



Marine Mammal  
Commission

An independent agency of the U.S. Government

# Performance and Accountability Report

## Fiscal Year 2022



November 2022



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15 November 2022

### **Message from the Chair**

With this letter, I submit the Commission's Fiscal Year 2022 (FY 2022) 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 2022 Performance and Accountability Report to the Office of Management and Budget.

Respectfully,

A handwritten signature in black ink, which appears to read "F Gulland".

Frances M.D. Gulland, Vet. M.B. Ph.D.  
Chair



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 provided 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/)<sup>1</sup>.

**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.

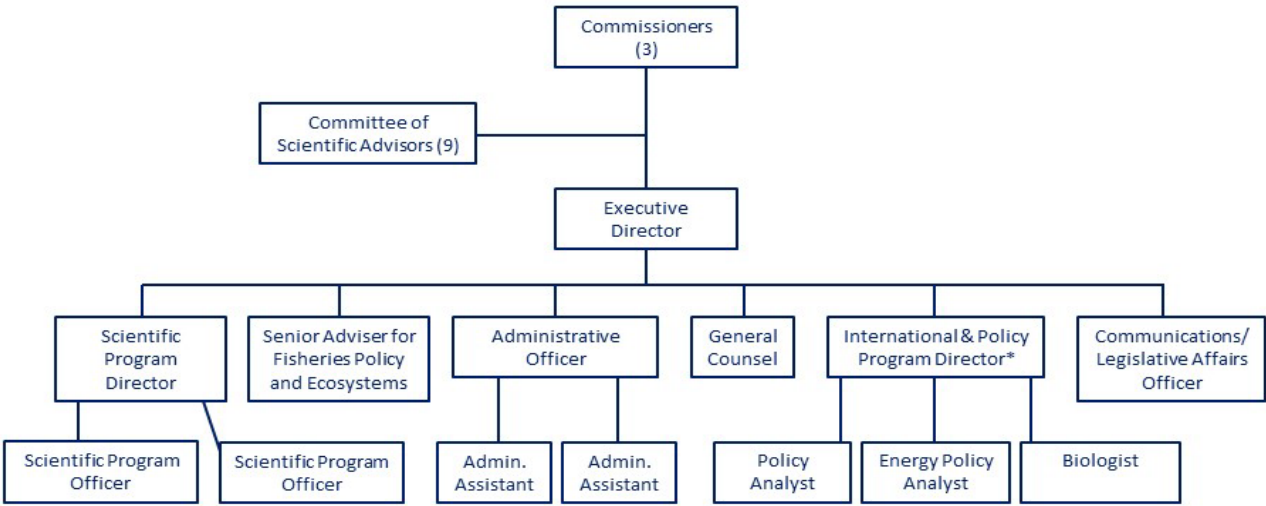


Figure 1. Organizational Structure of the Marine Mammal Commission (\*position vacant)

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

Financial Analysis: Overview of Commission Finances in FY 2022

The Marine Mammal Commission’s electronic financial systems are maintained by the USDA, External Services Branch. The financial systems are maintained by the USDA, External Services Branch. The Commission did not receive any COVID-related budgetary resources in FY22.

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

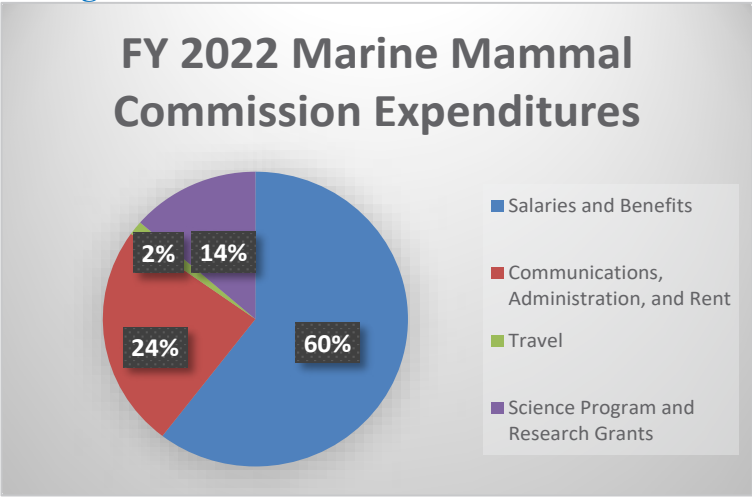
Annual Appropriations and Distribution of Funds

