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FISHERIES

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Resources

Fisheries and the Marine Mammal Protection Act

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Learning Objectives

- Identify how the Marine Mammal Protection Act's (MMPA) take prohibition applies to Council authorities
- Describe how the MMPA applies to “other applicable law” for fishery management consideration
- Explain how MMPA take reduction plans and teams relate to Fishery Management Plan development

Basics of the MMPA

- Enacted in 1972, amended since
- Prohibits “take” of marine mammals, with limited exceptions
- Protects all marine mammals regardless of status
- Additional protection for ESA-listed species
- Highly protective standard
 - Optimum sustainable population



Fishing and the MMPA

- Assessing and reducing take
 - Section 117
 - Stock assessment reports
 - Scientific Review Groups
 - Section 118
 - Taking of marine mammals incidental to commercial fishing operations
 - Zero mortality rate goal

Potential Biological Removal (PBR)

- Developed because data required to evaluate status relative to the optimum sustainable population level is difficult to obtain
- *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

$$\text{PBR} = N_{\text{min}} * 1/2 R_{\text{max}} * \text{RF}$$

“Strategic” Stocks

Marine mammal stocks are “strategic” if:

- Human-caused mortality/serious injury exceeds PBR,
- The stock is declining and likely to be listed as threatened under the ESA,
- The stock is ESA-listed, or
- The stock is depleted.



MMPA Section 118 – List of Fisheries

- Classify all U.S. commercial fisheries on an annual List of Fisheries according to levels of mortality and serious injury by stock
 - 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 Section 118 - Take Reduction Program

- Required to develop and implement a take reduction plan for strategic stocks that interact with Category I and II fisheries
 - May also develop plans for non-strategic stocks that interact with Category I fisheries
- Goals:
 - **Short-term** goal (within 6 months): mortality & serious injury < PBR
 - **Long-term** goal (within 5 years): mortality & serious injury < insignificance threshold (i.e., 10% of PBR), considering:
 - Economics of the fishery
 - Availability of existing technology
 - Existing state/regional fishery management plans

Take Reduction Teams

- Stakeholder-based teams
 - Include Council reps
- 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



Take Reduction Plans

Plan contents:

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



Examples of Regulatory & Voluntary Measures

- Modifications to fishing gear and/or practices (e.g., specific hooks, pingers, weak links, gear marking)
- Fishery-specific limits on serious injury and mortality (i.e., caps)
- Time/area closures
- Expert skipper's panels and/or educational workshops



Council Representatives on Take Reduction Teams

- Atlantic Large Whale
 - New England: **vacant**
 - Mid-Atlantic: **vacant**
 - South Atlantic: **vacant**
- Bottlenose Dolphin
 - Mid-Atlantic: **vacant**
 - South Atlantic: **David Cupka** (member)
- False Killer Whale
 - Western Pacific: **Paul Dalzell** (staff)
- Atlantic Trawl Gear
 - New England: **vacant**
 - Mid-Atlantic: **vacant**
- Harbor Porpoise
 - New England: **vacant**
 - Mid-Atlantic: **vacant**
- Pacific Offshore Cetacean
 - Pacific: **David Crabbe** (member)
- Pelagic Longline
 - Mid-Atlantic: **vacant**



Marine Mammal Commission



- The Commission is an independent agency of the U.S. Government established by the MMPA to provide oversight of marine mammal conservation programs carried out by federal agencies (e.g., NMFS and U.S. Fish & Wildlife Service)
- 3 Commissioners are appointed by the President of the United States and approved by the U.S. Senate
- Committee of Scientific Advisors and Commission staff work with Commissioners to provide oversight and recommendations
- Commission staff serve as Take Reduction Team members and attend Scientific Review Group meetings, among other duties
- www.mmc.gov

Ongoing Issues of Interest

- Enhance research on evaluating and developing methods to reduce marine mammal bycatch
- Develop alternative monitoring programs
- Increase technical gear expertise on Take Reduction Teams
- Identify resources for improving stock assessments
- Develop non-lethal deterrence guidelines
- MMPA import rule

Summary



- MMPA prohibits take of marine mammals, but provides exception for incidental take in commercial fisheries (and a program to authorize and reduce take)
- Take Reduction Planning is a consensus-based, collaborative process to develop take reduction measures
 - Communication between Councils/NMFS is important to ensure fishery management is complementary
- Councils are an important partner in marine mammal conservation; number of ways for Council representatives to be involved

Questions?



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