

Performance and Accountability Report

Fiscal Year 2013



Rough-toothed dolphins off Kauai

Photo by Dr. Robin Baird, Cascadia Research Collective, and member of the Marine Mammal Commission's Committee of Scientific Advisors

**Marine Mammal Commission
December 2013**



December 13, 2013

Message from the Chairman

Congress passed the Marine Mammal Protection Act of 1972 to maintain the health and stability of the marine ecosystem and, more specifically, to prevent marine mammal stocks from diminishing beyond the point at which they cease to be significant, functioning elements of the ecosystem. Title II of the Act created the Marine Mammal Commission as an independent federal agency charged with reviewing the domestic and international programs and policies of other federal agencies as they pertain to marine mammals. For four decades, the Commission has worked with federal, state, and local agencies; international, tribal, and non-governmental organizations; industry; and the public to meet the objectives of the Marine Mammal Protection Act. The Commission's independent status and scientific expertise enable it to provide objective, science-based advice and expert opinion, with the aim of resolving issues before they become costly and controversial.

With this letter, I submit the Commission's Fiscal Year 2013 Performance and Accountability Report, including financial and program performance results. The performance data in this report are complete and reliable. Prior to preparation of the report, the Commission evaluated its management controls and financial management system pursuant to the Federal Managers' Financial Integrity Act of 1982. No material weaknesses were identified and the financial management system was found to conform to government financial system requirements. In accordance with OMB Circular 123, Appendix C, no improper payments were made. An independent, certified public accountant audited the Commission's financial statements, internal controls, and management systems and verified that they conform to generally accepted accounting principles, laws, regulations, and requirements.

Given sequestration and increasing needs for marine mammal research and conservation, Fiscal Year 2013 was particularly challenging not just for the Commission, but also for the federal agencies that conduct science and conservation of marine mammals. The Commission's recommendations to federal agencies included consideration of how best to meet the mandates of the Marine Mammal Protection Act in the face of declining financial resources. Prioritization, efficiency, and public-private partnerships are part of the ongoing strategy to address these issues.

On behalf of the Marine Mammal Commission, I am pleased to submit this Fiscal Year 2013 Performance and Accountability Report to the Office of Management and Budget.

Respectfully,

A handwritten signature in blue ink that reads "Daryl J. Boness".

Daryl J. Boness, Ph.D.
Chairman

The Marine Mammal Commission

This Performance Accountability Report (PAR) provides background on the Marine Mammal Commission (the Commission) and its mandate, and reports on the Commission's key activities in Fiscal Year (FY) 2013. The report is based on the duties of the Commission, as described in Title II of the Marine Mammal Protection Act of 1972 (the MMPA) and in its draft Strategic Plan for FY 2015-19 (available at http://www.mmc.gov/pdf/MMC_StrategicPlan.pdf), as well as the Commission's Budget Submission for FY 2013 (submitted on 15 September 2011)

Background

Title II of the MMPA created the Commission as an independent federal agency to oversee activities of federal agencies and to advise the federal government regarding the MMPA's provisions and primary objective—to maintain the health and stability of marine ecosystems and the marine mammals that are integral components of those ecosystems.

The Commission's oversight and advisory role helps ensure that domestic and international policies and actions of federal agencies are consistent with the MMPA and other legislation related to maintaining a healthy marine environment. Because many marine mammals feed at high trophic levels, are long-lived, and are subject to adverse health impacts similar to those that affect humans, they can provide a warning about certain kinds of changes to or degradation of the marine environment—that is, for some situations they can be “sentinels of the sea.” Multiple human-related risk factors affect marine mammals, including direct and indirect effects of fisheries; the introduction of sound, contaminants, and disease and other modifications to their habitat; harmful algal blooms and dead zones; vessel strikes; and impacts of climate change. The Commission consults with other federal agencies, including the National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (FWS), Bureau of Ocean Energy Management (BOEM), Department of State, Navy, Coast Guard, state agencies (e.g., various Departments of Fish and Game), Tribes, and Alaska Native Organizations (e.g., the Indigenous People's Council on Marine Mammals), to characterize those risk factors and identify cost-effective solutions. The Commission also helps develop, facilitate, and coordinate multi-agency and international research and management initiatives to promote marine mammal protection and conservation, particularly for species of special concern. In all its work, the Commission seeks to be a source of useful science-based information and analyses; focused and catalytic research funding; and independent, objective, and forward-looking oversight.

Commission Structure

The Commission consists of (1) three Commissioners appointed by the President and confirmed by the Senate, one serving as Chairman; (2) a nine-member Committee of Scientific Advisors on Marine Mammals appointed by the Chairman in consultation with the Director of the National Science Foundation, the Secretary of the Smithsonian Institution, the Chairman of the Council on Environmental Quality (CEQ), and the Chairman of the National Academy of Sciences; and (3) a staff of 14 full-time employees¹, including the Executive Director, who is appointed by the

¹ At the end of FY 2013 the Commission had four vacancies among these staff positions, mostly due to funding shortfalls.

