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Annual Report of the Marine Mammal Commission, Calendar Year 1974. A Report to Congress

Marine Mammal Commission, Washington, D C

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ANNUAL REPORT OF THE MARINE MAMMAL COMMISSION, CALENDAR YEAR 1974

A REPORT TO CONGRESS

31 January 1975

Marine Mammal Commission
1625 Eye Street, N.W.
Washington, D.C. 20006

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16. Abstracts

An annual report of the Commission is required, under 16 U.S.C. §1404, to be submitted to Congress by January 31 of each year. The report includes a description of the activities and accomplishments of the Commission during the preceding year as well as all the findings and recommendations made by and to the Commission pursuant to 16 U.S.C. §1402 together with responses to those recommendations.

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INTRODUCTION

This is the second annual report of the Marine Mammal Commission, an independent commission established under Title II of the Marine Mammal Protection Act of 1972 (P.L. 92-522, 21 October 1972).

In enacting the Marine Mammal Protection Act, Congress established a national policy designed to protect and encourage the development of marine mammals to optimum sustainable population levels so as to maintain the health and stability of the marine ecosystem. Title II of the Act charges the Marine Mammal Commission with responsibility for developing and reviewing information, actions, and policy to insure that these objectives are attained.

The three Commissioners, appointed by the President, are: Dr. Victor B. Scheffer (Chairman), Bellevue, Washington; Dr. A. Starker Leopold, Berkeley, California; and Dr. Richard A. Cooley, Santa Cruz, California. Dr. Cooley, appointed in October 1974 for a three-year term, replaced Dr. John H. Ryther.

The nine-man Committee of Scientific Advisors on Marine Mammals, composed of scientists knowledgeable in marine ecology and marine mammal affairs, consists of: George A. Bartholomew, Ph.D., University of California, Los Angeles; John J. Burns, Alaska Department of Fish and Game; Douglas G. Chapman, Ph.D., University of Washington (Chairman); Jack W. Lentfer, U.S. Fish & Wildlife Service, Anchorage, Alaska; Kenneth S. Norris, Ph.D., University of California, Santa Cruz; G. Carleton Ray, Ph.D., Johns Hopkins University (Vice-Chairman); William E. Schevill, Harvard University and Woods Hole Oceanographic Institution; Donald B. Siniff, Ph.D., University of Minnesota; and Jesse R. White, D.V.M., Miami, Florida.

Commission staff members are: John R. Twiss, Jr., Executive Director; Robert Eisenbud, General Counsel; George H. Waring, Ph.D., Research Program Director; Margie W. Barnes, Administrative Officer; and Breck Milroy, Staff Associate.

On 11 February 1974, Commission offices were opened at 1625 Eye Street, N.W., Washington, D.C. 20006.

Activities in 1974

Major Commission activities in 1974 were:

- To select staff and open offices
- To develop a directed research program
- To commit approximately $468,800.00 to research and study projects consistent with the goals and objectives of the Act
- To start a review and study of U.S. activities pursuant to relevant existing laws and international conventions
- To undertake a continuing review of research programs conducted under the Act
- To recommend action on more than 100 applications for permits to take marine mammals
- To make numerous recommendations to federal officials on domestic and international issues affecting marine mammals
- To develop standards for the holding of marine mammals
- To initiate studies leading to recommended changes in the Endangered Species list
- To undertake studies of geographic areas which may require special protective measures

These activities and others are more fully described in the pages which follow. Although the Commission has already exerted an influence in some important areas, it has, in other instances, taken but the first of the many steps required to fulfill its obligations as described in the Marine Mammal Protection Act of 1972.

I. RESEARCH AND STUDIES PROGRAM

Congress recognized the critical inadequacy of knowledge concerning the ecology, population levels, population dynamics, and other factors which influence the ability of

marine mammal populations to reproduce and to sustain their role in the marine ecosystem. It therefore delegated to the Commission overview responsibility for relevant national marine mammal research programs, and also directed the Commission to fund and manage its own research program responsive to these needs.

The Commission, confronted with inadequate knowledge and coordination in virtually all areas of marine mammal affairs, strives to play a catalytic role in initiating studies and research, and to prevent wasteful duplication of efforts through review of federally-funded research programs. Commission activities are designed to promote the effective use of limited resources, exchanges of data and information, and development of new approaches in research.

In addition, the Commission has designed a Research Program Plan which identifies as major fields for study the status, ecology, and management of marine mammals. Commission-sponsored research in these fields, further divided into eight more specifically identified problem areas, is designed to develop reliable research techniques as well as information concerning such critical matters as marine mammal population levels and trends, their role in the marine ecosystem, and the effects of human activities upon marine mammals. Information on these and related matters is necessary in order to ensure sound management decisions under the Act. It is also vital to the Commission in carrying out its mandate for policy review, study, and recommendations on matters relating to the protection and conservation of these animals. For these purposes, the Commission encourages studies which address the following problems:

Assessment of Marine Mammal Populations

Reliable information on population status and trends of each species of marine mammals, and new methodology for obtaining the information, must be developed before optimum sustainable populations within the optimum carrying capacity of the habitat can be determined. Accurate data on identity, numbers, and ranges of populations and subpopulations (inasmuch as a subpopulation may be threatened although the species itself may not be) is critical to sound management decision-making under the Act.

Relationships Between Marine Mammals and Their Environment

Like other animals, marine mammals require food, breeding grounds, shelter, and space in which to live. Moreover, as integral parts of the marine environment, they affect, and are affected by changes in, the marine ecosystem in ways that are poorly understood. Significant information on the relationship between marine mammals and other marine biota, including commercially harvested fish, and activities of man, must be developed for purposes of determining optimum population levels within the carrying capacity of the habitat.

