

***NATIONAL MARINE FISHERIES SERVICE POLICY DIRECTIVE 02-204  
JULY 5, 2010***

***Protected Resources Management***

***MARINE MAMMAL PROTECTION***

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**OPR:** F/PR (D. Cottingham)

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***SUMMARY OF REVISIONS:***

1. Protecting marine mammals is a core mission of the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS). The Marine Mammal Protection Act (MMPA) is the principle statute guiding our fulfillment of this mission. Congress passed the MMPA in 1972 in response to concerns among scientists and the public that significant declines in some species of marine mammals were caused by human activities. Under the MMPA, the Department of Commerce through NMFS is charged with protecting whales, dolphins, porpoises, seals, and sea lions. Walrus, manatees, otters, and polar bears are protected by the Department of Interior through the U.S. Fish and Wildlife Service. The Animal and Plant Health Inspection Service, a part of the Department of Agriculture, is responsible for regulations managing marine mammals in captivity. This directive establishes the framework for NMFS MMPA implementation.

2. The MMPA and implementing regulations are adopted by reference as the NMFS Policy on Marine Mammal Protection. The Act established a national policy to prevent marine mammal species and population stocks from declining beyond the point where they ceased to be significant functioning elements of the ecosystems of which they are a part, and consistent with this objective, they should not be permitted to diminish below their optimal sustainable population.

3. The MMPA prohibits take of marine mammals in U.S. waters and by U.S. citizens on the high seas, the importation of marine mammals and marine mammal products into the U.S. The MMPA defines “take” to mean “to hunt, harass, capture, or kill” any marine mammal or attempt to do so. Exceptions to the moratorium can be made through permitting actions for take incidental to commercial fishing and other non-fishing activities; for scientific research; and for public display at licensed institutions such as aquaria and science centers. The moratorium generally does not apply to Alaska natives who live on the Alaskan coast. The MMPA contains provisions allowing for take for subsistence use or to create and sell “authentic articles of handicrafts and clothing” without permits or authorizations. The taking must not be “accomplished in a wasteful manner,” and the Secretaries of Commerce and the Interior may regulate the taking of a depleted species or stock, regardless of the purpose for which it is taken.

4. The MMPA and delegations of authority establish the following authorities and responsibilities – the NMFS Office of Protected Resources, in cooperation with the Office of Science and Technology, Regional Offices, Regional Science Centers and General Counsel for Fisheries -

- Issue protective regulations under Title I Sections 103, 111 and 112.
- Issue permits and authorizations for direct and indirect take of marine mammals under Title I Section 104.
- Cooperate with partners on research and development to improve commercial fisheries gear and methods under Title I Section 111.
- For species or stocks designated as depleted, develop conservation plans under Title I Section 116.
- Work with partners to respond to and gather information on marine mammal strandings under Title IV.
- Conduct stock assessments activities and prepare an annual stock assessment report under Title I Section

The NMFS Office of Law Enforcement works with the U.S Coast Guard and other partners to enforce and prosecute MMPA violations.

5. Under MMPA, stock assessments are used to assess progress in protecting marine mammals and preventing them from diminishing below their optimal sustainable population.

6. Procedural directives will be issued to implement this policy as needed.

Signed \_\_\_\_\_/s/\_\_\_\_\_ 6/21/2010 \_\_\_\_\_

Eric Schwaab Date

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National Marine Fisheries Service