



# MARINE MAMMAL COMMISSION

23 September 2009

Rosemarie Gnam, Ph.D.  
Chief, Division of Scientific Authority  
U.S. Fish and Wildlife Service  
4401 North Fairfax Drive, Room 110  
Arlington, VA 22203

Re: Proposed Resolutions to the Conference of Parties to  
the Convention on International Trade in  
Endangered Species of Wild Fauna and Flora  
(CITES); Fifteenth Regular Meeting

Dear Dr. Gnam:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the Fish and Wildlife Service's 13 July 2009 *Federal Register* notice (74 Fed. Reg. 33460) on proposed resolutions, decisions, and agenda items for the Fifteenth Conference of Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Commission provides the following recommendations and rationale.

## RECOMMENDATIONS

The Marine Mammal Commission recommends that the Fish and Wildlife Service—

- not propose to list the narwhal on CITES Appendix I;
- not propose to list the polar bear on CITES Appendix I; but
- propose to list the walrus on CITES Appendix II.

## RATIONALE

### Narwhal

In its *Federal Register* notice the Fish and Wildlife Service raised the question as to whether it should use the upcoming conference to propose that the narwhal be moved from CITES Appendix II to Appendix I. The narwhal is hunted, mainly in Greenland and Canada, for food and ivory. Also, it lives in an environment that is changing rapidly as a result of global warming. Indeed, the species is red-listed by the International Union for Conservation of Nature (IUCN) as “near threatened” because of potentially excessive removals by hunting in Greenland and parts of Canada. Much of the concern has focused on West Greenland and East Greenland stocks, which were previously poorly known and thought to be depleted and small, respectively.

This is not the first time that Parties to CITES have raised concerns regarding the regulation of international trade in narwhal ivory. At the 2004 CITES conference, the Parties decided to review

this trade. However, the narwhal was removed from the list of species to be reviewed based on information submitted by Canada and Greenland at the July 2006 meeting of the CITES Animals Committee. The committee's rationale was that the elements of Article IV pertaining to non-detriment findings were being properly implemented and further review was not warranted.

New information indicates that hunting of these narwhal stocks may not pose as significant a threat as was previously believed. During its 17–20 February 2009 meeting, a joint working group of the North Atlantic Marine Mammal Commission's Scientific Committee and the Canada-Greenland Joint Commission on the Conservation and Management of Narwhal and Beluga reviewed new data on narwhal stock structure, catches, movements, behavior, abundance, and population dynamics. Although some intermingling may occur, summer aggregation patterns indicate that several different stocks occur in northwestern Greenland and the Canadian High Arctic, with additional stocks in the waters of both eastern Greenland and northern Hudson Bay. Analyses of 2006–2008 aerial survey data indicate that narwhal stocks in northwestern Greenland number 8,447 (Inglefield Bredning) and 6,325 (Melville Bay), and the East Greenland stock numbers 6,583. These new estimates are substantially higher than those derived from previous surveys, relieve some of the concern about over-exploitation as voiced in previous joint meetings, and provide a basis for new recommendations on sustainable harvest levels for East and West Greenland stocks. The joint meeting also reviewed abundance estimates for all Canadian High Arctic summering areas, reporting that the range of narwhals there is vast and, at present, the number of narwhals might be 60,000 or more.

Given these new stock assessment results, the recent CITES review, and the responses of narwhal range states to that review, the Marine Mammal Commission believes that the current CITES Appendix II listing provides sufficient protection for the narwhal from potential adverse effects related to international trade in specimens. The Marine Mammal Commission therefore recommends that the Fish and Wildlife Service not propose to list the narwhal on CITES Appendix I. Nevertheless, the Commission believes that the range states must continue to monitor closely the status of those narwhal stocks subject to hunting in Canada and Greenland and to track and report information on the international trade in narwhal ivory. The Commission therefore encourages the Fish and Wildlife Service and the National Marine Fisheries Service to take steps within CITES and other international fora to ensure that such careful monitoring takes place and that the results are reported in an open and timely manner.

## **Polar Bear**

The polar bear is currently listed on CITES Appendix II and is listed as threatened under the U.S. Endangered Species Act. In its *Federal Register* notice, the Fish and Wildlife Service solicited comments as to whether it should submit a proposal to move the polar bear from Appendix II to Appendix I because of the effects of trade and the ongoing and predicted effects of climate change.

Current harvests from most polar bear populations and the resulting international trade in polar bear parts and products generally are not believed to constitute threats to the polar bear. Commercial hunting and use of skins have been prohibited throughout the species' range since the

Agreement on the Conservation of Polar Bears entered into force in 1976. Furthermore, hunting currently is authorized only for subsistence and limited sport hunting linked to subsistence hunting in Canada. International trade is regulated under CITES. The Fish and Wildlife Service recently analyzed threat factors that led to the listing of the polar bear under the Endangered Species Act. The Service found that continued efforts are necessary to ensure that hunting or other forms of removal do not exceed sustainable levels but that overutilization currently does not threaten the polar bear throughout all or a significant portion of its range.