Magnitude and Effect of Marine Mammal Take

Precise, current data on the magnitude and effect of taking on marine mammal populations is essential for sound policy and management decisions. This is true with respect to both domestic and international issues involving taking for scientific research, public display, native subsistence and handicrafts, and for other purposes under waivers of the moratorium. It also applies to activities under such authorities as the International Whaling Commission, the Interim Convention on the Conservation of North Pacific Fur Seals, and the Convention for the Conservation of Antarctic Seals. In addition, research is needed to ensure that such taking as may be otherwise appropriate is conducted in a humane and non-wasteful manner.

Husbandry Techniques for Captive Marine Mammals

The Commission has encouraged studies which will yield information and new methods for improved marine mammal husbandry. Such studies should contribute to efforts to maintain propagating and healthy captive animals, thereby reducing the number of animals which might otherwise be removed from wild populations for public display or scientific research purposes. It should also serve to enhance the well-being and life expectancy of captive animals as well as the public display experience.

Socio-Economic and Legal Aspects of Marine Mammal Protection and Conservation

Many activities affecting the protection and conservation of marine mammals are undertaken pursuant to existing domestic laws and/or international treaties or conventions.

As a part of its responsibilities, the Commission is reviewing and evaluating regulatory mechanisms to assess their consistency with the Marine Mammal Protection Act, and to recommend necessary changes to further the goals and policies of the Act. The Act's impact on certain Indians, Aleuts, Eskimos, and the marine mammal populations concerned is an example of a domestic issue, while activities under the International Whaling Commission are typical of those matters being addressed internationally.

Assessment of Man-Induced Hazards

In addition to the obvious impact of direct taking by man, evidence indicates that many species of marine mammals are sensitive to, and adversely affected by, other human activities as well. The Commission encourages investigation and assessment of the adverse impact of such factors as: human visitation to breeding grounds; pollution; the exploration, extraction, and transport of oil, gas, and mineral resources; and power boating. Such information will enable the Commission to formulate recommendations designed to remedy situations adversely affecting marine mammals.

Identification and Preservation of Critical Habitats

Certain geographical areas are critical to the survival of marine mammal populations. They may be vital for food, breeding, haul-out grounds, or other purposes, and should be protected from human activities which threaten their integrity and function. Identifying these areas, protecting them from disturbance, and preventing their deterioration are crucial aspects of effective management. The Commission encourages work designed to provide such information.

Ecological Life Histories

Effective decisions for the protection and conservation of marine mammals must be based upon an understanding of all aspects of marine mammal biology, but it is especially important to understand those particular biological characteristics of the many species of marine mammals which influence or determine their role in the marine ecosystem. The Commission fosters research that will provide data on food habits, predator/prey relationships, reproductive biology, spatial requirements, adaptive capabilities, and survival mechanisms.

Substantial progress was made towards meeting identified research needs in 1974. The Commission received 90 research proposals and, of those, approved the following:

Review and Evaluation of Census Procedures for Marine Mammals (Douglas G. Chapman, L.L. Eberhardt, University of Washington, $35,556)

Many of the marine mammal censusing methods now in use do not provide sufficiently reliable estimates of marine mammal populations to afford a sound basis for their protection and conservation. The investigators are reviewing and assessing current techniques and their effectiveness as a first step in the development of more reliable census methods and analytic systems.

Abundance and Distribution of Harbor and Gray Seals Along the Maine Coast (David T. Richardson, Department of Marine Resources, State of Maine, $10,500)

A statistical sampling program is being developed to give reliable yearly estimates of abundance and distribution of the only major breeding populations of harbor seals (Phoca vitulina) and gray seals (Halichoerus grypus) in the Atlantic waters of the United States. The program involves surface and aerial surveys. The findings should be especially helpful in addressing issues relating to the taking of harbor seals for public display and scientific research, as well as shedding light on interactions between gray seals and coastal fisheries.

Biology, Systematics, and Taxonomy of the Genera Phoca (harbor seals) and Odobenus (walrus) (Francis H. Fay, John J. Burns, University of Alaska, $7,000)

It is essential to know whether distributions of animals in the wild are continuous populations, whether they include several distinct subpopulations, or whether they are even populations of different species. Delineation of discrete populations of harbor seals and walruses has been difficult. Under this contract, specimens of harbor seals and walruses from many locations have been studied to gain comparative biological data which are necessary for a better understanding of population and species delineation and distribution.

Study of the Ecology and Population Biology of the Bottlenosed Dolphin in Southeast Florida (Daniel K. Odell, University of Miami, $32,000)

From bi-weekly aerial surveys over Biscayne Bay and adjacent waters, data are being gathered on the numbers, distribution, direction of travel, herd composition, and behavior of bottlenosed dolphins (Tursiops truncatus). These animals are in demand for public display, and reliable population information is essential to effectively regulate taking for such purposes. Data obtained should also be useful in assessing whether population changes seen during the year are seasonal or of longer duration due perhaps to man's influence. Dead, beached animals are being analyzed to obtain biological data on parasites, reproductive function, age distribution, and food habits.

Movements and Activities of the Atlantic Bottlenosed Dolphin (J. H. Kaufmann, A. Blair Irvine, University of Florida, $22,969)

Radio-tagging and tracking of bottlenosed dolphins (Tursiops truncatus) should yield information on movements, activity cycles, range, and preferred habitats. As with the Odell study, this research should also contribute information on the extent of population intermingling of this species.