Chairman with the approval of the other Commissioners. The Commission's organizational structure is depicted in Figure 1 (at the end of the report).

Commission Vision, Mission, Overall Strategic Goal, Oversight Role, and Duties

Vision

Global marine mammal populations are restored and maintained at optimum sustainable population levels and as functioning elements of healthy marine ecosystems for future generations, with human activities managed to minimize impacts on those populations and ecosystems.

Mission

To ensure consistency of federal actions with the MMPA and other relevant mandates to protect and conserve marine mammals, the Commission provides independent, science-based oversight of domestic and international policies and actions of federal agencies addressing human impacts on marine mammals and their ecosystems.

Strategic Goal

Ensure the protection and conservation of marine mammals as functioning elements of healthy marine ecosystems through science-based mitigation and monitoring of anthropogenic impacts on marine mammal populations and their ecosystems.

Oversight Role

In implementing its mandate under the MMPA, the Commission has oversight of the multiple federal agencies that address marine mammal conservation through mitigation and monitoring of activities that impact marine mammals. The Commission provides input on draft environmental assessments and environmental impact statements, proposed rules, permits and other authorizations related to the taking and importation of marine mammals, and general policy development to protect and conserve marine mammals. Although not a regulatory agency, the Commission's comments must be considered by the relevant action agencies. Should an agency choose not to follow the Commission's recommendations, it must provide a rationale for taking a different approach. The Commission's input is generally perceived by a broad array of federal agencies and private sector and non-governmental partners to be objective, independent, and science-based.

Duties

Title II of the MMPA specifies the duties of the Commission and its Committee of Scientific Advisors on Marine Mammals. The Commission's Strategic Goal and Objectives are based on seven duties, as specified under section 202 of the MMPA:

- (1) Undertake a review and study of the activities of the United States pursuant to existing laws and international conventions relating to marine mammals including, but not limited to, the International Convention for the Regulation of Whaling, the Whaling Convention Act of 1949, the Interim Convention on the Conservation of North Pacific Fur Seals, and the Fur Seal Act of 1966;

- (2) Conduct a continuing review of the condition of the stocks of marine mammals, of methods for their protection and conservation, of humane means of taking marine mammals, of research programs conducted or proposed to be conducted under the authority of the MMPA, and of all applications for permits for scientific research, public display, or enhancing the survival or recovery of a species or stock;
- (3) Undertake or cause to be undertaken such other studies as it deems necessary or desirable in connection with its assigned duties as to the protection and conservation of marine mammals;
- (4) Recommend to the Secretary [of Commerce or the Interior] and other federal officials such steps as it deems necessary or desirable for the protection and conservation of marine mammals;
- (5) Recommend to the Secretary of State appropriate policies regarding existing international arrangements for the protection and conservation of marine mammals, and suggest appropriate international arrangements for the protection and conservation of marine mammals;
- (6) Recommend to the Secretary [of Commerce or the Interior] such revisions of the endangered species list and threatened species list published pursuant to section 4(c)(1) of the Endangered Species Act of 1973 (the ESA) as may be appropriate with regard to marine mammals; and
- (7) Recommend to the Secretary [of Commerce or the Interior], other appropriate federal officials, and Congress such additional measures as it deems necessary or desirable to further the policies of the Act, including provisions for the protection of the Indians, Eskimos, and Aleuts whose livelihood may be adversely affected by actions taken pursuant to the MMPA.

Marine Mammal Commission Strategic Plan

In FY 2013, under guidance from the Office of Management and Budget, the Commission prepared a draft Strategic Plan for 2015–19 as part of the FY 2014 budget submission process. The draft plan identifies four major objectives for this five-year plan:

Strategic Objective #1: Encourage management of human activities to ensure that marine mammal populations in the Arctic remain viable in spite of the direct and indirect effects of climate change and economic development.

Strategic Objective #2: Facilitate the development, refinement, and implementation of scientifically robust mitigation and monitoring measures to minimize the effects of offshore oil and gas and renewable energy activities on marine mammals.

Strategic Objective #3: Improve the understanding of factors affecting the health of individual marine mammals, the impacts of those factors on marine mammal population status and trends, and the manner in which marine mammal health relates to human health and ecosystem services.

Strategic Objective #4: Improve the understanding, assessment, and mitigation of the impacts on marine mammals from bycatch, entanglement/marine debris, vessel strikes, and sound associated with fisheries, the military, geophysical surveys, and the shipping industry.

