



# MARINE MAMMAL COMMISSION

29 March 2010

Ms. Kaja Brix  
Assistant Regional Administrator  
Protected Resources Division  
National Marine Fisheries Service  
P.O. Box 21668  
Juneau, AK 99802-1668

Dear Ms. Brix:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the National Marine Fisheries Service's 28 January 2010 notice of intent to prepare a recovery plan for the Cook Inlet beluga whale (75 Fed. Reg. 4528). As indicated in that notice, section 4(f) of the Endangered Species Act directs the Service to develop and implement a recovery plan to guide efforts to recover and conserve listed species such as the Cook Inlet beluga whale. The Commission supports the Service's effort to develop a recovery plan for the Cook Inlet beluga whale. Such a plan would be particularly useful for this species because of our lack of a clear causal understanding of all the threats it faces, their effects on critical biological functions such as reproduction or immune system health, and the measures needed to address them.

## RECOMMENDATIONS

The Marine Mammal Commission recommends that the National Marine Fisheries Service—

- use the conservation plan for the Cook Inlet beluga whale that it published in October 2008 as a template for developing the recovery plan;
- promptly establish a recovery team, including qualified persons from public agencies and private organizations, to assist in developing and implementing the recovery plan for the Cook Inlet beluga whale; and
- use the conservation plan as the appropriate guide for its research and other conservation efforts pending recommendations of the recovery team and recovery plan.

## RATIONALE

Subsequent to designating the Cook Inlet beluga whale as a depleted stock under the Marine Mammal Protection Act, the Service prepared a conservation plan pursuant to section 115(b) of that Act. The purpose of the plan is to promote the conservation of the stock and to restore it to its optimum sustainable population. As specified in section 115(b)(2) of the Marine Mammal Protection Act, a conservation plan is to be patterned on recovery plans required under the Endangered Species Act. This being the case, the existing conservation plan is the obvious starting point for the development of a recovery plan. The Marine Mammal Commission therefore recommends that the National Marine Fisheries Service use the conservation plan for the Cook Inlet beluga whale that it published in October 2008 as a template for developing the recovery plan.

The development of the conservation plan was largely an in-house effort. Although a draft plan was made available for public review and comment, all of the project leaders and contributors listed in the Cook Inlet beluga whale conservation plan were employees of the National Marine Fisheries Service/National Oceanic and Atmospheric Administration. Section 4(f)(2) of the Endangered Species Act specifies that, in developing and implementing a recovery plan, the Service “may procure the services of appropriate public and private agencies and institutions, and other qualified persons.” The Commission believes that broadening participation beyond the Service in developing and implementing the recovery plan would be beneficial. For that reason, the Marine Mammal Commission recommends that the National Marine Fisheries Service promptly establish a recovery team, including qualified persons from public agencies and private organizations, to assist in developing and implementing the recovery plan for the Cook Inlet beluga whale. The Commission would be pleased to participate as a member of any recovery team or implementation team that the Service establishes.

In recommending that the Service draw on the conservation plan as the starting point for a recovery plan and that it establish a recovery team to assist in developing the plan, the Commission is in no way suggesting that actions to identify, understand, and address those factors that may be contributing to the decline and lack of recovery of the Cook Inlet beluga whale should be held in abeyance pending completion of the plan. To the contrary, the Commission believes that the Service has been remiss in not aggressively pursuing the research necessary to understand the threats faced by this species and to guide the selection of remedial measures. This being the case, the Marine Mammal Commission recommends that the National Marine Fisheries Service use the conservation plan as the appropriate guide for its research and other conservation efforts pending recommendations of the recovery team and recovery plan.

Whereas the goal of a conservation plan is to return a stock to the point at which it is no longer depleted (i.e., the stock is at its optimum sustainable population), the goal of a recovery plan is to recover a listed species to the point where the conservation measures of the Endangered Species Act are no longer necessary (i.e., the species is no longer considered endangered or threatened). Thus, one required element of a recovery plan is the identification of “objective, measurable criteria which, when met, would result in a determination...that the species be removed from the [endangered and threatened species] list.” The Service specifically solicited suggestions for these criteria in its *Federal Register* notice.

Such criteria sometimes are expressed simply as a population size that, once achieved, would prompt downlisting to threatened or delisting entirely. However, the Commission believes that in almost all cases, such an approach is simplistic. The natural (i.e., pristine) population size for the Cook Inlet beluga whale is not known. The earliest population estimate dates to 1979, by which time the population already had a long history of exploitation. The Service began systematic statistical monitoring of the population size in 1994, at which time the declining trend was already underway, and the population was already less than half the 1979 estimate. The population trend revealed by that monitoring is both puzzling and alarming. Although the rapid, precipitous decline in the mid-

1990s can be attributed largely to overhunting, scientists are not yet able to explain the failure of the population to grow since hunting was curbed in 1999 and then suspended entirely. Thus, the information now available is not sufficient to identify a credible target population size for delisting. This being the case, one of the criteria that the Service should adopt is a sustained increasing trend over a suitable period of time. For a late-maturing and slow-growing species, a suitable period of time would best be measured in generations. In addition, before delisting can be contemplated, the scientists and managers responsible for population recovery need to understand the threats it is facing, how those threats have affected or are affecting the population trend, and the measures needed to address them. This should include understanding the presently unexplained failure of the population to begin growing in the period since 1999. Lastly, the decline of the Cook Inlet beluga whale population has been accompanied by a marked contraction in its range. This contraction may simply reflect the decline in population size or it may indicate a decline in suitability of the habitat for either natural or human-related reasons. Either way, it heightens the risk to the population from any single risk factor. To ensure sufficient habitat to allow recovery, the Service should consider making reoccupation of a substantial portion of that former range one of the delisting criteria. Such reoccupation would serve as an indicator of recovery and also help reduce the risks associated with individual risk factors.

Finally, the decline of the Cook Inlet beluga whale population and its failure to recover have occurred over a period of two decades. During that period, the Service took no steps to institute a research and recovery program remotely commensurate with the population's poor status and need for protection. The Service's apparent reluctance to study this population and facilitate its recovery has consequences for the population as well as those human activities that might otherwise be undertaken if the population were healthy. The Commission offers to assist in any way it can in elevating the priority given to development of a suitable research and recovery program.

Sincerely,



Timothy J. Ragen, Ph.D.  
Executive Director