Congressional appropriations are the only source of funding for the Commission. The Commission used its FY 2022 appropriation to meet its general oversight responsibilities as mandated by the MMPA. Total annual appropriations for the Commission from FY 2018 to 2022 are listed in Table 1. In FY 2022, the Commission’s appropriation was \$4,200,000. Approximately 60 percent of the Commission’s appropriation was used for salaries and benefits (including salaries for Commissioners and non-federal advisory Committee members, see Commission Structure above), 24 percent for rent, administration, and communications, 14 percent to fund the Commission’s Scientific Program and research grants, and 2 percent for travel (Fig. 2).

Table 1. Annual Appropriations for the Marine Mammal Commission, FY 2018 to 2022

Fiscal Year	Appropriation
2018	\$3,431,000
2019	\$3,516,000
2020	\$3,616,000
2021	\$3,769,000
2022	\$4,200,000

Management of Commission Finances



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. 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 2022. 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 2022

### **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 was operating effectively as of September 30, 2022.

Respectfully,

A handwritten signature in black ink, which appears to read "F Gulland".

Frances M.D. Gulland, Vet. M.B. Ph.D.  
Chair



## Performance Goals and Results: Commission Accomplishments in FY 2022

The work performed by the Commission is centered around the five strategic goals set forth in the Commission's [Strategic Plan](#)<sup>2</sup>. Below is a summary of accomplishments for FY 2022 under each strategic goal.

### Provide Policy and Legal Oversight

- **Regulatory Agency Relationships:** In FY 2022, the Commission worked proactively with relevant regulatory agencies to ensure that emerging or ongoing issues were addressed expeditiously. It also worked with those regulatory agencies to help streamline the regulatory process. The federal agencies and their components with which the Commission engaged most frequently are the National Marine Fisheries Service (NMFS), National Ocean Service (NOS), U.S. Fish and Wildlife Service (FWS), the Bureau of Ocean Energy Management (BOEM), U.S. Coast Guard (USCG), Department of State, and the U.S. Navy. It also engaged frequently with state agencies, coastal Native American Tribes, and Alaska Native Organizations.
- **Implementation of the MMPA:** The Commission worked with agencies to promote faithful and effective implementation of the MMPA by fostering a science-based, fully-informed regulatory process that adheres to Congressional directives and considers relevant stakeholder views. For example, the Commission reviewed and commented on proposed incidental take authorizations and associated National Environmental Policy Act (NEPA) documents to assess potential impacts on marine mammals and to ensure appropriate mitigation measures are included to minimize those impacts. The Commission also reviewed and commented on permit applications submitted under the MMPA, including all scientific research permit applications, to ensure that the proposed research was *bona fide* and the taking of marine mammals was humane. In addition, the Commission continued to provide advice concerning a proposed waiver of the MMPA's taking moratorium that would authorize the Makah Tribe to hunt gray whales. Further, the Commission made recommendations concerning statutory requirements relating to reducing mortality and serious injury of marine mammals incidental to commercial fisheries and the preparation of stock assessment reports.
- **Science-Based Recommendations:** The Commission worked with other federal agencies to identify and support critical research that promotes well-informed decisions concerning marine mammal programs, including those designed to reduce threats from fisheries, climate change, offshore energy development, and other coastal and offshore activities. For example, the Commission provided recommendations to BOEM on its Environmental Studies Program regarding the need for ecosystem-wide protected species assessment programs, enhanced geoacoustic modeling, and studies on the effect of complex sounds on marine mammals and the effects of wind energy development on North Atlantic right whales.