In addition, the draft Strategic Plan identifies five high-priority projects for the period 2015–19 that reflect the duties of the Commission contained in MMPA Title II, as well as the Strategic Objectives in the Plan. Towards the end of FY 2013, the draft Strategic Plan was posted on the Commission website for a three-week public comment period. Comments will be reviewed and edits made accordingly to the Strategic Plan for final submission in FY 2014.

The Commission in FY 2013

The work of the Commission each fiscal year falls under two general categories:

- 1) Regular, ongoing activities of the Commission staff, under the guidance of the Commissioners, the Committee of Scientific Advisors, and the Executive Director. These include review of federal agency documents, drafting the Annual Report, holding the Annual Meeting, funding research activities, and participating in domestic and international scientific and policy activities.
- 2) High-priority performance goals and special projects for the fiscal year. There were five projects identified in the FY2013 budget submission.

The Performance Section below reports on accomplishments and progress in FY 2013 under these two categories.

Socioeconomic Considerations of the Commission Mandate

While the Commission is not a regulatory agency, its oversight role in assessing various anthropogenic impacts on marine mammals and recommending mitigation and monitoring measures to minimize those impacts is a key part of the interagency process for authorizing such activities. As an advocate for ecosystem-based management, the Commission acknowledges that humans are part of the marine ecosystem. Economic growth is essential to the nation's well-being, but many activities that contribute to such growth can pose risks to marine ecosystems, including marine mammals. The Commission promotes a proactive approach for resolving potential conflicts by working with resource managers and other federal agencies to address problems before they become intractable and their resolution is more costly. By exploring ways to reduce operational and ecological interactions between marine mammals and various human activities, the Commission seeks to protect marine mammals while not unnecessarily constraining socio-economic activities.

In some cases, such activities address social needs or benefits, such as national defense. The Commission regularly provides recommendations relative to mitigation and monitoring of impacts on marine mammals from conducting various training exercises for military readiness. The Commission also works to maintain marine mammals as important subsistence and cultural resources for Alaska Native communities, as required under the MMPA (Title II 202 (7)). While it is difficult to express a value to society for such defense and subsistence aspects of the Commission's mandate, it is clear that these activities are of importance to the people of the United States.

The Commission also provides recommendations for activities associated with resource extraction, such as offshore energy development and fishing. The Commission's

recommendations support the use of mitigation and monitoring measures that are designed to reduce injury and mortality from these commercial activities. While the implementation of the MMPA does not explicitly require consideration of economic impacts as part of its mandate, they are one of the factors weighed by action agencies in determining the feasibility of measures designed to reduce impacts to marine mammals. One estimate notes that in 2010, the offshore oil and natural gas industry's expenditures and operating expenses totaled over \$25 billion, clearly a significant sector of the economy that generates jobs and income.² Fishing activities – both commercial and recreational—represent another sector where impacts on marine mammals need to be monitored and mitigated. The Commission engages directly in addressing these impacts via membership in Take Reduction Teams and by providing comments on proposed regulations and National Environmental Policy Act (NEPA) documents. Fishing in the United States also is an important economic activity, as described in a NMFS report.³ U.S. commercial fishermen harvested 9.9 billion pounds of finfish and shellfish in 2011, earning \$5.3 billion for their catch, and the U.S. seafood industry (from harvesting to retail) supported approximately 1.2 million full- and part-time jobs.

Marine mammal tourism (e.g., whale watching⁴), commercial shipping and recreational cruises, sport fishing, coastal construction, and a broad range of inland activities with “white water to blue water” effects are just a few of the many other human activities that can impact marine mammals and their ecosystems. The Commission believes that public and private sector participants should take a collaborative approach to assessing these impacts and to the effort to develop an adequate understanding of the marine ecosystem baseline conditions and required mitigation and monitoring measures. The enactment of the MMPA was a clear indication of the importance of healthy marine ecosystems and specifically of the aesthetic value of marine mammals to the people of America. The nation's continued commitment to this goal is evidenced by the expectation that commercial activities be mitigated and monitored to ensure viable marine mammal stocks.

² American Petroleum Institute's 2013 report, <http://www.api.org/~media/Files/Policy/SOAE-2013/SOAE-Report-2013.pdf>.

³ Fisheries Economics of the United States, 2013.
(;<http://www.st.nmfs.noaa.gov/Assets/economics/documents/feus/2011/FEUS%202011-Revised.pdf>)

⁴In 2008, the United States had the largest whale watching industry in the world, with nearly 5 million whale watchers and total consumer expenditures of nearly \$1b
<https://www.dropbox.com/s/trpbrojp0pc5tit/Whale%20Watching%20Worldwide%202009%20low%20res.pdf>

Overview of Commission Finances in FY 2013

Annual appropriations and distribution of funds: Congress is the sole source of funding for the Commission. Total annual appropriations for the Commission from FY 2005 to FY 2013 are listed in Table 1.

