



**U.S. Department of the Interior  
Bureau of Ocean Energy Management**



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**General Information**

June 2013

**Marine Mammal Protection Act  
A Law Enforced by  
National Marine Fisheries Service**

The Marine Mammal Protection Act of 1972 (MMPA) was enacted in response to increasing concerns among scientists and the public that significant declines in some species of marine mammals were caused by human activities. The MMPA 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.

The Department of Commerce through the National Marine Fisheries Service (NMFS) is charged with protecting whales, dolphins, porpoises, seals, and sea lions. Walrus, manatees, otters, and polar bears are protected by the Department of the Interior through the U.S. Fish and Wildlife Service.

The MMPA established a prohibition on the taking of marine mammals in U.S. waters. It defines “take” to mean “to harass, hunt, capture, or kill” any marine mammal or attempt to do so. The Marine Mammal Incidental Take Program is tasked with the implementation of Section 101(a)(5) (A-D) of the MMPA, as amended (16 U.S.C. 1371(a)(5)), which provides a mechanism for allowing, upon request, the “incidental,” but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographic region. These “incidental take” authorizations, also known as Letters of Authorization or LOA’s, require that regulations be promulgated and published in the *Federal Register* outlining the following:

- permissible methods and the specified geographical region of taking;
- the means of effecting the least practicable adverse impact on the species or stock and its habitat and on the availability of the species or stock for “subsistence” uses; and
- requirements for monitoring and reporting, including requirements for the independent peer-review of proposed monitoring plans where the proposed activity may affect the availability of a species or stock for taking for subsistence uses.

The Bureau of Ocean Energy Management (BOEM) intends to use the Gulf of Mexico Geological and Geophysical (G&G) Activities Programmatic Environmental Impact Statement (EIS) analyses to support an application for rulemaking under the MMPA. BOEM intends to apply for rulemaking under the MMPA on behalf of the G&G industry. The rulemaking would cover G&G survey activities supporting the oil and gas, renewable energy, and marine minerals programs. Industry would then be allowed to apply for individual (company) permits under the rulemaking. Since NMFS is a co-Lead Agency on the Programmatic EIS, they will use the document to support a decision on whether or not to issue regulations under the MMPA.

More information on the MMPA can be found at <http://www.nmfs.noaa.gov/pr/laws/mmpa/>.