



# Marine Mammal Commission

An independent agency of the U.S. Government

## Performance and Accountability Report

### Fiscal Year 2018



November 2018





November 15, 2018

### **Message from the Chairman**

With this letter, I submit the Commission's Fiscal Year 2018 (FY 2018) 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.

The Commission centers all its work around its Strategic Plan, to help maintain our focus on the most pressing issues surrounding marine mammals and their environments.

On behalf of the Marine Mammal Commission, I am pleased to submit this FY 2018 Performance and Accountability Report to the Office of Management and Budget.

Respectfully,

A handwritten signature in blue ink that reads "Daryl J. Boness". The signature is written in a cursive, flowing style.

Daryl J. Boness, Ph.D.  
Chairman

The Marine Mammal Commission’s Performance and Accountability Report consists of two elements: 1) Management Discussion and Analysis, presented here, and 2) the Financial Audit Report and Financial Statement in a separate document.

## Background: About the Marine Mammal Commission

The Marine Mammal Commission (the Commission) is an independent government agency charged by the Marine Mammal Protection Act (MMPA) with furthering the conservation of marine mammals and their environment. We work to ensure that marine mammal populations are restored and maintained as significant functioning elements of healthy marine ecosystems in the world’s oceans. Our mission is to provide independent, science-based oversight of domestic and international policies and actions of federal agencies addressing human impacts on marine mammals and their ecosystems to ensure consistency with the MMPA and other relevant mandates to protect and conserve marine mammals. Our role is unique—we are the only U.S. government agency that provides comprehensive oversight of all science, policy, and management actions affecting marine mammals. To learn more about us and what we do [please visit our website](https://www.mmc.gov/about-the-commission/)<sup>1</sup>.

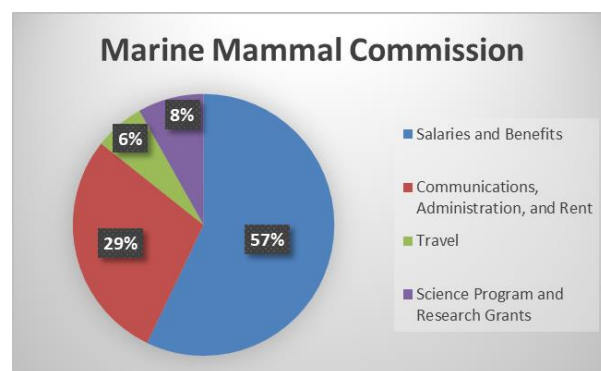
## Financial Analysis: Overview of Commission Finances in FY 2018

### Annual appropriations and distribution of funds

Congress is the primary source of funding for the Commission. Total annual appropriations for the Commission from FY 2014 to 2018 are listed in Table 1. In FY 2018 the Commission’s appropriation was \$3,431,000. Approximately 57 percent of the Commission’s appropriation was used for salaries and benefits (including salaries for Commissioners and non-federal Committee members), 29 percent for administration and rent, 8 percent to fund the Science Program and research grants, and 6 percent for travel (Figure 1). Additionally, the Commission received a grant of \$172,336 from the North Pacific Research Board, created by Congress in 1997, to investigate the effectiveness of co-management in Alaska. The Commission used its FY 2018 appropriation to meet its general oversight responsibilities as mandated by the MMPA.

**Table 1. Annual Appropriations for the Marine Mammal Commission, FY 2014 to 2018**

Fiscal Year	Appropriation
2014	\$3,250,000
2015	\$3,340,000
2016	\$3,431,000
2017	\$3,431,000
2018	\$3,431,000



**Figure 1. Distribution of Funds Appropriated to the Marine Mammal Commission for FY 2018**

## 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 invoice payments. 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 processes 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 works with a Senior Leadership Team of Commission staff to address key issues, including 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 2018. The audit found no material internal weaknesses in financial systems and controls. The audit report concluded that the Commission's financial statements are presented fairly and in accordance with U.S. generally accepted accounting principles. The financial statements for the Marine Mammal Commission are included in the audit report.

## Commission Structure

The Commission consists of three Commissioners, a nine-member Committee of Scientific Advisers, and a staff of 14 full-time employees (Figure 2).

