



Marine Mammal Commission

An independent agency of the U.S. Government

Performance and Accountability Report

Fiscal Year 2021



NMFS Permit No. 779-1633-00

November 2021

Table of Contents

1. Message from the Chairman	Pg. 4
2. Mission and Organizational Structure	Pg. 5
3. Financial Analysis: Overview of Commission Finances in FY 2021	Pg. 5
4. Analysis of Systems, Controls, and Legal Compliance	Pg. 7
5. Performance Goals and Results: Commission Accomplishments in FY 2021	Pg. 8
a. Strategic Objective 1	Pg. 8
b. Strategic Objective 2	Pg. 9
c. Strategic Objective 3	Pg. 10
d. Strategic Objective 4	Pg. 10
e. Strategic Objective 5	Pg. 11
f. Overarching Mission Accomplishments	Pg. 12
6. Commission Outlook	Pg. 15



15 November 2021

Message from the Chairman

With this letter, I submit the Commission's Fiscal Year 2021 (FY 2021) Performance and Accountability Report, including financial and program performance results. The performance data in this report are complete and reliable and there are no material inadequacies. 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's work is guided by its Strategic Plan, which helps the agency focus its attention 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 2021 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 fluid and cursive.

Daryl J. Boness, Ph.D.
Chairman

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

Management’s Discussion and Analysis

The Mission of 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. This promotes 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 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/)¹.

Commission Structure

The Commission consists of three Commissioners, a nine-member Committee of Scientific Advisors, and a staff of 14 full-time employees (Fig. 1). A Special Advisor on Native Affairs serves the Commission under contract.

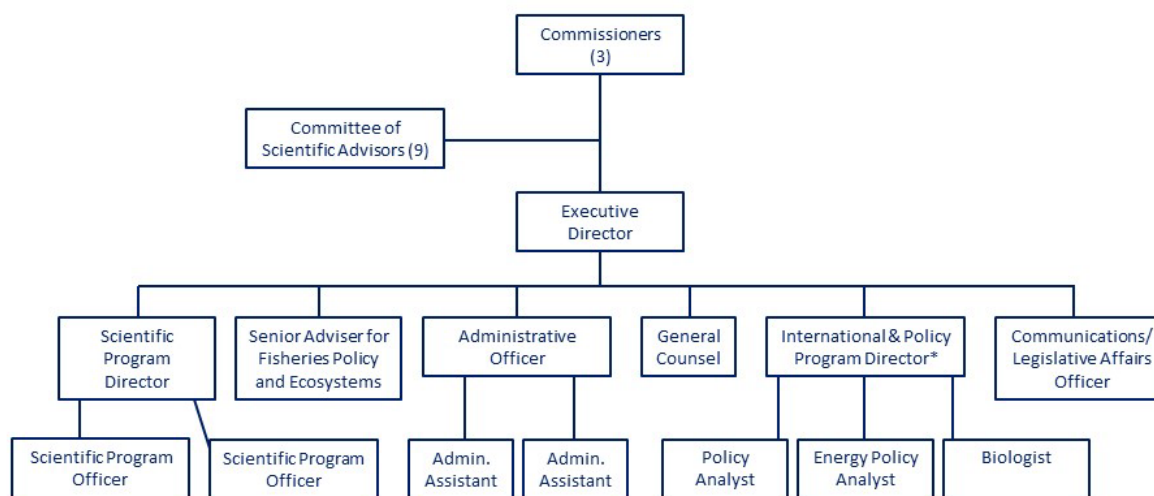


Figure 1. Organizational Structure of the Marine Mammal Commission (**position vacant*)

Financial Analysis: Overview of Commission Finances in FY 2021

The Marine Mammal Commission has no financial management systems. The financial systems are maintained by the USDA, External Services Branch.

¹ <https://www.mmc.gov/about-the-commission/our-mission/>

The Marine Mammal Commission maintains compliance with applicable laws, including the Antideficiency Act. The Administrative Officer has attended appropriations law training, and confers with the Executive Director and General Counsel to ensure that the agency remains in compliance.