Marine Mammals at the Farallon Islands (David G. Ainley, Point Reyes Bird Observatory, $5,000)

This study is providing information on the abundance, movements, population changes, and behavior of marine mammals on and around the Farallon Islands. Because both northern and southern species of marine mammals intermingle at the Farallons (midway between Seattle and San Diego), the investigator can capitalize on a unique opportunity to gain life history data and information on changes in their populations. In addition, breeding populations of both California sea lions (Zalophus californianus) and northern elephant seals (Mirounga angustirostris) are apparently being reestablished on the Islands, and the investigator has a rare chance to monitor the reestablishment process, noting changes in abundance and distribution. Observations are also being recorded on populations of northern sea lions (Eumetopias jubatus), harbor seals (Phoca vitulina), and northern fur seals (Callorhinus ursinus), as well as gray

whales (Eschrichtius robustus), killer whales (Orcinus orca), and other cetaceans.

Aerial Censusing of Pinnipeds in the Eastern Pacific (Bruce R. Mate, Oregon State University, $37,437)

Data on status, composition, distribution, and movements of pinniped populations along the Pacific coast are being obtained in this study. It will, moreover, survey for the first time the entire range of the California sea lion (Zalophus californianus) and northern elephant seal (Mirounga angustirostris) populations and provide an estimate of seasonal distribution and abundance. It should also supply desirable information on population status and distribution of northern sea lions (Eumetopias jubatus), harbor seals (Phoca vitulina), northern fur seals (Callorhinus ursinus), and Guadalupe fur seals (Arctocephalus philippii).

Marine Mammal Salvage Program (James G. Mead, Smithsonian Institution, $16,000)

The study of stranded marine mammals provides useful information concerning the identity, distribution, and condition of existing populations. In this study, the investigator is gathering information concerning cetaceans along the mid-Atlantic coast of the United States. In addition to the investigator's post-mortem studies of stranded animals, a network of observers is recording both marine mammal strandings and live sightings, thereby contributing additional data. So far, the results of the study suggest the existence of a resident fin whale population in the vicinity of Delaware Bay, a fact not previously documented. This information will be useful to the Commission in the course of its efforts to determine the needs and direction of conservation measures.

Biological Assessment of the Cetacean Fauna of the Texas Coast (David J. Schmidly, Texas A&M, $7,944)

There is little information concerning the marine mammal populations off the Texas coast. The investigator is collecting data which will be useful in determining the identity, distribution, and condition of cetaceans in this area. This study should yield information which will be useful to the Commission in its efforts to formulate appropriate recommendations for the protection and conservation of the cetaceans of this area. For this purpose, a comprehensive communications network has been established for the

prompt recovery of stranded animals for detailed post-mortem examination and study.

Mass Strandings of Atlantic White-sided Dolphins (J.R. Geraci, New England Aquarium, $23,987)

Through detailed study of Atlantic white-sided dolphins (Lagenorhynchus acutus) recently mass-stranded in Maine, life-history data concerning social and age composition, growth, reproductive characteristics, and feeding habits of this species will be provided. This study should yield valuable information concerning this species and further insight into the causes of marine mammal strandings.

Remote Non-Lethal Marking Techniques for Marine Mammals (Thomas P. Dohl, University of California, $5,302)

No method for marking marine mammals is completely satisfactory. Under this contract, a newly developed laser branding technique is being tested. If successful, it should provide a method whereby marine mammals can be marked from a distance, followed, and precisely identified for long-term ecological and population assessment studies.

Field Testing of Whale Tracking and Data Recovery Systems (Kenneth S. Norris, University of California, $30,480)

Using gray whales (Eschrichtius robustus), the investigator is developing and testing an instrumented harness package for remote radio tracking. The development of such effective tagging and monitoring methods, coupled with reliable census work, will provide important information on behavior, population dynamics, migrations, and population intermingling of whales over extended periods of time.

Population Studies of the Killer Whale in the Eastern North Pacific (Albert W. Erickson, University of Washington, $35,449)

The extent to which individual killer whales (Orcinus orca) move about in the waters of Puget Sound and the Strait of Juan de Fuca is not known. Under this radio telemetry study, methods to tag killer whales and monitor their population status and movements will be developed and tested. The study should also yield valuable information concerning the growth, tissue contaminant levels, genetics, and age distribution of this population.

Techniques for Estimating the Trophic Impact of Marine Mammals (Kenneth S. Norris, University of California, $25,121)

The Act recognizes the importance of maintaining the health and stability of the marine ecosystem. For this purpose, a meaningful evaluation of a population's condition demands examination in natural surroundings. Under this contract, the investigator is developing new methods for estimating the role of marine mammals in the environment. He is perfecting a non-lethal method to obtain stomach contents for analysis, freeze-branding techniques for cetacean identification, a system to monitor the metabolism of free-swimming marine mammals, and radio telemetry for long-range tracking of small cetaceans.

Study and Analysis of the Meaning of the Term "Optimum" in the Marine Mammal Protection Act (Gerard A. Bertrand, $1,550)

The investigator is analyzing the provisions and legislative history of the Marine Mammal Protection Act with reference to the terms "optimum sustainable populations", "optimum carrying capacity", "functioning element in the ecosystem", and "health and stability of the marine ecosystem". The study will yield information concerning the criteria and methodology for the determination of critical issues which should contribute to effective marine mammal management under the Act.

The Role of the Pacific Walrus in the Trophic System of the Bering Sea (Francis H. Fay, University of Alaska, $38,745)

Data gathered during this study on the relationship of the Pacific walrus (Odobenus rosmarus) to existing food resources should aid in assessing both the dependence of the walrus and its influence upon the biota of the region. Such information is necessary in order to determine optimum sustainable population levels of marine mammals within the optimum carrying capacity of the habitat. The information should also be useful in interpreting the interrelationship of other ice-front pinniped populations and the carrying capacity of their habitat. Moreover, the study should develop analytic and empirical techniques for similar studies of other marine mammal populations.

