



Marine Mammal Commission

An independent agency of the U.S. Government

Performance and Accountability Report

Fiscal Year 2014



November 2014

Marine Mammal Commission

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November 17, 2014

Message from the Chairman

Congress passed the Marine Mammal Protection Act (MMPA) of 1972 to help maintain a healthy 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 (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 over 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 MMPA. The Commission's independent status and scientific expertise enable it to provide objective, science-based recommendations, with the aim of resolving issues before they become costly and controversial.

With this letter, I submit the Commission's Fiscal Year 2014 (FY 2014) 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 conforms 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 continued budgetary uncertainty and increasing needs for marine mammal research and conservation, FY 2014 was a challenge not just for the Commission, but also for the federal agencies that conduct science and bear responsibility for the conservation of marine mammals. In recognition of declining or level budgets with ever increasing conservation and management needs, the Commission made recommendations to NOAA (through its review and Report on Priorities; see high-priority performance goal 3; page 14), the federal agency with the largest marine mammal mandate, but pertinent to other federal agencies as well, of how best to meet the mandates of the MMPA under such conditions. Among the recommendations included were increasing efficiency through collaboration among agencies, establishing a system to set national priorities, and increasing public-private partnerships. In this vein, the Commission itself undertook strategic planning, to help focus its efforts for both the short and long term. The Commission hopes these activities this past year will help to guide future funding decisions that enhance the effectiveness of research and management actions focused on the conservation of marine mammals and marine ecosystems.

On behalf of the Marine Mammal Commission, I am pleased to submit this FY 2014 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 2014 (FY 2014). 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) in its Strategic Plan for FY 2015–19 and the Commission's Budget Submission for FY 2014.

Background

The Commission's oversight role established under the MMPA 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 changes to or degradation of the marine environment—that is, for some situations they can be “sentinels of the sea.” Multiple anthropogenic factors affect marine mammals, including direct and indirect effects of fisheries; the introduction of sound, contaminants, and pathogens 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), U.S. Geological Survey (USGS), Bureau of Ocean Energy Management (BOEM), Department of State, Navy, and Coast Guard, state agencies (e.g., various Departments of Fish and Wildlife), Tribes, and Alaska Native Organizations (e.g., the Indigenous People's Council on Marine Mammals (IPCoMM)), to characterize those factors and identify effective means to prevent or mitigate impacts on marine mammals. 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, supports critical marine mammal research, and provides independent, objective, and forward-looking oversight.

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 the seven duties 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.

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

¹ At the end of FY 2014 the Commission had two vacancies among these staff positions, primarily due to funding constraints.

Marine Mammal Commission Strategic Plan

In February 2014, the Commission finalized its [Strategic Plan for 2015–19](#)² following an extensive interagency and public review process. The final plan identifies an overall strategic goal and five major strategic objectives for the Commission.

Strategic goal: The Commission’s strategic goal is to 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. The five strategic objectives are:

- (1) Marine mammal populations in the Arctic are maintained as viable functioning elements of their ecosystems through management measures that address direct and indirect effects of climate change and the ensuing economic, scientific, and other activities in the region;
- (2) Scientifically robust mitigation and monitoring measures are developed, refined, and implemented in order to prevent, minimize, or mitigate the impacts of offshore oil and gas and renewable energy activities on marine mammals and their ecosystems;
- (3) Marine mammal strandings are more thoroughly investigated and analyzed to improve understanding of the factors causing mortality and affecting the health of marine mammals, determine the efficacy of measures such as ship speed reduction to reduce mortality, and elucidate the relationships between marine mammal health and human health and ecosystem services;
- (4) Anthropogenic threats to marine mammals, particularly those most vulnerable to extinction, are identified and reduced in the coastal and fresh waters of other nations and on the high seas worldwide through bilateral and multilateral scientific and conservation efforts and sharing of expertise; and
- (5) Understanding of human impacts on marine mammals and their ecosystems, and the management of those impacts, is improved through enhanced scientific research, policy analysis, and information dissemination.

These strategic objectives guide the Commission’s work, which includes overseeing federal agency activities, facilitating interagency and public-private collaboration, funding research, and identifying and developing agendas for annual meetings, Capitol Hill briefings, and other Commission events.

Overview of Commission Finances in FY 2014

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 2014 are listed in Table 1.

In FY 2014 the Commission’s appropriation was \$3,250,000. Approximately 59 percent was used for salaries (including salaries for Commissioners and non-federal Committee members, 19 percent for administration and rent, 16 percent for the Science Program, and 6 percent for travel (Figure 2).

² Link to report: http://www.mmc.gov/reports/strategic_plans/pdf/StrategicPlan_02192014.pdf

Regarding salaries, approximately 10 percent were for Commissioners and Committee members, 76 percent for science and policy staff, and 14 percent for administrative staff.

The Commission used about 84 percent of its annual funds to meet its general oversight responsibilities (e.g., reviewing stock assessments, permits for scientific research, incidental take authorizations, matters pertaining to listing and delisting of endangered and threatened species). The remaining 16 percent was used to support essential research that is not being conducted by the other federal agencies, support workshops that resolve important conservation issues, and complete special projects. The Commission used its limited research funding to support potentially catalytic research projects—that is, projects that may advance marine mammal science and conservation—and as seed funding to encourage larger agencies to support important, multi-agency research efforts. The 6 percent allocated to travel ensures that the Commissioners, Committee members, and staff are knowledgeable about and engaged in local, regional, national, and global issues.

