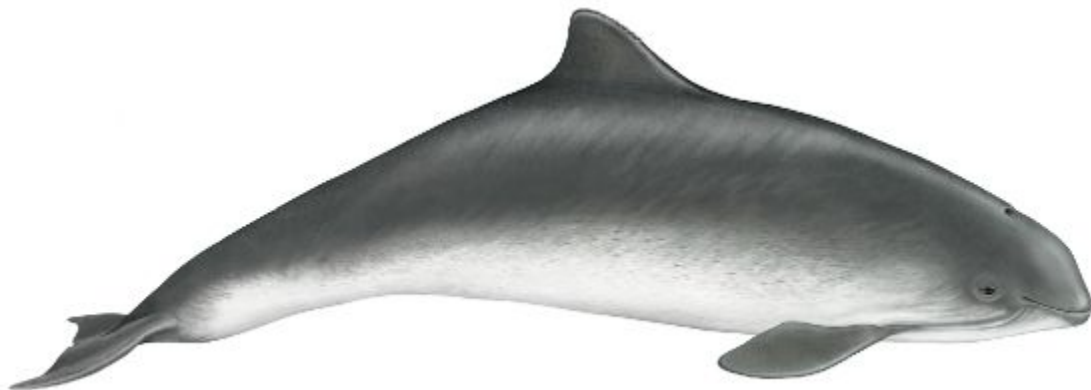


NOAA
FISHERIES

SEAK Harbor Porpoise & SEAK salmon drift gillnet



Suzie Teerlink
Protected Resources Division
NOAA Fisheries, Alaska Region

Outline

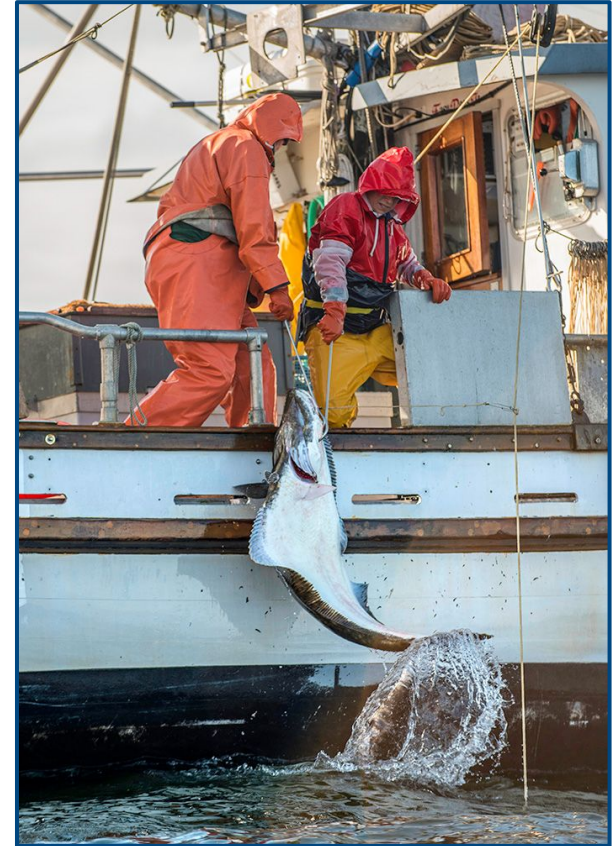
- MMPA
- List of Fisheries
- SEAK Salmon Drift Gillnet Interactions with Harbor Porpoise
- NOAA Fisheries Goals
- Hear from YOU



Marine Mammal Protection Act (MMPA) of 1972

Purposes:

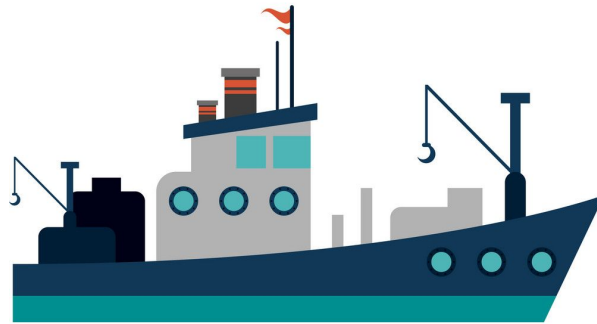
- population must remain a significant functioning element of the ecosystem
- population must not diminish below its optimum sustainable population
- moratorium on take of marine mammals
take = to harass, hunt, capture, kill



