



An 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

- 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

Specific Exceptions to the MMPA Take Prohibition

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

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

- Registration and authorization of incidental take by vessel using the annual MMPA List of Fisheries
- Monitor incidental takes
- Requirement to report injuries/mortalities
- Take Reduction Program

MMPA List of Fisheries

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

Requirements for Category I and II Fisheries

- **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



Take Reduction Planning

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

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

Goals of Take Reduction Plans

Short-term goal

To reduce, within 6 months of implementation, the incidental mortality or serious injury of strategic marine mammal stocks taken during commercial fishing to below a stock's potential biological removal level (PBR).

Long-term goal

To reduce, within 5 years of implementation, mortality or serious injury to insignificant levels approaching a zero mortality and serious injury rate, taking into account economics, availability of existing technology, and existing state or regional FMPs.

Take Reduction Teams

- Team members are appointed based on expertise in the conservation or biology of the stocks addressed by the plan or the fishing practices that results in serious injury or mortality 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 expertise

TRT Charge and Scope

- Develop consensus recommendations that will reduce serious injuries and mortalities for each stock and fishery subject to the Plan within 6 months of implementation
- Scope for upcoming FKWTRT has not yet been determined

Contents of a Plan

1. Review of information from a final stock assessment and any substantial new information;
2. Mortality/serious injury estimates for each stock by fishery;
3. Regulatory or voluntary measures for reducing serious injury and mortality; and
4. Dates for achieving Plan goals.

Examples of Regulatory & Voluntary Measures

- Modifications to fishing gear and/or practices
- 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

QUESTIONS?