Table 1. Annual Appropriations for the Marine Mammal Commission, FY 2005 to 2012

| Fiscal Year | Appropriation |
|-------------|--------------------------|
| 2007 | \$2,747,000 |
| 2008 | \$3,728,000 ³ |
| 2009 | \$3,200,000 |
| 2010 | \$3,250,000 |
| 2011 | \$3,243,500 |
| 2012 | \$3,025,000 |
| 2013 | \$2,864,948 ⁴ |
| 2014 | \$3,250,000 |

Management of Commission Finances: 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 issuing purchase orders, processing time cards, and processing 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 to oversee their expenditures. The Staff Assistant completes all paperwork related to travel expenses and assists the Chief Administrative and Financial Officer in day-to-day management of the Commission’s budget. The Research Program Officer oversees all day-to-day fiscal transactions related to Commission-sponsored research. The Executive Director, General Counsel, Chief Administrative and Financial Officer, Scientific Program Director, and International and Policy Program Director comprise the Commission’s Senior Leadership Team, which meets weekly. The Senior Leadership Team’s responsibilities include budget planning and management of the Commission’s finances. An independent, certified public accountant examined all financial systems and controls and completed a comprehensive audit for FY 2014. The audit did not find material internal weaknesses in financial

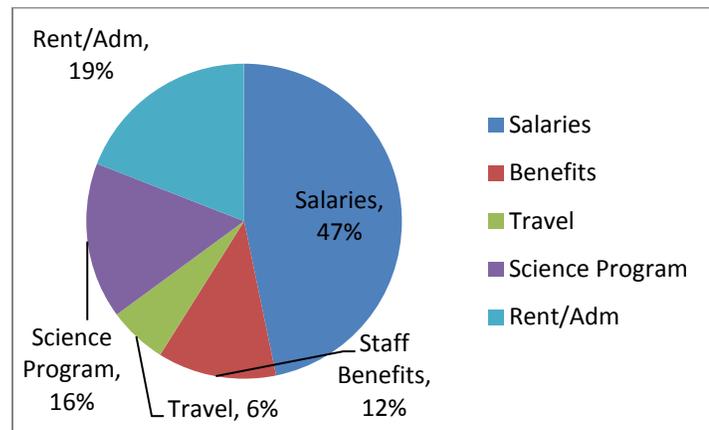


Figure 2. Distribution of Funds Appropriated to the Marine Mammal Commission for FY 2014

³ Includes an additional \$908,000 appropriated for special projects.

⁴ Reflects sequestration of funds.

systems and controls and found no areas where improvement was required.

Commission Accomplishments in FY 2014

This Performance Section reports on accomplishments and progress in FY 2014 under the following two categories:

- (1) Regular, ongoing activities of the Commission staff, under the guidance of the Commissioners, the Committee of Scientific Advisors, and the Executive Director—including the review of federal agency documents, drafting the Annual Report, holding the Annual Meeting, soliciting research proposals for review and possible funding, and participating in domestic and international scientific and policy activities; and
- (2) High-priority performance goals and special projects during the fiscal year—including five high-priority performance goals identified in the FY 2014 budget submission and four special projects.

The Commission used its FY 2014 budget allocation (\$3,250,000) to fulfill its basic statutory duties under the MMPA for these two areas of work. The Commission had requested an additional \$500,000 to cover four special projects. The funding for these projects in FY 2014 was roughly half of what was requested. Nevertheless, given their urgency, the Commission continued to focus and make progress on these special projects. Accomplishments under each category 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

The Commission reviewed and made recommendations concerning 35 permit applications (including scientific research, species enhancement, public display, and photography under the MMPA and scientific research under the Antarctic Conservation Act) and seven applications for authorizations to take marine mammals incidentally during the course of commercial fishing. The Commission also reviewed seven environmental impact analyses (e.g., various Navy draft environmental impact statements and BOEM environmental assessments; Figure 3). The Commission submitted recommendations and comments to federal agencies concerning the protection and conservation of marine mammals and implementation of the MMPA and related laws. The recommendations were generally based upon the objective of minimizing any potential impact of human activities on marine mammal species and stocks and being precautionary when uncertainty of the impact is high. In addition, the Commission reviewed several items related to the protection of marine mammals under the ESA. All Commission correspondence that contains recommendations is posted on the [Commission website](http://www.mmc.gov)⁵.

⁵ <http://www.mmc.gov/letters/welcome.shtml>

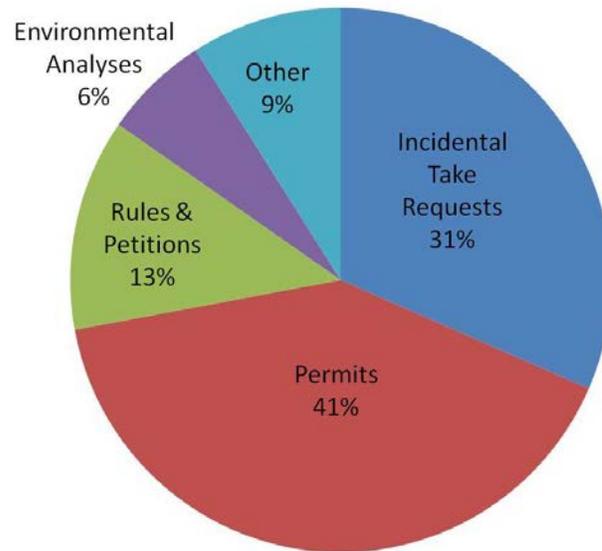


Figure 3. FY 2014 Commission Recommendation Letters by Topic

In FY 2014 the Commission reviewed multiple applications seeking authorization for the incidental taking of marine mammals during seismic surveys for oil and gas resources in U.S. Arctic waters. In addition, Commission staff participated on an expert panel to provide a peer review of mitigation and monitoring measures for proposed seismic surveys in the Chukchi Sea (Figure 4) and [Beaufort Sea](#)⁶ (Figure 5) to ensure that the surveys would have the least practicable adverse impact on the availability of marine mammals for subsistence purposes. In FY 2014 the Commission also provided comments on Calls for Information published by BOEM seeking information on areas that should be excluded from planned lease sales in the Chukchi and Beaufort Seas in 2016 and 2017, respectively. Commission recommendations for exclusion areas included those areas where oil and gas development has the potential to significantly affect both marine mammals and the Alaska Native communities that depend on them for subsistence. Finally, the Commission provided comments on BOEM's Request for Information and Comments on the preparation of the 2017–2022 Outer Continental Shelf oil and gas leasing program. The Commission's comments emphasized the importance of collecting adequate baseline information on biological and physical processes in areas of oil and gas development off Alaska, the need for industry to demonstrate its oil spill response capabilities in icy waters, and the importance of having regulatory agencies and industry working together to develop and adapt measures to mitigate and monitor the risks of oil and gas development to marine mammals and Alaska Native communities. The Commission emphasized the importance of developing conflict avoidance agreements that involve all potentially affected Alaska Native communities and co-management organizations and account for potential adverse impacts on all marine mammal species taken for subsistence purposes.