Section 118:

Taking of Marine Mammals Incidental to Commercial Fishing Operations

List of Fisheries - MMPA



- **Category I:** “*Frequent* incidental mortality and serious injury”
- **Category II:** “*Occasional* incidental mortality and serious injury”
- **Category III:** “*Remote likelihood of, or no known* incidental mortality and serious injury”

Marine Mammal Protection Act - sec. 117

Requires NMFS to prepare & update stock assessment reports for each marine mammal stock in U.S. waters, including:

- Geographic range
- Minimum population estimate
- Potential Biological Removal (PBR)
- Human-related mortality and serious injury

From commercial fisheries, ship strikes, etc

- Assessment of whether stock is “strategic”

If human-related mortality and serious injury \geq PBR, stock is considered “strategic”

SARs  Internal, External, and Public Review



MARINE MAMMAL PROTECTION

Marine Mammal Stock Assessment Reports by Species/Stock

NOAA Fisheries annually prepares marine mammal stock assessment reports for all marine mammals in U.S. waters.

[Alaska](#), [New England/Mid-Atlantic](#), [Pacific Islands](#), [Southeast](#), [West Coast](#), [National](#)

Table of Contents

[Cetaceans - Large Whales](#)

[Cetaceans - Small Whales](#)

[Cetaceans - Dolphins](#)

[Cetaceans - Porpoises](#)

[Pinnipeds - Phocids \(Earless Seals or True Seals\)](#)

[Pinnipeds - Otariids \(Eared Seals or Fur Seals and Sea Lions\)](#)

[Marine Mammals Under the Jurisdiction of U.S. Fish and Wildlife Service \(Manatees, Polar Bears, Sea Otters, and Walruses\)](#)

This page provides all marine mammal stock assessment reports by species/stock. We also provide this information as [regional stock assessment reports](#).

Note: Individual reports are only posted when they are revised from a previous year.

Posting of the 508 compliant versions of the older years is in process. If there is a year that you need now, please contact us at 301-427-8400 or email pr.webmaster@noaa.gov to request it. Provide the species name and year that you need.

Cetaceans - Large Whales

**All documents are in PDF format.*

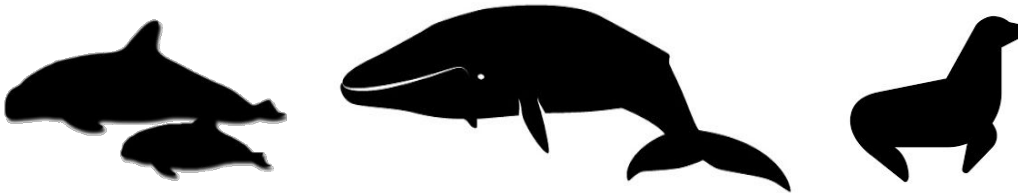
Blue Whale

- **Central North Pacific (*formerly called Western North Pacific (formerly Hawaii))**

List of Fisheries - MMPA

- Tier I Analysis: By Stock

If total M/SI is $> 10\%$ of PBR -continue to Tier 2



- Tier 2 Analysis: By Fishery

- Category I: Annual M/SI is $\geq 50\%$ of PBR
- Category II: Annual M/SI is $\geq 1\%$ and $< 50\%$ of PBR
- Category III: Annual M/SI is $< 1\%$ of PBR



Category I & II Requirements



- Enroll in Marine Mammal Authorization Program (MMAP)
- Carry Documentation of Enrollment
- Report Mortality and Serious Injury
- Comply with Take Reduction Teams (*if convened*)
- Subject to Observation

MMPA mortality/injury reporting

Are you covered?

 From 1996-2015
only 351 reports
were received from Alaskan fishermen

Be smart. Report. It's the law.

ALL

 fisheries are required to report injuries and deaths

48

 hours from the end of the trip

even when an **OBSERVER** is on board



A marine mammal take is not legal unless reported



Credit: Alaska Dept Fish and Game, NMFS permit 239-1564



Credit: NOAA Fisheries, NMFS permit 922-163002



Credit: NOAA Fisheries, NMFS Permit 922-1489

You must report!