In FY 2013 the Commission was impacted by government-wide budget cuts under sequestration. The Commission obligated 99.5 percent of its appropriation of \$2,864,948. About 71 percent was used for salaries and benefits (including Commissioners and Committee members), 17 percent for rent and administration, 10 percent for the Science Program, and 2 percent for travel (Figure 2). About 7 percent of salaries and benefits were for Commissioners and Committee members, 64 percent for science and policy staff, and 29 percent for administrative staff.

The Commission normally uses about 75 percent of its annual funds to meet its general oversight and advisory responsibilities (e.g., providing guidance on appropriate policies and statutory interpretations, reviewing stock assessment efforts, permits for scientific research, incidental take authorizations, and matters pertaining to listing and delisting of endangered and threatened species). The remaining 25 percent is used to support essential research that is not being conducted by the other federal agencies, to provide contributions to workshops that address relevant scientific questions or conservation issues, and to complete special projects identified either by Congress or the Commission. The Commission uses its limited research funding to support potentially catalytic research projects—that is, projects that may lead to rapid advancements in marine mammal science and conservation—and as seed funding to encourage the larger agencies, non-governmental organizations, academics, or industry to support important research efforts. The Commission used 2 percent of its budget for travel to ensure that the Commissioners, Committee members, and staff are able to interact directly with stakeholders involved in local, regional, national,

Table 1. Annual appropriations for the Commission, FY 2005 to 2013.

Fiscal Year	Expenditures
2005	\$2,608,000
2006	\$2,785,000
2007	\$2,747,000
2008	\$3,728,000 ¹
2009	\$3,200,000
2010	\$3,250,000
2011	\$3,243,500
2012	\$3,025,000
2013	\$2,864,948 ²

¹ Includes an additional \$908,000 appropriated for special projects

² Reflects sequestration of funds

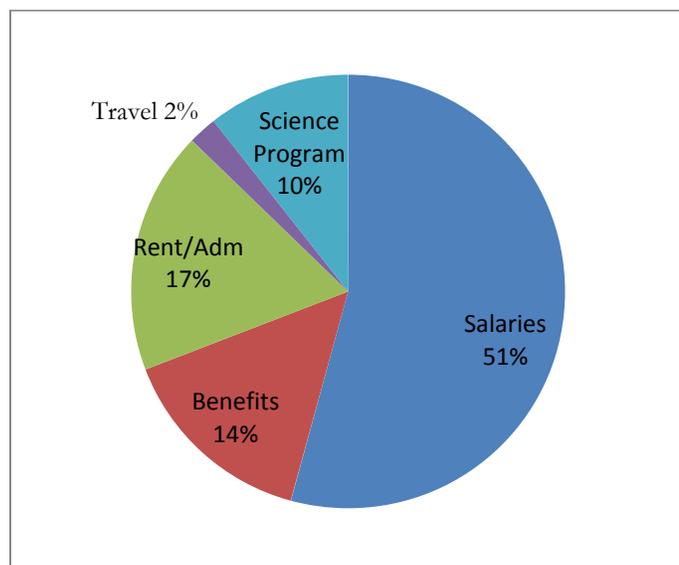


Figure 2. Distribution of funds appropriated to the Commission for FY 2013.

and global issues, thereby building the Commission's knowledge of those issues, and bolstering its ability to provide reliable and well-informed advice and oversight.

Management of Commission finances: A number of staff members are involved in managing the Commission's budget. The Executive Director oversees and assumes responsibility for all financial systems and transactions. The Chief Administrative and Financial Officer manages and is responsible for all day-to-day budgetary matters, including purchase orders, time cards, and payments for various services and utilities. The Chief Administrative and Financial Officer also works with the Directors of the Science Program and the International and Policy Program Director to oversee their expenditures. An Administrative Assistant completes all paperwork related to travel expenses and assists the Chief Administrative and Financial Office in day-to-day management of the Commission's budget. The Special Assistant to the Executive Director serves as a backup for the Chief Administrative and Financial Officer and Executive Director and provides a secondary check on all expenditures. The Research Program Officer oversees all day-to-day fiscal transactions related to Commission-sponsored research. Together, the Executive Director, General Counsel, Chief Administrative and Financial Officer, Scientific Program Director, and International and Policy Program Director form the Commission's Leadership Team, which meets monthly by teleconference with the Commissioners and Chair of the Committee of Scientific Advisors. In addition, the Executive Director may consult with the Chair of the Commission regarding key administrative or personnel decisions. An independent, certified public accountant conducts an annual examination of all financial systems and controls. The completed comprehensive audit for FY 2013 is in the annexes to this PAR. The 2013 audit found no material internal weaknesses in financial systems and controls, and identified no areas where improvement is required.