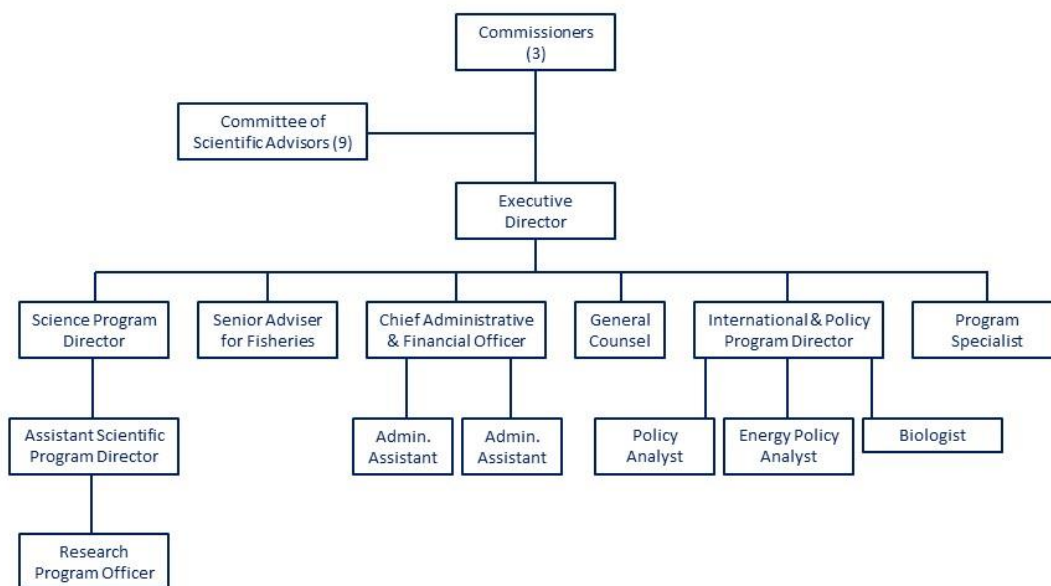


Figure 2. Organizational Structure of the Marine Mammal Commission

## Performance Goals and Results: Commission Accomplishments in FY 2018

The work performed by the Commission centered around the five strategic objectives outlined in the Commission's [Strategic Plan for 2015-19](#)<sup>2</sup>. Below is a summary of accomplishments for FY 2018 under each strategic objective.

**Strategic Objective 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.**

- **Effective Co-management of Marine Mammals in Alaska:** In 2018, the Commission received funding under a grant from the North Pacific Research Board to conduct a review of co-management of Alaska marine mammals. Section 119(a) of the MMPA encourages federal management agencies to enter into cooperative agreements with Alaska Native organizations (ANOs) to conserve marine mammals and provide co-management of subsistence use. As part of its oversight responsibilities under section 202(a)(7), the Commission is to make recommendations to further the policies of the Act, including to protect the subsistence livelihoods of Alaska Natives. In furtherance of this duty, the Commission's review seeks to identify the essential components of and key impediments to effective co-management, with an overall goal of strengthening relationships and supporting co-management to improve the conservation of marine mammals in a region where they are of critical ecological, social, and economic importance. To conduct the review, we are working with a Steering Committee that includes representatives from five ANOs and the two federal agencies (NMFS and FWS) involved in co-management of marine mammals. In early 2018, the Steering Committee developed a working definition of co-management, identified three case study ANOs/agreements that would be the focus of the review, and assisted in the development of questions for focal group and individual interviews with ANOs, Alaska Native community members, and agency co-management partners. A total of 70 interviews were conducted for the study, involving 16 federal agency staff, 10 ANO members, and 44 Alaska Native community members. We will continue to work with the Steering Committee in the fall and winter of 2018 to compile the study findings and identify recommendations and priority action items. The final report is expected to be available in Spring 2019.
- **Managing Marine Mammals in Arctic Waters:** In addition to its unique role among federal agencies to make recommendations pertaining to the management of marine mammals for subsistence purposes, the Marine Mammal Commission has long supported the development of systematic monitoring to document the effects of environmental change on Arctic ecosystems and the marine mammal species that reside in them. The Commission continued to engage in these issues in FY18 through participation in meetings of the



The Marine Mammal Commission Co-management review Steering Committee.

