



# MARINE MAMMAL COMMISSION

FY 2022

CONGRESSIONAL JUSTIFICATION

MARINE MAMMAL COMMISSION

May 28, 2021

## MARINE MAMMAL COMMISSION Fiscal Year 2022

### Budget Request Summary

The Marine Mammal Commission (Commission) is an independent federal agency established by the Marine Mammal Protection Act of 1972 (MMPA) to further the conservation of marine mammals and their environment. We work to ensure that marine mammal populations are restored and maintained as functioning elements of healthy marine ecosystems in the world's oceans. We carry out our mission by providing independent, science-based oversight of domestic and international policies and actions related to marine mammals, including those of other federal agencies with impacts on marine mammals and their ecosystems. Our role is unique—we are the only U.S. agency that provides comprehensive oversight of all science, policy, and management actions affecting all species of marine mammals.

In FY 2022 **the Commission requests \$4.2 million** to continue to meet its responsibilities under the MMPA and to further mission critical objectives and support priority projects. This request is a \$431,000 (11.4 percent) increase over the Commission's FY 2021 enacted appropriation level. The majority (85 percent) of the Commission's FY 2022 budget request would be used to maintain its office and the staff necessary to carry out the Commission's responsibilities. The remaining amount (15 percent) would be used to support the Commission's marine mammal research program and essential Commission representation at meetings and other events.

### Background

Title II of the MMPA created the Commission as an independent agency of the Executive Branch. The Commission consists of three members appointed by the President with the advice and consent of the Senate. The Commission is assisted by a nine-member Committee of Scientific Advisors on Marine Mammals (Committee) and a complement of 14 full-time permanent staff, which includes the Commission's Executive Director.

Section 202 of the MMPA set forth seven Commission duties which include regular review of domestic and international actions to implement the MMPA, such as stock assessments, regulatory documents, policy guidance, and scientific research. The Commission is charged with making recommendations to other agencies on measures it deems necessary or desirable to further the policies of the MMPA, including provisions for protecting the interests of Indians, Aleuts, and Eskimos residing in Alaska whose livelihoods may be adversely affected by actions taken under the Act.

To fulfill its duties, the Commission reviews and makes recommendations on the domestic and international policies and actions of federal agencies to ensure that they are consistent with the MMPA. Marine mammals are subject to multiple human-related risk factors including direct and indirect fishery interactions, climate change, vessel strikes, noise, disease, contaminants, marine debris, harmful algal blooms, dead zones, and coastal development. To identify and characterize risk factors and minimize harm to marine mammals from human activities, the Commission consults with other federal agencies, such as the National Oceanic and Atmospheric Administration (NOAA), NOAA's National Marine Fisheries Service (NMFS), the Fish and Wildlife Service (FWS), the Navy (USN) and the Bureau of Ocean Energy Management (BOEM), state agencies (e.g., various departments of fish, game, or wildlife), and tribal organizations (e.g., the Indigenous People's

Council on Marine Mammals and species/region-specific Alaska Native Organizations). The Commission reviews numerous environmental analyses and applications seeking authorizations for the incidental taking of marine mammals during military, oil and gas, geophysical, construction, and research activities. The Commission also helps develop and coordinate multi-agency and international research and management initiatives to facilitate marine mammal protection and conservation. In all its work, the Commission seeks to be a source of useful information, catalyze critical marine mammal research, and provide independent and objective oversight over domestic and international actions impacting marine mammals and their environment.

The Commission seeks to be as inclusive as possible in carrying out its mission and, in furtherance of E.O. 13985, undertakes equity assessments and planning, including relevant consultations with representatives of those in historically underserved and marginalized communities. The Commission advances these goals through agency-specific actions and by following the policies, practices, and requirements of the larger administrative agencies that provide administrative services. In keeping with the limited scope of its programs, and its tribal consultation responsibilities under E.O. 13175, the Commission focuses particular attention on consultations with and outreach to tribal governments and with Alaska Native Organizations authorized to represent those tribes on marine mammal issues, and more broadly within Alaska Native communities that depend on marine mammals for their livelihoods.

