



DEPARTMENT of the INTERIOR

news release

FISH AND WILDLIFE SERVICE

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NEWS BRIEFS FROM THE FISH AND WILDLIFE SERVICE

Regulations Proposed To Return Marine Mammal Management to the States.

The Fish and Wildlife Service will accept public comment until July 11, 1982, on the procedures it proposes to follow in transferring management authority for marine mammals back to the States.

The proposed rulemaking, published in the May 12, 1982, Federal Register, implements recent amendments to the Marine Mammal Protection Act of 1972. The amendments simplified the procedures under which a State could resume management authority and exclusive jurisdiction over marine mammals whose ranges are within their territorial waters.

Under the proposal, any State could initiate the transfer by submitting a written request that includes copies of its existing or proposed laws, regulations, policies, and other authorities of its conservation or management program. After this initial requirement is met, the State then must make a determination of the "optimum sustainable population" of the species (a range of population levels reflecting the well-being of the species and its habitat). The procedure for determining "OSP" is specified in the Act and these proposed regulations.

The State also must establish the maximum allowable take and include provisions requiring humane and nonwasteful taking. The only exception to exclusive jurisdiction by the State would be for takings of live animals for scientific research or public display purposes by Federal or non-State personnel. These takings would continue to require a Federal permit, concurred in by the State.

The proposed rulemaking also includes provisions for public participation and judicial hearings, and for revoking or voluntarily returning the State's management authority.

The Fish and Wildlife Service currently manages the polar bear, sea otter, walrus, dugong, manatee, and marine otter. Other species of marine mammals are managed by the National Marine Fisheries Service which proposed corresponding regulations in the May 12 Federal Register.

Comments on the regulations proposed by the Fish and Wildlife Service should be sent by July 11 to the U.S. Fish and Wildlife Service (WM), Washington, D.C. 20240.

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