<sup>2</sup> [http://www.mmc.gov/reports/strategic\\_plans/welcome.shtml](http://www.mmc.gov/reports/strategic_plans/welcome.shtml)

Indigenous People's Council for Marine Mammals, the International Whaling Commission, including its Aboriginal Subsistence Whaling Working Group, and the U.S.-Russia Polar Bear Commission.

**Strategic Objective 2: Scientifically robust mitigation and monitoring measures are developed, refined, and implemented to prevent, minimize, or mitigate the impacts of offshore oil and gas and renewable energy activities on marine mammals and their ecosystems.**

- **2017-2022 Offshore Oil & Gas Leasing Program under Review:** Every five years, the Department of the Interior develops a new program for oil and gas leasing on the U.S. Outer Continental Shelf (OCS). The 2017-2022 leasing program was finalized in December 2016, retaining most of the Gulf of Mexico in the program but withdrawing the Arctic and Atlantic OCS regions. An April 2017 Executive Order implementing an America-First Offshore Energy Strategy has called for a review of the 2017-2022 leasing program to encourage energy exploration and production on the OCS, “while ensuring that any such activity is safe and environmentally responsible.” The Executive Order also called for expedited consideration of permits for seismic surveys in offshore areas, including those received by the Bureau of Ocean Energy Management (BOEM) for the Atlantic OCS region and associated MMPA incidental take authorizations under review by the National Marine Fisheries Service (NMFS). The Commission responded with detailed substantive comments on [BOEM’s draft proposed program for the new five-year National OCS Gas and Leasing Program](#)<sup>3</sup>. See [our website](#)<sup>4</sup> for a summary of these and other provisions of the Executive Order that may impact marine mammals.
- **Restoring Marine Mammal Populations Impacted by the Deepwater Horizon Oil Spill:** The Commission has engaged at many levels to further activities to restore Gulf of Mexico marine mammal populations that were impacted by the Deepwater Horizon oil spill. The Commission submitted ideas for marine mammal restoration projects that could be implemented by each of the Gulf states and is working with NMFS to develop a plan for restoring marine mammals in the open ocean. The Commission has also reviewed and commented on restoration projects that have the potential to harm inadvertently nearshore bottlenose dolphins and manatees. Additionally, the Commission serves as a technical advisor for a project to evaluate trophic relationships and critical habitat features for the small population of Bryde's whales that occurs off the coast of Florida. This population of baleen whales was significantly impacted by the spill and has been proposed for listing under the Endangered Species Act. The Commission is also serving as an advisor to a project funded by BOEM to improve assessments of coastal and offshore marine mammals in the Gulf of Mexico. Finally, the Commission is working with scientists engaged in marine mammal research across the Gulf to synthesize data collected since the oil spill to inform responses to future oil spills and management of the Gulf environment and its natural resources.

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<sup>3</sup> <https://www.mmc.gov/wp-content/uploads/18-03-09-Hammerle-BOEM-2019-2024-Natl-OCS-Draft-Proposed-Program-1.pdf>

<sup>4</sup> <https://www.mmc.gov/priority-topics/offshore-energy-development-and-marine-mammals/offshore-oil-and-gas-development-and-marine-mammals/>



**Strategic Objective 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.**

- **Marine Mammal Health Monitoring and Analysis Platform (Health MAP):** During 2018, work to develop Health MAP continued through the efforts of four expert working groups and the completion of two build-out projects. The first project, supported by the Commission, developed the [system design and architecture](#)<sup>5</sup>, which will assist with strategic planning and guide implementation decisions for Health MAP over the next three years. The second project, which was privately funded, developed a web-based interface for the display and exploration of Health MAP data, with [four pilot datasets currently available](#)<sup>6</sup>. The Commission continued to play a leadership role, including having one of its Commissioners and the Scientific Program Director on the Health MAP steering committee.



A tagged grey seal (Kimberly Murray, NOAA).

