



c/o North Slope Borough - Department of Wildlife Management
PO Box 69, Utqiagvik, AK 99723

August 5, 2025

The Honorable Nick Begich
153 Cannon House Office Building
United States House of Representatives
Washington, DC 20515

Re: Follow-up to Letter Dated 22-July 2025. Concerns of the Ice Seal Committee Over Proposed Amendments to the Marine Mammal Protection Act¹

Dear Representative Begich,

As Chairman of the Ice Seal Committee (ISC), a federally recognized Alaska Native co-management organization, I am writing to express deep concern regarding both the substance and the process of the proposed amendments to the Marine Mammal Protection Act (MMPA). These amendments threaten to weaken the conservation framework that has long safeguarded marine mammal populations and the ecosystems they support, while also sustaining Alaska Native subsistence traditions and allowing responsible industrial activity to continue.

Further, we question the necessity of these changes, given the long track-record of productive cooperation among industry, government, and Alaska Native co-management organizations under the existing MMPA framework. This history has long demonstrated that it is entirely possible to meet both industrial and subsistence needs without sacrificing conservation principles, and these proposed revisions risk unraveling this carefully maintained balance.

Equally troubling is the lack of meaningful consultation with Alaska Native organizations—including co-management bodies such as the ISC—during the development of these amendments. This exclusion not only disregards the intent of Section 119 of the MMPA, which affirms the central role of cooperative management between the federal government and Alaska Native communities, but also marginalizes the voices of those most directly affected by the proposed MMPA amendments—i.e., Alaska Native communities whose livelihoods, cultural identity, and food security depend on the health of marine mammal populations and their ecosystems.

Our concerns closely align with those expressed by other Alaska Native co-management organizations, in particular the Alaska Beluga Whale Committee (ABWC) and, in particular, one of its members, Dr. Doug DeMaster (NOAA, retired), a respected marine mammal scientist and long-time advocate for science-based management and co-management partnerships. In the interest of efficiency, we defer to Dr. DeMaster's letter for more details on the summarized points that we make here. Like the ABWC, the ISC strongly urges your office and the House Committee on Natural Resources to withdraw the proposed amendments and restart the

¹ This letter follows up on correspondence dated July 22, 2025 from our Executive Manager, Dr. A.L. Von Duyke.

legislative process—this time ensuring that Alaska Native Tribal and co-management organizations are included as equal partners from the start. Engagement with federally recognized Alaska Native co-management organizations—including the ISC—should ensure: meaningful opportunities for participating in the legislative process, timely notifications and comprehensive briefings, and the allowance of sufficient time for thoughtful review and substantive input.

The concerns of the ISC with the proposed MMPA amendments are wide-ranging and grounded in decades of practical experience and collaboration with government and industry. While we appreciate that the draft does not directly alter the Alaska Native exemptions or co-management provisions of the MMPA, many of the proposed changes would nonetheless have profound consequences for the sustainability of marine mammal populations and the future of our subsistence way of life.

Key Issues

1. Weakened Conservation Standards

Redefining core terms like *Optimum Sustainable Population (OSP)* to mean “continued survival” rather than “maximum productivity” dilutes the MMPA’s conservation goals. Further, while maximum productivity can be scientifically defined, continued survival cannot; thereby failing to meet the standard of best available science. Removing the *Zero Mortality Rate Goal (ZMRG)* would legalize higher bycatch levels in commercial fisheries, placing increased pressure on species critical to subsistence and leading to direct competition between commercial fisheries and subsistence hunters.

2. Erosion of the Precautionary Principle

The precautionary principle acts to prevent harm despite incomplete knowledge. Understanding and addressing uncertainty is essential to the science that informs wildlife management, where data are often limited. Precautionary factors should not be viewed negatively; they are a responsible, science-based tool that helps to incorporate uncertainty into decisions and reflects the use of best available science to protect species and ecosystems. This approach is especially important for sustaining subsistence harvest opportunities for Alaska Native communities, who depend on healthy wildlife populations for food, culture, and tradition.

