



Marine Mammal Protection Act

The Fundamentals



History

Context of the Original Statute

The Marine Mammal Protection Act (MMPA) was enacted in 1972 and was part of a series of landmark environmental laws of the late 60s and early 70s. The statute was written as a response to massive, uncontrolled dolphin mortalities in tuna purse seine nets, failure of the International Whaling Commission to limit commercial whaling to sustainable levels, and the clubbing of harp seal pups for the fur trade.

The Fundamentals: Key Provisions of Title I

Ecosystem-based Management

The MMPA was the first piece of U.S. legislation to mandate an ecosystem-based management approach to marine resources. It mandates both the protection of marine mammals and their habitats.

Moratorium on Takes and Imports

Sections 101 and 102 of the MMPA establish a general prohibition on taking (i.e., harassing, hunting, capturing, or killing) or importing marine mammals and marine mammal products. The prohibition on taking applies within U.S. waters and to U.S. citizens and vessels on the high seas.

Exemptions: Importantly, the Act allows for exemptions to the moratorium via waivers, permits, and incidental take authorizations. Examples include:

- Special situations: Alaska Native subsistence and cultural use; pinniped removal in the Columbia River; certain national defense activities
- Permits: taking/importing for scientific research, public display, enhancement, or photography
- Incidental take authorizations: taking incidental to commercial fisheries (e.g., bycatch, entanglement) or other activities (e.g., offshore energy development, construction, military training)
- Waivers: whale hunting by Makah Tribe; Mid-Barataria Sediment Diversion

50+ Years of the MMPA

“Recent history indicates that man's impact upon marine mammals has ranged from what might be termed malign neglect to virtual genocide.

These animals, including whales, porpoises, seals, sea otters, polar bears, manatees and others, have only rarely benefited from our interest; they have been shot, blown up, clubbed to death, run down by boats, poisoned, and exposed to a multitude of other indignities, all in the interests of profit or recreation, with little or no consideration of the potential impact of these activities on the animal populations involved.”

From the legislative history of the MMPA
House Report No. 92-707, Dec. 4, 1971

Maintenance Sustainable Populations

A key goal of the MMPA is to ensure that each population of marine mammals remains within a sustainable range, referred to as the Optimum Sustainable Population. The Act requires stock assessments for each marine mammal stock occurring in U.S. waters. These assessments include calculation of the potential biological removal level, which estimates the number of individuals that could be taken as a result of human activities, while still allowing the stock to recover or remain within a sustainable range.

Subsistence Exemption for Alaska Natives

Section 101(b) of the Act creates an exemption allowing Alaska Natives to harvest marine mammals for subsistence purposes or creating and selling handicrafts. Section 119 provides for cooperative agreements between Alaska Native Organizations and the National Marine Fisheries Service/Fish and Wildlife Service to promote co-management of subsistence uses. Such agreements provide a structure for integrating Indigenous Knowledge in research, management, and conservation.

Amendment History

The MMPA was amended in 1992 in response to several large-scale marine mammal mortality events, including the 1987-88 stranding of nearly 1,000 dolphins along the U.S. Atlantic coast. It was last reauthorized in 1994, at which time several amendments were enacted, including a new regime for authorizing the taking of marine mammals incidental to commercial fishing. Other notable actions include:

- 1992 amendment and 2022 reauthorization: Established the Marine Mammal Health and Stranding Response Program
- 2007: Implemented the bilateral polar bear agreement between the United States and Russia for the shared Alaska-Chukotka population

Title II and the Marine Mammal Commission

Title II of the MMPA establishes the Commission as an independent, federal oversight agency.

- **Our Role:** The Commission provides science-based oversight of all policies and actions of federal agencies that may impact marine mammals. We provide recommendations focused on minimizing the impacts on marine mammals and their habitat.
- **Our Structure:** The Commission consists of three Presidentially-appointed and Senate-confirmed Commissioners, a nine-member Committee of Scientific Advisors, and a staff of 12 or more.

For more information about the MMPA, visit our website:

<https://www.mmc.gov/mmpa>



MARINE MAMMAL COMMISSION

AN INDEPENDENT AGENCY OF THE U.S. GOVERNMENT

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