⁶ http://www.mmc.gov/letters/pdf/2014/MMC_Exclusion_Blocks_14Oct2014.pdf

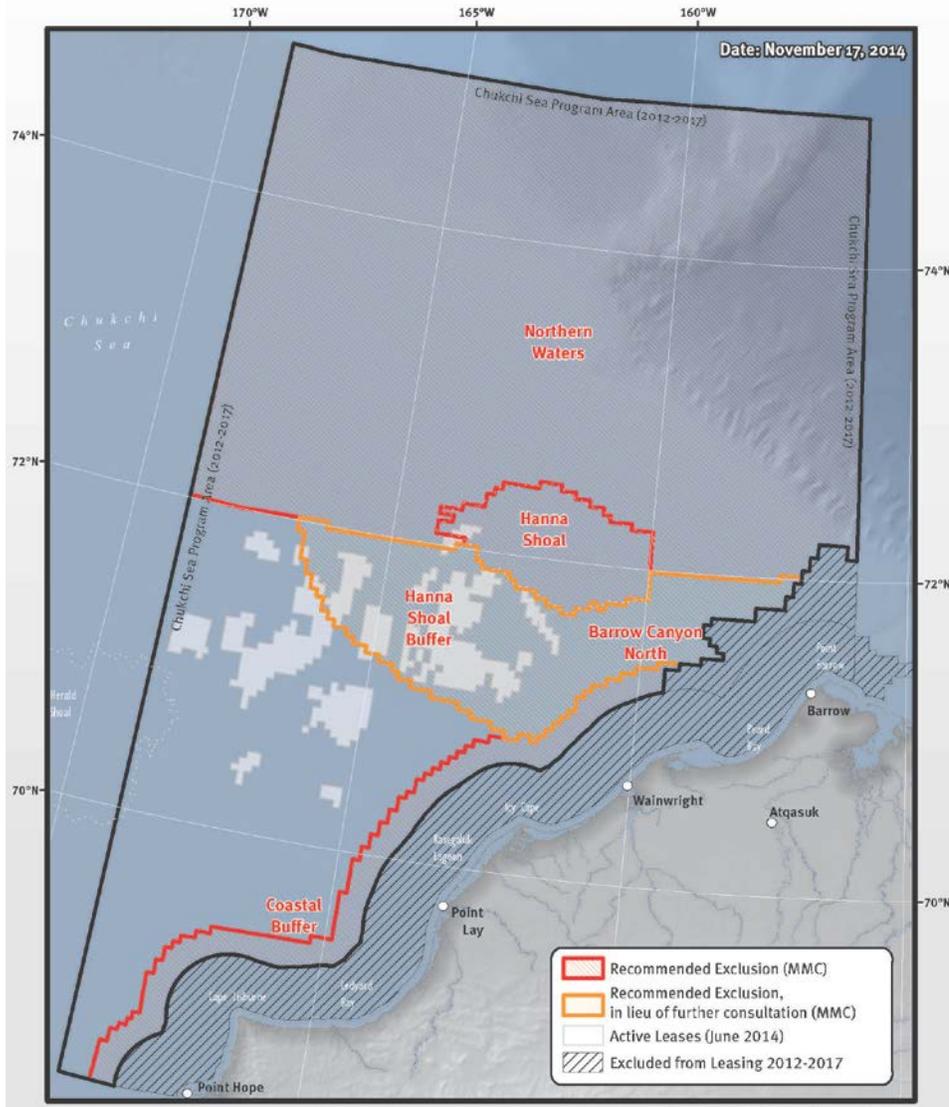


Figure 4. MMC Recommended Exclusion Areas (in red and orange) for Chukchi Sea Lease Sale 237

