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Testimony on *Begich Discussion Draft, H.R. 180, H.R. 4033, and H.R. 3831.*

Thank you for inviting me to appear before the committee today to deliver testimony on four bills related to wildlife conservation. I am Jeff Corwin, and I am a wildlife biologist, explorer, television host, and lifelong naturalist. I'm also a hunter and a commercial fisherman.

Our nation's wildlife is an integral part of our natural resources heritage. These creatures contribute immensely to the balance of ecosystems, providing essential services while also holding deep cultural, recreational, subsistence, and aesthetic value for generations of Americans.

Throughout my career, I've had the opportunity to witness thriving habitats where wildlife species have recovered, and I've also seen firsthand wildlife species that are no longer on planet Earth, having gone extinct.

Our country's wildlife laws, specifically the Marine Mammal Protection Act and the Endangered Species Act, have been instrumental in the conservation success of the last 50 years. As an American, I'm proud of these laws and the legacy they've left for our children.

The purpose of the Marine Mammal Protection Act is to conserve some of our country's most environmentally and economically important species and to keep them thriving. Through its actions and those of the Endangered Species Act, we have successfully recovered species such as

elephant seals and harbor porpoises and some of our majestic humpback whale populations.

The MMPA has helped our country's fisheries be the most sustainable in the world. It's the reason we can be confident the tuna we eat is "dolphin safe."

The MMPA has also prompted other countries to enhance their marine mammal conservation efforts and adopt sustainable fishing practices.

The MMPA works because its authors recognized that our ocean and our iconic marine mammals can thrive only when the ecosystem as a whole is managed appropriately. And for this to work, the best available science must inform management actions.

Our ocean is a busy place, and warming waters, shifting prey stocks, and habitat loss are driving species like the North Atlantic Right Whale and the manatee into areas where they are at risk from human activities.

The North Atlantic right whales, manatees, and Rice's whales spend a lot of time near the surface of the water, and so they are threatened by vessel strikes.

Marine mammals depend on hearing as their primary sense, and many marine mammals are susceptible to noise. The Southern Resident Killer Whale, for example, is threatened by a lack of food. But it stops feeding when disrupted by noise.

Fishing gear entanglements cause serious injury and death to many marine mammals.

However, these are all solvable problems through innovative management, novel technologies, and sensible safeguards, such as slow zones.

The MMPA requires ocean users to minimize their impacts on marine mammals and sets a goal of achieving thriving and resilient populations of marine mammals. That's especially important for us today, when many of these animals are facing greater challenges than ever before, in the form of displaced fish stocks and increased pollution and greater human use of the oceans. Therefore, the work of the MMPA isn't yet complete, and stepping back from the strong conservation standards outlined in that law will only put more species at risk.

That's why the **discussion draft** in this hearing today is so alarming.

If this bill were to become law, it would significantly hinder the ability to take any conservation actions for marine mammals. Orders of magnitude more dolphins, whales, sea otters, and other marine mammals will be killed and injured, and incentives to develop new technologies and methods to reduce those human impacts on marine mammals would disappear.

This bill proposes sweeping changes that would significantly weaken the Marine Mammal Protection Act, undermining decades of conservation efforts. It would systematically lower conservation standards by altering key definitions, such as "harassment," "serious injury," and "negligible impact," which would dramatically reduce what would be reported as marine mammal mortalities and suppress regulatory action. For instance, it would exclude unobserved deaths, effectively masking the actual toll on species like the North Atlantic Right Whale.

The bill also redefines "minimum population estimate" and "optimum sustainable population," resulting in a lower conservation threshold and potentially allowing a substantial increase in human-caused marine mammal deaths. It would redefine "potential biological removal" and "strategic stock," limiting crucial protections for vulnerable populations.

Furthermore, the bill eliminates vital safeguards in incidental take authorizations for industries like oil and gas, removing renewal requirements and strong mitigation measures. It also bypasses environmental reviews, including Endangered Species Act reviews of cumulative effects, and fast-tracks permitting, potentially leading to automatic approvals without proper impact assessment.

For commercial fishing, the bill eliminates the Zero Mortality Rate Goal, allowing for increased bycatch and entanglements. It imposes vague, industry-favoring standards on new regulations, hindering the implementation of strong conservation measures, and extends the pause on critical protections for North Atlantic Right Whales, accelerating their path to extinction.

Overall, this bill adopts an anti-science approach, banning the use of crucial data and modeling, which would severely impact the ability to protect lesser-studied or isolated populations of marine mammals. The appendix of this testimony outlines specific impacts of this draft legislation on marine mammals across North America.

We need to sustain the legacy that Americans gave to Americans fifty years ago, when the MMPA was enacted. This bill would undermine it.

H.R. 180 further undermines science-based management decisions for imperiled species. As written, this bill would delay and weaken protections for endangered and threatened species, rather than promoting genuine accountability. This bill mandates that the “best scientific and commercial data available” – the basis of all listing decisions under the ESA - must include submissions from state, Tribal, and county governments, regardless of the data quality. While the Fish and Wildlife Service and National Marine Fisheries Service already evaluate all the data they receive from such sources, this language doesn’t give them the ability to filter out faulty or politically driven data submissions.