Population Productivity and Food Habits of Harbor Seals in the Vicinity of Prince William Sound, Alaska (K.W. Pitcher, J.S. Vania, and K.B. Schneider, Alaska Department of Fish and Game, $17,721)

In this study, harbor seals (Phoca vitulina) are being systematically collected throughout the year in the Copper River Delta area of the Gulf of Alaska and examined to gather information on reproductive function, age, and food habits. The relationships between these seal populations and those of salmon and other prey species are poorly understood. Information and techniques which will result from the study are essential for purposes of understanding the impact of development and other human activities on these animals, and for developing sound recommendations for action to protect and conserve marine mammal populations.

Effects of Certain Environmental Pollutants on Pupping in the California Sea Lion (William G. Gilmartin, J.C. Sweeney, and M.H. Beleau, Naval Undersea Center, $14,190)

The effects of environmental pollutants on marine mammals are unknown. There is a correlation, however, between the presence of certain tissue contaminants and abortion in California sea lions (Zalophus californianus). The investigators are studying sea lions to determine if there is a cause-effect relationship between high levels of organochlorine contaminants and premature pupping on San Miguel Island, where production has at times been reduced by 20%. If such a relationship is demonstrated, the Commission will recommend that appropriate agencies pursue this work at least one step further to determine whether organochlorine contaminants cause sea lions to be more susceptible to infectious microorganisms, including those capable of inducing premature parturition. The information and methods which result from such studies should be useful in the study of other marine mammal populations. Such information is necessary in order to determine the extent to which human activities are inhibiting the development of optimum sustainable populations.

Infectious Diseases of Marine Mammals (Neylan A. Vedros, S.H. Madin, University of California, $25,000)

This study involves the isolation, identification, preservation, and cataloging of microbial agents from clinically ill and healthy marine mammals, both in captivity and in the wild. There is presently little knowledge of the identity, causes, or geographical distribution of

infectious marine mammal diseases. Problems arise in preventing the spread of disease to uninfected populations as a result of man's actions and in recognizing, preventing, and curing disease in captive animals. This study should contribute information on infectious diseases of wild animals and should promote the humane and successful husbandry of captives.

Pulmonary Function in Wild and Captive Marine Mammals (Gerald L. Kooyman, University of California, $25,150)

Marine mammals have demonstrated remarkable abilities to dive to great depths and remain under water for extended periods of time. This investigation of normal and abnormal respiratory system development and activity, and the nature and incidence of respiratory disease in marine mammals, should provide information concerning this characteristic of marine mammals which is critical to understanding their role in the marine ecosystem. In addition, the study should yield information on the physical and psychological stresses placed on the animals when they are removed from their natural environment and introduced into a new one and should, therefore, be of value in developing methods to ensure their welfare.

Social Behavior of the Harbor Seal in Oregon (Larry G. Forslund, Oregon State University, $4,994)

In an attempt to define more clearly the effects of human disturbance on harbor seals (Phoca vitulina), the investigator is carrying out field observations designed to assess the importance of various factors, such as harassment, in causing pup desertion and other consequences which may be responsible for changes in local harbor seal populations. The information thus gained should be of value in developing recommendations for such corrective measures as may be warranted.

Aerial Censusing of Gray Whales (Richard Gard, Colorado State University, $14,400)

Aerial censusing of the gray whale (Eschrichtius robustus) population along the coast of Baja California, including Scammon's Lagoon and other areas of increasing human activity, during the 1974-75 calving and mating season, is providing data on behavior, recruitment, mortality, and migration of these animals. Some evidence already exists to suggest that increased activity has caused whales to abandon breeding

areas. This study will provide information on the changes in whale abundance and distribution that may be the result of human activities. It should, therefore, contribute information necessary to evaluate the need for further conservation measures to protect the gray whale population.

Study and Analysis of Marine Mammals on San Miguel Island (Robert L. DeLong, $2,500)

San Miguel Island, in the California Channel Islands, is unique in that it is the only known habitat for six species of pinnipeds and of critical importance to marine mammal populations of the area. The investigator is reviewing the population status and trends of marine mammals on the Island, identifying significant behavioral and ecosystem relationships, and identifying present and foreseeable threats to the development and maintenance of optimum sustainable populations of marine mammals on the Island. This study will be utilized by the Commission in formulating its recommendations for such protective measures as may be warranted.

Study of Levels of Incidental Mortality in the Course of Commercial Yellowfin Tuna Fishing (William Clark, $4,500)

Methodology used and data collected by the National Marine Fisheries Service concerning levels of incidental porpoise mortality in the yellowfin tuna commercial fishery were reviewed, computer analyzed, and evaluated. The final report of this Commission-sponsored project, submitted in September 1974, estimated an incidental mortality of 387,378 porpoises in 1972 and 192,982 in 1973. The investigator, however, noted and discussed serious problems and inadequacies relating to the data and methodology which led him to lack confidence in the estimates. The Commission and Committee made use of this report in formulating their recommendations with respect to the problem, which is more fully discussed in Section IV.

Study and Analysis of the Regulations and Permit Mechanism Implementing the Marine Mammal Protection Act (Judith Wheelus, J.D., $4,800)

The investigator reviewed, compared, and analyzed regulations promulgated by the Departments of Commerce and of the Interior and the permit mechanism under those regulations implementing the Marine Mammal Protection Act. The results of this study have been utilized by the Commission in fulfilling

its responsibilities to monitor the implementation of the Act and in formulating recommendations for changes in regulations so as to ensure that they are consistent with the purposes and terms of the Act.