### ***Statutory Duties***

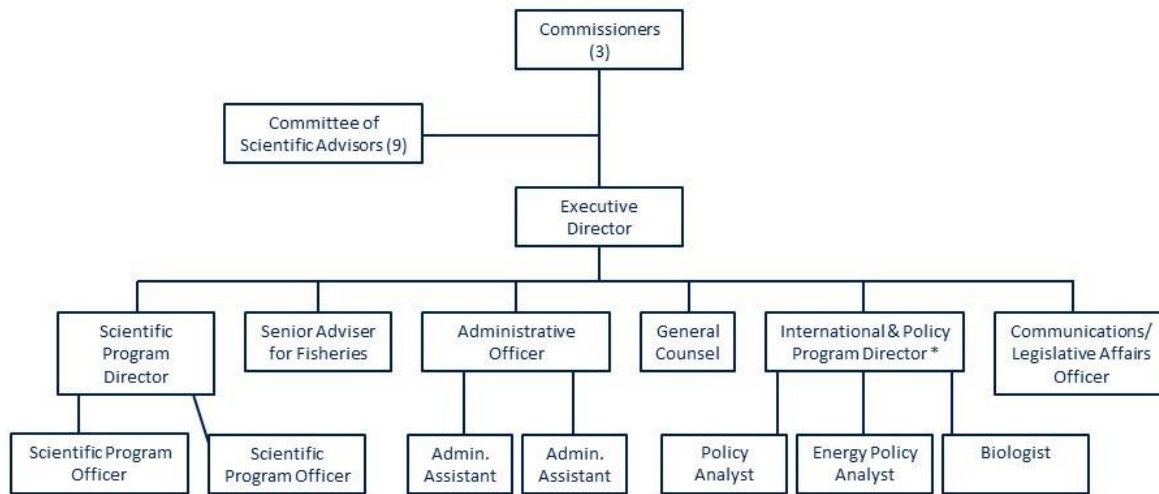
The Commission is charged with fulfilling basic statutory duties as set forth in section 202 and other sections of the MMPA, which include the following:

- Reviewing all marine mammal stock assessment reports and related documents prepared by NMFS and the FWS;
- Reviewing applications for authorizations to take marine mammals incidental to activities other than commercial fisheries (e.g., oil and gas development, seismic studies, military exercises, coastal development projects) under section 101(a)(5) of the MMPA;
- Reviewing all scientific research and other permit applications involving the taking of marine mammals, as required under section 101(a)(1) of the MMPA, and supporting key research projects focused on matters critical to marine mammal conservation and management;
- Consulting with the Department of State, NOAA, and FWS regarding international agreements pertaining to marine mammals and research and management measures needed to promote marine mammal conservation in foreign jurisdictions and in international waters;
- Reviewing all proposals for listing, or changing the listing status, of marine mammals under the Endangered Species Act (ESA);
- Enhancing and monitoring the effectiveness of recovery programs for endangered, threatened, and depleted species such as the Hawaiian monk seal, Cook Inlet beluga whale, southern resident killer whale, western Steller sea lion, North Atlantic right whale, North Pacific right whale, southern sea otter, polar bear, bearded and ringed seals, and West Indian manatee;
- Promoting co-management of marine mammals taken for subsistence purposes by Alaska Native Organizations pursuant to section 119 of the MMPA, as well as effective

implementation of tribal consultation requirements established under Executive Order 13175; and

- Facilitating development of research and management capacity in foreign countries focused on endangered marine mammal species and stocks (e.g., vaquita, freshwater dolphins, and Arabian Sea humpback whales).

