



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
1845 Wasp Blvd., Bldg 176
Honolulu, Hawaii 96818
(808) 725-5000 • Fax: (808) 725-5215

Dear Aquaculture Fishery Participant:

The National Marine Fisheries Service has determined that your fishery is a Category II fishery in the Marine Mammal Protection Act (MMPA) List of Fisheries under Section 118 of the MMPA (16 U.S.C. 1387). As a participant in a Category II fishery, you have been automatically registered in the Marine Mammal Authorization Program (MMAP). You are receiving this letter and enclosure to comply with the requirements of the Act.

Please find enclosed your 2023 MMAP Authorization Certificate. You must keep a copy of this certificate at your main place of business (i.e., main office) with other current state and Federal permits. Without this certificate, it is unlawful for your offshore pen culture to incidentally (or unintentionally) take any non-endangered marine mammal while deployed. This certificate is effective for the period printed on the certificate. If you lose or damage your certificate, you may print a replacement by going to: <https://www.fisheries.noaa.gov/pacific-islands/resources-fishing/pacific-islands-fishing-permits>.

As a participant in an MMAP Category II fishery, you must:

- Maintain the enclosed MMAP Authorization Certificate, or a legible copy, at your main place of business while offshore aquaculture pens are deployed.
- Accept an observer aboard your vessel(s), if so requested by NMFS or a designated contractor providing observer services to NMFS.
- Report injuries and mortalities of marine mammals within 48 hours upon incident or observation of a mortality & serious injury event. You may submit the report in any of the following ways:
 - Mail the completed postage-paid form (available in English, Spanish, and Vietnamese) available from: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-authorization-program>
 - Fax the completed form to 1 (301) 713-0376
 - Scan and email the completed form to nmfs.MIreport@noaa.gov
 - Complete the online MMAP mortality/injury reporting form, which may be accessed at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-authorization-program>

Please see the Terms and Conditions listed on the enclosed MMAP Authorization Certificate. Failure to comply with any of the terms and conditions of this Authorization Certificate or applicable provisions of the MMPA Section 118 may result in civil penalties and/or criminal sanctions and suspension or revocation of the Authorization Certificate.

For additional mortality/injury reporting forms or general questions about the MMAP, please contact Elena Duke of my staff at (808) 725-5134 or elena.duke@noaa.gov.

Sincerely,

Sarah J. Malloy
Acting Regional Administrator

Encl.





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National Marine Fisheries Service (NMFS)

Marine Mammal Authorization Certificate

April 20 through December 31, 2023

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, NMFS issues this Authorization Certificate, which, when presented in combination with a current and valid state or federal fishing permit, authorizes the taking of non-endangered marine mammals incidental to commercial fishing in Category I or II fisheries.

Terms and Conditions:

- **All incidental mortality or injury of marine mammals occurring in the course of commercial aquaculture fishing operations must be reported to NMFS within 48 hours upon incident or observation of a mortality or serious injury event of a marine mammal.**
- This Authorization Certificate, or a photocopy of it, must be kept at the main place of business while offshore aquaculture pens are deployed.
- 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 trips to the offshore aquaculture pens.
- When necessary to deter a marine mammal from damaging offshore aquaculture pen gear, catch, other private property, or from endangering personal safety, the aquaculture operation 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 MMPA.
- A marine mammal may not be intentionally killed in the course of commercial aquaculture 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 upon incident or observation of a mortality or serious injury event of a marine mammal.
- Any marine mammal incidentally taken must be immediately returned to the sea unless directed otherwise by NMFS or a NMFS-authorized observer.
- This Authorization Certificate, or a copy, must be made available upon request to any state or federal enforcement agent authorized to enforce the MMPA, any designated agent of NMFS, or any contractor providing observer services to NMFS.
- This certificate is not transferable. In the event of a change in aquaculture operation ownership, the Authorization Certificate is void and a new Authorization Certificate must be obtained by the new owner.
- If the registered aquaculture operation is sold or is replaced by another operation, a new authorization must be obtained for the new operation.
- Any person who violates these Terms and Conditions, regulations under 50 CFR Part 229, or any provisions of Section 118 of the MMPA shall be subject to the penalties set forth in the MMPA.
- If there are changes in the mailing address or aquaculture operation ownership, notify the NMFS Pacific Islands Regional Office, Elena Duke by email elena.duke@noaa.gov or phone (808) 725-5134 of the change within 15 days.