NOAA FISHERIES

Complete the mortality/ injury reporting form on
www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-authorization-program.

Questions? Call (301) 427-8402



NOAA FISHERIES

MMAP

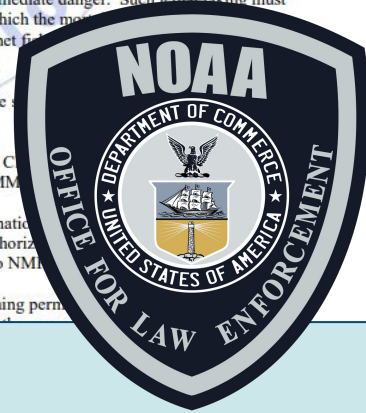
National Marine Fisheries Service MARINE MAMMAL AUTHORIZATION PROGRAM 2020 AUTHORIZATION CERTIFICATE

A. Authorization:

Pursuant to Section 118 of the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1387), the implementing regulations at 50 CFR Part 229, and subject to the terms and conditions below, NOAA's National Marine Fisheries Service (NMFS) issues this Authorization Certificate, which, when presented in combination with a current/valid state or Federal fisheries permit, authorizes the incidental, but not intentional, taking of non-endangered/threatened marine mammals while engaged in commercial fishing operations in the fisheries listed on the reverse side. This Authorization is valid for January 1, 2020 through December 31, 2020.

B. Terms and Conditions:

- ▶ All incidental mortality or injury of marine mammals occurring in the course of commercial fishing operations must be reported to NMFS within 48 hours after the end of each fishing trip in which the incidental mortality or injury occurred using the appropriate MMAP mortality/injury reporting form. For non-vessel or set net fisheries, reports must be submitted within 48 hours of tending gear or the next delivery of catch.
- ▶ This Authorization Certificate, or a photocopy of it, must be on board the vessel during commercial fishing operations. For non-vessel or set net fishing, this certificate must be in the possession of the permitted fishermen.
- ▶ Authorization Certificate holders must comply with any applicable take reduction plans and emergency regulations.
- ▶ If requested to do so by NMFS or a designated contractor providing observer services to NMFS, an Authorization Certificate holder must take aboard an observer to accompany the vessel on fishing trips. For non-vessel or set net fishing, the Authorization Certificate holder must allow observer access to fishing operations.
- ▶ When necessary to deter a marine mammal from damaging fishing gear, catch, other private property, or from endangering personal safety, the vessel owner, operator, or crew members may use measures which do not result in serious injury or mortality of the animal pursuant to the deterrence provisions of the Act.
- ▶ A marine mammal may not be intentionally killed in the course of commercial fishing operations except where imminently necessary in self-defense or to protect the life of a person in immediate danger. Such lethal taking must be reported to NMFS within 48 hours after the end of each fishing trip in which the mortality occurred using the appropriate MMAP mortality/injury reporting form. For non-vessel or set net fisheries, reports must be submitted within 48 hours of tending gear or the next delivery of catch.
- ▶ Any marine mammal incidentally taken must be immediately returned to the vessel or to a NMFS-authorized observer.
- ▶ Any person who violates these Terms and Conditions, regulations under 50 CFR Part 229, or Section 118 of the MMPA shall be subject to the penalties set forth in the MMPA.
- ▶ This Authorization Certificate, or a copy, must be made available in combination with a current/valid state or Federal fisheries permit, upon request to any state or Federal enforcement agent authorized to enforce the MMPA, a designated agent of NMFS, or any contractor providing observer services to NMFS.
- ▶ This certificate is not transferable. In the event of a change in vessel or fishing permit, the certificate must be returned to NMFS.