### Improve Population Assessment and Health Surveillance

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<sup>2</sup> <https://www.mmc.gov/wp-content/uploads/Marine-Mammal-Commission-FY22-26-Strategic-Plan.pdf>

- **Marine Mammal Stock Assessments:** The Commission participated in review and evaluation of all aspects of assessing the health and status of marine mammal stocks, as required under section 117 of the MMPA. This included reviewing annual draft stock assessment reports, participating in regional scientific review group meetings, and developing strategic recommendations or plans in collaboration with other agencies to improve the information used to meet section 117 requirements.
- **Climate Change Assessment:** The Commission led a peer-reviewed scientific assessment of current knowledge about the impacts of climate change on marine mammals in U.S. waters, including species and stocks shared with Canada and Mexico. To build upon this effort, the Commission continued to formulate recommendations for additional research and conservation measures, consult with other agencies to strengthen assessment methodologies, and integrate climate research elements into the MMPA's stock assessment process. The Commission's goal is to summarize what is known about climate change impacts on marine mammals and identify related research needs and funding priorities in a format suitable for policy-makers, managers, private foundations, non-scientists, and the public.
- **Marine Mammal Health Monitoring and Analysis Platform (or Health MAP):** The Commission has been co-leading the development of Health MAP, which is designed to maximize the availability and use of marine mammal health information. The Commission also worked with the NMFS Marine Mammal Health and Stranding Response Program to highlight the need for enhanced marine mammal health surveillance across U.S. coastline to detect impacts of climate change on marine mammal populations. The Health MAP platform will give the public, scientists, and resource managers the ability to detect and communicate potential public and animal health risks and will inform the setting of priorities for related management and conservation efforts.
- **Restoration Efforts in the Gulf of Mexico:** The Commission has engaged at many levels to further efforts to restore Gulf of Mexico marine mammal populations impacted by the Deepwater Horizon oil spill. In FY 2022, the Commission provided recommendations to the Deepwater Horizon Trustees on marine mammal restoration projects in Mississippi state waters and worked with NMFS on implementation and monitoring of approved marine mammal-specific restoration projects. The Commission also served as an advisor to a multiagency-funded project to inform restoration efforts and improve assessments of coastal and offshore marine mammals in the Gulf of Mexico through the deployment of passive acoustic monitoring devices throughout the Gulf, including in Mexican waters.
- **Marine Mammal Unusual Mortality Events:** The Commission, along with other federal agencies, served on the Working Group on Marine Mammal Unusual Mortality Events (UMEs). Recent marine mammal UMEs highlight the need to monitor marine mammal health and integrate that information into interagency efforts to promote a One Health approach to wildlife disease surveillance, which would enhance our ability to identify



California sea lions (The Marine Mammal Center).

relationships among animal health, human health, and the environment. The benefits of a One Health approach are exemplified by the recently declared UME involving harbor and gray seals off the coast of Maine. Seals are dying from highly pathogenic avian influenza, H5N1, which was previously detected in some poultry, wild birds, and other wild mammals and has the potential to be transmitted to people and pets. Other ongoing UMEs are of concern due to the critically endangered status of the affected population (North Atlantic right whale deaths along the east coasts of the United States and Canada) and the potential association of such events with climate change (e.g., gray whale UME on the west coast, manatee UME along the east coast of Florida).

### **Assess and Address Threats Facing Marine Mammals**

- **Impacts of Fishing:** During FY 2022, the Commission worked closely with federal and state agencies, fishermen, scientists, and representatives of conservation organizations to identify and implement measures designed to reduce the number of deaths and serious injuries of marine mammals that occur incidental to commercial fishing to biologically sustainable levels, as mandated by the MMPA. The Commission participates on all seven currently active Take Reduction Teams established by NMFS, assesses and provides recommendations on federal actions and policies related to managing interactions between fisheries and marine mammals, and sponsors research and workshops looking for innovative solutions to reduce interactions of marine mammals with commercial fishing gear. Further, in FY 2022, the Commission continued its work to understand the importance of fish populations as prey for marine mammals and the impact that fishing may be having on prey availability.
- **North Atlantic Right Whales:** Entanglement in fishing gear (traps/pots and gillnets) and vessel strikes are the two main threats to the survival and recovery of the critically endangered North Atlantic right whale. In the ongoing UME involving North Atlantic right whales, 34 human-caused deaths have been confirmed since 2017, along with 20 serious injuries that are more likely than not to lead to the animal's death. Although 15 right whale births during the 2022 calving give some hope for eventual recovery of the species, its population remains precariously low at just 336 individuals—a decline of 28 percent in the past five years. In FY 2022, the Commission participated on the Atlantic Large Whale Take Reduction Team, made recommendations to NMFS on changes to take-reduction regulations needed to bring them into compliance with requirements of the MMPA and the Endangered Species Act, supported a transition to whale-safe, “on-demand” fishing gear, and provided advice to Congress on legislative initiatives and funding priorities. The Commission also reviewed and provided recommendations on proposed improvements to programs and regulations directed at reducing vessel strikes, the other main source of right whale deaths and serious injuries.

