

# Overview of the Marine Mammal Protection Act Take Reduction Program

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## Basics of the MMPA

- Enacted in 1972, amended in 1994
- Prohibits the “take” of marine mammals, with limited exceptions
  - Take = to hunt, harass, capture, or kill, or to attempt to hunt, harass, capture, or kill
- Protection extended to all marine mammals regardless of status

## **Key MMPA Goals**

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- ❑ Maintain marine mammals as functioning elements of their ecosystems
- ❑ Obtain Optimum Sustainable Population (OSP) levels for all marine mammals
- ❑ Reduce serious injury and mortality (bycatch) of marine mammals incidental to commercial fishing operations to insignificant levels

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## **Specific Exceptions to the MMPA Take Prohibition**

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### Incidental Take

- Commercial fishing
- Non-fishing commercial activities (e.g., oil and gas activities)

### Direct Take

- Subsistence hunting/handicrafts by AK natives
- Scientific research, public display, and photography
- Non-lethal deterrence
- Pinniped Removal Authority

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## **Taking of Marine Mammals Incidental to Commercial Fishing (MMPA section 118)**

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- ❑ Classify fisheries according to their levels of mortality and serious injury (M&SI) (MMPA List of Fisheries)
- ❑ Registration and authorization of incidental take by vessels (Marine Mammal Authorization Program)
- ❑ Monitor incidental takes (observer programs)
- ❑ Requirement to report injuries/mortalities
- ❑ Take Reduction Program

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## **MMPA List of Fisheries**

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Classifies all commercial fisheries according to levels of incidental M&SI by stock

- Based on the annual Stock Assessment Reports
- ❑ Category I = frequent incidental M&SI
- ❑ Category II = occasional incidental M&SI
- ❑ Category III = a remote likelihood or no known incidental M&SI

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## Requirements for Category I and II Fisheries

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- ❑ Register with NMFS to obtain authorization for lawful incidental take of marine mammals
- ❑ Carry an observer if requested
- ❑ Subject to the Take Reduction Program as applicable



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## Take Reduction Planning

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Based on Stock Assessment Reports:

- ❑ Take Reduction Plans are designed to assist in the recovery or prevent depletion of “strategic” stocks that interact with Category I or II fisheries
- ❑ NMFS may also develop Plans for non-strategic stocks that interact with Category I fisheries

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## **Strategic Stocks**

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- ❑ Human-caused mortality > Potential Biological Removal (PBR) level
- ❑ Threatened or endangered status under the Endangered Species Act (ESA), or a depleted listing under the MMPA
- ❑ Declining and likely to be listed under the ESA or MMPA

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## **Potential Biological Removal**

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“The maximum number of animals, not including natural mortalities, that can be removed from a stock, while allowing that stock to reach or maintain its Optimum Sustainable Population level”

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## Goals of Take Reduction Plans

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### Short-term goal

To reduce, within 6 months of implementation, the incidental M&SI of strategic marine mammal stocks taken during commercial fishing to below a stock's PBR level.

### Long-term goal

To reduce, within 5 years of implementation, the incidental M&SI to insignificant levels approaching a zero M&SI rate, taking into account economics, availability of existing technology, and existing state or regional FMPs.

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## Take Reduction Teams

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- ❑ Team members are appointed based on expertise in the conservation or biology of the stocks addressed by the Plan or the fishing practices that result in M&SI of those stocks
- ❑ Consists of an equitable balance among resource users and non-users
- ❑ NMFS's role is to convene the Team, support deliberations, and provide technical analysis and expertise

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## MMPA Timeline for Take Reduction Planning

MMPA Requirement	Deadline
Establish TRT	30-days after final SAR indicates a stock is "strategic" and the current LOF indicates a Category I or II fishery seriously injures or kills that stock
TRT develops a draft TRP and submits to NMFS	6-months after TRT is established
NMFS considers draft TRP to develop proposed rule and implementing regulations	60-days after TRT submits draft TRP to NMFS
NMFS holds public comment period on proposed rule and implementing regulations	Up to 90-days after publication
NMFS publishes final rule and implementing regulations in the <i>Federal Register</i>	Up to 60-days after close of public comment period

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## False Killer Whale Take Reduction Team

- ❑ Issue: False killer whales are experiencing unsustainable levels of serious injuries and mortalities incidental to Hawaii's commercial longline fisheries.
- ❑ MMPA requires this incidental take to be reduced by the formation of Take Reduction Team (TRT) to develop Take Reduction Plan (TRP).

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# Questions?

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