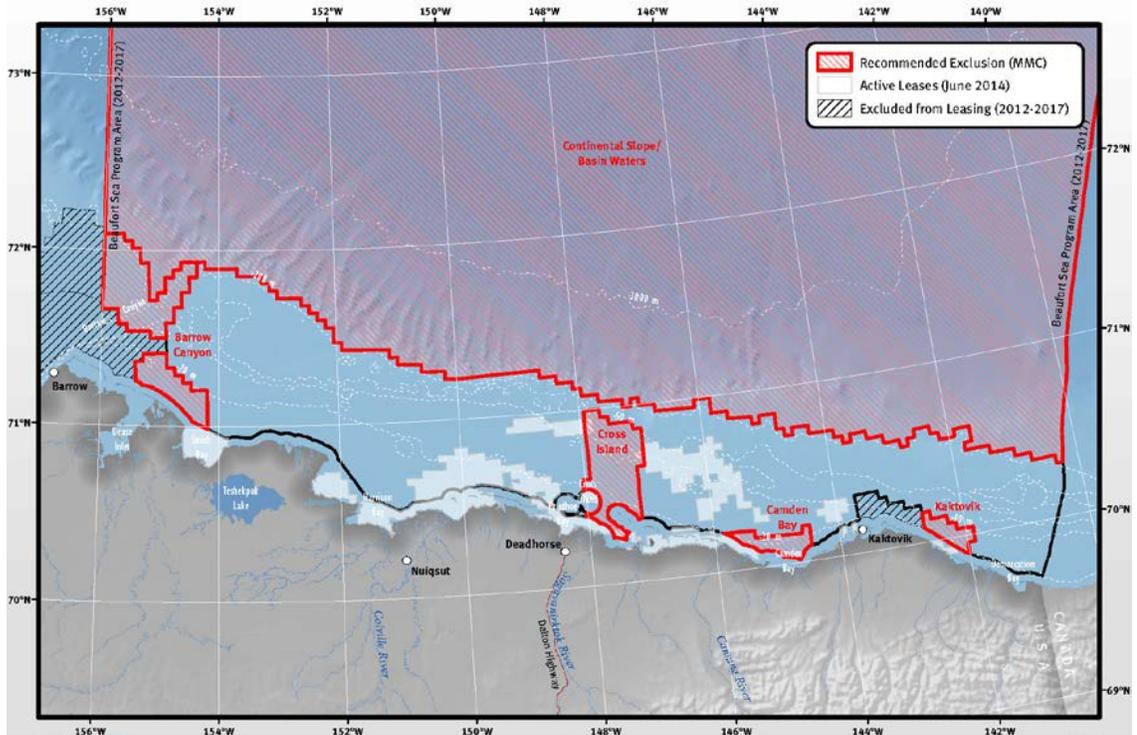


Figure 5. MMC Recommended Exclusion Areas (in red) for Beaufort Sea Lease Sale 242

b) Research support

The Commission's long-standing grants program has become even more important in recent years as the funds available from federal and other sources have remained static or diminished. To enhance its effectiveness, the Commission revised the grants program in FY 2014 by increasing funding in certain categories, strengthening the competitive review of proposals, and streamlining the review process. In FY 2014 the Commission awarded 14 grants to researchers working in the United States and overseas on a wide variety of objectives, including advancing population genomics to understand the population structure of sperm whales, developing minimally invasive genetic sampling techniques for beluga whales, understanding dolphin-fishery interactions in Jamaica, and reconstructing Soviet-era whaling data. The grants program also supported several meetings and workshops. The funding allocation to this program in FY2014 totaled \$263,000. Further information on the grants awarded in FY 2014 is available on the [Commission website](http://www.mmc.gov/research/grant_awards_2014.shtml)⁷

c) Annual Meeting

Each calendar year the Commission holds its annual meeting in a different part of the country to consider regional issues, as well as priority topics at the national and global levels. In May 2014, the Commission held its three-day annual meeting in Washington, D.C.,

⁷ http://www.mmc.gov/research/grant_awards_2014.shtml

including a day on Capitol Hill. Since 2014 is the 40th anniversary of the Commission, the keynote speakers focused on the accomplishments of the Commission and the outlook for the future. The D.C. location of the meeting facilitated extensive interagency participation, including a high-level roundtable discussion of MMPA priorities by leadership from various federal agencies. More than 125 people attended the meeting, representing a broad array of interests including non-governmental organizations (NGOs), universities, industry, Alaska Native hunting communities, foreign embassies (attachés), and other constituents. Senator Lisa Murkowski (Alaska) and Congressman Sam Farr (California) then kicked off the Commission's Capitol Hill Day. The [Commission's website](#)⁸ has brief summaries of each session, as well as the presentations.

d) Annual Reports for 2012 and 2013

The [Commission's Annual Report for 2012](#)⁹ was posted on the Commission website in April 2014. This Report includes a special-focus chapter on Marine Mammals in the Arctic and Alaska that addresses issues such as climate change, offshore energy development, Arctic shipping, and commercial fishing. The chapter reflects some of the themes of the 2012 Annual Meeting in Anchorage, Alaska.

The [Commission's Annual Report for 2013](#)¹⁰ was completed in September 2014 and is posted on the Commission website. The 2013 Annual Report represents a new approach designed to make better use of the agency website to provide much of the information included in past reports. Basic elements include the PAR, Commission letters and agency responses, and information on the Commission's research program. Supplemental reporting is provided on selected issues or species for which the Commission had a high-profile project, briefing, or workshop in the relevant year or for which needed information and syntheses are not otherwise available. These elements may be updated as necessary. Issue or species-based menus provide links to stand-alone reports, Commission letters, and websites of other agencies and organizations.

e) Capitol Hill and federal agency outreach

During FY 2014, Commission staff continued its efforts to periodically meet and consult with House and Senate staffers including Committee staff (the House Natural Resources Committee and Senate Commerce Committee) to update them on the activities of the Commission. They were provided the Commission's Strategic Plan for FY 2015–19, FY 2013 PAR, Priorities Report, FY 2016 Budget Submission document, and other Commission information relevant to their constituents. The Commissioners traveled to Washington, D.C., in February 2014 and visited multiple Congressional offices and federal agency leadership teams to provide information, discuss shared challenges, and prepare for the May 2014 Annual Meeting.

On 25 September 2014, the Commission and NMFS hosted a Congressional briefing on the impacts of sound on marine mammals. The purpose of the briefing was to provide an

⁸ http://www.mmc.gov/2014_meeting_summary.shtml

⁹ http://www.mmc.gov/reports/annual/annualreport_2012.shtml

¹⁰ http://www.mmc.gov/pdf/annual_report_2013.pdf

overview of the science and policy issues associated with impacts of sound on marine mammals and their environment, with a particular emphasis on shipping. The briefing was well attended, with more than 65 participants, including numerous representatives from Senate offices. A brief [summary and the presentations](#)¹¹ are available on the Commission website. During that same visit, the Chairman and one Commissioner met with Senate and House Committee staff and federal agency leadership at NMFS and BOEM.

f) Domestic science efforts

Biological data and the Integrated Ocean Observing System (IOOS): The Commission participates on the Interagency Ocean Observing Committee, the federal oversight body for U.S. IOOS. As part of the Commission's mandate to maintain marine mammals as functioning elements of their ecosystem, Commission staff led a task team under the IOOC on Biological Integration and Observations (BIO). The BIO task team effort is focused on increasing the amount of biological data available to a broad user community, and in conjunction with environmental data, through IOOS. In FY 2014 the task team surveyed federal agencies on their existing biological data holdings, as well as their biological and ecosystem observational needs. The survey results were used to inform a workshop held in November 2014. A primary recommendation from this workshop was for IOOS to consider marine mammal species and abundance data among the priorities for inclusion into IOOS. The workshop participants also recommended that sound be considered for inclusion as an IOOS core variable.