Annual Appropriations and Distribution of Funds

Congressional appropriations are the only source of funding for the Commission. Total annual appropriations for the Commission from FY 2017 to 2021 are listed in Table 1. In FY 2021, the Commission's appropriation was \$3,769,000. Approximately 64 percent of the Commission's appropriation was used for salaries and benefits (including salaries for Commissioners and non-federal Committee members, see Commission Structure above), 26 percent for rent, administration, and communications, and 10 percent to fund the Commission's Scientific Program and research grants (Fig. 2). The Commission used its FY 2021 appropriation to meet its general oversight responsibilities as mandated by the MMPA.

Table 1. Annual Appropriations for the Marine Mammal Commission, FY 2016 to 2021

Fiscal Year	Appropriation
2017	\$3,341,000
2018	\$3,431,000
2019	\$3,516,000
2020	\$3,616,000
2021	\$3,769,000

Management of Commission Finances

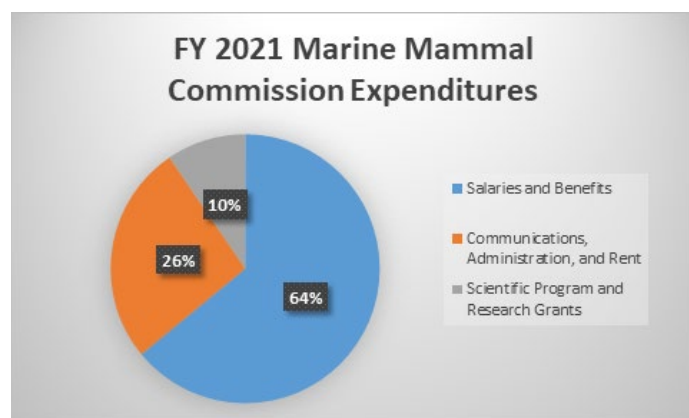


Figure 2. Distribution of Funds Appropriated to the Marine Mammal Commission for FY 2021

The Executive Director oversees and assumes responsibility for all financial transactions. The Administrative Officer manages and is responsible for all day-to-day budgetary matters, including issuing purchase orders, processing time cards, and overseeing invoice payments. The Administrative Officer also works with the Directors of the Scientific Program and the International and Policy Program to oversee expenditures for those programs. An Administrative Assistant processes all paperwork related to invoices and travel expenses and assists the Administrative

Officer in day-to-day management of the Commission's budget. A Scientific Program Officer oversees all day-to-day fiscal transactions related to Commission-sponsored research. The Executive Director works with a team of senior 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 2021. 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 Commission are included in the audit report.



15 November 2021

Analysis of Systems, Controls, and Legal Compliance

The Marine Mammal Commission management is responsible for managing risks and maintaining effective internal control to meet the objectives of Sections 2 and 4 of the Federal Managers' Financial Integrity Act. The Marine Mammal Commission conducted its assessment of risk and internal control in accordance with OMB Circular No. A-123, Management's Responsibility for Enterprise Risk Management and Internal Control. Based on the results of the assessment, the Agency can provide reasonable assurance that internal control over operations, reporting, and compliance were operating effectively as of September 30, 2021.

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

Performance Goals and Results: Commission Accomplishments in FY 2021

The work performed by the Commission is centered around the five strategic objectives outlined in the Commission's [Strategic Plan](#)². Below is a summary of accomplishments for FY 2021 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 economic, scientific, and other activities in the region.

- **Protecting Arctic Marine Mammals, Particularly Species Important to Alaska Natives:** In FY 2021, the Commission provided detailed comments on a U.S. Coast Guard (USCG) Port Access Route Study of Alaska's Arctic waters, and continued to work with other agencies and Alaska Native Organizations on this issue. With reduced sea ice expected in the Arctic, the USCG will continue to evaluate and seek input on routing measures designed to minimize impacts from increasing vessel traffic on marine mammals and the Alaska Natives that depend on them for subsistence. The Commission rigorously analyzed marine mammal distribution and seasonal movements, using data from aerial surveys conducted by the National Marine Fisheries Service (NMFS), and with support from the Bureau of Ocean Energy Management (BOEM). The Commission worked with biologists at NMFS and Duke University to generate a map (Fig. 3), which shows areas vessels should