Other accompanying information: Section 537 of the Commerce, Justice, Science, and Related Agencies Appropriations Act 2010 (Act) of the Consolidated Appropriations Act 2010 (Pub. Law 111-117) requires certain departments, agencies, and instrumentalities of the U.S. Government receiving appropriations under the Act to track undisbursed balances in expired grant accounts for FY 2013. In FY 2013 the Commission had no funds remaining from FY 2008.

Overview of Commission Performance in FY 2013

Basic statutory duties: The Commission used its FY 2013 budget allocation (\$2,864,948) to fulfill its basic statutory duties under the MMPA, under the two areas of work identified in the background section. Accomplishments under each of these categories are provided below.

(1) Regular, ongoing activities of the Commission staff, under the guidance of the Commissioners and the Committee of Scientific Advisors

- (a) Recommendations and reviews of various agency actions (MMPA Title II Section 202 Duties #2, #4, and #6)

The Commission reviewed and made recommendations regarding 48 permit applications (including scientific research, species enhancement, public display, and photography under the MMPA and scientific research under the Antarctic Conservation Act) and 36 applications for authorizing the taking of marine mammals incidental to activities other than commercial fishing (Figure 3). The Commission also reviewed nine environmental analyses of activities that may impact or harm marine mammals (e.g., review of the BOEM and NMFS cooperative Arctic supplemental draft Environmental Impact Statement). The Commission submitted recommendations and comments to relevant federal agencies to enhance protection and conservation of the affected marine mammals and promote faithful implementation of the MMPA and related laws. The recommendations varied by application but generally were based upon minimizing any potential impact on marine mammal species and stocks. In addition, the Commission reviewed several action items related to protecting marine mammals under the ESA. All Commission correspondence that contains recommendations is posted on the Commission website.

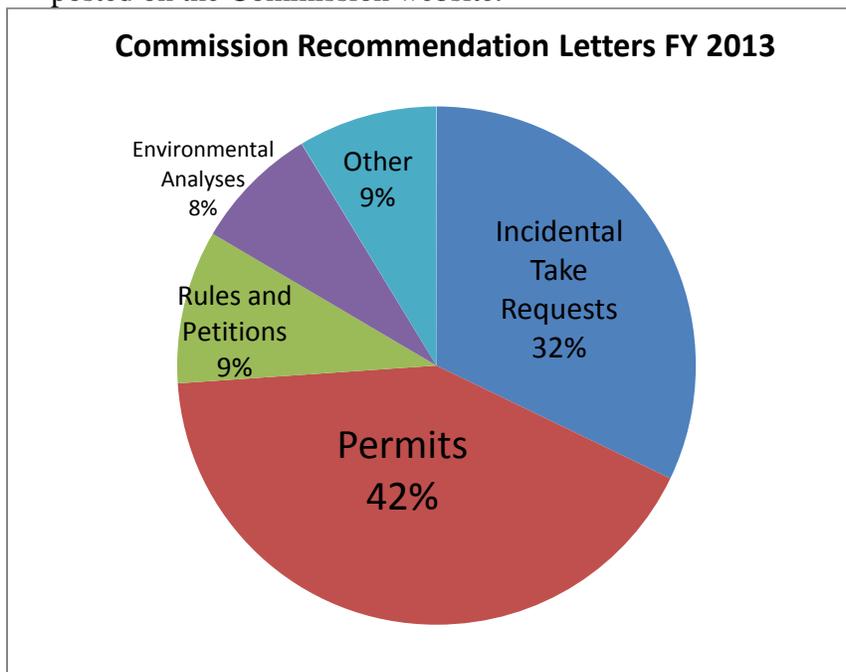


Figure 3. Application types by percentage for which the Commission provided recommendations in FY 2013.

(b) Research support

In FY 2013 the Commission supported numerous research projects and workshops covering a wide range of topics. The Commission also saw significant progress on several ongoing projects that were initiated with funding from previous fiscal years. The projects, which cover virtually all seven of the duties under MMPA Title II Section 202, are as follows:

