

# National Marine Fisheries Service

---

## Fisheries and the Marine Mammal Protection Act

Kristy Long  
Marine Mammal and Sea Turtle Division  
Office of Protected Resources  
October 27, 2008

# Basics of the MMPA

- Enacted in 1972
- Prohibition on “take” of marine mammals, with limited exceptions
- Protection extended to all marine mammals regardless of status
- Highly protective standard
  - Optimum sustainable population

# Context for MMPA Enactment

- Tuna/Dolphin fishery interactions in the Eastern Tropical Pacific
- Status of Whales from over-exploitation
- Pinniped Hunts for Fur and Harp Seals
- U.S. Social Values

**“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**

# Specific Exceptions to MMPA Take Prohibition

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

# Fishing and the MMPA: Historical perspective

- Dolphins in the Eastern Tropical Pacific
  - >300,000 deaths per year
  - Intentional setting on
- Zero Mortality Rate Goal (ZMRG)
  - “Insignificance Threshold” (50CFR 229.2)
- Domestic fishing pre-1987
  - General authorizations
  - Small take authorizations

# Fishing and the MMPA: 1994 - Section 118

- Elements of the regime
  - Stock Assessment Reports (Section 117)
  - Commercial fishery classifications  
(i.e., MMPA List of Fisheries)
  - Registration
  - Injury/mortality reporting requirement
  - Observers
  - Take Reduction Program

# Fishing and the MMPA: 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:  
$$\text{PBR} = N_{\min} * 1/2 R_{\max} * RF$$

# Fishing and the MMPA: Take Reduction Teams (TRT)

- TRTs = Stakeholder-based
- Rigorous timeline
  - Submit draft TRP
  - NMFS publishes proposed TRP within 60 days of receipt
  - Up to 90 days of public comment
  - NMFS publishes final TRP within 60 days of close of public comment period
  - 5 years to meet long-term goal

# Fishing and the MMPA: Take Reduction Plans (TRP)

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

# Fishing and the MMPA: TRPs to Date

- Short-term (6 months) goal: PBR
- Long-term (5 years) goal: Insignificance Threshold (i.e., 10% of PBR)
- For long-term goal, TRPs must account for:
  - Economics of the fishery
  - Availability of existing technology
  - Existing state/regional FMPs

# Fishing and the MMPA: TRPs

- Completed TRPs
  - Atlantic Large Whale TRP
  - Bottlenose Dolphin TRP
  - Harbor Porpoise TRP (Gulf of Maine and Mid-Atlantic)
  - Pacific Offshore Cetacean TRP
  - Pelagic Longline TRP
- Current TRTs
  - Atlantic Trawl Gear TRT
  - False Killer Whale TRT (pending FY10 budget)

# Future Initiatives: MMPA Reauthorization

- Recreational, personal use fishing
- Evaluating and developing fishing gear and methods to reduce marine mammal bycatch
- Alternative monitoring
- Technical gear liaisons on TRTs

A photograph of a dolphin leaping from the water. The dolphin is captured in mid-air, its body arched as it moves from the lower left towards the upper right. The water is a vibrant blue with white foam and splashes trailing behind the dolphin's tail. The overall scene is bright and dynamic.

**Thank You!**

**Questions?**