### **Organization**



\* Position currently vacant

### **Strategic Plan**

The Commission continues to operate under the [Strategic Plan for 2015-19](#)<sup>1</sup>, which provides a vision and clear guidance for future work by the Commission. Comprehensive strategic planning requires being able to plan into the future, which was not possible under the agency elimination proposal in the President’s Budgets for FY 2018-21. Priorities under each of the five objectives of our FY 2015-19 strategic plan are established annually under the leadership of the three Commissioners in consultation with the Committee of Scientific Advisors. New priorities meant to address the most important issues facing marine mammals and the agencies responsible for implementing the MMPA will be developed in FY 2022, along with the release of our FY 2022-26 strategic plan.

Strategic Goal: The Commission’s strategic goal is to promote the protection and conservation of marine mammals as significant functioning elements of healthy marine ecosystems through science-

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<sup>1</sup> [http://www.mmc.gov/reports/strategic\\_plans/welcome.shtml](http://www.mmc.gov/reports/strategic_plans/welcome.shtml)

based mitigation and monitoring of anthropogenic impacts on marine mammal populations and their ecosystems.

The five strategic objectives are to ensure that:

- (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;
- (2) Scientifically robust mitigation and monitoring measures are developed, refined, and implemented in order to prevent, minimize, or mitigate the impacts of offshore oil and gas and renewable energy activities on marine mammals and their ecosystems;
- (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;
- (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; and
- (5) Impacts of human activities on marine mammals and their ecosystems are better understood, and the management of those impacts is improved through enhanced scientific research, policy analysis, and information dissemination.

These strategic objectives guide the Commission's work, which includes overseeing federal agency activities, facilitating interagency and public-private collaboration, funding research, and identifying and developing agendas for the Commission's annual meetings, Capitol Hill briefings, and other Commission events.

### **Recent Accomplishments**

In FY 2021 the Commission was appropriated \$3.769 million. We increase our reach by leveraging resources and expertise from other federal and state agencies, academia, industry, non-governmental organizations and other key partners. Examples of recent accomplishments include:

- *Marine Mammal Health Monitoring and Analysis Platform (Health MAP):* During 2020, the Commission continued its work to develop Health MAP through participation on four expert working groups whose efforts focused on the Gulf of Mexico ([GulfMAP<sup>2</sup>](#)) in collaboration with marine mammal stranding network members supported by the National Fish and Wildlife Foundation. The Commission continued to play a leadership role in these activities, with one of its Commissioners and the Scientific Program Director serving on the Health MAP steering committee.

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<sup>2</sup> <https://www.mmc.gov/priority-topics/marine-mammal-health-and-strandings/marine-mammal-health-and-monitoring-analysis-platform-marine-mammal-health-map/#gulfmap>

