

## MMPA/ESA Exercise for FMC Training

Note – this is a fictitious scenario and does not represent the current situation with the AK BSAI flatfish trawl fishery.

The bottom trawl fishery targeting flatfish operates in the Aleutian Islands during the summer. The fishery has been classified under the MMPA List of Fisheries as a Category II due to documented bycatch of several marine mammals, including bearded seals, harbor porpoise, harbor seals, killer whales, northern fur seals, spotted seals, and Steller sea lions. In addition to being protected by the MMPA, the western Distinct Population Segment (DPS)<sup>1</sup> of Steller sea lion, which occurs in the Aleutian Islands, is listed as endangered under the ESA. Bycatch of spotted seals and bearded seals is currently occurring at unsustainable levels in excess of each stock's potential biological removal (PBR) level. The fishery also catches Atka mackerel and Pacific cod, which are prey species for Steller sea lions.

1. Is a Take Reduction Team required under the MMPA? If so, which marine mammals would be addressed by the Team?

Multiple choice:

- (a) Yes – spotted seals, bearded seals, Steller sea lions
- (b) Yes – spotted seals and bearded seals
- (c) No

2. If NMFS convened a Take Reduction Team, which of the following would not be on the team?

Multiple choice:

- (a) Seal biologist
- (b) Alaska native
- (c) Fisherman from the AK Kodiak salmon purse seine fishery
- (d) Representative from the state of Alaska

3. Is NMFS required to consult under Section 7(a)(2) of the ESA for this fishery management plan?

True/False:

- (a) Yes
- (b) No

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<sup>1</sup> A DPS is considered to be a “species” under the ESA.

4. Is NMFS required to confer under Section 7(a)(4) of the ESA? If so, under what circumstances?

Multiple choice:

- (a) Yes, the Sustainable Fisheries Division of NMFS would be required to confer under Section 7(a)(4) if the proposed fishery was likely to jeopardize the continued existence of Atka mackerel or result in the **destruction or adverse modification** of its critical habitat.
  - (b) Yes, the Sustainable Fisheries Division of NMFS would be required to confer under Section 7(a)(4) if the proposed fishery was likely to jeopardize the continued existence of the Western DPS of the Steller sea lions or result in the **destruction or adverse modification** of its critical habitat.
  - (c) No, no conferencing would be required.
5. Could a Section 7 biological opinion issued by NMFS impose any additional restrictions on the fishery?

Multiple choice:

- (a) No, it is inappropriate for NMFS to impose any additional restrictions on the fishery. The fishery is already overregulated.
  - (b) Yes, but NMFS could impose only reasonable and prudent measures.
  - (c) Yes, NMFS could impose reasonable and prudent measures or reasonable and prudent alternatives, and terms and conditions.
6. Which of the following is an example(s) of an RPM?

Multiple choice:

- (a) NMFS will monitor the take of marine mammals in this fishery.
- (b) NMFS will prohibit retention of Atka mackerel by all federally permitted vessels in one subarea.
- (c) NMFS will prohibit retention of Pacific cod by all federally permitted vessels in two subareas.