- International Efforts to Conserve other Endangered Cetaceans:** The Commission continued its longstanding collaborations with teams of international scientists and conservationists on initiatives aimed at reducing threats to some of the world's most at-risk marine mammal species and stocks. For example, the Commission participated on the U.S. team working with the Government of Mexico and others to prevent extinction of the vaquita, collaborated with the international team addressing threats to Mekong River Irrawaddy dolphins in Cambodia, and supported rapid response to a sudden mortality event of southern right whales females in the calving grounds at Peninsula Valdés, Argentina. The Commission continued to pursue efforts to build international awareness of threats to marine mammals, particularly through its work with the International Whaling Commission (IWC), the International Union for the Conservation of Nature's Cetacean Specialist Group, and other international and national bodies that can benefit from expert technical assistance. In FY 2022, the Commission again directed some of its grants to support international projects on issues or species of concern.
- Renewable Energy:** The Commission supports the Administration's goal to deploy 30 gigawatts of offshore wind power by 2030. As federal agencies work to achieve that goal, care must be taken to minimize the impacts of wind energy development on marine mammals and other marine resources. To that end, the Commission continued to work with federal and state agencies, industry, nongovernmental organizations, and academics to identify research and monitoring priorities to secure the information needed for informed review and assessments of ongoing and planned offshore wind and other renewable energy projects.
- Southern Resident Killer Whale:** The Commission continued to monitor, assess, and provide advice regarding the ecological link between endangered and declining Southern Resident killer whales and their preferred prey, Chinook salmon. It also transmitted recommendations to management agencies to promote restoration of key salmon populations, protection of critical Southern Resident killer whale foraging grounds, and reduction of impacts from vessel disturbance and contaminants.
- Sea Otters:** The Commission has been tracking proposals to expand the range of sea otters on the West Coast and in FY 2022 worked with FWS on its "Feasibility Assessment: Sea Otter Reintroduction to the Pacific Coast," called for under the Consolidated Appropriation Act for 2021. The Commission supports further consideration of otter reintroduction proposals and related research into the contributions of sea otters to coastal ecosystem health, carbon storage, ecotourism, and coastal economies, both in Oregon and in states with extant sea otter populations (Alaska, Washington, and California).



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




## Improve Marine Mammal and Ecosystem Research

- **Small Grants Program:** With a relatively modest budget, the Commission's Grants and Research program has filled an important niche in marine mammal research for many years by funding novel, low-cost, small-scale projects. The Commission is currently supporting 34 active research projects targeting marine mammal conservation, protection, and management, including eight new grants awarded in FY 2022 that focus on climate change effects on marine mammals. Funded projects typically align with the Commission's MMPA duties and strategic objectives, and include topics such as emerging technologies (e.g., ropeless fishing gear and artificial intelligence), community engagement and social science, critical or emergent issues (species of conservation concern, specific geographic regions), threat reduction, filling data gaps and improving data quality and accessibility, and measuring success of implemented actions.
- **Survey of Federally Funded Marine Mammal Research (the Survey):** 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. The Commission employs the Survey to identify gaps in 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 2022, the Commission completed the third year of data collection with the new platform and has released the results of the FY 2019, FY 2020, and FY 2021 surveys on the Commission's website.
- **Arctic Marine Mammal Research:** As a member of the Interagency Arctic Research Policy Committee (IARPC), the Commission continued to support 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 served on the Administration's Bering task Force, contributed to the development and implementation of the IARPC Arctic Research Plan 2022-2026 and supported IARPC's newly-hired Indigenous Communications and Engagement Specialist on ways to engage Alaska Native communities in Arctic research.
- **Rice's Whale:** The Commission continued to work with NMFS to identify critical habitat features off the coast of western Florida and other areas in the Gulf of Mexico for Rice's whale (a recently described species formerly thought to be a population of Bryde's whale). The Commission worked with NMFS in FY21 to convene a series of workshops to identify and develop information needed to prepare a recovery plan for this critically endangered species and subsequently has cooperated with NMFS to incorporate that information into the plan that is under development. The Commission also contributed to efforts to engage external partners in research, monitoring, and public outreach for Rice's whale, the only resident population of baleen whales in the Gulf of Mexico.



