

Unit 10 – MMPA Reauthorization



Overview of the MMPA

- Moratorium on the “taking” of marine mammals.
- Moratorium on importing marine mammals and marine mammal products into the U.S.
- Authorizes Secretaries of Commerce and Interior to issue permits for the “taking” of marine mammals for certain purposes, such as scientific research and public display.
- Established the Marine Mammal Commission

Congressional Findings in 1972

- Some marine mammal species or stocks may be in danger of extinction or depletion as a result of human activities;
- These species or stocks must not be permitted to fall below their optimum sustainable population level;
- Measures should be taken to replenish these species or stocks.

“Take” and “Harassment”

- “Take” includes harassing, hunting, capturing, or killing, or attempting to do any of those things.
- Harassment is defined as any act of pursuit, torment, or annoyance which
 - Has the potential to injure a marine mammal or stock in the wild (Level A) or
 - Has the potential to disturb a marine mammal or stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B).

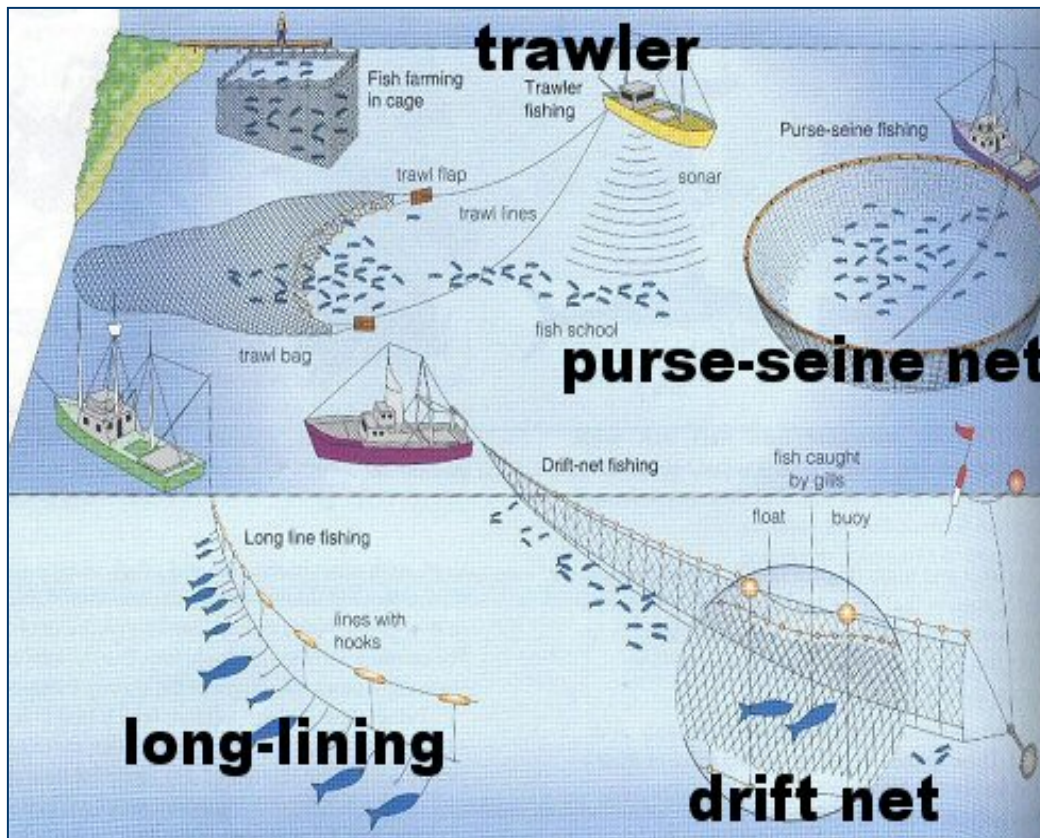
Secretary may permit takes for:

- Scientific research
- Enhancing the survival or recovery of a marine mammal species or stock
- Commercial and educational photography
- First-time import for public display
- Capture of wild marine mammals for public display
- Native Alaskans subsistence or “authentic native” handicrafts
- Incidental take during commercial fishing operations
- Incidental take during non-fishery commercial activities

Incidental Take Permits

- Secretary of Interior may authorize incidental, but unintentional takes – “Incidental Harassment Authorizations”
- Must insure that total taking will have only a “negligible impact” on species and will not have an unmitigable adverse impact on the availability of the species or stock for subsistence uses.

Commercial Fishing Interactions



MMPA Reauthorization

- MMPA was reauthorized by the MMPA Amendments of 1994.
 - The authorization for appropriations expired on September 30, 1999.
- The 110th Congress may consider measures to amend and reauthorize the MMPA as well as other bills to address specific marine mammal management issues.

Potential Issues

- Commercial Fishing Interactions
 - Potential Biological Removal
 - Intentional Lethal Taking
- Marine Mammals in Captivity
- Noise Pollution



For additional background on potential reauthorization issues, see CRS Report RL30120, *The Marine Mammal Protection Act: Reauthorization Issues*, by Eugene H. Buck (June 18, 2004).