

## **Marine Mammals Protection Act of 1972 (MMPA)**

The Marine Mammal Protection Act of 1972, 16 U.S.C. ch. 31 §§ 1361–1362, 1371-1389, 1401-1407, 1411-1418, 1421-1421h, 1423-1423h, prohibits the "taking" of marine mammals, and enacts a moratorium on the import, export, and sale of any marine mammal, along with any marine mammal part or product within the United States. The Act defines "take" as "the act of hunting, killing, capture, and/or harassment of any marine mammal; or, the attempt at such." The MMPA defines harassment as "any act of pursuit, torment or annoyance which has the potential to either: a. injure a marine mammal in the wild, or b. disturb a marine mammal by causing disruption of behavioral patterns, which includes, but is not limited to, migration, breathing, nursing, breeding, feeding, or sheltering." The MMPA provides for enforcement of its prohibitions, and for the issuance of regulations to implement its legislative goals.

Authority to manage the MMPA was divided between the Secretary of the Interior through the U.S. Fish and Wildlife Service (FWS), and the Secretary of Commerce, which is delegated to the National Oceanic and Atmospheric Administration (NOAA). Subsequently, a third federal agency, the Marine Mammal Commission (MMC), was established to review existing policies and make recommendations to the FWS and the NOAA better implement the MMPA. Coordination between these three federal agencies is necessary in order to provide the best management practices for marine mammals.

Under the MMPA, the FWS is responsible for ensuring the protection of sea otters and marine otters, walruses, polar bears, three species of manatees, and dugongs. NOAA is given responsibility to conserve and manage pinnipeds including seals and sea lions and cetaceans such as whales and dolphins.

The MMPA prohibits the take and exploitation of any marine mammal without appropriate authorization, which may only be given by the FWS. Permits may be issued for scientific research, public display, and the importation/exportation of marine mammal parts and products upon determination by the FWS that the issuance is consistent with the MMPA's regulations. The two types of permits issued by the National Marine Fisheries Service's Office of Protected Resources are incidental and directed. Incidental permits, which allow for some unintentional taking of small numbers of marine mammal, are granted to U.S. citizens who engage in a specified activity other than commercial fishing in a specified geographic area. Directed permits are required for any proposed marine mammal scientific research activity that involves taking marine mammals.

Applications for such permits are reviewed and issued the FWS's Division of Management Authority, through the International Affairs office. This office also houses the Division of International Conservation, which is directly responsible for coordinating international activities for marine mammal species found in both U.S. and International waters, or are absent from U.S. waters. Marine mammal species inhabiting both U.S. and International waters include the West Indian manatee, sea otter, polar bear, and Pacific walrus. Species not present in U.S. waters include the West African and Amazonian manatee, dugong, Atlantic walrus, and marine otter.

## Marine mammal conservation in the field

In efforts to conserve and manage marine mammal species, the FWS has appointed field staff dedicated to working with partners to conduct population censuses, assess population health, develop and implement conservation plans, promulgate regulations, and create cooperative relationships internationally.

Various Marine Mammal Management offices are located on either coast. The FWS's Marine Mammal Management office in Anchorage, Alaska is responsible for the management and conservation of polar bears, Pacific walruses, and northern sea otters in Alaska. Northern sea otters present in Washington state are managed by the Western Washington Field Office, while southern sea otters residing in California are managed by the Ventura Field Office. West Indian manatee populations extend from Texas to Rhode Island, and are also present in the Caribbean Sea; however, this species is most prevalent near Florida (the Florida subspecies) and Puerto Rico (the Antillean subspecies). The Service's Jacksonville Field Office manages the Florida manatee, while the Boqueron Field Office manages the Antillean manatee.

The polar bear, southern sea otter, marine otter, all three species of manatees, and the dugong are also concurrently listed under the Endangered Species Act (**ESA**).