



# Marine Mammal Commission

An independent agency of the U.S. Government

## Performance and Accountability Report

### Fiscal Year 2019



November 2019





November 19, 2019

### **Message from the Chairman**

With this letter, I submit the Commission's Fiscal Year 2019 (FY 2019) 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 its work around its Strategic Plan, to help maintain our focus on the most pressing issues pertaining to marine mammals and their environments.

On behalf of the Marine Mammal Commission, I am pleased to submit this FY 2019 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 agency of the federal government 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 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 all species of marine mammals. To learn more about us and what we do [please visit our website](https://www.mmc.gov/about-the-commission/our-mission/)<sup>1</sup>.

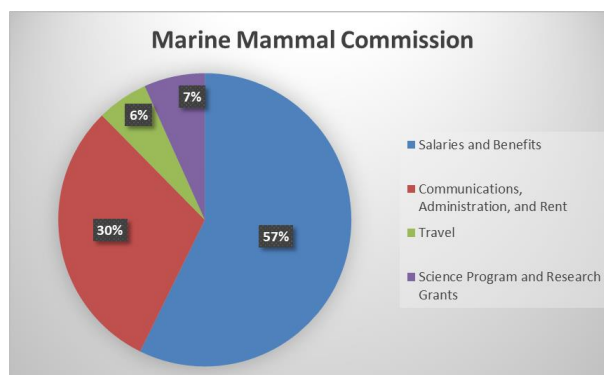
## Financial Analysis: Overview of Commission Finances in FY 2019

### Annual Appropriations and Distribution of Funds

Congressional appropriations are the primary source of funding for the Commission. Total annual appropriations for the Commission from FY 2015 to 2019 are listed in Table 1. In FY 2019 the Commission’s appropriation was \$3,516,000. Approximately 57 percent of the Commission’s appropriation was used for salaries and benefits (including salaries for Commissioners and non-federal Committee members), 30 percent for administration and rent, 7 percent to fund the Commission’s Science Program and research grants, and 6 percent for travel (Figure 1). Additionally, in FY18 the Commission had 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. Activities related to the grant continued in FY19, and concluded at the end of the fiscal year. The Commission used its FY 2019 appropriation to meet its general oversight responsibilities as mandated by the MMPA.

**Table 1. Annual Appropriations for the Marine Mammal Commission, FY 2015 to 2019**

Fiscal Year	Appropriation
2015	\$3,340,000
2016	\$3,341,000
2017	\$3,431,000
2018	\$3,431,000
2019	\$3,516,000



**Figure 1. Distribution of Funds Appropriated to the Marine Mammal Commission for FY 2019**

## 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 Administrative 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 2019. 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 Advisors, and a staff of 14 full-time employees (Figure 2).