- **Marine Mammal Unusual Mortality Events:** In 2018, three new unusual mortality events (UMEs) were declared: 1) minke whales along the Atlantic coast, 2) common bottlenose dolphins off southwest Florida, and 3) pinnipeds along the Northeast United States. The cause of the minke whale UME has yet to be determined, a biotoxin was responsible for the deaths of the bottlenose dolphins, and an infectious disease was the main factor affecting harbor and gray seal populations in the Northeast. Investigations of six UMEs from previous years remain active. The Commission participated with other federal partners in the working group for marine mammal unusual mortality events, monitored these events, and provided expertise as needed.

**Strategic Objective 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.**

- **Vaquita Conservation:** The Commission continued to support Mexican efforts to conserve the vaquita, a small porpoise endemic to the northern Gulf of California, Mexico. Rampant illegal gillnet fishing for an endangered fish, the totoaba, presents a continuing entanglement risk to vaquitas. Totoaba swim bladders, valued at thousands of dollars per kilogram, are smuggled to China in the illegal wildlife trade. [The International Committee for the](#)

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<sup>5</sup> <http://data.gcoos.org/mmhmap/>

<sup>6</sup> <https://axiomdatascience.com/maps/marine-mammal-health-map/>

[Recovery of the Vaquita \(CIRVA\)](#) reported six additional dead vaquitas in late 2016/early 2017; three showed clear evidence of net entanglement. In the face of the species' rapid decline, CIRVA advised the Mexican government to undertake an emergency program to capture vaquitas to protect them from gillnets. The Commission joined with Mexican and international partners in developing the Vaquita Conservation, Protection, and Recovery Program (VaquitaCPR). Two vaquitas were captured during a one-month field season in October-November 2017, but the program was suspended after one vaquita was released when it was not adapting to human care and the second died in captivity. In December 2017, CIRVA<sup>7</sup> reported that the status of the species continued to worsen, with fewer than 30 vaquitas in the wild and illegal activity widespread. CIRVA recommended establishment of an exclusion zone with enhanced law enforcement and net removal in the area of greatest overlap between illegal fishing and vaquita presence. Four hundred active totoaba gillnets were removed from the area by a team of non-governmental and Mexican government groups in the first half of 2018. Without these efforts, Mexico's largest endemic mammal would likely already be extinct.



Vaquitas swimming in the Gulf of California  
(Photographed by Rune Dietz during VaquitaCPR).

- Conservation of freshwater dolphins:** Commission staff helped lead an International Whaling Commission Scientific Committee (IWC/SC) Workshop on small cetaceans of South America and [the use of freshwater Amazonian dolphins for bait](#)<sup>8</sup> held in March 2018 in Santos, Brazil. The resulting report formed part of a larger IWC/SC review of the status of freshwater cetaceans in South American river systems. The IWC/SC called for the range states (Bolivia, Brazil, Colombia, Peru and Venezuela) to engage in a coordinated effort to strengthen legislative, enforcement, management and scientific efforts on behalf of the Amazon River dolphins. In turn, the IWC<sup>9</sup> reinforced its concern about the status of freshwater cetaceans around the world at its 67th meeting in September 2018. The Commission continued to support efforts to reduce mortality of Mekong River Irrawaddy dolphins in Cambodia. Promising improvements in local enforcement measures targeting entangling gillnets continue to be overshadowed by the proposed construction of hydro-electric dams on the Mekong, which, if built, [would eliminate or transform most of the dolphins' remaining riverine habitat](#)<sup>10</sup>. The Commission supported a late 2018 visit of four Mekong River dolphin researchers and conservationists to the Chicago Zoological Society's Sarasota Dolphin



Boto, also known as the Amazon River dolphin. (Shutterstock).

<sup>7</sup><http://www.iucn-csg.org/wp-content/uploads/2010/03/CIRVA-9-FINAL-MAY-2017.pdf>

<sup>8</sup> <http://www.iucn-csg.org/index.php/2016/10/13/amazon-river-dolphins-in-brazil-continue-to-be-killed-for-fish-bait/>

<sup>9</sup> [https://iwc.int/private/downloads/GC5n3Lulj2ZfPeYHd84LZQ/IWC\\_67\\_GEN\\_05\\_rev1.pdf](https://iwc.int/private/downloads/GC5n3Lulj2ZfPeYHd84LZQ/IWC_67_GEN_05_rev1.pdf)

<sup>10</sup> <http://science.sciencemag.org/content/355/6327/805.1>



Research Program in Florida to receive training and build research capacity between the two groups.

