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Title 50 —Wildlife and Fisheries

Chapter II —National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Subchapter C —Marine Mammals

Part 216 —Regulations Governing the Taking and Importing of Marine Mammals

Subpart I —General Regulations Governing Small Takes of Marine Mammals Incidental to Specified Activities

Source: 61 FR 15887, Apr. 10, 1996, unless otherwise noted.

Authority: 16 U.S.C. 1361 *et seq.*, unless otherwise noted.

Source: 39 FR 1852, Jan. 15, 1974, unless otherwise noted.

§ 216.105 Specific regulations.

- (a) For all petitions for regulations under this paragraph, applicants must provide the information requested in § 216.104(a) on their activity as a whole, which includes, but is not necessarily limited to, an assessment of total impacts by all persons conducting the activity.
- (b) For allowed activities that may result in incidental takings of small numbers of marine mammals by harassment, serious injury, death or a combination thereof, specific regulations shall be established for each allowed activity that set forth:
 - (1) Permissible methods of taking;
 - (2) Means of effecting the least practicable adverse impact on the species and its habitat and on the availability of the species for subsistence uses; and
 - (3) Requirements for monitoring and reporting, including requirements for the independent peer-review of proposed monitoring plans where the proposed activity may affect the availability of a species or stock for taking for subsistence uses.
- (c) Regulations will be established based on the best available information. As new information is developed, through monitoring, reporting, or research, the regulations may be modified, in whole or in part, after notice and opportunity for public review.