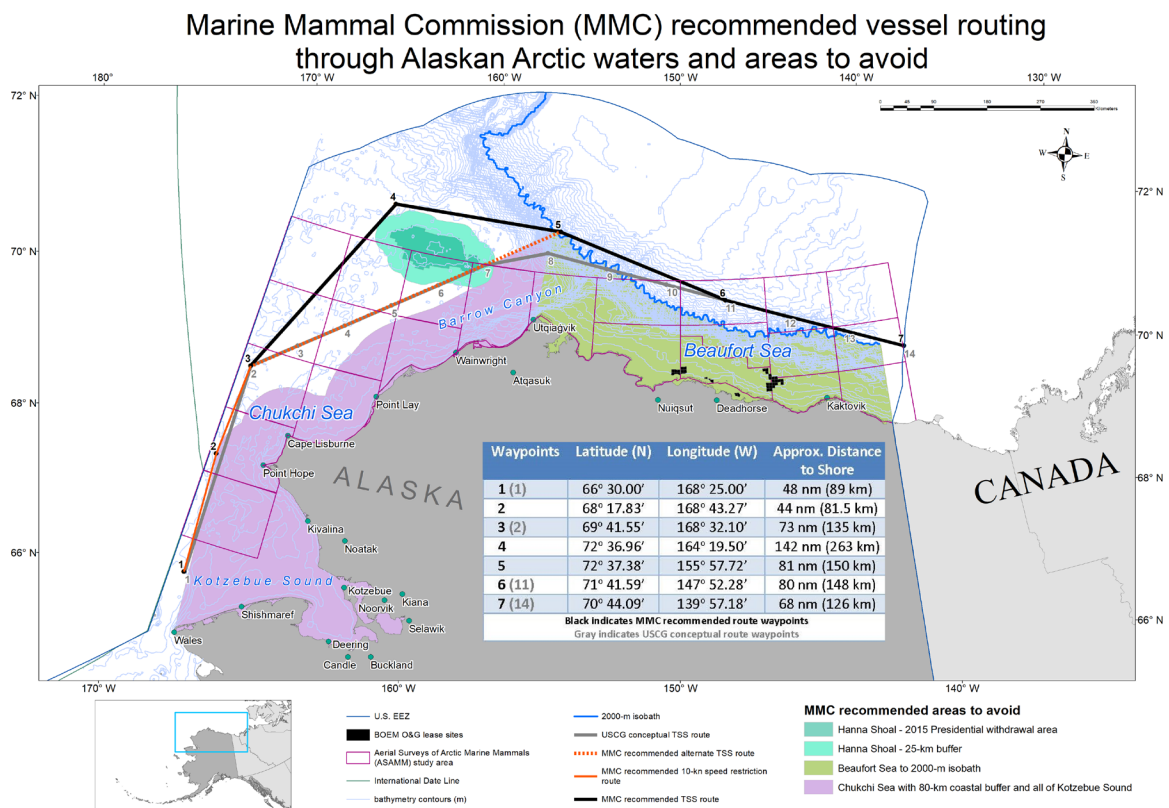


Figure 3: A map of the Commission's recommended route through Alaskan Arctic waters and areas to avoid.

² http://www.mmc.gov/reports/strategic_plans/welcome.shtml

avoid or where vessel speed restrictions should be considered due to the importance of these areas to Alaska Natives and for key species, including bowhead, gray, and beluga whales and walrus. The Commission intends to provide additional comments as new information on ice coverage and marine mammal distributions becomes available.

- **Managing Marine Mammals in Arctic Waters:** Through its membership in the Interagency Arctic Research Policy Committee (IARPC), the Commission 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 and participated in development and implementation of 5-year plans for Arctic research. With the cessation of a 40-year aerial survey program that monitored the distribution, movements, and behavior of bowhead and other whales in the Beaufort and Chukchi Seas, the Commission has continued to work with BOEM, NMFS, USCG, and Alaska Native hunters to identify critical information needs for systematic monitoring of marine mammal abundance and movements to support Alaska Native communities and document the impacts of climate change on marine mammals and their prey.

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.