Population consequences of acoustic disturbance: Since 2009 the Commission has actively participated with a team of international researchers in an effort sponsored by the Office of Naval Research to develop the science behind evaluating the population consequences of disturbance on marine mammals. The group has focused on development of quantitative mathematical relationships connecting individual behavioral changes to population consequences for four species (or species groups) with varying life history strategies but large datasets available to inform the models: elephant seals (*Mirounga* spp.), coastal bottlenose dolphins (*Tursiops* spp.), North Atlantic right whales (*Eubalaena glacialis*), and beaked whales (family Ziphiidae). This work has resulted in multiple peer-reviewed publications.

Advanced survey technology for marine mammal populations: Declines in funding and growing needs have challenged NMFS in its efforts to meet its objectives associated with the stock assessment of marine mammals. Alternative, advanced survey technologies offer an avenue for NMFS to increase its efficiency and improve the effectiveness of its science. In 2014 the Commission began working with NMFS to organize two workshops that would assess the state of development and use of advanced survey technologies for the assessment of marine mammal stocks. The first workshop on unmanned aerial systems (UAS) was convened in October 2014, and the second on passive acoustics will be held in the spring of 2015.

SmartGear collaborative program: The Commission's Executive Director was one of an international panel of judges at the Smart Gear Competition Judges Workshop, reviewing proposals submitted as part of a public-private partnership competition that solicited proposals for innovative fishing gear designs to reduce marine mammal bycatch under the

¹¹ http://www.mmc.gov/special_events/capitalhill_briefing/capitalhill_briefing_summary.shtml

SmartGear program. This collaboration was organized and partially funded by the Commission, and included matching funds and technical support from NMFS and several NGOs. Following discussion by the Smart Gear workshop judge panel of the three submissions under this special prize, it was decided that the marine mammal prize will be re-competed in 2015.

g) International science and conservation activities

International Whaling Commission (IWC): The Commission participates in the Scientific Committee meetings, as well as the biennial meetings of the IWC. In line with the Commission's priorities, Commission staff were particularly active on the Bowhead, Right, and Gray Whale and Small Cetacean Sub-Committees of the IWC Scientific Committee, promoting IWC actions aimed at conservation of the vaquita and freshwater cetaceans. In 2014 a Commissioner, the Chair and a member of the Committee of Scientific Advisors, and several staff helped plan and convene a U.S.-sponsored IWC Arctic workshop to highlight emerging threats to cetaceans in the Arctic, discuss the implications of those threats to Alaska Natives and other Arctic subsistence communities, and consider how the IWC can best work with other international bodies on Arctic issues.

In FY 2014 Commission representatives participated on the U.S. delegation to the IWC. One of the Commissioners served as Chair of the IWC's Aboriginal Subsistence Whaling Working Group, which held a workshop at the 2014 IWC meeting to receive input from Native hunters. One of the key outcomes of the 2014 IWC meeting was the adoption of new aboriginal subsistence whaling catch limits for Greenland; these had not been approved by the IWC at its previous meeting. Those limits defused the threat that Denmark/Greenland would withdraw from the IWC. A proposal to establish a South Atlantic Whale Sanctuary, which the United States supports, failed to achieve the required 3/4 majority, but garnered greater support (69 percent) than similar proposals had at previous meetings. The IWC also discussed the implications of a 2014 ruling by the International Court of Justice that found that Japan's scientific whaling program in the Antarctic did not comply with the requirements of the International Convention for the Regulation of Whaling. That discussion culminated in adoption of a resolution providing guidance to the IWC's Scientific Committee on how to review permits for such programs.

In relation to the Commission's focus on the vaquita, Mexico and the United States delivered a [joint statement](#)¹² to the IWC Plenary on the plight of the vaquita that stressed their commitments on enforcement and the need for improved fishing gear technologies, more effective socioeconomic measures, and continued acoustic monitoring. Several other IWC member delegations presented statements of concern and support for conservation actions.

Arctic: A Commission staff member serves on the Marine Mammal Experts Network of the Arctic Council's Circumpolar Biodiversity Monitoring Program—an international network of scientists, governments, indigenous organizations, and conservation groups working to harmonize and integrate efforts to monitor the Arctic's living resources.

¹² <https://archive.iwc.int/pages/view.php?ref=3595>

River Dolphins: Freshwater dolphins in Southeast Asia, Pakistan, Bangladesh, and India are among the most critically endangered marine mammals in the world, facing the threats of incidental mortality in fisheries and habitat degradation from pollution and dam construction. The Commission has provided expertise and support over several years to assist conservation planning for freshwater dolphins. In FY 2014, the Commission provided technical expertise and travel funds for a Commissioner and a staff member to attend meetings with the Cambodian fisheries ministry and NGO groups intended to assess the status of Mekong River dolphins, identify threats, conduct necropsy training, and update conservation priorities for that population. This effort was undertaken in consultation with the Department of State and U.S. Agency for United States Agency for International Development (USAID) and aligned with other U.S. government priorities for conservation in the Mekong River basin. In 2015 these efforts will be continued in Cambodia and may be extended to another critically endangered river dolphin population in Myanmar.

