

# National Marine Fisheries Service

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## Fisheries and the Marine Mammal Protection Act

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# 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: 1994 - Section 118

- Elements of the Take Reduction Program
  - Stock Assessment Reports (Section 117)
  - Classify commercial fisheries (i.e., MMPA List of Fisheries)
    - Category I, II, and III
  - Registration
  - Injury/mortality reporting requirement
  - Observers
  - Take Reduction Planning

# 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:  $PBR = N_{min} * 1/2 R_{max} * RF$

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

- TRTs = Stakeholder-based
- Rigorous timeline
  - Develop draft TRP within 6 months
  - 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: TRP Goals

Short-term (6 months) goal:  $M/SI < PBR$

Long-term (5 years) goal:

- $M/SI < \text{Insignificance Threshold}$   
(i.e., 10% of PBR)
- TRPs must account for:
  - Economics of the fishery
  - Availability of existing technology
  - Existing state/regional FMPs

# 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

- 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 (draft TRP submitted)

# 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

# QUESTIONS?



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