It also mandates that the Services publish all scientific data supporting species listing decisions online, with limited exceptions. While we should all support making science as transparent and accessible as possible, this language ignores that the Services already publish such data online, this will just cause confusion over existing data protections. Furthermore, the legislation establishes extensive reporting requirements for ESA-related litigation costs, including annual reports to Congress and a publicly searchable monthly database detailing federal expenditures, attorney fees, staffing, and funding sources for parties—from all sectors—initiating ESA lawsuits. Much of this is already publicly available and would tie up staff who are already stretched thin with additional paperwork. It also discourages ESA lawsuits, which can hold the Services accountable for following the law by limiting awards for successful plaintiffs no matter who they are .

None of these actions will improve recovery outcomes for threatened and endangered species; they will merely tie up federal agencies in more paperwork and limit public input and accountability for listing decisions under the ESA.

H.R. 4033 creates broad exemptions for captive sturgeon from the ESA.

Sturgeon are an ancient group of fish, often referred to as "living fossils" because they have retained many primitive characteristics from their dinosaur-era ancestors, dating back over 200 million years. Sturgeon are renowned for their impressive size and remarkable longevity; some can grow to over 10 feet in length, weigh hundreds of pounds, and live for more than 100 years. Most species are anadromous, meaning they spend much of their lives in saltwater or estuaries but migrate upstream to freshwater rivers to spawn. However, their slow growth rate and late maturity (some don't reproduce until 15-20 years old) make them particularly vulnerable to threats.

The primary threat to sturgeon populations globally is the **caviar trade**. Caviar, the unfertilized eggs of sturgeon, is a highly prized delicacy, making female sturgeon incredibly valuable. Historically, the demand for caviar led to rampant overfishing and depleting wild stocks. Because sturgeon are slow to mature and spawn infrequently, their populations cannot recover quickly from overexploitation. Even with regulations and the rise of aquaculture (such as sturgeon farming), illegal fishing and black markets for wild-caught caviar persist. This illicit trade undermines conservation efforts and puts immense pressure on the remaining wild populations. Furthermore, while farmed caviar aims to reduce pressure on wild stocks, concerns exist about the welfare of

farmed sturgeon, the potential for disease transmission to wild populations, and the risk of escapes. 85% of sturgeon species are now considered at risk of extinction by the IUCN.

This bill exempts legally held captive sturgeon and their offspring from critical ESA protections, including prohibitions against import requirements. The bill notably lacks robust oversight, biosecurity standards, or genetic management protocols, and would apply to sturgeon farms worldwide.

These sweeping exemptions could **undermine global sturgeon conservation efforts**. The global caviar trade threatens numerous sturgeon species, but this bill would allow U.S. imports of caviar from ESA-listed species with minimal accountability. This could inadvertently facilitate the illegal harvesting of wild sturgeon, disguised as captive-bred, thereby hindering efforts to protect these vulnerable, slow-growing, and late-maturing fish.

Finally, I want to express my strong support for **H.R. 3831**, which would prohibit shark feeding in federal waters off Florida. As an apex predator, sharks are absolutely critical to maintaining healthy marine ecosystems. They help control fish populations, remove sick and weak individuals, and maintain the delicate balance that keeps our ocean food webs functioning properly.

When we artificially feed sharks, we disrupt their natural behavior patterns, potentially making them more likely to associate humans with food sources and increasing the likelihood of dangerous interactions. We've already seen the wisdom of this approach—Hawaii successfully implemented a ban on shark feeding years ago, and it has helped protect both sharks and people while maintaining the natural balance of their marine ecosystems.

Florida's state waters already prohibit shark feeding, and extending this protection to adjacent federal waters simply creates a seamless, science-based approach to shark conservation. This bill represents exactly the kind of thoughtful, evidence-based policy that supports both marine ecosystem health and public safety.

Appendix: MMPA Reauthorization Bill- Affected Species Spotlights

Gray whales

Pacific Gray Whale (Marine Mammal Center)

Two populations of gray whales are found off the West Coast and Alaska: Western North Pacific (endangered) and Eastern North Pacific gray whales. Their joint migration up and down the West Coast is a great seasonal event, inspiring public festivals, whale-watching, and tourism and is an integral part of the cultural identity of many coastal areas.

Once listed as endangered but delisted in 1994 as recovered, the Eastern population is suffering an ongoing decline because of ocean warming, vessel strikes, fisheries bycatch, ocean contaminants, and anthropogenic noise. Strandings have increased and calf production has declined precipitously. Scientists estimate that the population has declined by nearly 50% since 2016 and expect that warming waters and changing nutrient profiles in Alaskan Arctic foraging grounds may play a substantial role in these declines. In 2025 alone, more than 150 whales have stranded dead, often emaciated, and only 85 calves were detected—the lowest in recorded history—prompting scientists to ask if gray whales are at a tipping point.