- *Vaquita*: Development of alternative fishing gear to avoid bycatch of the vaquita, one of the world's most endangered cetaceans. The vaquita population is being decimated by entanglement in gillnets used in Mexican fisheries that sell their product to U.S. markets. The Commission provided additional funding in FY 2013 to allow monitoring of the vaquita population using passive acoustic techniques and, in collaboration with a local NGO, supported activities providing economic incentives and training for shrimp fishermen to switch from vaquita-entangling gillnets to vaquita-safe gear.
- *North Atlantic right whales*: The Commission supported the expansion of a "Whale Alert App" to include Android platforms. This app provides professional mariners and others with easy-to-use nautical chart-displayed information about the regulations and other conservation efforts designed to reduce the risk and impact of collisions between right whales and ships in U.S. waters. The app is already in use on the Mac platform by vessel operators in the shipping and fishing sectors; the adaptation to Android platforms will allow even wider use of this tool.
- *Endangered monk seals*: The Commission supported ongoing "crittercam" research to better understand the feeding habits of Hawaiian monk seals and to document their potential impact of their increasing numbers on small-scale fisheries in the main Hawaiian islands. For the Mediterranean monk seal, the Commission funded research on a potentially important monk seal colony at the island of Evia in the Eastern Mediterranean Sea. Furthermore, the Commission is supporting a genetics registry for the Mediterranean monk seal, which builds upon the important genetics work conducted earlier on Hawaiian monk seals.
- *Capacity building*: The Commission supports projects on marine mammals in the developing world to build scientific and management capacity. A project on the genetics of West African manatees will build understanding of manatee population structure and delineation in the region and allow improved management of human impacts on these endangered coastal marine mammals. In India, a rapid assessment of cetacean diversity and occupancy along the southeast coast will be used to inform the environmental impact analyses of a proposed coal power plant and port development, in an effort to minimize impacts on cetaceans.
- *Arabian Sea humpback whale*: A Commission grant will support assessment of the status, distribution and abundance of the small population of Northern Indian Ocean humpback whales in the Arabian Sea. This poorly known population is subject to a high level of entanglement in fishing nets. The seed funding will launch a region-wide cooperative project to assess the status of and threats to this population and identify potential mitigation measures.

(c) Workshops and meetings

The Commission provided support for the 44th Annual Conference of the International Association for Aquatic Animal Medicine, as well as the 20th Biennial Conference of the Biology of Marine Mammals. The Commission also provided support for a memorial symposium planned to honor and continue the work of Dr. Daniel Goodman, a former member of the Commission's Committee of Scientific Advisors involved in several quantitative aspects of marine mammal conservation and management, including the development of objective criteria for making listing decisions under the ESA.

(d) Annual Meeting

Each calendar year the Commission holds its annual meeting in a different region of the country to examine regional issues, as well as priority topics at the national and global levels. In May 2013, the Commission held its annual meeting at NMFS's Southwest Fisheries Science Center in La Jolla, California. The agenda focused on West Coast issues and related Pacific ecosystems, such as the eastern tropical Pacific, with a special focus on dolphin populations in that ocean basin affected by the tuna fishery. Other topics included migratory patterns of whales in the eastern Pacific (overlaid with commercial activities, such as fishing), the development of vaquita-friendly fishing gear in the Gulf of California, and the continuing challenges presented by recovery of California sea lions, particularly their interactions with endangered Pacific salmon. Based on discussions at the annual meeting, the Commission transmitted recommendations to the leadership of NMFS concerning those issues.

(e) Annual Reports

The Commission's Annual Report for 2010–11 was posted on the Commission website in May 2013. That Annual Report includes an extensive discussion of the Deep Water Horizon Oil Spill in the chapter covering offshore energy issues. The focus on the Gulf of Mexico reflects the Commission's engagement over the past few years in monitoring the impacts and mitigation of this massive oil spill. The 2010 Annual Meeting was held in New Orleans. Drafting of the Annual Report for 2012 began in mid-fiscal year 2013 and is expected to be posted on the Commission website in early 2014.

(f) Capitol Hill and federal agency outreach

During FY 2013, Commission staff reached out to House and Senate staffers including Committee staff (Natural Resources Committee in the House, Commerce Committee in the Senate) to inform and update them on the mandate and activities of the Commission. They were provided the Commission's draft Strategic Plan for FY 2015–19 and other Commission information relevant to their constituents. The Commissioners traveled to Washington, D.C., in the summer of 2013, and paid a number of visits to Congressional offices and to federal agency leadership to provide information and discuss shared challenges. On 1 August 2013 the Commission and NMFS, in partnership with the National Marine Mammal Stranding Network, hosted a Congressional briefing on marine mammal health and stranding. The purpose of the briefing was to provide an overview of the major trends and issues in

strandings and of the Marine Mammal Health and Stranding Response Program as well as to discuss how partnerships between federal and private stakeholders help address challenges in marine mammal stranding response, research, and conservation. The briefing was attended by a number of Congressional offices, non-governmental organizations, and federal agencies. A summary of the briefing is posted on the Commission's website (http://www.mmc.gov/special_events/mmhsrp_briefing/mmhsrp_briefing.shtml).

