



The National Marine Fisheries Service (NMFS) developed the Atlantic Large Whale Take Reduction (ALWTR) plan to protect endangered large whales from entanglements in commercial fishing gear, which can cause injury or death. Because whales continued to die after the ALWTF plan went into effect, NMFS proposed revisions in 2005. The author of this book discusses these issues, as well as the Marine Mammal Protection Act (MMPA), which requires the NMFS to establish take reductions teams for certain marine mammals to develop measures to reduce their incidental takes. Other bills that specifically address marine mammal regulatory and management issues are examined as well. Furthermore, while some of these issues can be addressed administratively, in regulations proposed and promulgated by the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, or the USDA Animal and Plant Health Inspection Service, others likely would require statutory change. This book lays out the range of issues likely to be raised during reauthorization debate, the reasons behind them, and possible proposals that could be offered to address these concerns. This book consists of public domain documents which have been located, gathered, combined, reformatted, and enhanced with a subject index, selectively edited and bound to provide easy access.

Chapter 1 - The Marine Mammal Protection Act (MMPA) was last reauthorized in 1994. The MMPA's authorization of appropriations expired at the end of FY1999. At issue for Congress are the terms and conditions of provisions designed to reauthorize and amend the MMPA to address a variety of concerns relating to marine mammal management. In the 109th Congress, the House passed a bill to reauthorize and amend the MMPA, but no further action was taken on this measure. The 110th Congress may again consider measures to amend and

reauthorize the MMPA as well as bills to address specific marine mammal regulatory and management issues.

Several issues that may arise in reauthorization relate to modifying management of the interactions between marine mammals and commercial fishing operations. Other concerns relate to marine mammals in captivity and subsistence use of marine mammals by Native Americans. Additional issues include providing for trade in marine mammal products, managing robust marine mammal stocks, understanding the effect of noise on marine mammals, fostering international cooperation, regulating large incidental takes, modifying the scientific research permit process, improving agency compliance with MMPA deadlines, facilitating marine mammal research by federal scientists, dealing with harassment of marine mammals, considering a directed research program, and appropriating adequate funding for federal agency programs. While some of these issues could be addressed administratively, in regulations proposed and promulgated by the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, or the USDA Animal and Plant Health Inspection Service, others likely would require statutory changes.

Most potential participants in the reauthorization debate anticipate extended negotiations on some of these issues. Although the authorization for appropriations expired at the end of FY1999, the MMPA itself did not expire. Eventually, however, an extension of funding authority may need to be considered to continue federal program operations. Most of the issues associated with this law are not timesensitive, and a number of oversight hearings have been held to increase understanding of various issues, positions, and possibilities.

This chapter lays out the range of issues likely to be raised during any reauthorization debate, the reasons behind them, and possible proposals that could be offered to address these concerns.

Chapter 2 - The National Marine Fisheries Service (NMFS) developed the Atlantic Large Whale Take Reduction (ALWTR) plan to protect endangered large whales from entanglements in commercial fishing gear, which can cause injury or death. Because whales continued to die after the ALWTR plan went into effect, NMFS proposed revisions in 2005. GAO was asked to review these proposed revisions, including (1) their scientific basis and uncertainties regarding their effectiveness, (2) NMFS's plans to address concerns about the feasibility of implementing them, (3) the extent to which NMFS fully assessed the costs to the fishing industry and impacts on fishing communities, and (4) the extent to which NMFS developed strategies for fully evaluating their effectiveness. GAO reviewed the proposed changes to the ALWTR plan and obtained the views of NMFS officials, industry representatives, scientists, and conservationists.

Chapter 3 - Because marine mammals, such as whales and dolphins, often inhabit waters where commercial fishing occurs, they can become entangled in fishing gear, which may injure or kill them—this is referred to as “incidental take.” The 1994 amendments to the Marine Mammal Protection Act (MMPA) require the National Marine Fisheries Service (NMFS) to establish take reduction teams for certain marine mammals to develop measures to reduce their incidental takes. GAO was asked to determine the extent to which NMFS (1) can accurately identify the marine mammal stocks—generally a population of animals of the same species located in a common area—that meet the MMPA’s requirements for establishing such teams, (2) has established teams for those stocks that meet the requirements, (3) has met the MMPA’s deadlines for the teams subject to them, and (4) evaluates the effectiveness of take reduction regulations. GAO reviewed the MMPA, and NMFS data on marine mammals, and take reduction team documents and obtained the views of NMFS officials, scientists, and take reduction team members.