**Strategic Objective 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.**

- **Take Reduction Teams:** The Commission continued to participate in NMFS's marine mammal take reduction teams and provide advice on measures needed to improve the effectiveness of take reduction plans in fisheries. Mortality and serious injury of marine mammals incidental to certain commercial fisheries exceed allowable levels for at least a dozen populations in U.S. waters and this problem continues to be a major conservation challenge. Deliberations by take reduction teams spurred several new regulatory proposals from NMFS which were reviewed by the Commission.
- **Advancing Efforts Addressing Large Whale Entanglements:** Following the Commission's 2017 Annual Meeting, during which entanglement of North Atlantic right whales was a focus, the Commission furthered its support of efforts to address whale entanglements on both U.S. coasts in FY 2018. The use of ropeless gear is being explored in a number of trap/pot fisheries around North America as a possible means to reduce the number of potentially entangling vertical lines in whale habitat. Reports of large whale entanglements in Dungeness crab fishing gear on the West Coast have increased in the past few years. Prompted in part by presentations at the Commission's Annual Meeting in May 2018, the Commission and the nongovernmental organization Oceana organized a [meeting](#)<sup>11</sup> at the Marine Mammal Center in Sausalito, California, to discuss the perspectives of fishermen and gear developers on ropeless fishing gear, and plans for further testing in the Dungeness crab fishery. Because of the risks that vertical lines pose to large whales on both coasts and, more recently in the Bering Sea, the Commission worked to ensure effective communication among all parties focusing on ropeless gear. Therefore, scientists from the East Coast were encouraged to participate in the California meeting.
- **Bycatch in the Indian Ocean:** The Commission sponsored a scientist to attend the Indian Ocean Tuna Commission (IOTC) Working Party on Ecosystems and Bycatch (WBEP) in Cape Town, South Africa, to share promising research by WWF-Pakistan on marine mammal bycatch reduction off Pakistan. This effort followed up on past efforts to encourage the IOTC to devote more time to marine mammal-fisheries interactions. Additionally, the Commission supported the development of marine mammal species identification guides for use in IOTC tuna fisheries. These have been translated into 10



This humpback whale in the Hawaiian Islands is entangled in gear thought to be used to trap crabs (NOAA, Hawaiian Islands Humpback Whale National Marine Sanctuary).

<sup>11</sup> <https://www.mmc.gov/wp-content/uploads/wc-ropeless-summary7-19-18.pdf>

Indian Ocean languages and are in production by the U.N. Food and Agriculture Organization. This is a vital first step to encouraging the collection of data on marine mammal bycatch in the region.

## Overarching Mission Accomplishments

A significant portion of the Commission's work supports multiple strategic objectives. Examples of some of the Commission's overarching FY 2018 accomplishments are summarized below.

- **Recommendations and reviews of various agency actions:** Drawing on the extensive expertise of its staff and the technical knowledge of its Committee of Scientific Advisors, the Commission submitted 124 letters to federal agencies and various action proponents providing specific comments and recommendations aimed at enhancing protection and conservation of marine mammals and promoting adherence to the MMPA, the National Environmental Policy Act, and other applicable laws. These letters often included recommendations regarding measures to minimize the impacts on marine mammals from proposed human activities such as commercial fishing, military operations, marine construction, offshore energy development (oil and gas and renewables), and research. The Commission consulted regularly with other federal agencies on the substance of its comments and recommendations and worked with them to pursue the best means of reducing and minimizing impacts.
- **Communication and Collaboration in the Pacific Northwest:** The Marine Mammal Commission held its 2018 Annual Meeting in Seattle, Washington, with a focus on Pacific Northwest and Alaskan science and management issues. For the first time ever, we provided a webinar to bring our meeting to those who could not attend in person. The meeting had over 200 participants (in person and online), who were encouraged to engage in the discussions during each session. Presenters and panelists from federal agencies, state governments, academia, the fishing industry and other businesses, and NGOs represented a broad spectrum of viewpoints, demonstrating the Commission's interest in and ability to convene a diverse range of stakeholders. Meeting topics included impacts of changing ocean conditions, recovering pinniped populations and their effects on endangered salmon populations, southern resident killer whales, West Coast large whale entanglements, sea otters, and Alaskan species of concern. Explore our [audio recordings, presentations, and summaries of Annual Meeting topics here](#)<sup>12</sup>. Following the annual meeting, we continued to engage on these issues—with [the Washington State Governor's Orca Task Force about killer whales](#)<sup>13</sup>, with NMFS and others to understand and manage the effect of pinniped predation



A North Pacific right whale sighted in summer of 2018 in the Bering Sea (Copyright IWC: Taken by Jessica Crance on 2018 IWC-POWER cruise).