- **Restoring Marine Mammal Populations Impacted by the Deepwater Horizon Oil Spill:** The Commission has engaged with several other agencies to further restoration efforts for marine mammal populations impacted by the Deepwater Horizon oil spill. In FY 2021, the Commission provided input to the Deepwater Horizon Trustees on region-wide marine mammal restoration projects and on habitat restoration projects for coastal waters of Louisiana. The Commission is also continuing to work with NMFS to develop marine mammal-specific restoration projects for Gulf of Mexico coastal and offshore waters, including the Compilation of Environmental, Threats and Animal data for the Cetacean population health Analyses (CETACEAN) project. The Commission served as a technical advisor for a project to evaluate trophic relationships and critical habitat features for the critically endangered Rice's whale (formerly classified as a stock of Bryde's whale) that occurs off the coast of western Florida. It also served on the steering committee developing a recovery plan for this species.
- **Renewable Energy:** The Commission supports the Administration's efforts to develop offshore wind and other renewable energy sources. As with any emerging industrial activity proposed in U.S. coastal and offshore waters, the development of renewable energy sources should proceed in a thoughtful and deliberate manner, building on lessons learned from other wind energy areas. Primary concerns regarding offshore renewable energy development focus on potential impacts on marine mammals from the construction and operation of wind and wave energy facilities. In FY 2021, the Commission made recommendations concerning research, mitigation, and monitoring priorities related to

renewable energy development and assessed impacts of various proposed offshore renewable energy projects.

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 explore the relationships between marine mammal health and human health and ecosystem services.

- **Marine Mammal Health Monitoring and Analysis Platform (Health MAP):** During FY 2021, the Commission co-led the planning and development of Health MAP, which is designed to maximize the availability and use of marine mammal health information. The platform will eventually give the public, scientists, and resource managers the ability to detect and communicate potential public and animal health risks arising in our changing ocean environment and a tool to help set priorities for management and conservation efforts.



A tagged grey seal (Kimberly Murray, NOAA).

- **Marine Mammal Unusual Mortality Events (UMEs):** In FY 2021, the Commission continued to serve with other federal partners on the Working Group for Marine Mammal Unusual Mortality Events. Investigations of 10 UMEs declared in previous years, including the North Atlantic right whale and gray whale UMEs, remain open. Beginning in December 2020, dead manatees began showing up along Florida's central and south Atlantic coast in much higher numbers than normal. This prompted the declaration of a new UME early in 2021. Almost one thousand manatee deaths have been documented to date. The Commission has provided information to other agencies and Congressional offices on this situation and continues to monitor it closely.

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.

- **Supporting Conservation of Critically Endangered Small Cetaceans:** The Commission staff, Commissioners, and Committee members continued longstanding collaborations with international scientific and conservation teams and initiatives. These efforts include involvement with the Government of Mexico and NOAA's vaquita science team, the international team working to address threats to Mekong River Irrawaddy dolphins in Cambodia, and the Arabian Sea Whale Network. The



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

Commission, in cooperation with the International Whaling Commission (IWC), the International Union for the Conservation of Nature's Cetacean Specialist Group, and other international and national bodies, is striving to build awareness of and design responses to these threats and to supply qualified technical assistance. In FY 2021, the Commission funded a grant to assess the status of two small cetacean species in a biodiversity hotspot off India.

- **Advancing Efforts to Address Large Whale Entanglements:**

The Commission continued to support efforts to address whale entanglements in U.S. coastal waters in FY 2021. The North Atlantic right whale is declining and in danger of extinction, largely due to entanglements in fishing gear and ship strikes. The Commission participates on the Atlantic Large Whale Take Reduction Team (ALWTRT) and works with NMFS on measures to reduce entanglement risks to right whales. The Commission reviews and provides recommendations to NMFS on proposed North Atlantic right whale conservation measures. On the west coast, the Commission has closely tracked and commented on efforts to mitigate entanglements of humpback and blue whales facing similar threat in West Coast Dungeness crab gear. The Commission is promoting and funding the development and testing of “ropeless” gear as the best alternative for reducing whale entanglements in pot fisheries on both coasts and encouraging coordination and effective communication among those developing and otherwise interested in ropeless gear technology in North America and around the world.



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).