The draft legislation would fundamentally weaken the scientific and legal framework that currently protects gray whales from further decline. First, it would gut the MMPA's "incidental take"

provisions. These provisions ensure that human activities have only a “negligible impact” on marine mammal populations and that, through mitigation, harm is reduced to the “least practicable” level. For gray whales, they are used to reduce naval explosives and high-powered sonar training in the whales’ core migration route during their seasonal migration, as well as to mitigate disruption from construction activities. Second, it would exclude evidence of “cryptic” human-caused mortality, i.e., deaths that aren’t directly observed and documented, even where sound peer-reviewed science demonstrates actual deaths greatly exceed documented deaths. Only a small fraction (3.9–13%) of dead gray whales end up stranded and are reported; failing to account for the majority of gray whale deaths will distort and undermine future management. Finally, it would downgrade the conservation goal for gray whales, as it would for all marine mammal species, from optimum sustainable population to mere “survival.”

For this charismatic population already experiencing high levels of mortality and a precipitous decline, these amendments all but guarantee a trajectory towards extinction.

Humpback whales

Whale-watchers off Newport Beach were alarmed to observe a constricting rope wrapped around this endangered humpback whale’s fin. Disentanglement efforts were unsuccessful and the whale has not been spotted since. (Mark Girardeau / Davey’s Locker Whale Watching)

Humpback whales are among the most recognizable of all marine mammals and among the most popular for ecotourism. Acrobats of the sea, they're renowned for their full-body breaches, forty tons of animal lifting above the surface. And they're a major focus of annual whale festivals from the island of Maui to Sitka, Alaska, and one of the most popular sights in Glacier Bay National Park.

Four humpback whales stocks are found off the West Coast, Alaska, and Hawai'i, with one listed as endangered and one as threatened under the Endangered Species Act. To ensure sustainability, the MMPA sets an annual human-caused mortality level, known as "potential biological removal" (or PBR), based on a formula developed by biologists that accounts for a population's size, its potential future growth rate, and its potential to recover from depletion. For the endangered humpback stock, which spends the warmer months foraging off California, Oregon, and Washington, that number is 3.5 whales per year (a number prorated to adjust for the species' four-month residence outside the U.S.). But the yearly average of fishery-caused mortalities is more than double this number.

Entanglements in U.S. commercial fisheries entangle and kill humpback whales from both the endangered and threatened populations. This finding has triggered important management actions under the MMPA to help protect and recover the whales. This includes a new West Coast Take Reduction Team, with an expected start in November 2025, that will develop new fishery management measures to reduce lethal bycatch in sablefish pot fishing gear to begin with, and potentially other fisheries as needed. Per the MMPA, the stakeholder team will include fishermen, federal and state fisheries managers, and scientists.

If Congress alters the formula to exclude the recovery factor as the reauthorization proposes, it would artificially inflate the removal level for the endangered stock tenfold, from 3.5 to 35. This would likely end federal efforts to reduce entanglements; it is also likely to set back state-level protections that were developed, in part, to meet federal requirements. Absent these protections, endangered humpback whales off the West Coast will continue to die at unsustainable rates in U.S. fishing gear, pushing them further towards extinction.

The bill would also undermine conservation under the MMPA's incidental take provisions. These provisions ensure that human activities have only a "negligible impact" on marine mammal populations and that, through mitigation, harm is reduced to the "least practicable" level. In practice, they allow industrial and other marine activities to go forward, but at minimized cost to species. And they have been particularly important—over the last twenty years—in mitigating the impacts of military training and offshore construction on the endangered West Coast population as well as on the celebrated population that migrates between Hawai'i and Alaska.

But the reauthorization bill would gut the MMPA's "incidental take" provisions, including its mitigation standard, erasing protections for these whales. And it would do so at a precarious time for the famous Hawai'i/ Alaska population. Scientists have begun expressing concern that these whales may be significantly affected by the marine heatwave that has recently dominated the North Pacific, leaving them less able to sustain human impacts.

Southern Resident orcas

Southern resident orcas (Holly Fearnbach/NOAA)

Orcas are the iconic species of the Pacific Northwest and a significant part of its culture. They're the symbol of sports teams, a mainstay of public art and annual festivals, and the foundation of one of the largest whale-watching and coastal tourism industries on earth. They're also profoundly important to the Coast Salish and other tribes and indigenous communities, who regard them as family members or as guardians.

The Southern Resident population is the best known of the region's several orca populations, as it spends a substantial part of each year hunting salmon in the coastal waters between Washington State and Canada. Many people know them down to the individual whale, like "Granny," the 100-year-old matriarch of one of the population's three pods, whose passing several years ago occasioned commemorative events in the islands off Washington. And many others know of "Tahlequah," whose weeks-long floating of her stillborn calf received world-wide media attention in 2017. But everyone knows that the population is in trouble, with only about 73 whales remaining as of each this year.

According to NOAA Fisheries (and the best available science), the Southern Residents face three principal threats to their survival: insufficient prey, contaminants in their environment, and

acoustic and physical disturbance from boat traffic and other human activities. Numerous scientific papers have documented how the whales lose their ability to feed—their echolocation calls masked by sound, their attention diverted—when vessels are in the area; others have shown that the cumulative impacts of that disturbance contribute significantly to malnutrition in the population and degrade its ability to reproduce and sustain new calves. Disturbance has also been documented from other human activities, such as military exercises.