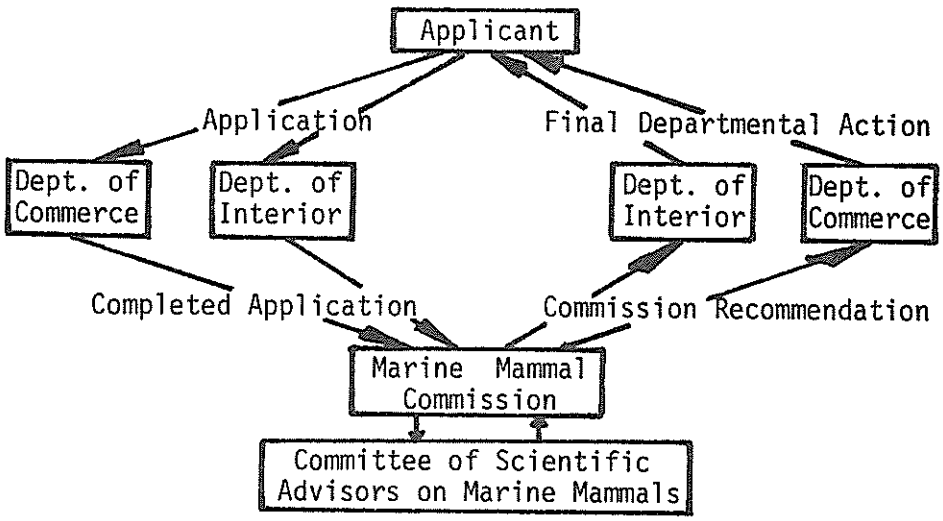
Review and Study of Existing Laws and International Agreements Relating to Marine Mammals and U.S. Activities Thereunder (Edward C. Pinkus, J.D., Center for Law and Social Policy, $20,500)

In the first phase of this study, undertaken in response to Section 202(a)(1) of the Act, the investigator has identified and made preliminary comments on domestic and international laws which concern marine mammals. The second phase of the study should yield an analysis and evaluation of those laws with reference to the provisions of the Marine Mammal Protection Act and activities of the U.S. pursuant to those authorities. This study should be useful to the Commission in its efforts to identify the need for appropriate changes which may be warranted and in formulating policy recommendations.

II. PERMIT APPLICATION REVIEW

A central feature of the Marine Mammal Protection Act is the provision for a moratorium on the taking and/or importing of marine mammals or marine mammal products except by certain Indians, Aleuts, and Eskimos for purposes of subsistence or native handicrafts and clothing. However, the Act does provide for the issuance of permits during the moratorium by either the Secretary of Commerce or the Secretary of the Interior, depending upon the species involved, to allow taking for purposes of scientific research or public display provided that the permit application is first reviewed by the Marine Mammal Commission and found to be consistent with the purposes and policies of the Act. Commission review is carried out in consultation with the full Committee of Scientific Advisors on Marine Mammals with reference to the goals and policies of the Act.

A schematic representation of the permit application review process follows:



In 1974, the Commission reviewed a total of 104 permit applications which are summarized as follows:

Applications Reviewed by Commission in 1974

Referring Department	Number of Permit Applications		
	Scientific Research	Public Display	Total
Commerce	40	53	93
Interior	8	3	11
			104

The permit application review and processing system, though now more efficient, is not without problems. Delays have occurred at several points in the review process. First, it has taken anywhere from 18 to over 300 days for permit applications to reach the Commission after initial receipt by the appropriate Department. In some instances, applications have not been complete when received by the Department, and the applicants have themselves, therefore, been at fault. This has forced the Department to request additional information from the applicant before forwarding the application to the Commission for review. Acknowledging this problem, a special subcommittee of the Commission has

reviewed the permit application forms and suggested format changes which may serve to more effectively elicit the necessary information from applicants.

Elapsed Time Between Receipt of Application and Transmission to the Commission for Review

Number of Days Elapsed	Number of Permit Applications	
	Commerce	Interior
1-45	19	4
46-75	39	5
76-120	17	2
121-195	9	0
196+	9	0
TOTALS	93	11

By the end of 1974, the Commission had made recommendations on 101 of the 104 permit applications on hand for review. Of the three remaining applications, two were under review at the end of December and the other was withdrawn by the applicant before action had been taken by the Commission. The amount of time taken by the Commission, in consultation with the Committee of Scientific Advisors, to review all permit applications is summarized as follows:

Elapsed Time for Commission Review and Recommendation

Processing Time Number of Days	Number of Permit Applications		
	Commerce	Interior	Total
1-45	70	10	80
45-60*	16	1	17
61-90*	4	0	4
			101

* Of the 21 applications requiring more than 45 days for review, 15 came to the Commission prior to the establishment of offices. All four applications requiring more than 60 days are in that category.

Further delay has occurred following receipt of the Commission's recommendation by the Department and prior to notifying the applicant of action taken. It should be noted that approval may be contingent upon inspection of the

applicant's facilities, and this can account for substantial delay in the final stages of action on the application.

Elapsed Time Between Receipt of Commission Recommendations and Notification to the Applicant

Number of Days	Number of Permit Applications		
	Commerce	Interior	Totals
1-45	43	6	49
46-75	15	2	17
76-120	4	1	5
121-180	6	0	6
	68	9	77

The development of standards governing the holding of marine mammals will streamline the permit application review process in that facilities can be promptly inspected prior to the full review of the permit application. A special subcommittee of the Commission has formulated standards applicable to all holding facilities for marine mammals. Comments on a draft text of the standards were solicited and received from interested agencies and individuals. After final review in February, the Commission will transmit the proposed standards to the Departments of Commerce, Interior, and Agriculture with the recommendation that they be jointly promulgated as uniform standards for purposes of maintaining marine mammals.

