MARINE MAMMAL COMMISSION

11 March 2013

Ms. Angela Somma
Chief, Endangered Species Division
Office of Protected Resources
National Marine Fisheries Service
1325 East West Highway
Silver Spring, MD 20910

Dear Ms. Somma:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the draft North Pacific Right Whale Recovery Plan and offers the following comments and recommendations.

RECOMMENDATIONS

The Marine Mammal Commission recommends that the National Marine Fisheries Service revise the draft North Pacific Right Whale Recovery Plan to—

- indicate that (1) scientists generally agree that the eastern population of North Pacific right whales is extremely depleted, (2) scientists do not agree on abundance estimates for the western population and the total North Pacific population, although they do agree that these populations are also extremely depleted, (3) surveys in 1989 to 1992 resulted in data indicating that there were about 900 right whales in the Sea of Okhotsk at that time, (4) the reliability of that very imprecise estimate is uncertain and, because it was based on data 21 to 24 years old, it is considered outdated, and (5) once analyzed, the data from May 2011 surveys east of the Kurile Islands and Kamchatka may provide useful additional information regarding the abundance of right whales in the western North Pacific;
- redefine the primary recovery plan goal to focus initially on determining North Pacific right whale seasonal movements and habitat-use patterns and then extend efforts to such matters as abundance and trend;
- include in the outline of recovery actions a single section that identifies and describes the research needed to determine right whale movements and habitat-use patterns; and
- modify the implementation schedule to assign a priority ranking of one to research tasks believed to be most important for identifying North Pacific right whale seasonal movements and habitat-use patterns.

RATIONALE

The draft recovery plan is appropriately organized and includes all the necessary recovery plan elements. It also provides a reasonable review of background information, a complete list of possible threats, and an appropriate array of possible recovery tasks. As discussed below, the major deficiencies in the plan include reliance on a questionable estimate of western North Pacific right

whale abundance, a primary goal that is overly broad for present planning purposes, and an inappropriate assignment of task priorities.

Page v, second paragraph, and page I-9, second complete paragraph: The Commission believes these paragraphs may give the impression that right whales are more abundant in the western North Pacific, and thus throughout the range of the species, than the available data warrant. The draft cites Miyashita and Kato (1998) as the source of those figures. Miyashita and Kato (1998) is a working paper submitted to a 1998 IWC Scientific Committee meeting to assess the status of right whales worldwide. The paper has not been peer reviewed or published in a professional journal. It includes an extrapolation of 16 sightings involving 28 right whales made between 1989 and 1992 in the central third of the Okhotsk Sea during Japanese minke whale surveys. The largest group of animals in any one sighting was five whales.

Although Miyashita and Kato (1998) provide the most recent estimate of abundance for right whales in the western North Pacific, it refers to only part of the species' range in the west. Scientists do not agree about the reliability of that estimate because of uncertainty regarding various assumptions of the analysis. However, they do agree that the estimate is out of date and therefore not a particularly reliable indicator of current abundance. U.S. stock assessment reports treat data older than eight years as out of date. Analysis of data from a more recent set of surveys, conducted in May 2011, may provide useful additional information regarding the abundance of right whales in the western North Pacific and—because the eastern population is so small—the species throughout its range. Until a better abundance estimate is available, the Marine Mammal Commission recommends that the National Marine Fisheries Service revise the recovery plan to indicate that (1) scientists generally agree that the eastern population of North Pacific right whales is extremely depleted, (2) scientists do not agree on abundance estimates for the western population and the total North Pacific population although they do agree that these populations are also extremely depleted, (3) surveys in 1989 to 1992 resulted in data indicating that there were about 900 right whales in the Sea of Okhotsk at that time, (4) the reliability of that very imprecise estimate is uncertain and, because it was based on data 21 to 24 years old, it is considered outdated, and (5) once analyzed, the data from May 2011 surveys east of the Kurile Islands and Kamchatka may provide useful additional information regarding the abundance of right whales in the western North Pacific.

Page I-14 to I-15, military sonar and explosives: This section should identify the location of major U.S. military testing ranges in the North Pacific. It should note that the full extent of the whales' summer habitat and their winter habitat are unknown and, therefore, it is not possible to describe the extent to which the whales may occur within the military ranges and interact with or otherwise be affected by military activities.

Page I-15, vessel interactions: The first sentence of this section states that "the role that vessel interactions may play in the mortality of stocks of North Pacific right whales is not known." This statement should be qualified or expanded to clarify that such interactions are unknown largely because the location of the species' major habitats, other than summer-fall feeding grounds in the Bering Sea, have not yet been identified.