MMAP - Reporting Form



MARINE MAMMAL AUTHORIZATION PROGRAM MORTALITY/INJURY REPORTING FORM

National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910

PLEASE PRINT NEATLY AND IN CAPITAL LETTERS

1. LAST NAME OF VESSEL OWNER/OPERATOR _____ 2. FIRST NAME OF VESSEL OWNER/OPERATOR _____ 3. MI. _____

4. MAILING ADDRESS _____ 5. EMAIL ADDRESS _____

6. CITY _____ 7. PHONE NUMBER _____

8. STATE _____ 9. ZIP _____ 10. VESSEL NAME _____

11. COAST GUARD DOC. NO. OR VESSEL STATE REG. NO. _____ 12. STATE COMMERCIAL VESSEL NO. _____

13. FISHERY GEAR TYPE AND TARGET SPECIES _____

14. DATE OF MORTALITY/INJURY (MM DD YYYY) _____ 15. APPROXIMATE TIME OF MORTALITY/INJURY _____ AM/PM _____

16. OBSERVER PRESENT YES NO

17. LOCATION OF MORTALITY/INJURY
LATITUDE _____ ° _____ ' LONGITUDE _____ ° _____ '

18. ENTER SPECIES CODE, TYPE OF MORTALITY/INJURY (SEE LIST OF CODES ON PREVIOUS PAGE), AND THE NUMBER OF EACH SPECIES INVOLVED. MAKE ONE ENTRY FOR EACH SPECIES INVOLVED IN THIS INCIDENT. YOU MAY MAKE UP TO THREE MORTALITY/INJURY CODES PER SPECIES.

| SPECIES | MORTALITY/INJURY CODE | NUMBER |
|---------|-----------------------|--------|
| | | |
| | | |
| | | |

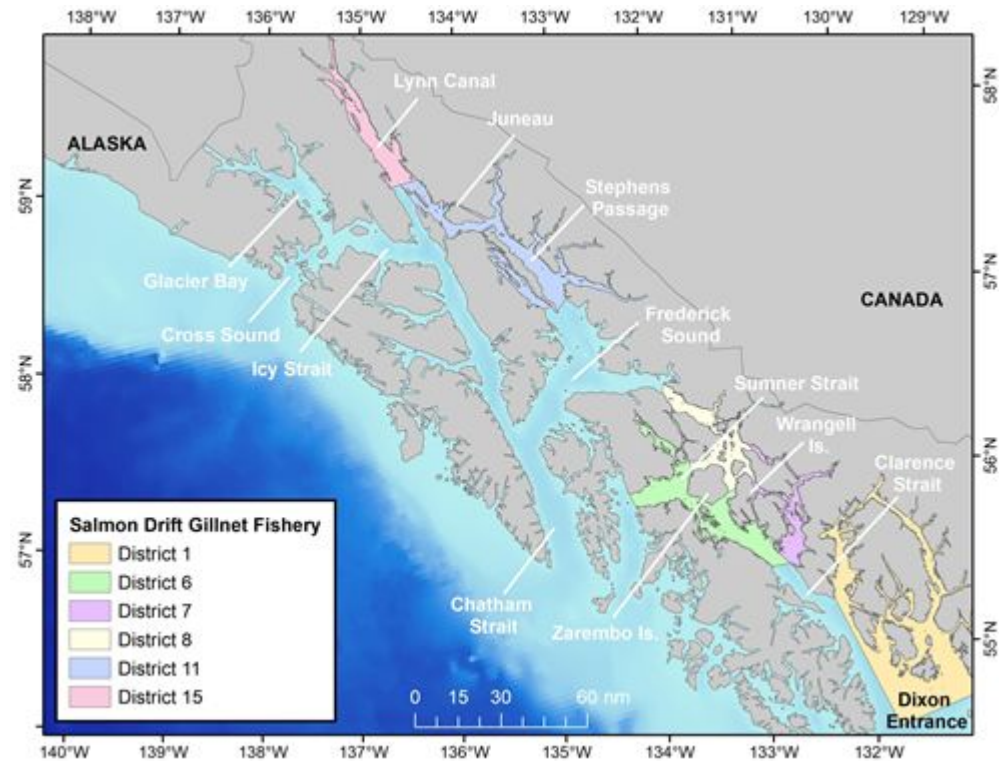
DESCRIPTION OF UNKNOWN SPECIES OR CIRCUMSTANCES OF MORTALITY/INJURY INCIDENT
Please provide a detailed description of the animal involved, including color patterns, length, and body shape and size (drawings are helpful). State whether the animal involved was a whale, dolphin, porpoise, seal, sea lion, walrus, manatee, or sea otter. You may also use this space for other comments regarding this incident, including length of interaction and behavior of animal after release.