The MMPA's "incidental take" provisions ensure that our activities have only a "negligible impact" on marine mammal populations and that, through mitigation, harm is reduced to the "least practicable" level. For the Southern Residents, those provisions have been essential to reducing impacts from military exercises and construction. In 2003, during a Navy sonar training event off Washington State, the whales were observed to break off their feeding, come into the shallows, and flee in separate groups, in what several biologists on the water described as pre-stranding behavior. Under the MMPA, the Navy subsequently took measures to avoid the Southern Residents, conducting certain harmful types of exercises outside the whales' seasonal habitat while maintaining military readiness. Those measures have been refined over the years with the availability of new scientific information on the effects of sound and the whales' habitat use. The MMPA's "incidental take" provisions enable that kind of refinement—and the use of best scientific information—by requiring periodic reauthorizations (seven years for military readiness activities).

All this would be lost through the reauthorization bill, which would gut the MMPA's "incidental take" provisions, including its mitigation standard. Yet more pressure would be put on this culturally and economically important, and highly vulnerable, population of whales.

False killer whales

False Killer Whale (Jim Cotton/NOAA)

As many Americans know, the Hawaiian Islands are a remarkable place for marine mammals. The islands constitute a kind of nutritional oasis within the unproductive waters of the tropics, and they support numerous populations of whales and dolphins that are indigenous to the state, sometimes even to just a single island in the chain. False killer whales are a good example of Hawai ʻi's marine mammal biodiversity, with two small populations that live nearer shore, and a third population that resides in deeper waters. They're social animals known for their unusually gracious feeding behavior, where a group will pass around a fish that they've caught, letting every whale have a touch before eating it. One of the populations is endangered; another is considered depleted.

The reauthorization bill would harm these populations.

The MMPA sets the annual removal level, known as "potential biological removal" (or PBR), based on a formula developed by biologists that accounts for a population's size, its potential future growth rate, and its potential to recover from depletion. The Hawaiian pelagic false killer whale,

a population experiencing unsustainable bycatch in Hawaiian longline fisheries, has a current removal level of 33 individuals per year. The current rate of fisheries mortality and serious injury is higher, at 47 individuals per year. Currently, the take reduction plan for false killer whales addresses bycatch through gear modifications and dynamic area closures, but constant monitoring is essential to ensure that the population recovers.

Removing the recovery factor from the "removal" equation would raise permissible bycatch levels for false killer whales to about 83 individual animals, well above current lethality rates, and therefore remove its protected status as a strategic stock. Based on recommendations from the stakeholder team that NOAA Fisheries has convened under the MMPA, the agency is considering amendments to its current take reduction plan to bring lethal bycatch levels down, but would be prohibited from doing so by the bill.

The bill would also harm the endangered near-shore population, which numbers fewer than 200 whales. An effective bycatch reduction plan for Hawai ʻi's longline fisheries has kept bycatch deaths below the annual removal level—a conservation success—but the legal basis for the plan could evaporate if the recovery factor is removed (as the bill proposes), leaving the agency unable to account for the population's severely diminished ability to rebound from mortalities. Furthermore, the bill would gut the MMPA's "incidental take provisions," which ensure that the impacts of human activities are minimized. As a result, the whale would lose the conservation measures established by the U.S. Navy, to ensure that potentially harmful activities like those involving explosives and high-powered sonar are limited in the whale's habitat to the extent practicable.

The near-shore population is unusual among the world's false killer whales, typically an offshore species, in living exclusively among the islands. This indigenous Hawaiian whale would be put at serious risk by the reconciliation bill.

Hawaiian monk seals

Hawaiian Monk Seal (James Watt/UNESCO)