- *Restoring the Gulf of Mexico:* The Commission has engaged at many levels to further activities to restore Gulf of Mexico marine mammal populations impacted by the Deepwater Horizon oil spill. In FY 2021, the Commission provided input to the Deepwater Horizon Trustees on marine mammal restoration projects for region-wide areas and coastal waters of Louisiana, and has worked with NMFS on developing marine mammal-specific restoration projects. The Commission also reviewed and commented on proposed restoration projects that have the potential to harm nearshore bottlenose dolphins and manatees incidental to their implementation. Additionally, the Commission serves as a technical advisor for a project to evaluate trophic relationships and critical habitat features for the small population of Rice's whale (formerly known as Bryde's whale) that occurs off the coast of western Florida. This is the only resident population of baleen whales in the Gulf of Mexico and was significantly impacted by the oil spill. It was recently listed as endangered under the Endangered Species Act and the Commission is working with NMFS on the development of a recovery plan. The Commission is also serving as an advisor to a BOEM-funded project to improve assessments of coastal and offshore marine mammals in the Gulf of Mexico through the deployment of passive acoustic monitoring devices throughout the entire Gulf.
- *Vaquita Conservation:* The Commission continued to support Mexican efforts to conserve and monitor the status of the vaquita, a small porpoise species endemic to the northern Gulf of California, Mexico. Rampant illegal gillnet fishing for an endangered fish, the totoaba, presents a continuing entanglement threat to vaquitas. The failure to develop and transition to 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 acoustic monitoring, supported in part by the Commission, indicate that a small number of vaquitas persists in the northern Gulf of California. Commission staff, Commissioners, and Committee members continued longstanding collaborations and consultations with Mexico's vaquita science team and with NOAA scientists and administrative officials – providing authoritative, publicly accessible plans and updates on vaquita science and conservation. The Commission directed FY 2020 grant funds to support ongoing removal of illegal nets from the area by a team of non-governmental and Mexican government groups. Without these efforts, Mexico's largest endemic mammal would likely already be extinct.
- *Protecting the North Atlantic Right Whale:* The ongoing North Atlantic Right Whale Unusual Mortality Event remains active with 34 confirmed dead since 2017. The 2021 calving season ended with 17 births, giving hope for improved calving rates in the future, yet the most recent population estimate hovers between 350 and 375 individuals. The Commission remains committed to conserving this critically endangered species and in FY 2021 engaged on this issue by participating on the Atlantic Large Whale Take Reduction Team, commenting on a new draft Biological Opinion for East Coast fisheries, proposed amendments to the Atlantic Large Whale Take Reduction Plan and associated draft Environmental Impact Assessment, and an assessment of vessel speed rules, and providing advice to Congress on needed measures and funding priorities.
- *Marine Mammals in the Arctic and Alaska Natives:* In addition to its general responsibility to make recommendations to further MMPA policies relating to the subsistence livelihoods of Alaska Natives, the 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. With the cessation of a 40-year aerial survey program monitoring the distribution, movements, and behavior of bowhead and other whales in the Beaufort and Chukchi Seas the Commission participated in meetings with BOEM, NMFS, USCG, and Alaska Native hunters to identify critical information needs and future monitoring strategies to support Alaska native communities and document the impacts of climate change. In FY 2021 the Commission engaged broadly in Arctic 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 others. The Commission is a member of the International Whaling Commission (IWC) U.S. government inter-agency team, reviewing and responding to issues before the IWC, especially those regarding Aboriginal Subsistence Whaling. The Commission participates in meetings of the IWC Scientific Committee with a focus on conservation of small cetaceans and fisheries bycatch mitigation. The Commission also participated in a meeting of the polar bear Range States (the parties to the Agreement on the Conservation of Polar Bears) to review progress on implementing the Circumpolar Action Plan and discuss research and management activities of mutual interest. Through its involvement in Interagency Arctic Research Policy Committee and several Arctic-focused forums, the Commission assists in coordinating federal agency actions in the Arctic, for example in examining rapid ecosystem change in the Bering Sea.

- *Survey of Federal Research Efforts and Expenditures:* The Survey of Federally Funded Marine Mammal Research (the Survey) is an online survey and data repository managed by the Commission that collects and collates information on federal funding of marine mammal research by agency, species, objective, and location. The Survey aids the Commission in fulfilling its duties under the MMPA by helping 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 and improved Survey platform. In FY 2021, the Commission completed the second year of data collection with this platform and released the results of the FY 2020 survey, which are available on our website<sup>3</sup>.

## Project Highlights for FY 2022

In FY 2022 the Commission will continue to meet its obligations under the MMPA by, among other things, initiating, continuing, or completing a number of projects to address the Commission's strategic objectives. Highlighted below are a few examples of FY 2022 activities and projects that are either underway or that the Commission plans to initiate under each strategic objective.

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**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.