Southeast Alaska Salmon Drift Gillnet



Alaska Marine Mammal Observer Program

Following a declining trend in abundance from (1991 - mid2000s), NOAA Fisheries supported AMMOP in 2012/2013 in SEAK to estimate mortality/serious injury in ADF&G fishing districts 6, 7, and 8.

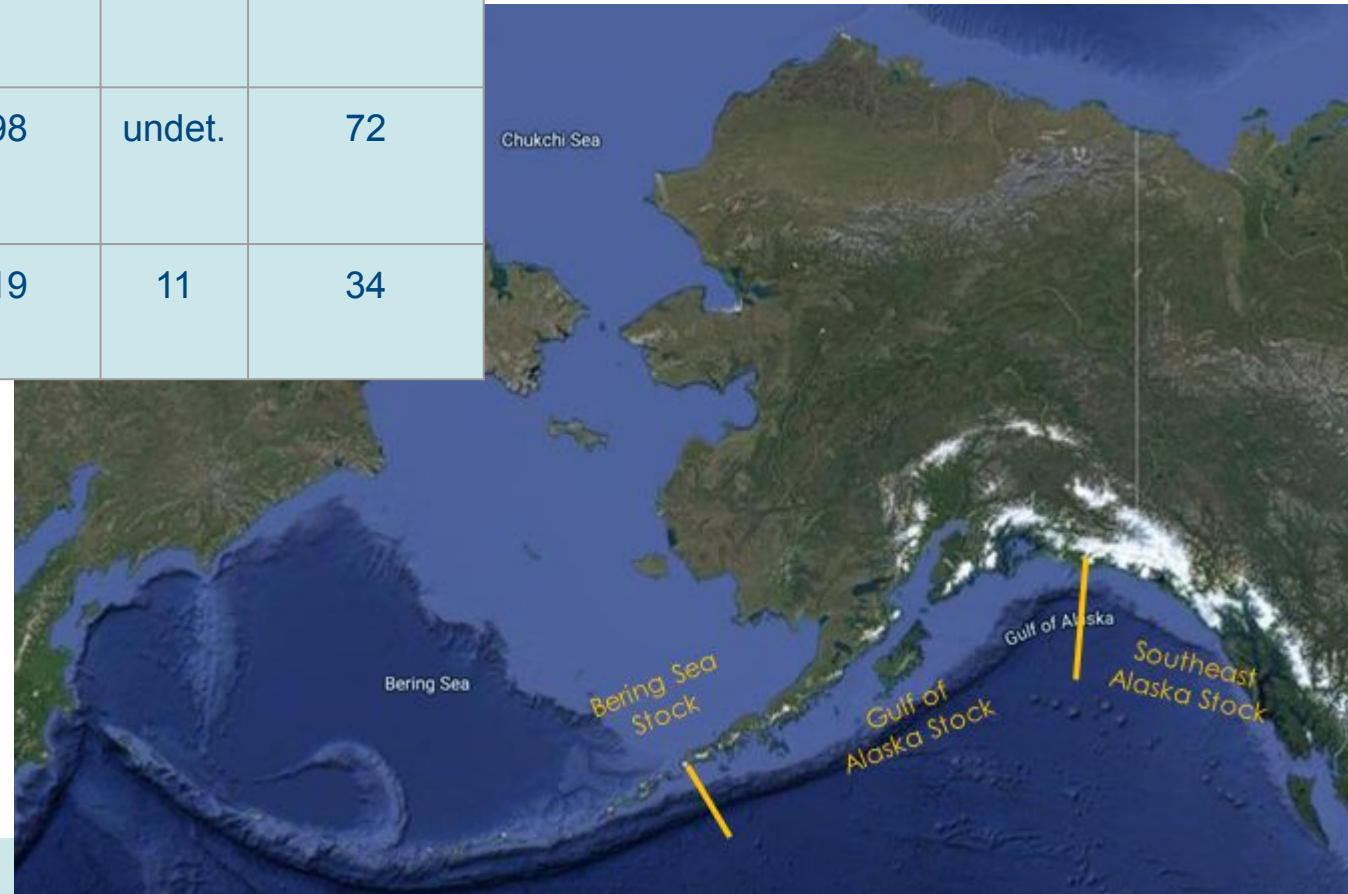


Estimated mortality/serious injury = 34/year



SEAK Concern for Harbor Porpoise Bycatch

| Stock | Abun/CV | Year last surveyed | PBR level | Fishery M/SI |
|----------------|------------------|--------------------|-----------|--------------|
| Bering Sea | 48,215 (0.22) | 1999 | undet. | 0.2 |
| Gulf of Alaska | 31,046 (0.21) | 1998 | undet. | 72 |
| SE AK | 2,509 (0.22) | 2019 | 11 | 34 |



Next steps for NOAA Fisheries

- Continue abundance estimates
- Genetics

Use NMFS guidelines to understand whether the new genetics info leads us to new (and smaller) harbor porpoise stocks

- Better data on mortality/serious injury

Looking into options for observation or other ideas

- Effective deterrents





**NOAA
FISHERIES**

Guidelines by Taxa:



Mysticetes



Odontocetes



Pinnipeds

Recommend Specific Measures by Species:



ESA Mysticetes



Cook Inlet Beluga



Insular False Killer Whale

Proposed Rule for Safely Detering Marine Mammals

Conflicts between humans and marine mammals can arise when the animals interact with fishing gear or catch, damage property, or endanger people. Although the Marine Mammal Protection Act of 1972 (MMPA) and the Endangered Species Act of 1973 (ESA) prohibit the “taking” of marine mammals, there are limited exceptions to the prohibitions under certain circumstances. Section 101(a)(4)(A) of the MMPA allows “specified persons” (e.g., the owner of fishing gear or catch, the owner of private property, or an employee or agent of such owner as well as any person deterring a marine mammal from endangering personal safety and any government employee to deter a marine mammal from damaging public property) to use measures that deter marine mammals from damaging fishing gear, catch, personal or public property, or endangering personal safety, **as long as those measures do not result in death or serious injury of marine mammals.**