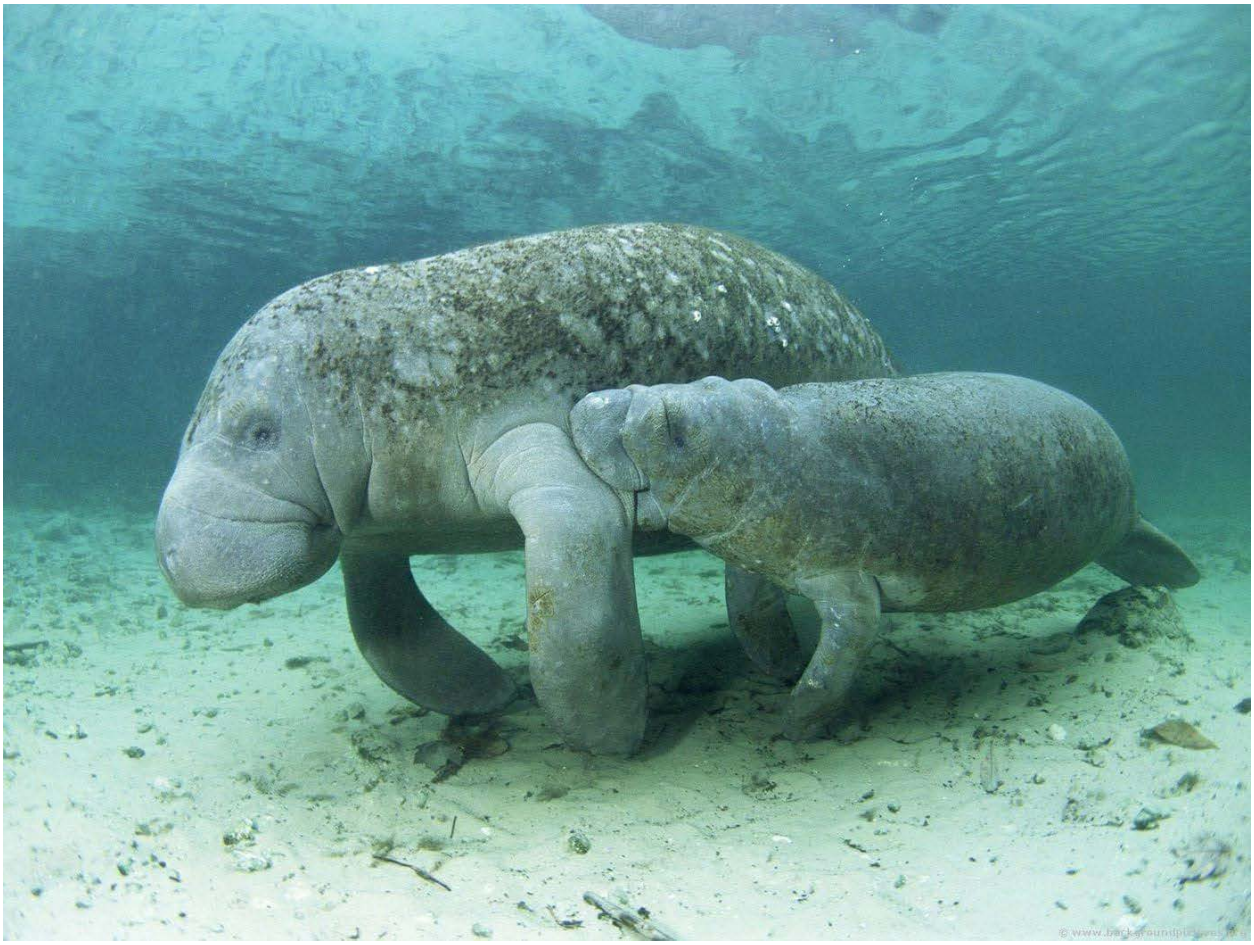
The Hawaiian monk seal, one of the most endangered seal species on Earth with approximately 1600 surviving animals, lives in the 1500-mile Hawaiian Islands archipelago. The monk seal faces many threats, include fishery gear interactions, marine debris entanglements, diseases spread by contaminated runoff (especially toxoplasmosis-causing parasites carried in cat feces), climate-induced loss of beach habitat, and human disturbance. Although about one-third of monk seal deaths are from natural causes such as shark predation, more than half are directly caused by humans.

To ensure sustainability, the MMPA sets an annual human-caused mortality level, known as "potential biological removal" (or PBR), based on a formula developed by biologists that accounts for a population's size, its potential future growth rate, and its potential to recover from depletion. For the Hawaiian monk seal, that number is currently 5.1 seals a year. Annual human-caused mortalities exceed this number, impeding the population's growth and recovery.

The draft bill's redefinition of "potential biological removal" would cause it to increase tenfold, to over 50 monk seals a year. Moreover, the bill's elimination of meaningful mitigation for activities causing incidental mortality, injury, and disturbance would put the Hawaiian monk seal at greater

risk of harm from military training and testing activities, such as sonar use and live-fire exercises, around the islands.

Manatees



Manatee (Alabama Department of Natural Resources)

Florida manatees are the state's beloved marine mammal, treasured by Floridians and tourists alike. Although, thanks to the MMPA and Endangered Species Act, the population has grown significantly from a low of fewer than 1000 animals, it continues to struggle. An unprecedented die-off from 2020 to 2022—identified under the MMPA as an Unusual Mortality Event (or UME)—affected nearly twenty percent of the East Coast population, shocking the nation with graphic images of dead and dying emaciated manatees that starved because of massive pollution-induced seagrass loss in the Indian River Lagoon.

Although, fortunately, this mortality event has ended, the Florida manatee's future is far from secure. Ongoing habitat threats include pollution causing seagrass die-off and harmful algal

blooms; lack of access to warm water refugia and winter foraging areas; and degradation of travel corridors, freshwater areas, calving areas, and summer forage areas.

But the leading cause of direct manatee mortality is boat strikes from hundreds of thousands of recreational vessels in Florida's waterways. This threat has only grown in recent years as recreational boat numbers have surged. An astounding 96% of adult manatees carry boat strike scars, and one in four has been struck by a boat ten or more separate times. Tragically, boat strikes often orphan manatee calves as well.

The *Antillean manatee* is in far worse shape than its Florida cousin. Antillean manatees, found in U.S. waters off Puerto Rico, face considerable threats across their extensive range from habitat loss and degradation, poaching, fisheries bycatch and marine debris, pollution, human disturbance, and boat strikes. Boat strikes are especially prevalent in Puerto Rican waters, accounting for more than one-fifth of all manatee deaths there over a forty-year period.

