



# MARINE MAMMAL COMMISSION

7 December 2015

Ms. Donna S. Wieting  
Director, Office of Protected Resources  
National Marine Fisheries Service  
1335 East-West Highway  
Silver Spring, MD 20910-3226

Dear Ms. Wieting:

Thank you for providing the Marine Mammal Commission (Commission) with the “Draft Status Review of the Sakhalin Bay-Amur River Beluga Whale (*Delphinapterus leucas*) under the Marine Mammal Protection Act” for review. The draft status review was prepared by the National Marine Fisheries Service (NMFS) in response to a petition to designate that stock as depleted under the Marine Mammal Protection Act (MMPA). As the introduction to NMFS’s draft review explains, the MMPA defines the term “depleted” as including any species or population stock that NMFS, after consultation with the Commission and its Committee of Scientific Advisors (CSA) on Marine Mammals, determines to be below its optimum sustainable population. Review of the draft by the Commission, in consultation with its CSA, and submission of these comments constitute the required consultation.

At the outset, the Commission notes that the draft status review is a well-written document that thoroughly analyzes the available information. It appropriately hones in on the two critical questions—(1) does the Sakhalin Bay-Amur River beluga whale population constitute a stock under the MMPA and (2) if so, is that stock below its optimum sustainable population level? The Commission believes that the draft status review uses the best scientific information available to address these two questions.

In addressing the stock discreteness question, the draft status review looks at a broad range of information including genetic, behavioral, and distributional separation from other putative stocks. NMFS also considered patterns of stock separation in other beluga whale populations, drawing analogies between less well-studied stocks in the Sakhalin area of Russia with other better-studied stocks in Alaska, for which stock delineation questions have been more definitively resolved. The draft status review makes a compelling case that either the beluga whales that inhabit the Sakhalin Bay-Amur River area constitute a separate stock or that whales in that area, along with those found in Nikolaya Bay, should be recognized as the appropriate stock delineation. The Commission does not believe that the available information is sufficient to favor one of these possibilities over the other. This too was the conclusion of the Structured Expert Decision Making process used in the draft status review, which assigned almost even probabilities to these two possibilities.

The draft status review also makes a compelling case that, regardless of whether beluga whales in Nikolaya Bay are included in the boundaries of the Sakhalin Bay-Amur River stock, there

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is a high likelihood that the stock is well below its maximum net productivity level (the lower bound of the optimum sustainable population range), and merits designation as depleted.

The Commission encourages NMFS and other researchers to conduct additional genetic and other studies to try to resolve questions concerning whether to include whales in Nikolaya Bay within the stock boundary. Until better information becomes available, the Commission recommends that NMFS take a precautionary approach and define the Sakhalin Bay-Amur River stock to include whales in Nikolaya Bay.<sup>1</sup> The Commission further recommends that NMFS promptly publish a proposed rule under section 115(a)(3)(D) of the MMPA to designate this stock as depleted.

Please let me know if you have any questions concerning our recommendations.

Sincerely,



Rebecca J. Lent, Ph.D.  
Executive Director

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<sup>1</sup> The Commission notes that this is the more conservative approach in this instance because it would provide additional protection to beluga whales throughout the larger plausible boundaries of the stock. If, however, including Nikolaya Bay whales within the stock definition led to the conclusion that the stock was not depleted, this would be the less precautionary alternative.