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<https://www.bostonglobe.com/opinion/letters/2019/08/01/seal-control-argument-misreads-marine-mammal-protection-act/gNWn0Wv4B4Z2lyLztymfMO/story.html>

Seal-control argument misreads Marine Mammal Protection Act

I write to correct some basic mischaracterizations of the Marine Mammal Protection Act in Peter Howell's July 28 op-ed on gray seals that go to the heart of his argument ("[Protecting gray seals – when does success become excess?](#)"). He states that the act "does not address the eventuality that a marine mammal species may recover to a sustainable population level." The act does include a moratorium on "taking" all marine mammals but allows for taking in several instances. For example, the moratorium can be waived for species or stocks at optimum sustainable population levels when consistent with the purposes and policies of the act. In fact, the act specifically anticipates that a waiver may authorize taking to address overpopulation.

The act consolidated management authority with the federal government, but in certain circumstances it allows for transferring authority back to states. States with management authority have considerable latitude in authorizing taking, provided the species is at its optimum sustainable population and will not be reduced below that level.

Although the act protects marine mammals "in perpetuity," its drafters anticipated the need for different levels of protection for populations with differing status. For depleted species and stocks – those below their optimum sustainable population – waivers and state management are not available. For populations at optimum sustainable levels, the type of management that Howell seems to be advocating is already available.

He may legitimately ask whether the act sets the appropriate thresholds for allowing management actions, is procedurally too cumbersome, or unduly places burdens on those affected by growing marine mammal populations to initiate regulation. However, he is off base in claiming that the act provides absolute protection to all marine mammals, lacks the flexibility to provide for

the ecosystem–based management it espouses, or needs wholesale amendments to address his concerns.

Daryl J. Boness

Chairman

[Marine Mammal Commission](#)

Bethesda, Md.