

## SUBCHAPTER D—WHALING

### PART 230—WHALING PROVISIONS

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AUTHORITY: 16 U.S.C. 916 *et seq.*

SOURCE: 61 FR 29631, June 11, 1996, unless otherwise noted.

#### § 230.1 Purpose and scope.

The purpose of the regulations in this part is to implement the Whaling Convention Act (16 U.S.C. 916 *et seq.*) by prohibiting whaling except for aboriginal subsistence whaling allowed by the International Whaling Commission. Provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*) and the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) also pertain to human interactions with whales. Rules elsewhere in this chapter govern such topics as scientific research permits, and incidental take and harassment of marine mammals.

#### § 230.2 Definitions.

*Aboriginal subsistence whaling* means whaling authorized by paragraph 13 of the Schedule annexed to and constituting a part of the Convention.

*Assistant Administrator* means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

*Authorized officer* means:

- (1) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;
- (2) Any special agent or enforcement officer of the National Marine Fisheries Service;
- (3) Any officer designated by the head of a Federal or state agency that has entered into an agreement with the Secretary of Commerce or the Commandant of the Coast Guard to enforce the provisions of the Whaling Convention Act; or

(4) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (1) of this definition.

*Calf* means any whale less than 1 year old or having milk in its stomach.

*Commission* means the International Whaling Commission established by article III of the Convention.

*Convention* means the International Convention for the Regulation of Whaling signed at Washington on December 2, 1946.

*Cooperative agreement* means a written agreement between the National Oceanic and Atmospheric Administration and a Native American whaling organization for the cooperative management of aboriginal subsistence whaling operations.

*Landing* means bringing a whale or any parts thereof onto the ice or land in the course of whaling operations.

*Native American whaling organization* means an entity recognized by the National Oceanic and Atmospheric Administration as representing and governing Native American whalers for the purposes of cooperative management of aboriginal subsistence whaling.

*Regulations of the Commission* means the regulations in the Schedule annexed to and constituting a part of the Convention, as modified, revised, or amended by the Commission from time to time.

*Stinker* means a dead, unclaimed whale found upon a beach, stranded in shallow water, or floating at sea.

*Strike* means hitting a whale with a harpoon, lance, or explosive device.

*Wasteful manner* means a method of whaling that is not likely to result in the landing of a struck whale or that does not include all reasonable efforts to retrieve the whale.

*Whale products* means any unprocessed part of a whale and blubber, meat, bones, whale oil, sperm oil, spermaceti, meal, and baleen.

*Whaling* means the scouting for, hunting, striking, killing, flensing, or landing of a whale, and the processing of whales or whale products.