**Harrison Hee**

**Marine Mammal Protection Act (MMPA)**

**Summary:**

The Marine Mammal Protection Act (MMPA) prevents the take of marine mammals in U.S. waters. It was passed in 1972 under increasing concerns over the depleting populations of wildlife in aquatic environments. Under this law, it is illegal to hunt, kill, capture, and/or harass any marine mammal except under specific and limited exceptions. Exceptions include incidental take, scientific research, public display, and as subsistence use for Alaskan tribes.

**Special Definitions:**

Marine Mammal: Any mammal which is morphologically adapted to the marine environment or primarily inhabits the marine environment

Marine Mammal Product: Any item of merchandise which consists, or is composed in whole or in part, of any marine mammal

“Take”: The act of hunting, killing, capture, and/or harassment of any marine mammal; or, the attempt at such

Harassment: Any act of pursuit, torment, or annoyance

Alaska Native Organization: A group designated by law or formally chartered which represents or consists of Indians, Aleuts, or Eskimos residing in Alaska

**Related Permit Name:**

Incidental take authorization

**Applicability:**

For incidental, but not unexpected, minimal take of marine mammals, typically involving disturbance of habitat of involved species

**Agency Coordination:**

Jointly regulated by the United States Fisheries and Wildlife Service (USFWS), National Oceanic and Atmospheric Association (NOAA), and Marine Mammal Commission (MMC). The USFWS protects walruses, polar bears, manatees, and sea otters. The NOAA protects whales, dolphins, porpoises, seals, and sea lions. The MMC reviews permit and incidental take authorization applications, proposed regulations, NEPA documents, and Endangered Species Act (ESA) proposals.

**Example Documentation:**

Hilcorp Alaska LLC oil and gas activities in Cook Inlet, Alaska <https://www.fisheries.noaa.gov/action/incidental-take-authorization-hilcorp-alaska-llc-oil-and-gas-activities-cook-inlet-alaska>

**Information Necessary:**

A notice of modified letter of authorization (LOA), notice of request for LOA modification, final rule, proposed rule, and notice of receipt of application for LOA in the federal register. Also available for public viewing are FONSI, marine mammal monitoring and mitigation plan, final environmental assessment, and public comments.

**Enforcement and Penalties:**

Violations for hunting and killing may result in fines up to $100,00 and a year of imprisonment for individuals and up to $200,000 for organizations. Harassment violations include civil penalties of up to $11,000 and a year of imprisonment and penalties for vessels of up to $25,000 and seizure of all cargo.

**Other Sources:**

* <https://www.mmc.gov/w>
* <https://www.fws.gov/>
* <https://www.fisheries.noaa.gov/topic/marine-mammal-protection>
* <https://www.sealaskaheritage.org/node/361>
* <http://www.ace.to/mmpa.html>
* [https://www.bluetoad.com](https://www.bluetoad.com/)