Although there has been a significant reduction in elapsed time during the latter part of 1974, there have been some inexcusably long delays as well as other difficulties in processing permit applications. In order to facilitate the process, the Commission analyzed various aspects of the permit mechanism and concluded that the present application forms, procedures, and regulations relating to taking for scientific research and public display should be modified. Based upon the results of the efforts of its special subcommittees, the Commission is formulating recommendations to simplify and expedite the permit process in a manner consistent with the purposes and provisions of the Act.

III. REQUESTS FOR WAIVERS OF THE MORATORIUM

Under the authority granted in Sections 101(a)(3)(A) of the Act, the Secretaries of Commerce and Interior, in consultation with the Marine Mammal Commission, may waive the moratorium on the taking and importing of marine mammals or marine mammal products, if such waiver is determined to be consistent with the goals and policies of the Act. Three requests for such waivers were under consideration during 1974.

Request of the Fouke Company to Import South African Fur Seal Skins

An application for waiver of the moratorium was submitted to the National Marine Fisheries Service on 19 November 1973, by the Fouke Company of Greenville, South Carolina, to allow it to import from the Republic of South Africa up to 100,000 South African fur seal (Arctocephalus pusillus) skins each year over a ten-year period for purposes of processing and subsequent sale at auction.

The National Marine Fisheries Service, by letter of 13 March 1974, requested the views of the Commission as to the time at which obligate nursing of fur seal pups ceases in order to determine the consistency of the program of the Republic of South Africa with the provisions and policies of the Marine Mammal Protection Act, and specifically with the prohibition of Section 102(b)(2) of the Act against the importation of marine mammals, or products thereof, which were nursing at the time they were taken.

The Commission responded by letter dated 29 May 1974 commenting upon scientific literature, the Draft Environmental Impact Statement, and the statements of South African biologists submitted with the application. The Commission expressed the view that it was not possible, using the available information, to furnish a precise date at which obligate nursing ceases. Additional information and further consultation with the National Marine Fisheries Service on this subject were requested.

After review of additional information obtained from meetings in the United States with biologists from the Republic of South Africa, the Commission advised the National Marine Fisheries Service in a letter of 25 July 1974

that a review of all available information precluded a determination that the seals were not nursing under the Act. The Commission suggested that importation of skins of such pups would therefore be inconsistent with Section 102(b)(2), despite apparent increases in the total South African fur seal population levels.

The Secretary of Commerce denied the application of the Fouke Company on 9 September 1974, based upon a report furnished to the National Marine Fisheries Service by outside consulting veterinarians that the harvest of fur seals in South Africa was not humane.

Request of the State of Alaska to Resume Management of Marine Mammals

The State of Alaska filed a petition on 31 January 1973, with the Secretaries of Commerce and Interior to resume management of certain marine mammals pursuant to Section 109(a)(2) of the Act. The proposed State management program would involve taking of certain marine mammals and therefore entails a waiver of the moratorium pursuant to Section 101(a)(3)(A) of the Act.

The Commission, after consultation with representatives of the State of Alaska and consideration of the subject at its meeting in April, responded by letter dated 26 April 1974 noting the delay in processing the State's application. The Commission expressed concern that the delay suggested that the provisions of Section 109 were not being effectively implemented and requested information about the schedule for processing the application.

A Department of Commerce-Department of the Interior Task Force has not yet resolved certain questions relating to regulations required by Sections 109(a)(2) and 103. The Commission has been made aware of some of the problems, and is awaiting receipt of the final Draft Environmental Impact Statement with regulations for review.

Request of the State of California to Resume Management of Sea Otters

The Commission has consulted with the Department of the Interior concerning the application of the State of California to resume management of sea otters (Enhydra lutris), pursuant to Section 109(a)(2) of the Act. Since the State's

proposed management program would involve taking of sea otters so as to limit their geographical range, it entails a waiver of the moratorium pursuant to Section 101(a)(3)(A) of the Act.

The Commission transmitted initial comments on the application to the Department of the Interior by letter dated 18 September 1974, noting that certain requirements of the Act had not been satisfied, including the requirement that a request to resume management under Section 109(a)(2) must include a sufficiently detailed management program and specific State laws and regulations for review. The Commission suggested that the Department advise the State that it must supplement its application in this and other respects before a full review of the application could be undertaken.

The State of California was advised of the views of the Commission and the Department and requested that its application be held in abeyance pending preparation and submission of the requisite supplemental information or a revised application for review in compliance with the Act.

IV. INCIDENTAL TAKING OF MARINE MAMMALS IN THE COURSE OF COMMERCIAL FISHING OPERATIONS

Pursuant to Sections 101(a)(2) and 111(b) of the Act, the Secretary of Commerce was charged with developing regulations, in consultation with the Commission, governing the incidental taking of marine mammals in the course of commercial fishing. The Commission has served in a consultative capacity with the National Marine Fisheries Service concerning this issue.

A special subcommittee of the Committee of Scientific Advisors was established in March to analyze data and approaches to the problem of incidental take. Special effort and attention was devoted to the incidental taking of porpoises in the course of the yellowfin tuna fishery in the Eastern Tropical Pacific because of the relatively large number of marine mammals involved and the uncertain status of the affected populations.

