

July 17, 2025

Sent via email

Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chair Westerman and Ranking Member Hoyle,

We understand that your committee will be considering a bill from Representative Begich to amend the Marine Mammal Protection Act of 1972 (MMPA). As written, that bill would reverse, not refine, decades of management progress under the MMPA. Proposed changes would have grave implications for marine mammals and for the Act's primary objective—to maintain the health and stability of the marine ecosystem. We highlight four areas to illustrate the more serious risks posed by this bill, but would provide more details if that would be helpful in your deliberations.

First, the Begich bill ignores the lessons of a long and difficult history of marine mammal management. In the early 1970s, the fate of marine mammals was the second most common topic of public letters to Congress; only the Vietnam war garnered more attention. At that time tuna fishers were killing half a million dolphins annually in the eastern tropical Pacific, the fur trade was killing hundreds of thousands of white-coat harp seal pups and northern fur seals, whale populations were plummeting from ill-managed international whaling, hundreds of thousands of marine mammals were drowning in gillnet and trawl fishing gear, and an unknown number were being killed simply as “pests.” Such abuse eradicated some populations throughout much of their range (e.g., sea otters along the North Pacific rim), and decimated others (e.g., right whales, Guadalupe fur seals) to near extinction.

Congress passed the MMPA to protect marine mammals and it has achieved considerable success. But Congress also fostered a new perspective on the relationship between humans and our natural world. Congress uses the term “ecosystem,” reflecting that our natural world is not merely a random collection of species, but rather a complex array of ecologically related communities. The MMPA places needed restrictions on human activities that significantly affect marine mammals to ensure the health and stability of the marine ecosystem. Amendments to the Act have sought to make it more effective, not less so.

The admonition that those who forget or ignore history are doomed to repeat it is pertinent here. *The Begich bill would undermine the Act's objective of a healthy and stable marine ecosystem by shifting values, priorities, and management at the expense of marine mammals and the ecosystems of which they are a part.*

Second, the Begich bill reflects a misunderstanding of science and decision-making in marine mammal management. The MMPA established a management paradigm using the best available scientific information to guide decisions. That paradigm seeks to achieve the Act's objective in U.S. waters, but also exemplifies and promotes effective, science-based management throughout the world's oceans. But the best available science does not resolve or explain all that we need to know about marine mammals and their ecology. They are complex organisms that often exhibit cryptic behavior and occur in remote regions of the world's oceans. Their study is often difficult and expensive and, lack of funding is a common obstacle, even for research

deemed essential. Uncertainty is unavoidable in many, if not most, cases, forcing managers to rely on expert opinion or best judgment. Management activities should not be guided by a lack of information. Rather, that lack of information simply means that we do not have definitive answers to all our questions. Judgment is essential and, especially, for at-risk species, may require a degree of caution. Precaution is not a foul concept; it simply provides the decision space needed to achieve a desired objective in the face of uncertainty. We use precaution regularly in our daily lives. *The Begich bill would preclude the use of precaution, almost certainly resulting in cases with unintended, undesirable effects requiring subsequent, costly resolution.*

Third, the Begich bill would upend two of the MMPA's most valuable, forward-looking elements, the concepts of an optimum population level and a potential biological removal level. To ensure that the MMPA meets its primary objective, Congress established two key measures for each marine mammal population. First, it defined a population's optimum sustainable level (subsequently defined as a range between the population's maximum net productivity level and the environment's carrying capacity for the population). Second, it determined a tolerable take level for each population that would not cause it to decline below its optimum sustainable population level or would allow it to recover to within that level if it was depleted. That tolerable level of take is referred to as the population's potential biological removal level, defined as the product of the best minimum population estimate, one-half the population's maximum growth rate, and a recovery factor ranging from 0.1 to 1.0 depending on the population's status. The last of these, the recovery factor, is essential to ensure that depleted populations do, in fact, recover at an acceptable rate. *The Begich bill would sorely diminish the value of the potential biological level for identifying tolerable levels of take of at-risk species. Eliminating the recovery factor would lead to more depleted and fewer recovered species - a result contrary to the MMPA's primary objective.*

Fourth, the Begich bill would constrain the management environment, rigging it to fail. The bill constrains the decision-making process by limiting —

- Time (e.g., 30 days) required for decisions (that, at least in the current administration, will be sorely confounded by staff reductions);
- Factors that can be considered when evaluating the possible effects of a proposed activity (e.g., only peer-reviewed and statistically significant research results);
- The nature and extent of changes that can be required for a proposed action that may cause undue harm (i.e., only minor adjustments in basic design, location, scope, duration, or timing of the specified activity); and
- Kinds of potential effects considered (e.g., no indirect effects).

In its current form, we believe the Begich bill would be a step backward in the management of marine mammals and ecosystems. Again, we would be happy to provide you with a more detailed analysis if that would be helpful.

Respectfully,



Timothy J. Ragen, Ph.D.

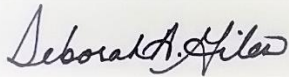
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cc: Congressman Nick Begich