

National Marine Fisheries Service



Fisheries and the Marine Mammal Protection Act

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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

Basics of the MMPA

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

“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)
- Direct Take
 - Subsistence hunting/handicrafts by AK natives
 - Scientific research, public display, and photography
 - Non-Lethal deterrence
 - Pinniped Removal Authority

Fishing and the MMPA

- Elements of the Take Reduction Program
 - Stock Assessment Reports (Section 117)
 - Classify 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

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 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

Fishing and the MMPA: 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

Fishing and the MMPA: 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

Fishing and the MMPA: 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 (MAFMC)
- Current TRTs
 - Atlantic Trawl Gear (NEFMC, MAFMC)
 - False Killer Whale (proposed Plan published July 2011)
(WPRFMC)

Future Initiatives:

- Address recreational, personal use fishing under MMPA sec. 118
- Evaluating and developing fishing gear and methods to reduce marine mammal bycatch
- Alternative monitoring programs
- Add technical gear liaisons to TRT membership

QUESTIONS?



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