




UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

MEMORANDUM FOR: File

FROM: Jamie Schubert, Marine Habitat Resource Specialist
NOAA Restoration Center 

DATE: March 22, 2016

SUBJECT: DWH Early Restoration Phase V: no further MMPA action needed from NMFS

There are more than 22 species of marine mammals in the Gulf of Mexico, including dolphins, whales, and the West Indian manatee. The Marine Mammal Protection Act (MMPA), as amended, prohibits the taking of marine mammals, where "take" is defined as "the act of hunting, killing, capture, and/or harassment of any marine mammal; or, the attempt at such" 16 U.S.C. § 1362(13). The Marine Mammal Protection Act does provide a mechanism (section 101(a)(5) (A-D)) 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. Proposed projects were analyzed to evaluate the potential for any such non-fishery interactions with marine mammals.

Based on the Restoration Center's reviews of project materials (Winter 2015) in coordination with representatives from NOAA's OPR in the Headquarters Office and the Protected Resources Division in the Southeast Regional Office, the NOAA Restoration Center (RC) determined that the 4 project components proposed for implementation in Phase V of the DWH Early Restoration Plan will not have negative effects on species protected under MMPA within the jurisdiction of the National Marine Fisheries Service. The projects will not require further MMPA evaluation. The projects are:

- Innerarity Point Park in Escambia County, Florida
- Destin Park in Okaloosa County, Florida
- Lynn Haven Preserve and Park in Bay County, Florida
- Island View Park in Franklin County, Florida

