenose dolphin (Tursiops truncatus), 4-Islands region — 999.
      
      (F) Bottlenose dolphin (Tursiops truncatus), Kauai and Niihau — 960.
      
      (G) Bottlenose dolphin (Tursiops truncatus), Hawaii Island — 666.
      
      (H) Cuvier’s beaked whale (Ziphius cavirostris) — 349,130.
      
      (I) Dwarf sperm whale (Kogia sima) — 113,525.
      
      (J) Dall’s porpoise (Phocoenoides dalli) — 210,925.
      
      (K) False killer whale (Pseudorca crassidens), Main Hawaiian Islands insular — 240.
      
      (L) False killer whale (Pseudorca crassidens) — 3,147.
      
      (M) Fraser’s dolphin (Lagenodelphis hosei) — 9,034.
      
      (N) Killer whale (Orcinus orca) — 2,762.
      
      (O) Kogia spp. — 71,070.
      
      (P) Long-beaked common dolphin (Delphinus capensis) — 604,715.

§ 218.72 Permissible methods of taking.

(a) Under Letters of Authorization (LOAs) issued pursuant to § 218.77, the Holder of the Letter of Authorization may, incidentally, but not intentionally, take marine mammals within the area described in § 218.70, 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 § 218.70(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:
      
      (A) Mysticetes:
         
         (i) Blue whale (Balaenoptera musculus) — 23,699.
         
         (B) Bryde’s whale (Balaenoptera edeni) — 1,287.
         
         (C) Fin whale (Balaenoptera physalus) — 9,656.
         
         (D) Gray whale (Eschrichtius robustus), Eastern North Pacific — 60,590.
         
         (E) Gray whale (Eschrichtius robustus), Western North Pacific — 60.
         
         (F) Humpback whale (Megaptera novaeangliae) — 51,000.
         
         (G) Minke whale (Balaenoptera acutorostrata) — 4,425.
         
         (H) Sei whale (Balaenoptera borealis) — 29,995.
         
         (I) Cuvier’s beaked whale (Ziphius cavirostris) — 349,130.
         
         (J) Dwarf sperm whale (Kogia sima) — 113,525.
         
         (K) Dall’s porpoise (Phocoenoides dalli) — 210,925.
         
         (L) Fraser’s dolphin (Lagenodelphis hosei) — 9,034.
         
         (M) False killer whale (Pseudorca crassidens), Main Hawaiian Islands insular — 240.
         
         (N) False killer whale (Pseudorca crassidens) — 3,147.
         
         (O) Killer whale (Orcinus orca) — 2,762.
         
         (P) Kogia spp. — 71,070.
         
         (Q) Long-beaked common dolphin (Delphinus capensis) — 604,715.

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