

**ANNUAL REPORT OF THE MARINE
MAMMAL
COMMISSION, CALENDAR YEAR
1989; A REPORT TO CONGRESS**

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Annual report of the Marine Mammal Commission, Calendar Year 1989; a report to Congress
by Various

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MARINE MAMMAL COMMISSION, CALENDAR YEAR 1989
A REPORT TO CONGRESS



Marine Mammal Commission
1625 I Street, N.W.
Washington, D.C. 20006
31 January 1990

Executive Summary

The Annual Report of the Marine Mammal Commission is a comprehensive review of domestic and international activities affecting marine mammals. Its purpose is to provide timely information to Congress, private citizens, public interest groups, government agencies, and the international community on events of the past year. To ensure factual accuracy, drafts of this Report are circulated for review by Federal and State agencies and others involved in described activities.

Late in 1988, the Marine Mammal Protection Act was amended to address a number of issues. Among other things, the amendments exempted U.S. and some foreign fisheries from the general permit and small take provisions of the Act until 1 October 1993. Also enacted were new requirements to reduce incidental mortality of porpoise in the yellowfin tuna purse seine fishery. In 1989, the National Marine Fisheries Service, in consultation with the Commission, began developing and implementing the interim fisheries exemption program. In addition, the Commission initiated efforts to develop recommended guidelines to regulate incidental take after October 1993. Chapter II summarizes the 1988 amendments and discusses steps taken in 1989 to implement them.

Every year, the Marine Mammal Commission devotes special attention to certain species or populations of particular concern. Among those addressed in Chapter III of this Report are the West Indian manatee, the Hawaiian monk seal, the sea otter population in California, the North Pacific fur seal, the Steller sea lion, the right whale, the humpback whale, and the bottlenose dolphin. All have been the subject of intensive work by the Commission for a number of years.

In 1989, the plight of the West Indian manatee in Florida worsened. For the fifth time in the past six years, the annual manatee death toll from collisions with boats reached a record high level. In addition, total manatee deaths from all causes in 1989 was roughly 80 percent higher than the annual average level between 1978 and 1983. Although the Fish and Wildlife Service adopted a revised Manatee Recovery Plan and the State of Florida undertook aggressive efforts consistent with the Plan to strengthen its manatee protection efforts, sufficient support from the Fish and Wildlife Service for its research and management actions remained a serious problem in 1989. In Chapter III, these and other relevant matters relating to effective implementation of the updated Recovery Plan are discussed.

There are encouraging signs that certain management actions are helping to increase the number of Hawaiian monk seals, and that improved support and program guidance by the National Marine Fisheries Service are being put in place in an effort to sustain this progress. Of great importance to this species is the future of a remote field station operated by the Fish and Wildlife Service at Tern Island in the Hawaiian Islands National Wildlife Refuge. The Island, which includes the field station and an aircraft runway built in World War II, provides a critical research base and Federal presence near the middle of the Hawaiian Islands Archipelago. It is essential habitat for many species of birds, sea turtles, and the Hawaiian monk seal. The integrity of the Island is now threatened as the existing seawall deteriorates and portions of the Island wash away. Furthermore, as underground fuel tanks remaining from World War II become exposed, they constitute more serious environmental threats than in the past. At the close of 1989, it was clear that a major initiative involving the Fish and Wildlife Service and several services in the Department of Defense would be needed to address the situation on Tern Island.

In 1989, the small threatened population of sea otters along the central California coast continued to show some signs of growth. The greatest threats to the population remain incidental taking by commercial gillnet fishermen and oil spills. To address the former problem, the State of California began restricting gillnet fishing within the population's range in 1982. Since then, counts of sea otters have increased. To mitigate the impact of a large oil spill in or near the present range of the population, the Fish and Wildlife Service began a translocation program in 1987 to establish a reserve colony at San Nicolas Island off the California coast. The intent is to establish a colony that would not be affected by a major spill affecting the species' mainland habitat. By the end of 1989, 135 otters had been moved to San Nicolas Island. The percentage of animals remaining there at year's end suggests that it may be more difficult and take longer than expected to establish a self-sustaining sea otter colony at San Nicolas Island. The March 1989 Exxon Valdez oil spill in Alaska lent further importance to the translocation program; it also delayed efforts to update the Southern Sea Otter Recovery Plan.