Adding watercraft access facilities leads to more watercraft use, increasing boat strike risk and vessel traffic noise for both Florida and Antillean manatees, and potentially degrading manatee habitat. The draft MMPA amendments would sharply curtail the ability of the Fish and Wildlife Service to ensure that this construction is appropriately permitted to mitigate this risk to Florida and Antillean manatees. What's more, the draft bill would eliminate National Environmental Policy Act review and Endangered Species Act consultation for all activities that receive the hollowed-out MMPA permits created by the bill. The result would be a loss of crucial oversight of cumulative effects on vulnerable manatees, increasing risk still further.

A manatee with deep propeller wounds. (Save the Manatee Club)

Humpback whales (Atlantic)

Humpback (Paul Wolf)

Humpback whales are among the most recognizable of all marine mammals and among the most popular for ecotourism. Acrobats of the sea, they're renowned for their full-body breaches, forty tons of animal lifting above the surface.

Not surprisingly, they're a mainstay of coastal tourism. They drive the economically important whale watch industry along the East Coast throughout the year and off the West Coast of Puerto Rico, where a subset of the population breeds and calves during the winter months. Research on the value of whale watching *in just New England* concluded that nearly 1,500 jobs are supported,

translating into $76 million in labor income and $182 million in sales to the communities in which whale-watch vessels operate.

Since 2016, our Atlantic population of humpback whales has been experiencing what the MMPA characterizes as an “Unusual Mortality Event.” In that time, more than 250 deaths have been documented; where examinations were conducted, nearly half showed evidence of human interactions, primarily entanglements in fishing gear and vessel strikes. These data underestimate the actual number of mortalities, as the majority of deaths for humpback whales, as for most other whale species, go undocumented. A recent shift in the distributions of many large whale species, caused by climate-driven changes in their ecosystem, may be putting the humpbacks at greater risk.

More than half of our East Coast humpback whales are entangled in fishing gear at least once in their lives. Entanglements sometimes result in a wrap around the tail stock, which can act as a tourniquet and cut off the blood supply to their flukes, causing the tissue to die and rendering the whale unable to dive and forage. In these cases, the long and painful death results from starvation or an infection or both. You can see this entanglement represented in the simple drawing at right and in the real-life photo of a suffering humpback whale below. The survival rates of juvenile humpbacks is notably low.

Unfortunately, the reauthorization bill is likely to prevent NOAA Fisheries from managing this population back to health. Research indicates that mortality from entanglements alone is likely to exceed 40 animals per year, nearly double the loss that the population can sustain under current estimates by agency biologists (22 whales); and NOAA Fisheries has said that it should be considered “strategic” under the MMPA, which would make it a focal point for conservation effort. But the bill would count only “documented” mortalities towards the limit of what humpbacks and other species can sustain, ignoring the substantial scientific evidence on the number of cryptic, or unreported, deaths. That amendment, together with those attacking the core standards of the MMPA, would keep the agency from reducing impacts on this economically and culturally important population.

North Atlantic right whales

North Atlantic right whales (World Wildlife Fund)

The North Atlantic right whale, an iconic species forever tied to the history of Yankee whaling, resides along the eastern seaboard, from Atlantic Canada to the southeastern U.S. Its only known calving grounds is in warm southeastern waters from the Carolinas to Florida, where residents and tourists take great joy in viewing mother-calf pairs from the beach.

Although the cessation of commercial whaling and the twin protections of the MMPA and Endangered Species Act enabled the right whale's slow recovery, peaking at 500 animals in 2010, the species has lost twenty percent of its population since then. It now numbers approximately 370 surviving members, with fewer than 70 adult females capable of reproduction. The only known causes of death in adult right whales are vessel strikes and fishing gear entanglements. What's more, even non-lethal vessel strikes and entanglements impair reproduction. Although the species can still recover, further delay in reducing these twin threats will almost certainly result in extinction within decades.

In 1997, NOAA Fisheries implemented a “take reduction plan,” based on significant stakeholder input, to reduce lethal bycatch of right whales and other large whales in U.S. fisheries, particularly the lobster trap/pot and gillnet fisheries. Despite periodic updates, the plan is not adequately protective in light of the species’ precipitous decline, exacerbated by climate-related shifts in prey distribution. The MMPA requires the wildlife agencies to estimate the number of marine mammals that may be killed each year by human activities without impeding population recovery. For North Atlantic right whales, that number—known as “potential biological removal” (or PBR)—is only 0.7 animals a year, but U.S. fisheries continue to kill nearly six times that number annually.

The reauthorization bill would radically alter the MMPA’s definition of PBR. That amendment, and the elimination of the “zero mortality rate goal”—a longstanding goal for commercial fisheries to reduce lethal bycatch to insignificant levels—would halt, if not reverse, decades of effort to protect right whales. Adding insult to injury, the bill contains a separate provision preventing further protective measures in the lobster fishery until 2035. Either or both of these amendments would make the species’ extinction trajectory irreversible.