3. Redefinition of Scientific Terms

Several redefined terms appear designed to facilitate industrial operations at the expense of marine mammal protections. For example:

- Revisions to the *minimum population estimate* standards, which now call for survey data covering the entire range of a marine mammal species, are impractical in the Arctic and threaten to unjustifiably restrict subsistence harvests. For example, many Arctic marine mammal species exhibit wide-ranging, often transboundary migratory behavior, including seasonal movements into areas where U.S. researchers cannot conduct fieldwork (e.g., Russian territorial waters), making comprehensive population surveys infeasible.

- Revised definitions of *harassment* and *harm* require visible behavioral changes or physical injury, greatly raising the bar for regulatory action and potentially allowing harmful activities to go unchecked. However, many forms of harm—particularly acoustic disturbance—are not readily visible. These disturbances can cause significant behavioral and physiological reactions, such as diversion from established migratory routes, that directly affect the success of subsistence hunters and may lead to population-level consequences over time.
- Changes to *Potential Biological Removal (PBR)* calculations could permit excessive bycatch, directly competing with Native subsistence harvests.

4. Reduced Oversight and Accountability

The proposed amendments weaken the standards for Incidental Take Authorizations by removing limits on “small numbers” and giving broad discretion to agencies on mitigation and monitoring. They also introduce statutory deadlines that could allow harmful projects to proceed without proper review—particularly troubling in a subsistence context where impact analysis must be robust and collaborative.

5. Prioritization of Industrial Convenience Over Ecosystem and Cultural Needs

Repeated use of terms like “economically feasible,” “practicable,” and “minor change” signals a shift in priority toward industry convenience over ecosystem health. This shift is especially alarming given increasing environmental and industrial pressures in the Arctic, such as sea ice loss, vessel traffic, oil development, and expanding commercial fisheries. It is the responsibility of industry (and the military) to ensure that their activities have a low likelihood of causing marine mammal populations to decline or hinder their recovery from past overharvest. Inconvenience or cost cannot be used as justification for failing to implement effective mitigation measures.

Ice Seal Committee Recommendations

1. Withdraw the Proposed Amendments

We urge Congress to halt advancement of the current draft and restart the legislative process with full participation from Alaska Native Tribal and co-management organizations.

2. Preserve Strong Science-Based Protections

All MMPA management decisions must be guided by the best scientific and commercial data, which includes Indigenous Knowledge. Variability and uncertainty are inherent in natural systems, and sound science includes well-established methods to interpret and manage these complexities. In some cases, a precautionary approach is necessary to safeguard the long-term health of marine mammal stocks. Blanket prohibitions on such principles are incompatible with best available science. Instead, MMPA amendments should establish clear standards for applying precaution where warranted.

3. Respect and Implement Tribal and Co-Management Consultation

Early consultation with Alaska Native Tribal entities and federally authorized co-management bodies is essential to crafting MMPA revisions that are appropriate, effective, and enduring. These entities represent communities with deep, place-based knowledge of marine ecosystems—rooted in generations of observation, stewardship, and subsistence use. Their involvement ensures that management decisions are: grounded in ecological reality, culturally respectful, and supportive of food security for Indigenous peoples. Meaningful consultation is not only a matter of equity and legal obligation, but also a practical imperative for sound and lasting policy.

For over 50 years the MMPA has been an effective and collaborative framework for the conservation of marine mammals that balances ecological integrity, the protection of Indigenous cultural practices, and a reasonable framework for regulating responsible industry activities. As proposed, these amendments to the MMPA risk unraveling that success and balance by weakening key definitions, sidelining precaution, and limiting accountability. As such, they threaten not only marine mammal populations, but also the cultural- and food-security of the communities we represent.

The ISC remains committed to working with Congress, federal agencies, and other stakeholders to ensure that marine mammal management is ecologically sound, scientifically rigorous, culturally respectful, and works well with responsible industry activities. We look forward to engaging with you directly on these important matters.

Sincerely,



Billy Adams

Chair of the Ice Seal Committee

Cc: The Honorable Lisa Murkowski
The Honorable Dan Sullivan
Josiah A. Patkotak, Mayor of the North Slope Borough
Indigenous People's Council for Marine Mammals
Marine Mammal Commission
Alaska Eskimo Whaling Commission
Alaska Nanuut Co-management Commission
Eskimo Walrus Commission
Alaska Beluga Whale Committee
Aleut Community of St. Paul Island
Ice Seal Committee Board Members