Southern right whales: In continuation of its support of work to identify the cause(s) of a die-off of southern right whale calves at Península Valdés, Argentina, the Commission provided grant support in FY 2014 for a satellite telemetry program designed to track the movements of right whales as they move from their calving and nursery grounds to their as-yet-undefined feeding grounds.

Polar bears: The Commission participated in the December 2013 meeting of the polar bear range states and is working with FWS and others to meet U.S. commitments. A Commission representative serves on the Polar Bear Recovery Team, which is drafting a Polar Bear Conservation Management Plan. That plan will constitute the United States' primary contribution to the Circumpolar Action Plan that the range states expect to adopt at their 2015 meeting. The Commission also participates in the activities of various working groups established by the range states, including those tracking trade in polar bear parts and products and developing rules of procedure for the range states' meeting.

In addition, the Commission serves on U.S. delegations to meetings of the U.S.–Russia Polar Bear Commission and provides guidance on research needs and whether authorized harvests are sustainable. A key outcome of the 2014 meeting was the announcement of an implementation schedule by FWS and the Alaska Nanuuq Commission under which the United States would implement harvest limits beginning on 1 January 2016.

(2) High-priority performance goals and special projects

- a) High-priority performance goal 1: Continue the survey of federal resources directed towards marine mammal research and conservation

The Commission made substantial progress in FY 2014 on the redesign of its survey of federally funding marine mammal research and conservation. The new survey features a two-tiered approach—collecting descriptions of every federal marine mammal project and program, and estimating the total federal spending on marine mammals across all federal agencies. As with the previous surveys,¹³ the redesigned survey will provide data on the

¹³ The report on the results of FY 2009 survey was published in 2013. A report on the combined FY 2010–2011 Survey will be completed in the second quarter of FY 2015. The survey was not conducted in FY 2012 and FY 2013 due to limited resources and the need to redesign the survey.

allocation of resources to marine mammal projects and programs by agency, geographic region, ecosystem, species, research/conservation objective, and the conservation status of marine mammal species and stocks. A call for FY 2014 data will be issued by the Commission in January 2015, and a report on those data will be completed before the end of FY 2015. Beginning with that report, annual reports will be produced by the Commission on a regular and timely basis.

- b) High-priority performance goal 2: Complete a review of marine mammal stock assessment efforts by the NMFS

The 1994 amendments to the MMPA (16 U.S.C. 1361-1407) added section 117 which require NMFS and FWS to prepare stock assessment reports for each marine mammal stock that occurs in waters under the jurisdiction of the United States. The Commission's review focuses on NMFS's implementation of section 117. Congress directed that each stock assessment include the following six elements:

- (1) A description of the geographic range of the affected stock;
- (2) A minimum population estimate, along with an estimate of the population's current and maximum net productivity rate, and current population trend;
- (3) An estimate of human-caused mortality and serious injury;
- (4) A description of commercial fisheries that interact with the stock;
- (5) An assessment of the current status of the stock; and
- (6) An estimate of the potential biological removal (PBR).

In addition to conducting detailed reviews of the draft marine mammal stock assessments prepared by NMFS and FWS in FY 2014, the Commission reviewed the information available on the six elements of the stock assessment reports for the final [2013 SARs](#)¹⁴. The Commission developed an outline and content for two reports examining national and regional trends across those elements for species managed by NMFS. A draft report will be shared in advance with NMFS to receive agency feedback prior to final publication in early 2015.

- c) High-priority performance goal 3: Prioritizing marine mammal conservation issues to guide marine mammal research and conservation efforts during this period of limited resources

The Commission met with program leaders in each of NMFS's six regional offices and science centers and headquarters staff over the past two years to discuss their priorities for science and conservation. Based on those discussions, a draft report was prepared and sent to NMFS for its review. The final [Priorities Report](#)¹⁵ was posted on the Commission website in July 2014. The overall objective of the report is to provide guidance to those involved in funding decisions to enhance the effectiveness of research and management actions focused on the conservation of marine mammals and marine ecosystems. The Priorities Report has

¹⁴ <http://www.nmfs.noaa.gov/pr/sars/region.htm>

¹⁵ http://www.mmc.gov/pdf/final_priorities_rpt_071514.pdf

been used in a number of NMFS documents and discussions, including the [Protected Resources Science Investment and Planning Process \(PRSIPP\)](#)¹⁶ project, a NMFS initiative aimed at facilitating internal and cross-agency planning and collaboration.

- d) High-priority performance 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 and population viability analyses were conducted to estimate extinction risks. A colleague of the principal investigator has assumed the project and two manuscripts have been drafted. One manuscript has been published (Himes-Boor 2013¹⁷). The second manuscript is in review and should also be available by the end of 2014. This project was one of the topics addressed at a [symposium honoring Dr. Daniel Goodman](#)¹⁸, which received partial support from the Commission.

- e) High-priority performance goal 5: Complete a global assessment of marine mammal status and threats

In 2014, as part of the effort to support development of research and conservation priorities for marine mammals and ecosystems on a global scale, the Commission completed its assessment of the status of baleen whale species and populations. The draft document includes a synthesis of the International Union for Conservation of Nature's Red List assessments and a review of current threats to the baleen whales. It is expected to be submitted to a peer-reviewed scientific journal in December 2014. In 2015 the Commission will initiate assessment of the 25 most threatened species, subspecies, and populations of toothed cetaceans. Assessment work was delayed as international staff devoted all available resources to vaquita conservation efforts as described in the following section.