Although North Pacific fur seals and Steller sea lions are not listed as endangered or threatened, their numbers off Alaska today are less than half their estimated levels 25 years ago. The cause or causes of the declines for both species are uncertain but may be related. A number of times since 1984, the Commission has recommended that the National Marine Fisheries Service prepare a conservation plan for North Pacific fur seals to identify and assess priority research and management needs. To help, the Commission provided the Service the outline of such a plan in 1985. The Service failed to act on the Commission's

recommendation. In 1988, Congress, supportive of the Commission's view, amended the Marine Mammal Protection Act to direct the Service to complete a fur seal conservation plan by 31 December 1989. At year's end, the Service was working on a draft plan for review in 1990.

In 1988, the Commission recommended that the National Marine Fisheries Service designate Steller sea lions as depleted and that it develop and implement a conservation plan to help guide efforts to restore the species. Neither was done. Recognizing the importance of the conservation plan, Congress, in its 1988 amendments to the Marine Mammal Protection Act, directed the Service to prepare a conservation plan for Steller sea lions by 31 December 1990. Further impetus for a conservation plan was provided by the 1989 range-wide survey of Steller sea lions conducted by the Service, various state agencies, and foreign scientists. This survey, which indicated that the decline had accelerated and spread, prompted the Environmental Defense Fund to petition the Service for emergency listing of this species as endangered under the Endangered Species Act. The Commission recommended that the Service act immediately on the petition and that it complete the conservation plan for sea lions by March 1990. These and related points are discussed in Chapter III.

In addition to recommending that the Service prepare conservation plans for North Pacific fur seals and Steller sea lions, the Commission has recommended since 1984 that it also prepare recovery plans pursuant to the Endangered Species Act for right whale, humpback whale, and other endangered whale populations in U.S. waters. As discussed in Chapter III, the Service agreed and, in 1987, appointed recovery teams for both right whales and humpback whales to help draft the plans. The draft plan for humpback whales was circulated for public review in October 1989, and a draft right whale recovery plan is expected early in 1990.

The final report of the clinical investigation of the 1987-1988 die-off of bottlenose dolphins along the east coast of the United States was submitted in 1989. The report indicates that most of the animals examined died from bacterial and viral infections that are not normally fatal and that animals may have been made vulnerable to secondary infections by eating fish containing biotoxins produced by Ptycodiscus brevis, the marine dinoflagellate that causes Florida's red tides. The report also indicates that high levels of organochlorines were found in some, but not all, animals examined, suggesting that environmental pollution may be an emerging problem. These and other matters, including the status of Atlantic coast and Gulf of Mexico dolphin populations and the Commission's continuing efforts to identify and recommend actions needed to determine the cause of the die-off, are discussed in Chapter III.

Hector's dolphins are found in New Zealand waters, and Gulf of California harbor porpoise are found in Mexican waters. Both have been the appropriate focus of substantial international attention. Thus, even though not found in U.S. waters, they are briefly discussed in Chapter III as well.

Probably the most serious domestic marine environmental catastrophe of 1989 was the Exxon Valdez oil spill. It is described in Chapter IV. In less than a day following the 24 March 1989 grounding of the tanker in Prince William Sound, Alaska, an estimated 11 million gallons of crude oil were released into the Sound. Subsequently, the oil spread over nearly 10,000 square miles and contaminated an estimated 2,045 miles of shoreline in Prince William Sound and the Gulf of Alaska. More than 1,000 sea otters and a number of other marine mammals were killed in the spill. By letter and memorandum, the Commission provided advice and direction to the Fish and Wildlife Service and the National Marine Fisheries Service with respect to protecting threatened animals and documenting effects in the wake of the spill. These are discussed in Chapter IV, as is the need for profiting from the experience to better prevent and protect against similar accidents.

The Marine Mammal Protection Act directs the Commission to review and provide advice to the Department of State and other Federal agencies on U.S. participation in international efforts affecting the conservation and protection of marine mammals. Commission activities in this regard are discussed in Chapter V, and in parts of Chapters II, III, IV, VII, and IX. Particularly important among these activities were those related to the International Whaling Commission and the Southern Ocean.