- **Advancing Conservation of Rare Pinnipeds:** The Commission has been instrumental in the formation of the Rare Pinniped Conservation Network (RAPCON) and is providing leadership and organizational support. RAPCON is a network to foster sustained collaboration among individuals working to conserve rare pinniped populations globally. The [inaugural meeting](https://www.mmc.gov/wp-content/uploads/RAPCON-Inaugural-Workshop-Agenda-18.10.2019.pdf)³ of this network took place at the 2nd World Marine Mammal Science Conference in Barcelona (December 7, 2019). In 2021, the network continued to grow and expand via a Facebook group, now with 70 members from more than 14 countries. In support of RAPCON goals, the Commission issued a grant to establish a long-term monitoring program for the Guadalupe fur seal, which is listed as threatened under the Endangered Species Act.

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.

- **Impacts of Fishing:** The Commission continued to work closely with federal and state agencies, fishers, scientists, and conservationists to identify and implement measures

³ <https://www.mmc.gov/wp-content/uploads/RAPCON-Inaugural-Workshop-Agenda-18.10.2019.pdf>

designed to reduce incidental serious injuries to and deaths of marine mammals in domestic commercial fishing operations to biologically sustainable levels as mandated by the MMPA and to ensure that fisheries remained in compliance. Further, the Commission worked to understand the importance of prey populations to marine mammals and the impact that fishing has on those resources. The Commission participates on the seven currently active Take Reduction Teams administered by NMFS, and provides analyses of and recommendations on federal agency actions and policies that have the potential to affect fisheries interactions with marine mammals.

- **International Bycatch Issues:** The MMPA requires countries that export fish and fish products to the U.S. (Export Countries) to demonstrate that those fish and fish products were caught using technology that does not result in killing or seriously injuring marine mammals in excess of U.S. standards. The Commission has contributed to the development of analytical tools to assess the impact of marine mammal bycatch and estimate bycatch rates and marine mammal population abundances for use by Export Countries. The Commission also continues to participate in or support bycatch mitigation processes led by international bodies such as the IWC and the Food and Agriculture Organization of the United Nations.

Overarching Mission Accomplishments

A significant portion of the Commission's work cuts across multiple strategic objectives. Examples of some of the Commission's multi-faceted accomplishments in FY 2021 are summarized below.

- **Recommendations on and Reviews of Federal Agency Actions:** Drawing on the extensive expertise of its staff and the technical knowledge of its Committee of Scientific Advisors, the Commission submitted 86 letters to federal agencies and other organizations in FY 2021. The letters provided comments and specific recommendations on agency proposals and other actions designed to conserve marine mammals and further the policies of the MMPA, the Endangered Species Act, the National Environmental Policy Act, and related laws. The Commission's letters often recommended measures to minimize the impacts on marine mammal species and stocks and their habitats from proposed human activities such as commercial fishing, military operations, marine construction, offshore energy development (oil and gas and renewable energy), 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 minimizing impacts on marine mammals.
- **Furthering Marine Mammal Science and Management in the Gulf of Mexico Region despite COVID-19:** The Commission and its Committee of Scientific Advisors held a virtual meeting on marine mammal science and management issues pertaining to the Gulf of Mexico. Specifically, the meeting focused on and solicited input from presenters and panelists from federal agencies, state governments, academia, the fishing industry



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

and other businesses, and NGOs concerning impacts of low salinity on bottlenose dolphins. The Commission designed the meeting to inform its recommendations on the proposed Mid-Barataria Sediment Diversion project in Louisiana, and help address the potential effects of that project on the Barataria Bay stock of common bottlenose dolphins.

- **Surveying Federally-Funded Research:** The Commission manages an online survey and data repository to collect and collate information on federal funding of marine mammal research by agency, species, objective, and location to help fulfill its duties under the MMPA. The Commission employs the survey to identify gaps in marine mammal research effort or funding, illuminate areas of strength in federal research investment, and inform recommendations on needed agency actions and budget priorities. In FY 2020, the Commission launched a new survey platform, designed with interagency input, to make data reporting easier. In FY 2021, the Commission completed the second year of data collection with the new platform and has released the results of the both the [FY2019](#)⁴ and [FY2020](#)⁵ surveys on the Commission's website.
- **Advancing Marine Mammal Research:** In FY 2021, the Commission funded eight new research projects that will further the conservation and management goals of the MMPA and assist the Commission in fulfilling its duties under the Act. Researchers submitted 120 proposals for consideration and eight were funded through the competitive funding opportunity for a total of \$250,000. The funded proposals are:
 - Assessing the status of two coastal cetacean species in a marine biodiversity hotspot off the west coast of India
 - Whales from space: Designing a standardized workflow to annotate whales and confounding features in very high resolution satellite images to assist the development of automated whale detection systems
 - Initiation of a long-term Guadalupe fur seal (*Arctocephalus townsendi*) population monitoring program
 - Advancing whale conservation and outreach with sustainable infrastructure for WhaleMap
 - Migratory patterns and overwintering areas of the world's rarest whale, the North Pacific right whale (*Eubalaena japonica*)
 - Design for an international virtual fishing gear marking system to reduce whale entanglements
 - Preventing whale entanglements through gear innovations in the California commercial Dungeness crab fishery
 - Internships program for diversity and inclusion in marine mammal science