On top of all this, the bill would gut the MMPA’s “incidental take” provisions. These ensure that human activities have only a “negligible impact” on marine mammal populations and that, through mitigation, harm is reduced to the “least practicable” level. For right whales, these provisions have mitigated impacts from East Coast offshore energy development, including from windfarm construction. But the bill would weaken or eliminate every operative standard governing incidental take, including the standard for mitigation. This is especially problematic in light of the renewed drive for offshore oil and gas drilling in the Atlantic. When, in the 2010s, high-energy seismic testing for oil and gas was proposed off the Southeast and Mid-Atlantic, hundreds of coastal communities opposed it, citing its impacts on right whales and other species.

Short-finned pilot whales

Pilot whales are famously social animals, and their large, tight-knit pods make them easy to identify at a distance. But the short-finned pilot whales of the Western North Atlantic are currently designated as a “strategic stock” under the MMPA due to high levels of bycatch in U.S. pelagic longline fisheries, particularly those targeting tuna and swordfish.

In 2009, NOAA Fisheries implemented a “take reduction plan” to reduce bycatch of short-finned and long-finned pilot whales and Risso’s dolphins. The plan was based on extensive input from a stakeholder team that the agency convened under the MMPA. Two years ago, in 2023, NOAA Fisheries was able to remove two of those species, long-finned pilot whales and Risso’s dolphins, from the scope of the plan as annual mortality and serious injury had fallen to insignificant levels—a conservation success story. But short-finned pilot whales still need help. According to NOAA Fisheries’ most recent Stock Assessment Report, a brief scientific assessment required under the MMPA, the mortality and serious injury rate in East Coast fisheries averages about 218 short-finned pilot whales per year—well above the number that can be removed annually (143) while

sustaining the population. This ongoing level of bycatch presents a significant threat to the whales' long-term viability, and fisheries are adopting new gear requirements to meet the threat.

Short- finned pilot whales (Whales.org)

The MMPA sets the annual removal level, known as "potential biological removal" (or PBR), based on a formula developed by biologists that accounts for a population's size, its potential future growth rate, and its potential to recover from depletion. If Congress alters the formula to exclude the recovery factor (as the reauthorization proposes), it would artificially inflate the allowable number of deaths each for short-finned pilot whales from 143 to approximately 374, despite no corresponding increase in population size or resilience. The stock would no longer be considered strategic. Such a move would prevent further measures being implemented to reduce lethal takes, putting the population at greater risk of long-term decline.

Cook Inlet beluga whales

Beluga (NOAA)

Cook Inlet belugas (also referred to as the “canaries of the sea” for their unique vocalizations) are iconic to the region, are beloved by local residents, and hold deep intrinsic value to Tribes in Southeast Alaska. As a key part of the region’s food web, they also play a vital role in ensuring a healthy, functioning Cook Inlet ecosystem for all marine species, including prized commercial salmon stocks. But the whales are endangered, numbering only about 300 animals, and are continuing to decline.

The proposed reauthorization bill would be devastating for the population.

Cook Inlet belugas face a constant barrage of cumulative stressors as their core habitat falls within the most industrialized area in Alaska, the Upper Cook Inlet near Anchorage. Such stressors include underwater noise, contaminant exposure, reductions in prey availability, and general lack of undisturbed habitat. Acoustic disturbance is a particularly acute threat for these highly vocal whales, with NOAA Fisheries considering it one of the most significant impediments to their recovery. Noise from industrial activities can drown out critical beluga communication, including alerting other whales of the threat of predators and mothers maintaining contact with their nursing calves.

The MMPA's "incidental take" provisions, which require permits for human activities that harm marine mammals, have worked to reduce impacts on the population from construction and oil and gas development activities. For example, they have kept high-energy seismic testing away from the belugas' most important foraging areas during the months the whales use them. But the reauthorization bill would weaken or eliminate every standard in the Act's incidental take provisions. That includes the standard for mitigation, making it impossible, for example, for the agency to consider practicable measures that might alter the activity's location or timing.

Further, the bill introduces automatic approval of take permits if agencies miss strict new deadlines—an especially dangerous amendment given NOAA Fisheries' chronic staffing shortfalls. And it would eliminate compliance with the Endangered Species Act for applicants that receive the empty permits that the bill would establish. Combined with a narrow redefinition of what counts as "best available science," these changes would allow potentially harmful oil and gas projects to proceed without a full understanding of their impacts. For a beluga population hovering under 300 individuals with no sustained recovery in over a decade, this approach all but guarantees continued decline.

Harbor porpoises

Harbor porpoise (Marine Mammal Center)

The Southern Southeast Alaska (S-SEAK) harbor porpoise stock is considered distinct due to its limited movement between inside and outside waters, its small home range, and evidence of

regional genetic structuring among Alaska's porpoise populations. Unfortunately, its geographic restriction to narrow inland waterways leaves it vulnerable to localized threats like gillnet entanglement and amplifies the impacts of bycatch on the overall population. The stock occupies inland channels from Sumner Strait and Clarence Strait, around Wrangell, Zarembo Island, and Ketchikan, and extends to the Canada/ U.S. border near Dixon Entrance.