- f) Special project: Conservation of the vaquita (*Phocoena sinus*)

The dire situation of the vaquita, the world's most endangered cetacean, worsened during FY 2014. Early in the year the Commission continued its support for acoustic monitoring of the vaquita population in the northern Gulf of California and for efforts to provide economic incentives and training for shrimp fishermen to switch from vaquita-entangling gillnets to vaquita-safe trawl nets. In spring 2014, preliminary analyses of acoustic data indicated a sharp decline in vaquita detections. After discussions at the IWC's Annual Scientific Committee meeting in May 2014, the Commission funded a group of experts to review the monitoring results. The experts estimated that the vaquita population had declined at an alarming rate of 18.5 percent per year between 2012 and 2014. The estimate of abundance in 2014 was 97 animals—half the 2012 estimate. The Commission subsequently mobilized funds and helped to organize a July 2014 emergency meeting of the International Committee for the Recovery of the Vaquita (CIRVA) to develop recommendations for the Government of Mexico. CIRVA determined that the rapid ongoing decline was being driven

¹⁶ <http://www.st.nmfs.noaa.gov/marine-mammals-turtles/PRSIPP>

¹⁷ 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

¹⁸ http://www.montana.edu/lettersandscience/Goodman/Goodman_event.html

by an illegal fishery for an endangered fish species, the totoaba, and the illegal international trade in totoaba swim bladders. Vaquitas are particularly vulnerable to entanglement in the large-mesh gillnets used to catch totoaba.

The report of CIRVA specified a series of measures required to prevent the vaquita's extinction and these were presented to the Mexican Presidential Commission established to address vaquita conservation. During the last quarter of FY 2014, a Commissioner and the Chair of the Committee of Scientific Advisors travelled to Mexico several times to meet with Mexican authorities, including the Secretary of Environment, and press for adoption of the CIRVA recommendations. During this period, the Commission consulted extensively with other U.S. agencies and encouraged NMFS leadership to develop a U.S. Government Vaquita Action Plan that included science, management, law enforcement, and economic elements. At the same time the Commission and NMFS worked with U.S. and Mexican agencies, NGOs, and the private sector to propose a U.S.-Mexico Vaquita Economic Summit to identify economic alternatives and incentives for fishermen to switch away from using gillnets in the northern Gulf of California.

g) Special project: Coastal health database / Marine Mammal Health Map

The vision for the Marine Mammal Health Monitoring and Analysis Platform (MAP) is a cost-effective, collaborative, and user friendly health mapping system that will facilitate and advance the detection of new diseases and tracking of trends in marine mammal health at varying scales and from various sources and provide a platform for rapid communication and integration of marine mammal health data with physical, chemical, and biological environmental data, as mandated under Title IV of the Marine Mammal Protection Act. In April 2014 the Commission supported a scoping workshop of stakeholders from west coast states as a pilot for a national program. The goals of the workshop were to examine the feasibility of compiling marine mammal stranding data, ascertain interest in participating in a national effort, and determine next steps. Participants agreed on some basic types of information to share and established there was strong interest from participants in Alaska and the east coast to join the project. To carry the effort forward, two sub-groups were formed (one focused on IT and data management and the other on policy and funding). In August 2014 the Commission hosted the first meeting of the IT and Data Management Sub-Group, which is co-led by Commission staff. Next steps for this sub-group include development of standards for basic natural history data collected by all data providers, as well as a meeting to be held early in 2015 to define the categories of health findings that will be included in the final health map data repository. The Policy and Funding Sub-Group plans to meet for the first time in FY 2015.

h) Special project: North Pacific right whale

The North Pacific right whale may be the most endangered large whale species in the world, and the eastern population, which occupies summer feeding grounds in Alaska, is on the brink to extirpation. The first priority for protecting and facilitating the recovery of this population and the species as a whole is to fill gaps in knowledge of their distribution and movements and the threats they face. After extensive consultations in FY 2014 with the Committee of Scientific Advisors and with U.S. and Canadian specialists on acoustic monitoring and on the right whales in the North Pacific, the Commission plans to support a

workshop in FY 2015 to review existing information and plan a collaborative research effort for this poorly-understood species.

i) Special project: Alaska Native communities and subsistence activities

As a follow-on to the Commission's meeting to review and seek ways to improve consultations between federal agencies and Alaska Native tribes, the Commission awarded a contract to the Environmental Law Institute (ELI) in September 2014 to work with Alaska Native organizations and others to develop model procedures for government-to-government consultations with Alaska Native tribes under Executive Order 13175 and related directives. This project extends previous efforts by the Commission to promote conservation of marine mammals taken for subsistence by Alaska Natives. In December 2012, the Commission, in collaboration with ELI and IPCoMM, convened a meeting to review and seek ways to improve the tribal consultation process, which is required by Executive Order 13175 that directs federal agencies to consult with American Indian and Alaska Native tribes on policies, regulations, legislation, and other actions that may have tribal implications. One of the conclusions from the meeting was that it is important for the Alaska Native communities to develop guidance on how they would prefer that consultations related to actions that may affect marine mammals be conducted¹⁹. Under the contract, ELI would provide assistance to Alaska Native communities in the development of model consultation procedures. These procedures will draw on the experiences of and lessons learned from marine mammal co-management and cooperative agreements involving Alaska Natives. ELI will convene an advisory group with expertise in marine mammal consultation and co-management to help guide the project, with assistance from IPCoMM. ELI also intends to seek input from federal agencies in Alaska as the model consultation procedures are being developed. The final model consultation procedures should be available by Fall 2015.

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. Many human activities that contribute to the economy can pose risks to marine ecosystems and 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, human activities address societal needs or benefits, such as national defense. The Commission regularly provides recommendations relative to mitigating and monitoring impacts on marine mammals from military readiness training exercises. The Commission also works to maintain

¹⁹ ELI's summary of the December 2012 consultation meeting can be found at the Commission's website at http://www.mmc.gov/reports/workshop/pdf/Consultation_Meeting_2012_Summary.pdf

marine mammals as important subsistence and cultural resources for Alaska Native communities, as required under the MMPA (Title II 202 (7)). It is clear that these activities are of importance to the people of the United States.