Since its inception, the Marine Mammal Commission has helped develop U.S. policy regarding whales and whaling. Commission representatives have participated in meetings of the International Whaling Commission (IWC) and its Scientific Committee since the mid-1970s. Major issues in 1989 concerned certain nations' compliance with conservation measures established by the IWC, preparations for the comprehensive assessment of the status of whale stocks to be undertaken by 1990, identification and evaluation of new procedures to set catch quotas for commercial whaling, and review of proposals to kill whales for scientific research purposes.

In 1989, the Japanese Government issued its nationals a permit to kill up to 330 minke whales in the Southern Ocean for research purposes. Also of concern are the developing fisheries, particularly the Antarctic krill fishery, and the possibility of oil, gas, and other non-living resource development. These now appear to pose substantial new threats to marine mammals. As discussed in Chapter V, the Marine Mammal Commission continued to provide in 1989 detailed advice to the Department of State and

other Federal agencies in their efforts to conclude and implement international agreements for the conservation of whales, seals, and other living resources of the Southern Ocean.

Lost and discarded fishing gear and other persistent marine debris are discussed in Chapter VI. These serious forms of marine pollution kill and injure marine mammals, seabirds, turtles, and invertebrates throughout the world. The Commission, instrumental in focusing attention on the issue domestically and internationally early in the 1980s, continued to play a major role in identifying and guiding research and management responses in 1989. That year, the Commission worked closely with the National Marine Fisheries Service to convene the Second International Conference on Marine Debris and to implement the Service's Marine Entanglement Research Program. It also assisted the Coast Guard in its efforts to address the problem of ship-generated garbage domestically and within the International Maritime Organization.

Marine mammals affect and are affected by a number of commercial and recreational fisheries. Commission efforts to identify and determine how best to resolve problems caused by interactions are described in Chapter VII. In 1989, the issues of greatest concern were high seas driftnet fisheries, particularly Japanese, Taiwanese, and South Korean driftnet fisheries for squid and salmon in the North Pacific Ocean, and the practice of setting purse seines around schools of porpoise in the eastern tropical Pacific Ocean to catch yellowfin tuna that associate with porpoise. The Commission provided detailed recommendations to the National Marine Fisheries Service and the Department of State on both issues in 1989.

Marine mammal conservation is particularly challenging in Alaska because of the large populations of many marine mammal species in State waters, their use for subsistence purposes by Alaska natives, interactions with commercial fishing, and development of oil and gas resources in marine mammal habitat. In 1988, the Commission completed ten species accounts with research and management recommendations. Chapter VIII discusses 1989 efforts to follow up on those recommendations, particularly for several of the species, including polar bear, sea otter, and walrus. It also discusses efforts to develop a marking, tagging, and reporting program to obtain better information on the numbers of animals taken in Alaska for subsistence and handicraft purposes and to help control illegal trade in certain marine mammal parts.

Oil spills, noise, and chemical pollutants associated with offshore oil, gas, and hard mineral exploration and development can affect marine mammals and their habitats. The Minerals Management Service is responsible for managing these activities in Federal waters and for ensuring that associated activities do

not have significant adverse effects on marine mammals or the ecosystems of which they are a part. To assist the Service, the Commission reviews Environmental Impact Statements for proposed lease sales and provides advice on studies conducted under the Service's Environmental Studies Program. Efforts undertaken in this regard in 1989 are discussed in Chapter IX.

The Marine Mammal Commission is directed to undertake or cause to be undertaken studies it considers necessary or desirable to protect and conserve marine mammals. The research and studies undertaken in 1989 in response to this directive are described in Chapter X. Other research-related activities, such as the annual survey of Federally-funded marine mammal research and participation in various scientific research program reviews and workshops, also are described in Chapter X.

Chapters XI and XII discuss regulations governing the care and maintenance of marine mammals in captivity and the process for issuing permits to take marine mammals for scientific research, public display, and enhancement. In 1989, particular attention was devoted to a review of the permit process undertaken by the National Marine Fisheries Service. The Service's review was prompted, in part, by new permitting authority established by the 1988 amendments to the Marine Mammal Protection Act, and by a need to update and streamline the regulations for issuing permits. The Commission provided detailed advice to assist the Service in its effort.

It is the Marine Mammal Commission's hope that this Report will serve as a useful and reliable reference document for interested individuals and groups in the United States and abroad.