In addition to projects funded under the competitive funding opportunity, the Commission provided support (totaling \$60,000 to relevant meetings and professional conferences focused on ocean science, marine mammal biology and impacts to marine mammal species:

- Sixth International Conference on the Effects of Noise on Aquatic Life

⁴ <https://www.mmc.gov/grants-and-research-survey/survey-of-federally-funded-research/fy-2019-results-summary/>

⁵ <https://www.mmc.gov/grants-and-research-survey/survey-of-federally-funded-research/fy-2020-results-summary/>

- Seventh International Meeting on the Effects of Sound in the Ocean on Marine Mammals
- The 24th Biennial Conference on the Biology of Marine Mammals
- Publication of the Conference Proceedings of the Eleventh International Conference on Marine Mammals of the Holarctic
- Capitol Hill Oceans Week 2021

For more information about the funded projects, visit our [FY 2021 Grants Award page](#)⁶.

- **Animal Telemetry Network Brings Together Global Tracking Data:** During FY 2021, the Commission continued its participation in the Animal Telemetry Network ([ATN](#)⁷) and co-chaired the Steering Group. This Group oversaw ongoing development of the data portal, which was designed to increase the availability of standardized tracking data to multiple stakeholders, convened regional workshops, and continued to fund four ATN baseline projects.
- **Data Sharing:** The Commission continues to work with local, state, tribal, regional, national, and international partners to identify ocean observations essential for evaluating and monitoring the health of marine mammals and the ocean ecosystems of which they are a part. The Commission facilitates the sharing of data and information on essential ocean observations, advocating for a “measure once, use often” philosophy.
- **Marine Mammals in the Global Ocean Observing System (GOOS):** The Commission has been involved in identifying Essential Ocean Variables (EOVs) for the GOOS Biology and Ecosystems Panel. The Commission is involved in revising the [specification sheet for the marine mammal EOV](#)⁸ and developing implementation plans to establish a globally sustained observing system for this EOV. Ultimately, the EOVs will improve our ability to monitor marine mammals and understand their functional roles in the ecosystem at local, regional, national, and global scales. This will enhance efforts to meet the goals of the MMPA. Marine mammals are also a key component of the newly endorsed GOOS network for Animal Borne Ocean Sensors (AniBOS). The Commission was involved in efforts to officially recognize the network in 2021 and the agency will play a role in formally implementing the network in the coming years. Data and information from the ATN will be integrated into this global network.
- **Commission Tops Employee Engagement and Satisfaction Ratings:** The Commission received the highest government-wide engagement scores in the 2020 Federal Employee Viewpoint Survey for "Employee Engagement". This voluntary survey, conducted annually by 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 2020, the Commission received top marks for the fourth time since 2016.

⁶ <https://www.mmc.gov/grants-and-research-survey/grant-awards/2021-grant-awards/>

⁷ <https://ioos.noaa.gov/project/atn/>

⁸ <http://goosocean.org/eov>

Commission Outlook

Consistent with the purposes and policies of the MMPA, the Commission strives to ensure that global marine mammal populations are maintained at their optimum sustainable population levels and as significant functioning elements of healthy marine ecosystems.

In FY 2022, 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 other agencies, industry, foundations, and NGOs to facilitate participation of key stakeholders and experts to promote the success of 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 initiated a review of our strategic plan. We completed a comprehensive review and updated the plan in FY 2021. The new strategic plan will be implemented in FY 2022 to guide agency activities in FYs 2022-2026. 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.



Marine Mammal Commission

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