Following National Marine Fisheries Service hearings on regulations governing incidental taking, the Commission transmitted recommendations to the National Marine Fisheries

Service in July. The Commission suggested specific regulations to minimize incidental take and to ensure the gathering of data relating to the nature, extent, and impact of such taking. Recommendations were also made concerning specific research efforts designed to generate critical information necessary to achieve the goal of Section 101(a)(2), the reduction of the rate of incidental mortality and serious injury to insignificant levels approaching zero.

A Commission-sponsored study of the levels of incidental porpoise mortality in the yellowfin tuna fishery conducted by William Clark, University of Washington, computer analyzed and evaluated all available data, noting major inadequacies and defining difficulties associated with current approaches to solving this problem.

The Committee's estimate of 387,378 porpoises incidentally killed in 1972 and 192,982 in 1973 was transmitted to the National Marine Fisheries Service in November, fulfilling its responsibilities under Section 101(a)(2) of the Act. It was noted, however, that the limitations of the data led the Commission and Committee to lack confidence in the estimates, to preclude any estimate for 1974 at all, and therefore to emphasize the need for continued and expanded efforts with respect to this problem.

After participating in the public hearing on this subject in December, the Commission endorsed and transmitted a Supplemental Position Statement of the special subcommittee to NMFS which stated, in referring to the inadequacies of the data: "(I)t is our opinion that it is reasonable to assume that the populations of porpoises involved may have declined significantly, and that such decline may be continuing.... (W)e strongly recommend quick action on restructuring the seriously inadequate NMFS (research) program." Cited in this regard were the reduction of gear research to a token program, and the fact that NMFS plans no tagging program, no behavioral program, no shipboard cruises in the first half of 1975, and no aerial population assessment. The Commission noted that while NMFS had assembled a remarkable body of information within severe limitations of time and resources, the problem remained unsolved and the recommended research had not yet been undertaken. The Commission formally recommended that research efforts outlined on several occasions be initiated and requested an explanation, pursuant to Section 202(d) of the Act, if such recommendations are not adopted.

V. INTERNATIONAL ASPECTS OF MARINE MAMMAL PROTECTION AND CONSERVATION

Marine mammals occur throughout the world, and problems attendant upon their conservation and protection are international in character. Therefore, Commission efforts have been designed to contribute to effective international cooperation consistent with the purposes and policies of the Act.

International Whaling Commission (IWC)

Commission activities concerning the International Whaling Commission included consultation with the U.S. Commissioner in the formulation of the U.S. position and participation at the meeting of the IWC in June.

In addition, the Commission consulted with the National Oceanic and Atmospheric Administration concerning the certification to the President, pursuant to the Pelly Amendment to the Fishermen's Protective Act (22 U.S.C. 1978), with respect to whether foreign fishing operations were being conducted in a manner which diminishes the effectiveness of an international conservation program. The Commission advised that the whaling operations of Japan and the USSR were being conducted, directly and indirectly, in a manner and under circumstances which diminished the effectiveness of the international conservation program of the IWC.

Following the meeting of the IWC, the Commission transmitted its comments on the Proposed Protocol to the Convention expressing its support of the effort to revise the Convention. The Commission urged that the proposed text be modified to include a clear statement of the "optimum sustainable population" goal and ecosystem criteria for decision-making. The Commission also encouraged regularization of the structure and operations of the IWC Scientific Committee.

A special subcommittee of the Commission is concentrating its efforts on analyzing data and decisions of the IWC in preparation for the next IWC meeting in June 1975. At that meeting, quotas are to be set according to biological criteria developed by the IWC Scientific Committee pursuant to the Australian Amendment which was adopted at the June 1974 meeting of the IWC.

Convention for the Conservation of Antarctic Seals

The Commission reviewed the Draft Environmental Impact Statement on the Convention for the Conservation of Antarctic Seals and transmitted its comments to the Department of State in October.

The Commission's comments suggested modification of the DEIS to include an expanded and reorganized discussion of several scientific and legal aspects of the Convention, the legal and regulatory context within which it is proposed for ratification, and the Antarctic environment itself. The Commission has consulted further with the Department of State and will cooperate in the review of the revised Impact Statement.

Interim Convention for the Conservation of North Pacific Fur Seals

At its July meeting, the Commission and Committee of Scientific Advisors discussed the March 1975 conference on the North Pacific Fur Seal Convention and actions that might be taken at that conference. In late July and early August, the Commission advised the National Marine Fisheries Service of its concern that preparation for the conference be started so that the U.S. position might be developed by the end of 1974. In October, NMFS staff met with the Commission and outlined a timetable for reaching a position. The Commission expects to receive the relevant Draft Environmental Impact Statement and related materials for review and comment in early 1975.

Inter-American Tropical Tuna Commission (IATTC)

As part of its activities relating to the incidental taking of marine mammals in the course of commercial fishing operations, the Commission recommended several actions to the National Marine Fisheries Service in July. The Commission urged that intensive efforts be undertaken to stop unpermitted out-of-season fishing in the IATTC Yellowfin (Tuna) Regulatory Area, and to secure more frequent permitted out-of-season access to the area by experimental craft. It further recommended that efforts be undertaken to reach agreements with other fishing nations to require that vessels engaged in commercial fishing operations, during which incidental take of marine mammals results, use modifications of gear and techniques that have proven successful in reducing incidental mortality and serious injury.

US/USSR Environmental Agreement, Marine Mammal Working Group

At its October meeting, the Commission reviewed the status of activities under the US/USSR Environmental Agreement, Marine Mammal Working Group, and concluded that there was important and mutually beneficial work to be undertaken with the Soviets. The Commission noted that careful planning involving key scientists would be necessary to develop sensible proposals for exchange with the Soviets prior to the June 1975 meeting. To further the effectiveness of the Marine Mammal Working Group, the Commission offered to provide support for non-governmental working scientists to participate in a planning meeting in the latter part of January 1975. The Commission hopes that this meeting will yield a sufficient number of well-developed proposals to ensure the continuation of productive US/USSR exchanges.