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<sup>3</sup> <https://www.mmc.gov/grants-and-research-survey/survey-of-federally-funded-research/fy-2020-results-summary/>

- The accelerating pace of human activity and environmental change in the Arctic requires continued and intensified research on baseline conditions and changes. The Commission will continue its strong engagement on Arctic science and assist the larger scientific community in identifying research gaps and prioritizing research and conservation needs. These basic science efforts are necessary to inform environmental impact analyses and support the development of mitigation and monitoring measures for proposed industrial activities.
- The Commission will support and encourage research to understand shifting marine mammal distributions and ecological relationships as ocean and climate conditions change in the Arctic. The Commission will also participate in inter-agency development and implementation of federal and international strategic plans and coordinated programs for marine mammal and ecosystem research in the Arctic.
- The Commission has updated its tribal consultation action plan pursuant to the President's 26 January 2021 memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships and is in the process of consulting with tribal representatives on the plan. The original action plan was developed in 2010 in response to the President's 5 November 2009 memorandum concerning tribal consultation and coordination under E.O. 13175.
- On the basis of its strong engagement on Arctic issues, the Commission will continue to conduct analyses of proposed activities and provide recommendations to the responsible science and regulatory agencies on Arctic research, monitoring, and regulatory priorities and approvals, allocation of funds, and logistical support.

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

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- In early 2021, the Commission convened two meetings of scientists, resource managers, and industry representatives working in the Gulf of Mexico to identify high priority marine mammal restoration and recovery projects. In FY 2022, the Commission will build upon those discussions to identify measures to ensure compliance with Gulf of Mexico regulatory actions related to oil and gas exploration as well as restoration actions to hasten recovery of marine mammals injured by the Deepwater Horizon oil spill.
- The Commission supports efforts to develop offshore renewable energy. Nevertheless, 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. Primary concerns with regard to offshore renewable energy focus on potential impacts on marine mammals from the construction of wind energy facilities in coastal and offshore waters. The Commission will continue to assess proposed offshore renewable energy projects in FY 2022.
- The Commission is funding a study to evaluate whether and how protected species observer (PSO) data can be used to address cetacean management and conservation. The objectives of the study are to identify what PSO data are available for the Massachusetts and Rhode Island wind energy areas and to compare those data to aerial survey data collected by the New England Aquarium. The study will provide recommendations to improve PSO data collection protocols and increase the usefulness of PSO data in evaluating the effectiveness



of management and mitigation efforts under both the Endangered Species Act and the MMPA. The final report will be available in FY 2022.

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**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.

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- The Commission will focus particular attention under this strategic objective on continued development of the Marine Mammal Health MAP. Specifically, the Commission will continue its leadership role in an interagency steering group to harness the resources and technical expertise needed to implement the platform. The Commission will also continue to support the development of Gulf MAP and other related efforts in the Gulf of Mexico. This regional prototype will ultimately be expanded in other regions (west coast, east coast, Alaska, and Pacific Islands) to form a national system.
  - The Commission will continue to serve with other federal partners on the Working Group for Marine Mammal Unusual Mortality Events (UME). Investigations of 10 UMEs declared in previous years, including the North Atlantic right whale and gray whale UMEs, remain active. Beginning in December 2020, manatee mortalities along Florida’s central and south Atlantic coast were considerably higher than in previous years. This event was declared a UME earlier this year with more than 700 manatee deaths documented to date in 2021. The Commission is following this issue closely and will determine how best to engage in FY 2022.
  - The Commission will continue in its leadership role on an interagency task team focused on the integration of marine mammal observations from local, regional, and federal sources using best practices to inform national needs and ultimately feed into the Global Ocean Observing System. The task team activities are responsive to two of the goals established by the Sub-Committee for Ocean Science and Technology’s Decadal Vision for Ocean Science, fall clearly under seven of the eight topic areas of the Ocean Summit on Technology and Partnerships, and are relevant to the Presidential Memorandum on “Ocean Mapping of the United States Exclusive Economic Zone and the Shoreline and nearshore of Alaska.”
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**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.