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

## Engage with Marine Mammal Protection Act Stakeholders

- **Collaboration with Agencies:** The MMPA was enacted into law on 21 October 1972, and the Commission, along with NMFS and FWS, the other two agencies with primary responsibility for implementing the MMPA, have during FY 2022 collaborated in a series of briefings and other events to celebrate its 50<sup>th</sup> anniversary and call attention to its conservation successes. Also during FY 2022, the Commission sent more than 50 oversight letters to other agencies making recommendations related to implementation of the MMPA and related laws. The Commission collaborated with and supported the work of those agencies in a number of other ways. For example, the Commission assisted NMFS in developing take-reduction plans for fisheries that kill or injure marine mammals (e.g., North Atlantic right whale, West Coast humpback whales, Hawaiian false killer whales, and Gulf of Maine harbor porpoise) at rates that merit concern. The Commission also frequently works with NMFS and FWS to develop and implement recovery plans for endangered and threatened species (e.g., Cook Inlet beluga whales), understand and reduce the potential adverse impacts of human activities (e.g., offshore wind energy and oil and gas development) on marine mammals, and, more generally, supports NMFS and FWS in their implementation of the MMPA.
- **Legislative Affairs:** During FY 2022, the Commission continued to serve as a resource for Congress on a variety of marine mammal issues. It responded to inquiries from Congressional committees and offices, consulted with and provided briefings for member offices, offered technical drafting assistance, and worked through the OMB legislative review process to formulate Administration testimony and views on proposed legislation and recommended measures to further the policies of the Marine Mammal Protection Act. In FY 2022, the Commission also pursued efforts in support of President Biden's nominees for Commissioners of the Marine Mammal Commission.
- **Promoting Co-Management:** The Commission tracked Alaska Native co-management issues through participation in meetings of the Indigenous People's Council for Marine Mammals, the Ice Seal Committee, the Alaska Beluga Whale Committee, the Alaska Eskimo Whaling Commission, and the Aleut Marine Mammal Commission. The Commission also served as an advisor to the Chugach Regional Resources Commission, an Alaska Native Tribal organization located in the Prince William Sound area to develop methods for assessing marine mammal stocks and obtaining better information on subsistence activities, and gather information needed to fashion formal co-management agreements with NMFS and FWS. The Commission is represented on the U.S. delegation to the International Whaling Commission and serves on the inter-agency team that develops U.S. positions on whaling issues, especially those regarding Aboriginal Subsistence Whaling. The Commission also serves on U.S. delegations to meetings of the polar bear Range States (the parties to the Agreement on the Conservation of Polar Bears), which reviews progress on implementing the Circumpolar Action Plan and discusses research and management activities of mutual interest, and to meetings of the U.S.-Russia Polar Bear Commission, which jointly manages

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



the shared Chukchi Sea polar bear population; however, due to the pandemic and other considerations, no meetings of these bodies were held in FY 2022.

- **Tribal Consultation:** During FY 2022, the Commission completed its review of and revision to its tribal consultation action plan pursuant to Executive Order 13175 and subsequent Presidential memoranda, including President Biden's 26 January 2021 memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships. Revisions to original action plan, developed in 2010, benefitted from further consultations on the plan with Alaska Native organizations and tribal representatives from Alaska and Washington. The Commission is a member of the Administration's newly established Bering Task Force, which is working with the Bering Sea Intergovernmental Tribal Advisory Council. The Commission continued to consult on agency actions as appropriate, and promote consultation efforts by other federal agencies.

## Commission Outlook

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

In FY 2023, 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.



# Marine Mammal Commission

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