The stock is considered strategic under the MMPA. Entanglements in the drift gillnet salmon fishery is causing unsustainable mortality for the S-SEAK stock, resulting in the removal, through death and serious injury, of 7 to 8 porpoises each year. The MMPA sets the annual removal level, known as "potential biological removal" (or PBR), based on a formula developed by biologists that accounts for a population's size, its potential future growth rate, and its potential to recover from depletion. If Congress alters the formula to exclude the recovery factor (as the reauthorization proposes), it would artificially double the porpoise's removal level to 12.2 animals per year, well exceeding the number of deaths that are known to occur.

The effect would be to suspend conservation efforts. NOAA Fisheries has begun convening a take reduction team, consisting of fishermen, scientists, and other stakeholders, to design a consensus plan to reduce entanglements in the population. The proposed bill would eliminate the need for the drift gillnet fishery to institute mitigation measures for its protection and jeopardize the future of these Alaskan porpoises.

Northern sea otters

Aside from its immense cultural popularity, the sea otter is a keystone species for America's Pacific coast, playing a crucial role in maintaining ecosystem health and balance. Without sea otters, sea urchins can become overabundant and overgraze their kelp forest habitats, leading to significant ecological disruption. Sea otters are divided into two subspecies: the southern sea otter (*Enhydra lutris nereis*) and the northern sea otter (*E.l. kenyoni*).

Northern sea otters live in the coastal waters of South Alaska, British Columbia, and Washington State. Their populations, which once numbered between 150,000 to 300,000 animals, were decimated by almost two centuries of commercial hunting, and some populations are still trying

Northern Sea Otter ***(Photo taken under U.S. FWS permit #MA-043219)***

to recover. Alaska has three stocks of Northern sea otters—the Southwest Alaska stock, the Southcentral Alaska stock, and the Southeast Alaska stock. The Southwest stock, which includes otters in the Aleutian Archipelago, Alaska Peninsula, and Kodiak Island, has declined by more than 50% since the mid-1980s and is listed as threatened under the Endangered Species Act. The Southcentral and Southeast Alaska stocks continue to grow or have stabilized in recent years. In Washington State, a fourth stock of Northern sea otters has been reintroduced and is slowly increasing.

Oil and gas development is a significant threat to Northern sea otters, from oil spills, pile driving, construction, and energy exploration. Plans to increase oil and gas development across the Northern sea otter's habitat are likely imminent. The draft MMPA bill would allow more harm, injury, and death to huge numbers of Northern sea otters from these and other sources, by weakening the definition of "harassment" and gutting the Act's "incidental take" provisions. These provisions ensure that human activities have only a "negligible impact" on marine mammal populations and that harm is minimized. But the reauthorization bill would gut them, including the standard for mitigation.

In addition, reducing the MMPA's mandate from recovery to survival, as this bill intends, ignores the critical role sea otters play in the ecosystem. If sea otter populations are allowed to be decimated to near-extinction, the crucial role they play in their ecosystem would be eliminated,

and ecosystem collapse would ensue, prompting negative environmental, economic, and cultural impacts. We would never see the far-reaching benefits of species like the northern sea otter without the protections of the MMPA and its goal to restore marine mammal stocks to ecological relevance.

Polar bears

Polar bear (Marine Mammal Commission)

The polar bear is a universally recognized symbol of the Arctic. And polar bear hunting plays a crucial role in the cultures and traditions of coastal Alaska Natives, who use the bears for food, clothing, and materials for handicrafts. But rapid changes in the Arctic ecosystem—particularly the loss of sea ice—has put enormous pressure on America's two polar bear populations. The latest population estimates put our Southern Beaufort Sea population at under 600 surviving animals and our Chukchi/Bering Sea population at just under 2,200 surviving animals.

The loss of sea ice has forced polar bears to spend more time on land, where they face lower hunting success—leading to malnutrition, lower reproductive rates, and higher cub mortality—as well as higher risks of human-bear conflicts. This also puts them at increased risk from habitat fragmentation and direct impacts from oil and gas drilling on the North Slope in Arctic Alaska. Most of the polar bear's terrestrial denning critical habitat in Alaska is either open to oil and gas leasing or already leased by oil companies.

Oil and gas exploration and drilling, both onshore and offshore, are a particular threat to polar bears. Polar bears whose onshore dens lie near drilling operations are especially at risk. Any disturbance during denning season can cause a mother to abandon her den, an event her cubs may not survive. Lawful, science-based incidental “take” authorizations under the MMPA are critical to ensuring this iconic species’ survival.

But the proposed MMPA amendments would short-circuit the MMPA incidental take authorization process: weakening or eliminating every one of its standards, including its standard for mitigation, and deeming the authorization granted should the agency miss a series of artificially tight deadlines. And any applicant that receives this empty authorization would be exempted outright from Endangered Species Act requirements. At a time when the administration is seeking to drastically increase oil and gas development in the Arctic National Wildlife Refuge and the National Petroleum Reserve Alaska (the largest single area of federal land in the country), these amendments would rapidly accelerate the decline of polar bears in Alaska.