Page I-16, ship strikes: This section states that increased ship traffic from melting ice in the Arctic and the opening of Arctic shipping routes poses an unknown but potentially *high* risk for the eastern right whale population, but an unknown and potentially *low* risk for the western population. The

basis for this difference is unclear. Ships visiting Asian ports are just as likely as ships visiting North American ports to transit the North Pacific and Bering Sea, thereby posing potentially high risks for both the western and eastern right whale populations. The Service should note either that the risks are unknown but potentially high for both eastern and western right whale populations given uncertainties about where right whale habitats may overlap with vessel traffic lanes and future levels of vessel traffic or it should explain why risks to western North Pacific right whales would be less.

Page I-19, injury from marine debris, including gear entanglement: The title of this section should be changed to something like "Interactions with Marine Debris and Commercial Fishing." Alternatively—and in the Commission's view preferably—the Service should describe threats from marine debris and commercial fishing in separate sections. As written, most of the information in this section involves interactions with active commercial fishing gear rather than marine debris. Given experience with right whales and other large whales elsewhere, it should be noted that risks from active commercial fishing gear are likely to far outweigh those from marine debris. It also should be noted that, based on observations involving other right whale species, the whales are most likely to interact with gear that includes large amounts of line in the water column, such as pot gear. In addition, it should be noted that the extent of such gear interactions will depend on the amount of gear in the water and the overlap in right whale distribution and fishing with such gear. Once again, because the habitat use and movement patterns of these whales are not known, the probability of such interactions remains uncertain. Arguably, however, the risk is high because the injury or death of a single right whale from such interactions could have a substantial effect on the population's ability to recover.

Page I-29, recovery strategy: The first sentence of this section states that "the primary purpose of this Recovery Plan is to provide a research strategy to obtain data necessary to estimate population abundance, trends, and structure, and to identify factors that may be limiting North Pacific right whale recovery." The Commission agrees that research should be the primary focus of this plan, and it further believes that the single most important research need is defining the species habitat-use patterns and seasonal movements. Without knowing where they occur, when they are there, and in what number, it is not impossible to assess their abundance, trend, or potential threats adequately. Determining habitat use and movements was the central focus of the North Atlantic right whale recovery efforts for the first five to ten years and should be the central focus for the North Pacific right whale at this time. Given the remoteness of the North Pacific right whale's habitat, understanding their habitat-use patterns is likely to be an even greater challenge than has been the case for the North Atlantic species. Accordingly, the Marine Mammal Commission recommends that the National Marine Fisheries Service redefine the primary recovery plan goal to focus initially on determining North Pacific right whale seasonal movements and habitat use patterns and then extend efforts to such matters as abundance and trend. The remainder of this section should be revised to reflect this more specific primary goal.

Page III-3, factor A: The third bullet under this recovery factor should either be changed to read "marine debris and commercial fishing are determined not to affect…." or separate determinations of effects should be included for marine debris and commercial fishing. A corresponding change should be made under section B2, page III-4.

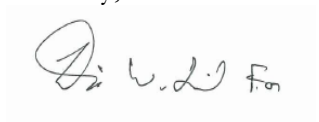
Page IV-1, recovery action outline: Consistent with the above recommendation, the Marine Mammal Commission recommends that the National Marine Fisheries Service include in the outline of

recovery actions a single section that identifies and describes the research needed to determine right whale movements and habitat-use patterns. Sections 2.0, 3.0, and 4.0 appear to include most, if not all, of the major research elements to address this need (e.g., acoustic monitoring, satellite tagging, surveys, review of historical whaling records). However, other research described in those sections (e.g., assessing population abundance and trends) should be included under separate parts of the outline as separate tasks with separate budgets. Subsequent discussion under the recovery action narrative should be revised as needed to fit the new outline.

Pages V-1 to V-7, implementation schedule: This section assigns priorities and cost estimates to recovery tasks. It identifies no priority one tasks. This is unacceptable for a species that may be the world's most endangered large whale. According to the criteria described in this section, a priority one action is one necessary "…to prevent the extinction or to identify those actions necessary to prevent extinction." In this and other recovery plans, the Service seems to restrict priority one actions to those that impose important mitigation measures. The Commission believes that this is an inappropriately constrained interpretation of the criteria, especially for a species as poorly known as North Pacific right whales. In this case, it is not possible to determine what important mitigation measures are needed if the Service does not take responsibility for determining habitat-use and movement patterns. That is, it is impossible to adequately evaluate or manage threats without knowing where, when, and in what numbers animals are likely to occur. Surely research essential for identifying and implementing recovery actions (including, but not necessarily limited to mitigation measures) must be given the highest priority. Therefore, the Marine Mammal Commission recommends that the National Marine Fisheries Service modify the implementation schedule to assign a priority ranking of one to research tasks believed to be most important for identifying North Pacific right whale seasonal movements and habitat-use patterns.

I hope these recommendations and comments are helpful. Please contact me if you or your staff has questions.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director