

**MARINE MAMMAL COMMISSION**  
4340 EAST-WEST HIGHWAY, ROOM 905  
BETHESDA, MD 20814

31 August 2006

Ms. Angela Somma  
Chief, Endangered Species Division  
Office of Protected Resources  
National Marine Fisheries Service  
1315 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 National Marine Fisheries Service's draft recovery plans for fin whales and sperm whales. Both draft plans provide useful summaries of species status, potential threats, and needed research and management actions. We believe both plans could be improved by revision and clarification of certain points. Accordingly, the Commission provides the following comments and recommendations, which, in general, apply to both the fin whale and sperm whale draft plans.

## **RECOMMENDATIONS**

The Marine Mammal Commission recommends that the National Marine Fisheries Service adopt both the fin whale and sperm whale draft recovery plans, with the following modifications:

- The structure for downlisting and delisting decisions in both plans should be revised so that reclassification is done based on distinct population segments rather than overall populations in each ocean basin;
- If only one alternative is chosen for evaluating biological status for the purpose of reclassification, it be criterion 1.b., based on probability of extinction or degree of endangerment;
- Reclassification criterion 1.a. in both plans (which states that recovery could be considered attained when overall populations in each ocean basin have been stable or increasing in size over a set period of time) either be deleted or revised to require that a population experience a specified average annual rate of increase over the indicated time periods;
- International regulation of whaling, determining population structure, and estimating population abundance and trends be given high priority in the implementation of both plans;
- The discussion of recovery strategies consider successive five-year multinational research programs in each ocean basin where the species occurs; and
- The discussion of estimated costs be expanded to emphasize the importance of international partners for funding needed research and management.

## **RATIONALE**

The Commission offers the following rationale for its recommended changes.

### Listing by Distinct Population Segment

Endangered Species Act regulations authorize the designation of distinct population segments (DPS). According to those regulations, “any Distinct Population Segment of a vertebrate taxon that was listed prior to implementation of the DPS policy (i.e., 1994) will be reevaluated on a case-by-case basis as recommendations are made to change the listing status for that distinct population segment.” Recent marine mammal listing decisions (e.g., delisting eastern North Pacific gray whales but retaining the western North Pacific population as endangered, listing eastern and western Steller sea lions separately, and listing southwest Alaska sea otters) have followed this policy, treating population segments separately when good data on population structure are available.

Recent increases in our understanding of genetics, population structure, and movements of large whales have confirmed that, as a rule, they exist in population units much smaller than ocean basins. For example, the stock assessment reports prepared by the Service recognize four stocks of fin whales and five stocks of sperm whales just within the U.S. Exclusive Economic Zone. There is no reason to think that all populations of a species within an ocean basin are currently at the same stage of depletion or that all will recover at the same rate. Therefore, evaluations of status by ocean basin as proposed in the draft recovery plans may well result in endangered population segments being delisted because other populations in the ocean basin have recovered, and vice versa. For that reason, Marine Mammal Commission recommends both plans be revised to indicate that downlisting and delisting decisions be made based on distinct population segments rather than overall populations in each ocean basin.

### Recovery Criteria

In both draft plans, criteria are proposed for downlisting and delisting based both on the biological status of the species and the elimination of threats to its existence. This combination is useful and appropriate, and the Commission supports such an approach. Two alternative methods are proposed for evaluating biological status. The first would require that the total population in each ocean basin either have a stable or increasing population size over a set period of time (e.g., for fin whales 1.5 generations or 26 years for downlisting and 3 generations or 51 years for delisting). The second would require that the total population in each basin have less than 1 percent probability of extinction in 100 years for downlisting and less than a 10 percent probability of becoming endangered in 20 years for delisting. We believe the approach reflected in the second alternative criterion (i.e., based on a certain probability of extinction over a given period of time) is more appropriate, and if only one alternative is kept in the final plans, the Marine Mammal Commission recommends that it be this one. The first alternative is inappropriate because, for example, a fin whale population that was reduced to very a low level by past commercial whaling but then

remained at that low level for 26 years without declining—but also without any sign of recovery—would satisfy the criterion for downlisting. The Marine Mammal Commission recommends that this criterion either be deleted or revised to require that a population experience a specified average annual rate of increase over the indicated time periods. Specification of the necessary rate of increase would need to take into account the current levels of depletion so that a population that has already recovered, or is close to recovery, can be reclassified.

### Recovery Priorities and Actions

The draft plans describe approximately two dozen research and management tasks, all of which appear useful and appropriate. Although not stated explicitly, the order in which the tasks are listed in the draft plan and their descriptions suggest that highest priority would be devoted to maintaining involvement in the international regulation of whaling, determining population structure, and estimating population abundance and trends. The Marine Mammal Commission recommends that the Service accord these tasks highest priority for funding and staff allocation purposes. With regard to this recommendation and the recommendation noted in the following paragraph concerning the plans' research strategy, the Marine Mammal Commission also recommends that the Service expand the list of recovery actions in both the fin whale and sperm whale recovery plans to explicitly identify steps that would be taken to encourage, organize, and carry out cooperative ocean basin research initiatives in the North Atlantic and North Pacific Oceans.

### Research Strategies

The draft plans describe the successful experience with international research efforts for humpback whales throughout entire ocean basins. Those multi-year research efforts were undertaken independently—first in the North Atlantic in the 1990s and more recently in the Pacific Ocean. Given resource limitations, a similar serial approach to research on fin and sperm whales might provide more needed information than an approach involving concurrent low levels of research in all ocean basins. The draft plans imply that a serial approach would be useful for fin and sperm whales. The Marine Mammal Commission concurs with that assessment and recommends the Service adopt this strategy.

### Costs of Recovery Efforts

The Service estimates the aggregate costs of recovery actions through 2012 for the North Atlantic and North Pacific and through 2026 for the Southern Ocean. Given the transboundary movements of fin and sperm whales and the international scope of applicable whaling regulations, the Commission believes that funding support for many of the listed actions should involve international cooperation and partnerships. This approach is noted in the discussion of recovery strategy in Section II of both plans, and it also would be appropriate to do so in the sections on recovery costs. Accordingly, the Marine Mammal Commission recommends that the sections on

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recovery costs emphasize the importance of international partnerships, including shared funding for fin whale and sperm whale recovery efforts.

I hope these comments and recommendations are helpful. Please contact me if you wish to discuss them.

Respectfully,

A handwritten signature in black ink that reads "Timothy J. Ragen". The signature is written in a cursive style with a large, prominent initial 'T'.

Timothy J. Ragen, Ph.D.  
Acting Executive Director