

NMFS MARINE MAMMAL AUTHORIZATION PROGRAM

AUTHORIZATION CERTIFICATE FOR 2009

A. Authorization:

Pursuant to Section 118 of the Marine Mammal Protection Act (Act) (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 taking of non-endangered/threatened marine mammals incidental to commercial fishing operations in those fisheries listed on the reverse side.

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.
- ▶ This Authorization Certificate, or a photocopy of it, must be on board the vessel during commercial fishing operations.
- ▶ 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 and must possess a valid Commercial Fishing Vessel Safety Examination decal issued by the U.S. Coast Guard.
- ▶ 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.
- ▶ Any marine mammal incidentally taken must be immediately returned to the sea unless directed otherwise by NMFS or a NMFS-authorized observer.
- ▶ Any person who violates these Terms and Conditions, regulations under 50 CFR Part 229, or any provisions of Section 118 of the Act shall be subject to the penalties set forth in the Act.
- ▶ This Authorization Certificate, or a copy, must be made available upon request to any state or federal enforcement agent authorized to enforce the Act, 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 vessel ownership, the Authorization Certificate is void and a new Authorization Certificate must be obtained by the new owner.
- ▶ If the registered vessel is sold or destroyed or is replaced by a new designated vessel, an authorization must be obtained for the new vessel.
- ▶ If there are changes in the mailing address or vessel ownership, the NMFS Northeast Regional Office, Permits Office, 55 Great Republic Drive, Gloucester, MA 01930, must be notified of the change within 30 days.