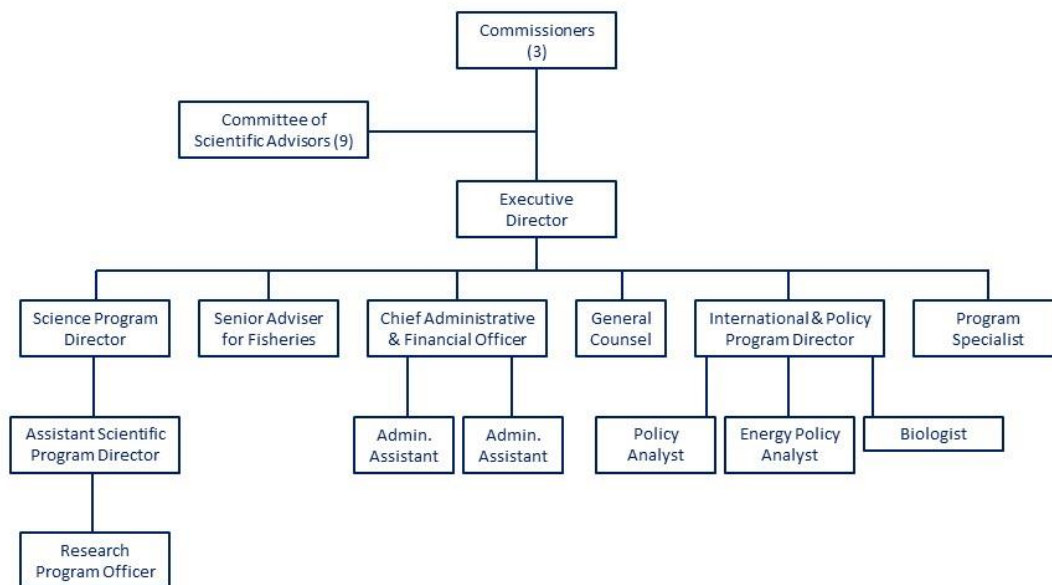


Figure 2. Organizational Structure of the Marine Mammal Commission

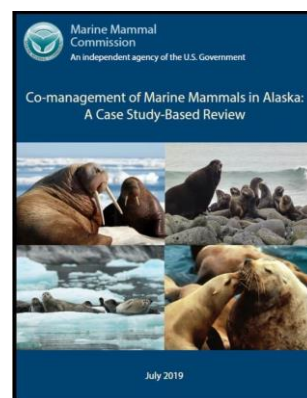


## Performance Goals and Results: Commission Accomplishments in FY 2019

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 2019 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 2019, 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 sought 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 worked with a Steering Committee that included representatives from five ANOs and the two federal agencies (the National Marine Fisheries Service and the Fish and Wildlife Service) 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 consulted with the Steering Committee on the findings and recommendations of the review and also shared them with the communities and agencies interviewed before finalizing the report in July 2019. The final report can be found on the Commission's [website](#)<sup>3</sup>.
- **Managing Marine Mammals in Arctic Waters:** In addition to its responsibility to make recommendations pertaining to the management of marine mammals taken 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



**The Marine Mammal Commission  
Co-management Review Report.**

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

<sup>3</sup> <https://www.mmc.gov/wp-content/uploads/1Co-Management-Review-Final-Report.pdf>

to engage in these issues in FY19 through participation in meetings of the Indigenous People's Council for Marine Mammals, several Alaska Native Organization meetings, and the International Whaling Commission, including its Aboriginal Subsistence Whaling Working Group. The Commission also participates in meetings of the U.S.-Russia Polar Bear Commission and in activities to implement U.S. obligations under the bilateral polar bear agreement. The Commission also participated in efforts to coordinate federal agency actions in the Arctic through its involvement in Interagency Arctic Research Policy Committee and its attendance at several Arctic-focused forums and symposia.

**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's Bureau of Ocean Energy Management (BOEM) 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 from leasing. An April 2017 Executive Order implementing an America-First Offshore Energy Strategy called for a review of the current five-year 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, specifically those received by 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 2019-2024 National OCS Gas and Leasing Program](#)<sup>4</sup>. See [our website](#)<sup>5</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 NMFS and 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 inadvertently harm 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 was recently listed as endangered 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

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<sup>4</sup> <https://www.mmc.gov/wp-content/uploads/18-03-09-Hammerle-BOEM-2019-2024-Natl-OCS-Draft-Proposed-Program-1.pdf>

<sup>5</sup> <https://www.mmc.gov/priority-topics/offshore-energy-development-and-marine-mammals/offshore-oil-and-gas-development-and-marine-mammals/>

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.

**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 2019, work to develop Health MAP continued through the efforts of four expert working groups with a focus in the Gulf of Mexico ([GulfMAP<sup>6</sup>](#)) in collaboration with marine mammal stranding network members supported via the National Fish and Wildlife Foundation. The Commission continued to play a leadership role, with one of its Commissioners and the Scientific Program Director serving on the Health MAP steering committee.



A tagged grey seal (Kimberly Murray, NOAA).

- **Marine Mammal Unusual Mortality Events:** In 2019, three new unusual mortality events (UMEs) were declared: 1) gray whales along the Pacific coast, 2) common bottlenose dolphins in the Northern Gulf of Mexico, and 3) ice seals in the Bering and Chukchi Seas. The causes of these three UMEs have yet to be determined, while investigations of nine UMEs from previous years, including the North Atlantic right whale UME remain active. The Commission served with other federal partners on the Working Group for Marine Mammal Unusual Mortality Events, monitored these events, and provided expertise when 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

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<sup>6</sup> <https://www.mmc.gov/priority-topics/marine-mammal-health-and-strandings/marine-mammal-health-and-monitoring-analysis-platform-marine-mammal-health-map/#gulfmap>



threat to vaquitas and the failure to promote the adoption of legal, non-entangling gear for other fisheries has led to continued alienation and unrest in the local communities. Totoaba swim bladders, valued at thousands of dollars per kilogram, are smuggled to China in the illegal wildlife trade. Visual surveys and a ten-year acoustic monitoring program supported in part by the Commission, indicate that some vaquitas remain in the northern Gulf of California. One hundred and fifty eight illegal gillnets were removed from the area by a team of non-governmental and Mexican government groups from December 2018 to April 2019. Without these efforts, Mexico's largest endemic mammal would likely already be extinct.