(g) Alaska Native communities and subsistence activities

In FY 2013 the Commission convened a meeting to review and seek ways to improve consultations between federal agencies and Alaska Native tribes, as a follow-up to the Commission's FY 2008 review of co-management issues. Participants discussed issues related to the authorities for Alaska Native consultations, the role of Alaska Native organizations in tribal consultations, and the relationship between tribal consultation and co-management under the MMPA. The Commission is sponsoring members of various Alaska Native organizations, in conjunction with the Environmental Law Institute, to use the outcome of those discussions to draft a framework for tribal consultations between federal agencies and Alaska Natives. In FY 2013 the Commission also provided comments on the Department of Commerce's draft policy on American Indian and Alaska Native Consultation and Coordination. The comments included recommendations to provide additional guidance on how consultations should be conducted to ensure meaningful and timely input on policies that have tribal implications and to require that the Department's tribal consultation official certify that Departmental policies are in compliance with Executive Order 13175.

In FY 2013 the Commission reviewed six applications seeking authorization for the incidental take of marine mammals during seismic surveys and exploratory drilling for oil and gas resources in U.S. waters off Alaska. The Commission's comments emphasized the importance of involving all potentially affected Alaska Native communities and co-management organizations and accounting for potential adverse impacts on all marine mammal species taken for subsistence purposes through the development of conflict avoidance agreements. In addition, the Commission provided an expert peer review of proposed mitigation and monitoring measures for a proposed seismic survey in the Beaufort Sea to ensure that it would have the least practicable adverse impact on the availability of marine mammals for subsistence purposes to Alaska Natives. In FY 2013 the Commission also provided comments on a supplemental draft programmatic environmental impact statement for the issuance of incidental take authorizations under the MMPA and the authorization of geological and geophysical permits under the Outer Continental Shelf Lands Act for all oil and gas exploration activities that may occur in Alaska offshore waters, including those that have the potential to adversely affect subsistence hunting of marine mammals by Alaska Native communities.

(h) International science and conservation activities

In FY 2013 the Commission participated on the U.S. delegation to the International Whaling Commission's Scientific Committee, which assessed information on bowhead whale populations, and conservation threats to southern right whales, vaquitas, and freshwater

cetaceans. The Commission also participated in preparations for a December 2013 meeting of the polar bear range states, at which a polar bear monitoring plan prepared with Commission support will be reviewed. The Commission serves on U.S. delegations to meetings of the U.S.-Russia Polar Bear Commission and provides advice on, among other things, research needs and whether authorized harvests are sustainable. In FY 2013, the Commission worked with FWS on marine mammal matters involving the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The first matter pertained to possible changes to the listings of marine mammal species on CITES appendices, in particular a U.S. proposal to provide increased protection for and oversight of international trade in polar bears. The proposal on polar bears failed to garner the two-thirds majority needed for adoption by the CITES Conference of the Parties. The second matter pertained to the question of whether the Secretary of the Interior should certify to the President that Iceland is undermining the effectiveness of CITES through its exports of fin whale products. In 2012 the Commission provided advice to the Service on the question of whether Iceland's whaling was detrimental to fin whale stocks in the North Atlantic and in FY 2013 the Commission continued work with the Departments of the Interior, State, and Commerce, and CEQ to make a final determination and to consider possible sanctions.

(2) High-priority performance goals and special projects for the fiscal year. These five projects were identified in the FY2013 budget submission.

Goal 1: Creating a single analytical framework for environmental analyses conducted under NEPA, the ESA, and MMPA

Commission staff members have engaged in preliminary discussions with the managers of programs at NMFS, FWS, CEQ, and other agencies to determine whether there is interest in pursuing this project collectively. Due to recent changes in management at some of these agencies, as well as staffing and workload challenges under sequestration, further outreach is needed to determine the way forward with this project. The Commission expects to determine early in 2014 whether there still is sufficient interest in this project among the agencies and, if so, whether it will pursue the project independently or in collaboration with those agencies.

Goal 2: Prioritizing marine mammal conservation issues to guide marine mammal research and conservation efforts during this period of limited resources.

The key aspect of this effort is setting priorities for making funding decisions related to marine mammal research and conservation actions to guide marine mammal programs during periods of limited resources. In FY 2012 the Commission began developing a set of national marine mammal research and conservation priorities. This undertaking has focused on NMFS-managed species. In FY 2012 and 2013, the Commission met with program leaders in each of NMFS's six regional offices and science centers and headquarters staff to discuss their priorities. A draft report has been prepared and is under review within the Commission. The draft will be shared with NMFS for review before being finalized. The report is intended to help NMFS allocate resources strategically given ongoing budgetary challenges and to inform Congress.