What is NOAA Fisheries proposing?

NOAA Fisheries has developed proposed guidelines under the authority of the MMPA for deterring marine mammals under our jurisdiction¹ and recommended specific measures for species of marine mammals listed under ESA, which are intended to provide tools for fishermen and property owners to protect their fishing gear, catch, and property, while also reducing intentional lethal takes and serious injuries of marine mammals.

While the guidelines and specific measures are not mandatory, section 101(a)(4)(B) of the MMPA provides protection from liability for take resulting from such deterrence measures by specifying that any actions taken to deter marine mammals that are consistent with the guidelines or recommendations are not a violation of the MMPA. The rule also proposes to prohibit some deterrents that would have a significant adverse effect on marine mammals. Specified persons may choose to deter marine mammals using deterrents not included in the guidelines, recommended specific measures, or prohibitions. However, if a



NOAA FISHERIES

- Nets are hard to see or detect by marine mammals
- Pingers bring attention to help “see” nets

FISHTEK MARINE

BANANA PINGER
European Legislation EC 812/2004 COMPLIANT

145dB 50-120kHz 12 MONTHS

Dolphin and Porpoise

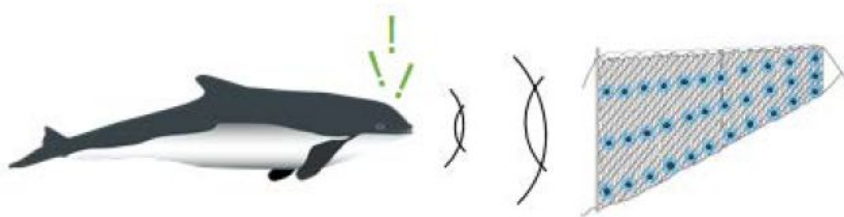
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Other alternatives to sound such as plastic beads to enhance echolocation echoes



Alaska Marine Mammal Effective Deterrents Workshop

- Spring 2022
- Encourage innovative and safe deterrents methods
- Let me know if you are interested in participating!



SEAK Salmon Drift Gillnet Fleet Perspective

Thank you!



NOAA FISHERIES