Review of U.S. Activities

Pursuant to Section 202(a)(1) of the Act, the Commission is supporting a study by the Center for Law and Social Policy of existing laws and international conventions relating to marine mammals and U.S. activities thereunder.

In the first phase of the study, the domestic and international laws which, by their express terms or by virtue of their subject matter, directly or indirectly concern marine mammals, were identified. The second phase of the study, currently underway, will analyze and evaluate the provisions of these laws with reference to the provisions of the Act and activities of the U.S. pursuant to those authorities. The Commission will continue to review and study such activities as they relate to marine mammals in the course of its efforts to formulate and recommend to federal officials appropriate actions regarding existing or desirable international arrangements for the protection and conservation of marine mammals.

VI. DESIGNATION OF PROTECTED AREAS

A special subcommittee of the Commission is attempting to identify marine mammal habitats which may warrant special protection beyond that afforded by the provisions of the Act.

Attention has been focused on San Miguel Island, one of the Channel Islands off California, which is the only

place in the world known to be inhabited by six species of pinnipeds. As part of the overall effort to assess the current status of the Island, its marine mammal populations, and the need for special protection, the Commission initiated and conducted an on-site evaluation on 11 September with members of the Committee of Scientific Advisors, and representatives from the Departments of the Navy, Interior, Commerce, the California Department of Fish and Game, and interested individuals.

A Commission-supported study of marine mammal population levels and trends on the Island and threats to their protection and conservation is presently being conducted. It will be reviewed at the Commission's meeting in February 1975, and taken into consideration in the formulation of such recommendations for management of the Island as may be desirable.

In addition to San Miguel, the Commission is examining Puget Sound, the Walrus Islands in Alaska, and other critical areas which may warrant special attention and protection.

CONCLUSION

The Commission, fully operational only since mid-February 1974, has been conscientiously fulfilling its obligations. In part, the high level of productivity has resulted from full and continuous consultation with the Committee of Scientific Advisors on Marine Mammals. The Commission has had the benefit of advice from an enthusiastic Committee that has responded promptly with well-considered recommendations.

A program of research and study projects, designed to yield critically needed information essential for the protection and conservation of marine mammals, has been implemented. In some instances, the Commission-supported work is already providing answers to questions in marine mammal management.

The Commission, in consultation with the Committee of Scientific Advisors on Marine Mammals, has reviewed and made recommendations on more than 100 permit applications during 1974. Similarly, requests for waivers of the moratorium and return of management to States have been reviewed and comments transmitted.

A substantial amount of time has been devoted to deliberations on the mortality and injury of porpoises

incidental to the commercial yellowfin tuna fishery. The reports and letters coming from the Commission have significantly influenced the course of events as efforts are undertaken to reduce the rate of incidental take to levels approaching zero.

The review and study of U.S. activities under relevant laws and international conventions, begun in 1974, will be completed during the first six months of 1975. It should form the basis for a number of domestic and international policy recommendations.

In 1974, the Commission helped to develop a U.S. position for the International Whaling Commission meeting, and participated in that meeting. The Commission encouraged preparations for the forthcoming negotiations on the Interim Convention on the Conservation of North Pacific Fur Seals. The Commission also transmitted comments on the Draft Environmental Impact Statement prepared by the Department of State prior to the presentation of the Convention for the Conservation of Antarctic Seals to the Congress for action on ratification. Because of Commission efforts, additional scientific input was provided for the planning of U.S. activities within the Marine Mammal Working Group under the US/USSR Environmental Agreement.

A special subcommittee of the Commission will continue its study, begun in 1974, which will lead to recommended changes in the Endangered Species List.

The Commission initiated studies, to be completed in 1975, on a number of critical geographic areas for which it may be appropriate to provide protection beyond that which is already afforded by the Marine Mammal Protection Act.

The first fully-operational year of the Commission was productive. Some of the Commission's work led to final determinations on specific issues. In other instances, the Commission has taken the first of the many necessary and desirable steps to meet its responsibilities as set forth in the Marine Mammal Protection Act.

APPENDIX

SUBCOMMITTEES OF THE MARINE MAMMAL COMMISSION AND THE COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

Subcommittee on Endangered, Threatened, and Depleted Species
Burns (Chmn.), Schevill, Siniff

Subcommittee to Establish Criteria for Certification of Holding Facilities
White (Chmn.), Norris, Ray

Subcommittee on Federal-State Relationships
Committee of the Whole

Subcommittee on Incidental Taking of Marine Mammals
Norris (Chmn.), Bartholomew, Chapman

Subcommittee on International Whaling Commission
Chapman, Schevill

Subcommittee on North Pacific Fur Seals
Lentfer (Chmn.), Bartholomew, Siniff

Subcommittee on Nursing
Bartholomew (Chmn.), Siniff, White

Subcommittee on Permit Application Forms
Siniff, Ray

Subcommittee on the Petition of the State of Alaska to Resume Management of Marine Mammals
Ray (Chmn.), Cooley, Lentfer

Subcommittee on Protected Areas
Ray (Chmn.), Burns, Norris

Subcommittee on Puget Sound Killer Whales
Burns, Chapman, Cooley, Scheffer

Subcommittee on Research Needs and Priorities
Norris, Siniff, Leopold

Subcommittee on Stranded Animals
Schevill (Chmn.), Lentfer, White