A critically endangered vaquita mother and calf alongside an illegal gillnet fishing boat in October 2019. (CONANP/Museo de la Ballena/Sea Shepherd)

- **Supporting Japanese Dugong Conservation Planning:** In FY 2019 the Commission funded a special meeting of the IUCN's Sirenia Specialist Group to review the status of and threats to the Dugong sub-population inhabiting the Nansei Islands region of Japan. This meeting resulted in the development and publication of a research plan to guide attempts to document the presence and define the seagrass habitat of this endangered population that occurs in Okinawa and neighboring islands.
- **Advancing Efforts Addressing Large Whale Entanglements:** Building upon work since 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 2019. North Atlantic right whales are declining and in danger of extinction, largely due to entanglements and ship strikes. The Commission has been active in working with the Atlantic Large Whale Take Reduction Team (ALWTRT) and NMFS to develop measures to immediately and substantially reduce entanglement risk to right whales. The Commission provided comments and recommendations on North Atlantic right whale protections to the ALWTRT and to the NMFS Administrator. The Commission is also supporting the development and testing of "ropeless" gear for future use in pot fisheries, which has the potential to largely eliminate entanglement as a risk to North Atlantic right whales, among others. Because of the risks that vertical lines pose to large whales on both coasts and, more recently in the Bering Sea, the Commission is working to ensure effective communication among all parties focusing on ropeless gear.



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).

- Conservation of freshwater dolphins:** The Commission continued to support efforts to reduce mortality of Mekong River Irrawaddy dolphins in Cambodia. In late 2018, the Commission sponsored a visit of four Mekong River dolphin researchers and conservationists to the Chicago Zoological Society's Sarasota Dolphin Research Program in Florida to receive training and build research capacity between the two groups. On the Mekong in 2019, more than ten births were reported for this population, which numbers fewer than 80 animals. 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.](#)



WWF-Cambodia Mekong team on the water in Sarasota. (Lindsay Porter, Sea Mammal Research Unit).

**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.
- Bycatch in the Indian Ocean:** The Commission's work with the Indian Ocean Tuna Commission (IOTC) Working Party on Ecosystems and Bycatch (WBEP) continued with the publication of marine mammal species identification guides for use in IOTC tuna fisheries. These have been translated into 10 Indian Ocean languages and were produced and distributed by the U.N. Food and Agriculture Organization. The guides were developed and printed with Commission support to foster bycatch reduction in the Indian Ocean and will serve as a valuable resource to fishermen being encouraged to collect data on marine mammal bycatch. The Commission also supported the participation of a scientist and bycatch expert from the Florida International University in another International Whaling Commission bycatch initiative workshop held in Nairobi, Kenya in May 2019.
- Considering Southeast Alaska Fishery-Sea Otter Conflicts:** In FY 2019 the Commission worked with U.S. Fish and Wildlife and others to plan a workshop to review the status of sea otters in Southeast Alaska and to consider management options available to address conflicts between a growing otter population and fisheries. The workshop will be held early in FY 2020.

