

Statement of Michael D. Jasny (Senior Policy Analyst, NRDC)

Good afternoon and thank you for coming to Southern California. My name is Michael Jasny and I work on marine mammal issues for the Natural Resources Defense Council, and I'd like to spend my time this afternoon addressing a number of current issues in marine mammal conservation.

Over the past three decades, a good deal of effort has been focused on ending the "direct take" of marine mammals through whaling and hunting, and on reducing the "incidental take" of marine mammals by fisheries through by-catch and entanglements; these efforts are crucial and must continue. But the last few years have also seen an increased awareness, in both the scientific and regulatory communities, about other types of impacts that are often subtler in their effects but are also more pervasive. These new concerns include: biocontamination from organic chemicals, heavy metals, and other toxicants; acoustic pollution generated by shipping, military operations, oil and gas production, and other activities; and exhaustion or redistribution of prey species due to climate change, ozone depletion, and overfishing. The scope of these problems is global—organochlorines and industrial chemicals, for example, have been found in biota of the Arctic and Antarctica. The threat they pose to marine mammals (and other species) is on the order of populations.

Addressing these problems is a major challenge for the conservation of these species. We believe that the following elements are essential to any solution:

- (1) Develop a comprehensive, integrated system to monitor key elements of ecosystem health. A useful start toward this goal has been made by the National Oceanographic Partnership Program (NOPP), which has created a framework for developing an "Integrated Ocean Observing System" within ten years. This system would attempt to fill important data gaps, including many of those necessary for "managing living resources" and "preserving and restoring marine ecosystems"; and would improve processes of data collection, comparison, and distribution. As the Commission reviews the NOPP plan (or similar ones), it should ensure that toxicants, ambient noise, and other important indicators of marine animal health are included for monitoring.

But a monitoring system in itself is not enough. In the face of limited knowledge, it is also necessary to move forward with conservation management.

- (2) Develop new regulatory structures and enforcement mechanisms to reduce pervasive impacts on marine mammal stocks. The Marine Mammal Protection Act, as it stands, isn't sufficient for this purpose. The Act's permitting system has provided an effective means for assessing and mitigating the impacts of individual programs, projects, and activities; but as necessary as this system is, it has not proven sufficient for addressing pervasive problems whose sources are large in number and whose impacts may be individually negligible but cumulatively significant. To sustain populations of marine mammals, it is necessary to supplement the Marine Mammal Protection Act with broader mechanisms, ones that are focused on habitat protection and on specific categories of impacts rather than on individual sources.

- (3) Develop a national policy to protect and restore marine ecosystems. Pollution, depletion of prey species, and other problems have impacts that work their way through ecosystems, affecting a wide range of species and impairing the resilience of the environment. Historically, our efforts at protecting living resources in the oceans have been narrowly conceived and balkanized and have not focused on sustaining the systems of which they are a part. To move forward will require rethinking of old ways. Fisheries management must move away from the single-species model and take account of the trophic requirements and contributions of marine mammals as well; non-consumptive uses of the ocean must be recognized; the development of Marine Protected Areas should be encouraged; and a coordinated policy for the protection and restoration of ocean ecosystems should be adopted on a national scale.

A few years ago, the great marine biologist Roger Payne observed that whale conservation needed to mature. It was no longer about "Saving the Whales," but rather being "Saved by the Whales"—recognizing that marine mammals are part of a complex ocean environment and that by sustain them we might by extension find the political will to help sustain the rest. We hope you take that broad approach, for the sake of these species as for others, and thoroughly integrate marine mammal protection into the wider work ahead.

Thank you for considering these comments.