The Commission provides recommendations for activities associated with resource extraction, such as offshore energy development and fishing. The Commission supports the use of mitigation and monitoring measures that are designed to reduce injury and mortality from those commercial activities. For example, the Commission engages directly in addressing fishing impacts via membership in Take Reduction Teams, in addition to providing comments on proposed fishery regulations and the related National Environmental Policy Act documents.

One estimate notes that in 2010, the offshore oil and natural gas industry's expenditures and operating expenses alone totaled more than \$25 billion, clearly a significant sector of the economy that generates jobs and income²⁰. Fishing activities—both commercial and recreational—represent another resource extraction sector for which impacts on marine mammals need to be monitored and mitigated. U.S. commercial fishermen harvested 9.9 billion pounds or 4.5 million metric tons with a value of \$5.5 billion in 2013, an increase of 245 million pounds (2.5 percent) and \$388 million (7.6 percent) from 2012²¹.

Marine mammal tourism (e.g., whale watching²²), 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 in assessing those impacts and developing an adequate understanding of the baseline conditions of marine ecosystems and required mitigation and monitoring measures. The enactment of the MMPA was a clear indication of the importance of healthy marine ecosystems and 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.

Conclusions and Outlook

The Commission's work strives to ensure global marine mammal populations are restored and maintained as functioning elements of healthy marine ecosystems for future generations, with human activities managed to minimize impacts on those populations and systems. But we cannot accomplish this enormous task alone. The current and future budget reality for the Commission and science-based federal agencies in general, require us to be more strategic about our work and increasingly partner and leverage resources and expertise. The Commission's FY15-19 strategic plan (see page 5) strives to accomplish just that – provide a strategic vision and clear guidance for future work by the Commission based on the limited resources available.

²⁰ American Petroleum Institute's 2013 report: <http://www.api.org/~media/Files/Policy/SOAE-2013/SOAE-Report-2013.pdf>

²¹ Fisheries of the United States, 2013: <http://www.st.nmfs.noaa.gov/Assets/commercial/fus/fus13/EUS2013.pdf>

²² In 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 \$1 billion; http://www.ifaw.org/sites/default/files/whale_watching_worldwide.pdf

In FY 15, the Commission is committed to implementing the Strategic Objectives outlined in the FY15-19 Strategic Plan. The following five projects have been identified as high priority for the next two years:

- (1) Promote and help coordinate research, conservation efforts, and federal policies regarding marine mammals in the Arctic; and provide guidance on domestic and international marine mammal-related research or activities planned or underway in the Arctic;
- (2) Develop a set of global priorities for marine mammal research and conservation. Such priorities will help maximize U.S. government effectiveness and influence the efforts of other nations to conserve marine mammals, enable their recovery, and restore marine ecosystems;
- (3) Promote, facilitate, and encourage the development of comprehensive, long-term monitoring programs for marine mammals to better understand potential impacts of offshore energy activities;
- (4) Promote and facilitate development of a nationally coordinated marine mammal health monitoring system as a component of the Integrated Ocean System (IOOS); and
- (5) Identify improvements to marine mammal stock assessments by facilitating the development of estimation methods that account for unobserved serious injuries and deaths of whales due to entanglements in fishing gear or ship strikes.

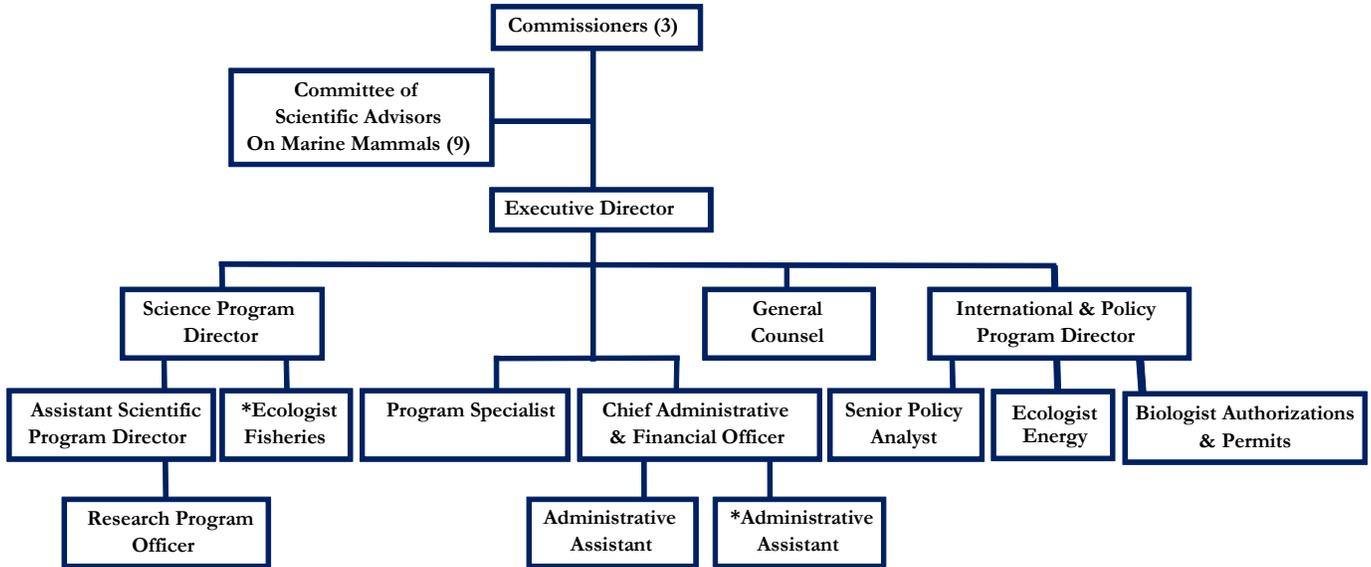


Figure 1. Organizational schematic of the Commission

*Position vacant



Marine Mammal Commission

An Independent Agency of the U.S. Government

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