## Overarching Mission Accomplishments

A significant portion of the Commission's work supports multiple strategic objectives. Examples of some of the Commission's overarching FY 2019 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 113 letters to federal agencies and various action proponents providing specific comments and recommendations to enhance the protection and conservation of marine mammals and ensure 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 on marine mammals.
- **Communication and Collaboration in the Hawaiian Islands and the Wider Pacific Region:** The Marine Mammal Commission held its 2019 Annual Meeting in Kona, Hawaii, with a focus on Hawaiian Island marine mammal science and management issues, with additional consideration of the wider Pacific region. The meeting was available via webinar to those who could not attend in person. 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 bring together a diverse range of stakeholders. The more than 250 participants (in person and online) were encouraged to engage in the discussions during each session. Meeting topics included impacts of changing ocean conditions, human interactions with spinner dolphins, conservation of Hawaiian monk seals, impact of bycatch on insular false killer whale populations and other odontocetes, and status of the humpback whale population around the Hawaiian Islands and Southeast Alaska. Explore our [audio recordings, presentations, and summaries of Annual Meeting topics here](#)<sup>7</sup>. Following the annual meeting, we continued to engage on these issues—with NMFS, state managers, Congressional offices, and others to understand further these complex issues and support measures to reduce impacts to marine mammal populations in Hawaiian waters and the greater Pacific.
- **Surveying Federally Funded Research:** The Commission is in the process of an extensive review and revision of its Survey of Federally Funded Marine Mammal Research. The goal is to ease the reporting burden for responding agencies while maximizing access to and value of the data collected. The Commission has undertaken extensive consultations with agencies



False killer whale mother and calf, October 22, 2010. (Robin Baird, Cascadia Research).

<sup>7</sup> <https://www.mmc.gov/events-meetings-and-workshops/marine-mammal-commission-annual-meetings/2019-annual-meeting/>

to identify the survey elements to be modified and recently engaged a contractor to revise the survey platform. The survey will be resumed in March 2020.

- **Advancing Marine Mammal Research:** In FY 2019 the Commission funded two new research projects focused on “Impacts of a changing ocean on marine mammals of importance to Alaska Natives.” Researchers submitted 25 proposals for consideration and two were funded for a total of just under \$100,000. The funded proposals are:
  - Integration of Local or Traditional Knowledge and western science using a Bayesian approach for fully informed models
  - Life without ice: perceptions of environmental impacts on marine mammals and subsistence users of St. Lawrence Island

In addition to projects funded under the Request for Proposals, the Commission supported several other proposals (totaling \$90,000) addressing important marine mammal research gaps:

- Collection of auditory evoked potential hearing thresholds in minke whales
- New and immediate research priorities to inform gear modification proposals for the 2019 North Atlantic Large Whale Take Reduction Team Meeting
- Support for the development of an action plan for the critically endangered Ryukyu (Okinawa) Islands Dugong population
- A priority-setting exercise to identify key unanswered research questions in marine mammal bioenergetics

For more information about the funded projects, visit our [FY 2019 Grants Award page](#)<sup>8</sup>.

- **Animal Telemetry Network Brings Together Global Tracking Data:** During 2019 the Commission continued its participation in the Animal Telemetry Network ([ATN](#)<sup>9</sup>) Steering Group, which oversaw the launch of the new [data portal](#)<sup>10</sup>, increasing the availability of standardized tracking data to multiple stakeholders, completion of the regional workshops, and continued funding for the 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 EOVS in 2017 and Ocean Sound was formally adopted as an EOVS in 2018. The Commission’s Scientific Program Director is involved in revising the [specification sheets for these EOVS](#)<sup>11</sup> and developing implementation plans to establish a globally sustained observing system for them. 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>8</sup> <https://www.mmc.gov/grants-and-research-survey/grant-awards/2019-grant-awards/>

<sup>9</sup> <https://ioos.noaa.gov/project/atn/>

<sup>10</sup> <https://portal.atn.ioos.us/>

<sup>11</sup> <http://goosocean.org/eov>



- **Commission Tops Employee Engagement and Satisfaction Ratings:** The Commission received the highest scores government-wide in the 2019 Federal Employee Viewpoint Survey for "Employee Engagement" and "Global Satisfaction" indices. This voluntary survey conducted annually in all U.S. federal agencies asks employees several questions to determine the overall satisfaction with their jobs and workplace. Out of all 84 agencies that completed the survey in 2019, the Commission received top marks for the third time since 2016.

### Commission Outlook

The Commission strives to ensure that marine mammal populations are maintained globally at their optimum sustainable population levels and as significant functioning elements of healthy marine ecosystems.

In FY 2020 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 novel and ongoing investigations in the field of marine mammal science at research institutions around the world.

In FY 2020 we intend to complete a comprehensive review and update of our strategic plan. The goal is to have a new plan in place for FY 2020-2024. 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 2019 Annual Meeting in Kona, HI.





# Marine Mammal Commission

An independent agency of the U.S. Government

4340 East-West Highway | Room 700 | Bethesda, MD 20814

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