<sup>12</sup> <https://www.mmc.gov/events-meetings-and-workshops/marine-mammal-commission-annual-meetings/2018-annual-meeting/>

<sup>13</sup> <https://www.mmc.gov/wp-content/uploads/18-10-05-Solien-and-Purce-SRKW-Task-Force-Draft-Report.pdf>

on endangered salmon, and in support of those testing new fishing gear that may reduce whale entanglements in California.

- **Advancing Marine Mammal Research:** In FY 2018 the Commission funded five new research projects focused on “Community-driven conservation approaches to eliminate, manage, or mitigate threats to marine mammals.” Researchers submitted 77 proposals for consideration and five were funded for a total of just over \$220,000. For more information about the funded projects, visit our [FY 2018 Grants Award page](#)<sup>14</sup>. The funded proposals are:
  - Community action to protect southern resident killer whales in the San Juan Islands, Washington
  - Low-cost solutions to cetacean bycatch in small scale fisheries and potential fisher-level barriers to implementation in Peru and Argentina
  - Reducing whale strikes through industry engagement (California)
  - Evaluation of the effectiveness of protected areas in protecting Mediterranean monk seal juveniles at the Cabo Blanco Peninsula (Mauritania/Morocco)
  - Developing solutions to the critical threat of bycatch in illegal fisheries for Caspian seals (*Pusa caspica*) in Dagestan, Russia
- **Animal Telemetry Network Brings Together Global Tracking Data:** During 2018 the Commission continued its participation in the Animal Telemetry Network (ATN) Steering Group, which oversaw the transition of the Data Assembly Center to a new host institution, creation of a new beta-portal for data discovery and exploration, completion of five regional workshops, and funding for the first four ATN baseline projects.
- **Marine Mammals in the Global Ocean Observing System (GOOS):** The Marine Mammal Commission has been involved in identifying Essential Ocean Variables (EOVs) for the GOOS Biology and Ecosystems Panel. Through this process, marine mammal abundance and distribution was recognized as an EOV in 2017. Additionally, in 2018 Ocean Sound was formally adopted as an EOV. The Commission’s Scientific Program Director helped in drafting the [specification sheets for these EOVs](#)<sup>15</sup>. Ultimately, these EOVs will improve our ability to monitor marine mammals and understand their functional roles in the ecosystem at local, regional, national, and global scales, and better meet the goals of the MMPA.

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<sup>14</sup> <https://www.mmc.gov/grants-and-research-survey/grant-awards/2018-grant-awards/>

<sup>15</sup> <http://goosocean.org/eov>



## Commission Outlook

The Commission strives to ensure that marine mammal populations are maintained globally as significant functioning elements of healthy marine ecosystems.

In FY 2019 the Commission will continue to look for ways to reduce operational costs and leverage its resources and expertise by working with a diverse set of partners. For example, we will continue to collaborate with industry, foundations, and NGOs to fund the participation of individuals whose attendance is critical to successful workshops and meetings. We will continue to host fellows and interns to support multiple mission-critical projects at little or no cost to the Commission. We also plan to promote new partnerships through our research and grants program to enhance new and ongoing investigations in the field of marine mammal science at research institutions around the world.

In FY 2019 we intend to complete a comprehensive review of our strategic plan. The goal is to have a new plan for FY 2020-2024 in place by FY 2020. Keeping the Commission's strategic plan up to date is important to guide how we use our funding to enhance the effectiveness and reach of our work.



The Commissioners, Committee of Scientific Advisors, and staff of the Marine Mammal Commission at the 2018 Annual Meeting in Seattle, WA.



# Marine Mammal Commission

An independent agency of the U.S. Government

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