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- The Commission staff, Commissioners, and Committee members will continue longstanding collaboration with international scientific and conservation teams and initiatives, for example with the Government of Mexico and NOAA’s vaquita science team and with the
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collaborative international team seeking to address threats to Mekong River Irrawaddy dolphins in Cambodia. The Commission assists in building international awareness of threats to particular species or groups of marine mammals, working with the IWC, the International Union for the Conservation of Nature Cetacean Specialist Group and other international and national bodies with the goal of bringing qualified technical assistance to where it is required.

- The Commission will publish a scientific assessment of current knowledge about the impacts of climate change on marine mammals under U. S. management and around North America and the Pacific Islands, including species and stocks shared with Canada and Mexico and that also occur in international waters, and provide recommendations for future research and conservation. The effort will produce an open-access peer-reviewed scientific report, and summary documents for policy-makers, non-scientists, and the public.

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**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.

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- The Commission will continue to review the data and model used to assess the risk of North Atlantic right whale mortality in fishing gear, and identify steps needed to improve both data collection and modeling to provide a more effective basis for estimating mortality and mitigating fishery impacts on right whales. Fishery bycatch is the largest source of mortality for North Atlantic right whales and current assessments of right whale bycatch reduction measures are inadequate and overly optimistic.
- The Commission will continue to monitor, assess, and make recommendations regarding the ecological link between Southern Resident killer whales and their preferred prey, Chinook salmon, through the restoration of key salmon populations, and protection of critical Southern Resident killer whale foraging grounds. The Commission also will consider actions to reduce impacts of contaminants and disturbance to killer whales from vessels and sound.
- The Commission will continue to work closely with federal and state agencies, fishermen, scientists, and conservationists to identify and implement measures that will reduce to biologically sustainable levels serious injuries and mortalities of marine mammals that are incidental to commercial fishing activities. The Commission furthers this goal of the MMPA through its participation on the six currently active Take Reduction Teams administered by the National Marine Fisheries Service and by sponsoring research and workshops aimed at seeking innovative solutions to reduce entanglement and hooking of marine mammals in commercial fishing gear. The Commission will also work with NOAA to assess and mitigate the potential risk of offshore aquaculture facilities and activities to marine mammals.
- The Commission will continue to work with colleagues within and outside of the federal government to develop tools for the assessment of marine mammal bycatch in data-poor fisheries around the world. This effort will assist export nations in their efforts to achieve comparability findings from NMFS, ensuring that they can continue to export vital fish and fish products to the United States.

## Strengthening Partnerships and Collaboration

The Commission strives to ensure that marine mammal populations are restored globally and maintained as significant functioning elements of healthy marine ecosystems for future generations, with human activities managed to minimize impacts on those populations and ecosystems. But we cannot accomplish this enormous task on our own. The current and future budget prospects for the Commission and for science-based federal agencies in general require us to be strategic about our work and partner with other agencies and organizations to leverage external resources and expertise.

The Commission will continue to promote new partnerships through its research grants program. Making use of the best available science, developed at universities and other research institutions around the world, is critically important to inform management decisions and conservation measures that impact marine mammals. In FY 2021 the Commission received 120 proposals requesting research funds, totaling \$3.608 million, for its \$200 thousand in research grant resources. The Commission will continue to look for ways to increase the reach and impact of its research program dollars.

## FY 2022 Budget Overview

### Summary (\$ thousands)

	FY 2020	FY 2021	FY 2022
<b>President's Budget</b>	2,449	2,449	4,200
<b>Appropriations</b>	3,616	3,769	

### Budget by Category (\$ thousands)

Identification code 95-2200-0-1-302	FY 2020	FY 2021	FY 2022 estimated
<b>Program and Financing (\$ thousands)</b>			
Budget Authority	3,616	3,769	4,200
Total Budgetary Resources	3,616	3,769	4,200
<b>Spending (\$ thousands)</b>			
Personnel	2,244	2,365	2,628
Research, Contracts, and Special Projects	940	1,028	1,010
Rent, Communication and Utilities	279	299	315
Other	153	77	247



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