



**NOAA  
FISHERIES**

Office of  
Protected  
Resources

# Fisheries and the Marine Mammal Protection Act

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# Basics of the MMPA

- Enacted in 1972, amended since
- Prohibits “take” of marine mammals, with limited exceptions
- Protection of all marine mammals regardless of status
- Additional protection for ESA-listed species
- Highly protective standards
  - optimum sustainable population and potential biological removal level



“It is the sense of the Congress that [marine mammals] should be protected and encouraged to develop to the greatest extent feasible commensurate with sound policies of resource management and that the **primary objective of their management should be to maintain the health and stability of the marine ecosystem.** Whenever consistent with this primary objective, it should be the **goal to obtain an OSP keeping in mind the carrying capacity of the habitat.**”  
16 U.S.C. 1361



# Potential Biological Removal (PBR)

- Definition: the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population
- Equation:  $PBR = N_{min} * 1/2 R_{max} * RF$



# Specific Exceptions to MMPA Take Prohibition

- Incidental Take
  - Commercial fishing
  - Non-fishing commercial activities (e.g., oil and gas)
- Direct Take
  - Subsistence hunting/handicrafts by AK natives
  - Scientific research, public display, and photography
  - Non-lethal deterrence
  - Pinniped removal authority



# Fishing and the MMPA

- Assessing and Reducing Take
  - Stock Assessment Reports and Scientific Review Groups (Section 117)
  - Classification of commercial fisheries on MMPA List of Fisheries (Section 118)
    - Category I - **Frequent** incidental mortality and serious injury of marine mammals
    - Category II - **Occasional** incidental mortality and serious injury of marine mammals
    - Category III - **Remote likelihood or no known** incidental mortality and serious injury of marine mammals



# MMPA Requirements for Commercial Fisheries

(Section 118 con't)

## ALL Fisheries:

- Report all marine mammal incidental injury or mortality to NMFS

## Category I and II Fisheries:

- Register and receive authorization to incidentally take marine mammals
- Carry observer, if requested
- Subject to Take Reduction Planning, if applicable



# Take Reduction Program and Plan Goals

Short-term goal (within 6 months)

Mortalities & Serious Injuries < PBR

Long-term goal (within 5 years)

M/SI < Insignificance Threshold (i.e., 10% of PBR)

- For long-term goal, Plans must account for:
  - Economics of the fishery
  - Availability of existing technology
  - Existing state/regional FMPs





# Take Reduction Teams (TRTs)

- TRTs = Stakeholder-based teams
- Rigorous timeline in MMPA:
  - Develop draft Plan by consensus within 6 months
  - NMFS publishes proposed Plan within 60 days of receipt
  - Up to 90 days of public comment
  - NMFS publishes final Plan within 60 days of close of public comment period

# Take Reduction Plans

- Plan contents:
  - Review of stock assessment information
  - Mortality/serious injury estimates
  - Regulatory or voluntary measures for bycatch reduction
  - Dates for achieving TRP goals

# Examples of Regulatory & Voluntary Measures

- Modifications to fishing gear and/or practices (e.g., specific hooks, pingers)
- Fishery-specific limits on serious injury and mortality (i.e., caps)
- Time/area closures
- Expert skipper's panels and/or educational workshops
- Prioritized research plan



# Take Reduction Plans

- Completed Plans
  - Atlantic Large Whale (NEFMC, MAFMC, SAFMC)
  - Bottlenose Dolphin (MAFMC, SAFMC)
  - Harbor Porpoise (NEFMC, MAFMC)
  - Pacific Offshore Cetacean (PFMC)
  - Pelagic Longline (HMS AP)
  - False Killer Whale (WPRFMC)
- Current TRTs
  - Atlantic Trawl Gear (NEFMC, MAFMC)



# Ongoing Issues of Interest

- Enhance research into evaluating and developing methods to reduce marine mammal bycatch
- Develop alternative monitoring programs
- Increase technical gear expertise on TRTs
- Improve TRT and SRG operational procedures
- Identify resources for improving stock assessments
- Develop non-lethal deterrence guidelines



# Questions?



[www.nmfs.noaa.gov/pr/interactions](http://www.nmfs.noaa.gov/pr/interactions)



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