Goal 3: Conducting a review of NMFS's Marine Mammal Health and Stranding Program

The President's Budget for FY 2013 did not include any funding for the Prescott Grant Program for the Marine Mammal Health and Stranding Network. Nevertheless, given directions from Congress, partial funding of \$1.1m was provided for grants under the program (a reduction of 75 percent from previous years). The Commission continues to emphasize the many contributions of the Prescott program in the past (as noted in the Hill briefing described above) and yet recognizes the difficult challenges faced by NMFS in making tradeoffs among various critical programs for marine mammals. Given the reduction in funding, as well as impacts on staff time due to the Gulf of Mexico oil spill, the Commission decided to shift its focus to the development of a coastal health database. Given the potential role of marine mammals as highly visible "sentinels" of ocean health, the Commission began support for developing a collaborative database that tracks marine mammal stranding information in a map-based, searchable database. Starting with a pilot effort on the west coast of the United States, the goal is to incorporate these observations into the Integrated Ocean Observation System (IOOS) and allow an improved understanding of marine ecosystem health and human health in relation to the effects of harmful algal blooms, contaminants, and the spread of pathogens. In FY 2013, preliminary work was underway to prepare databases for California. Further expansion of the database to the entire west coast and integration with IOOS data will occur in FY 2014.

Goal 4: Completing the development of a more objective basis for listing decisions under the ESA.

This multi-year project was delayed due to the death of the principal investigator. A database of all listed species, and the criteria used to determine the listing status, has been compiled, along with population viability analyses to estimate extinction risks. A colleague of the principal investigator has taken over the project and two manuscripts have been drafted. One manuscript has been accepted and is available in "early view" (Himes-Boor 2013⁵). The second manuscript is in review and should be available in 2014. In addition, this project will be one of the topics considered at the planned symposium honoring Dr. Daniel Goodman, which has received partial support from the Commission (http://www.montana.edu/lettersandscience/Goodman/Goodman_event.html).

Goal 5: Completing a review of marine mammal stock assessment efforts by NMFS and FWS

In addition to conducting detailed annual reviews of the draft marine mammal stock assessments prepared by NMFS and FWS, the Commission has prepared a database of the key elements of the stock assessment framework used by those agencies. Using that database, the Commission is drafting a report to analyze national and regional trends in stock assessments. A draft report will be shared with the two Services prior to completion.

⁵ Himes-Boor, G.K. 2013. A Framework for developing objective and measurable recovery criteria for threatened and endangered species. *Conservation Biology*: (Early View). doi:10.1111/cobi.12155

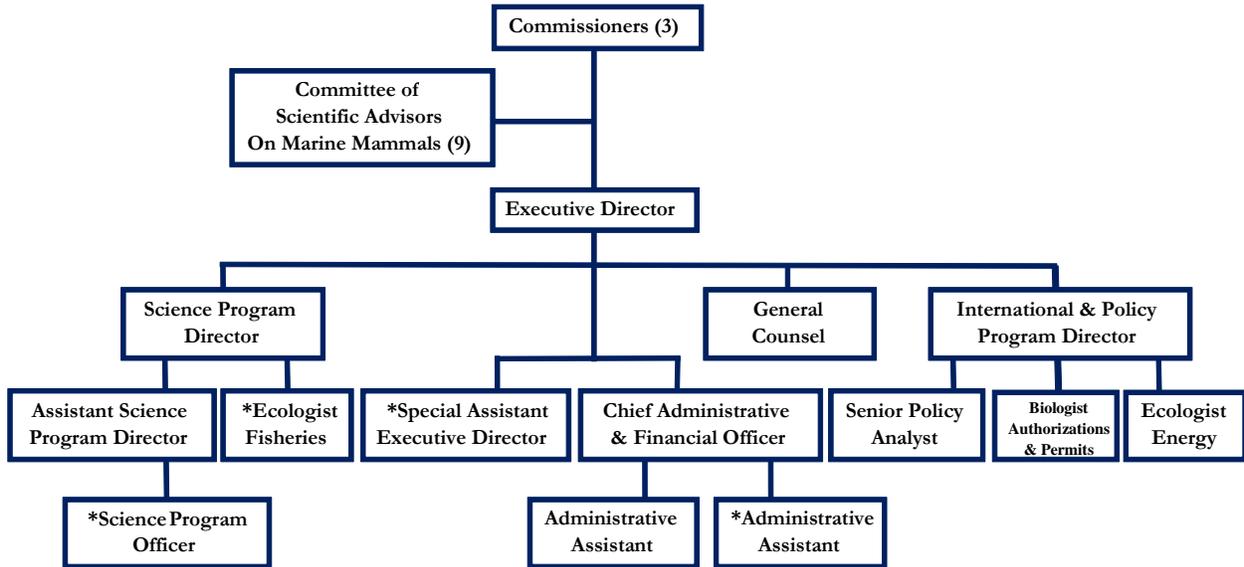


Figure 1. Organizational Chart of the Commission

*Position vacant