The Polar Bear Specialist Group at its June 2009 meeting concluded that 8 of the 19 populations of polar bears are declining, three are stable, and only one is currently increasing. For the other seven populations, data are insufficient to assess current trends. The group also reported that the population of polar bears in Baffin Bay, shared between Greenland and Canada, may be suffering from significant habitat change and substantial overharvest. In addition, the Chukchi Sea population, shared by the United States and Russia, is likely declining due to illegal harvesting in Russia and the highest rates of sea ice loss in the Arctic. The group recommended that both populations be reassessed and that harvest rates be brought into balance with current population estimates.

The Commission believes that currently authorized harvests and resulting trade in polar bears are currently not significant threats to the species' persistence. In view of the threatened status of polar bears, the uncertainties surrounding the status of many populations, and the rapid pace of habitat change, continued and improved monitoring and management of all polar bear populations, especially those subject to subsistence and sport hunting, are essential to avoid a future Appendix I listing. Continued international control and monitoring of international trade in polar bear specimens also are essential, and CITES non-detriment findings should be revised regularly to take into account the impact of changing habitat conditions on polar bear populations. The Commission believes that, if properly implemented, the current Appendix II listing provides sufficient control and monitoring of the trade in polar bear specimens. Therefore, the Marine Mammal Commission recommends that the Fish and Wildlife Service not propose to list the polar bear on CITES Appendix I.

## **Walrus**

Finally, in its *Federal Register* notice, the Fish and Wildlife Service solicited comments as to whether it should submit a proposal to list the walrus on CITES Appendix II at the upcoming conference. The listing would be based on concerns related to the effects of trade in walrus parts and the ongoing and predicted effects of climate change on walrus populations.

Canada listed the walrus on CITES Appendix III in 1975. The intent of the listing was to monitor levels of international trade in walrus parts. The 2008 IUCN Red List assessment notes that both the Atlantic and Pacific walrus subspecies are declining, but both are poorly known and are therefore classified as "data deficient."

The current total abundance of the Atlantic walrus and population trends over the last 45 years are unclear, but the most recent information suggests a population of about 18,000 to 20,000 animals. Some regional populations are thought to be in decline, and others may be increasing but, again, the overall population trend for the Atlantic walrus is not known.

After low levels of commercial hunting beginning in the mid-17th century, cycles of intensive commercial exploitation of Pacific walrus began following the American purchase of Alaska from Russia in 1867. By the end of the 1870s American whalers are judged to have reduced the population by half. At that point, scarcity and the declining price of walrus oil led to a 20-year hiatus in commercial hunting and some recovery of the population. Around the turn of the century, commercial hunting for ivory and hides re-emerged, reaching a maximum level in about 1920 and declining thereafter. As conservation measures were put in place on the American side, the Soviet Union mounted a major commercial hunt in the 1930s; by the mid-1950s the population was again reduced by about half. Abundance estimates for the Pacific walrus population in the mid-1950s were 50,000 to 100,000 animals. About 1960, both the Soviet Union and the State of Alaska put protective measures in place to restore the Pacific walrus population. The population apparently increased rapidly during the 1960s and 1970s. Scientists conducted aerial surveys at five-year intervals from 1975 to 1990, and the resulting minimum population estimates ranged from 200,000 to 250,000 animals. However, the counting methods varied during this period, which means that the estimates cannot be compared to estimate a trend during that period. It also means that the estimates from the 1975–1990 period should be used cautiously as a baseline for current estimates.

In 2006 the Service conducted the first comprehensive survey of Pacific walrus since 1990. In a 29 May 2009 draft stock assessment report, the Service published a negatively biased estimate based only on walrus hauled out on sea ice in parts of their range; the estimate was 21,610 individuals with a 95 percent confidence interval of 8,453 to 45,439 individuals. The bias reflects the fact that the estimate did not include corrections for animals in the water or animals in walrus habitat that was not surveyed. The estimate is largely without value until it has been corrected for these sources of bias.

The Service's draft stock assessment report also included a potential biological removal level of 607 animals for the Pacific walrus. This estimate is about 10 percent of the estimated annual mean number (4,960–5,457) of Pacific walrus currently being harvested (including struck and lost) in the United States and Russia. However, because it is based on a biased estimate of the minimum population, the potential biological removal level also is biased and does not provide a reliable basis for judging the conservation implications of current levels of take.

On 8 September 2009 the Fish and Wildlife Service announced that a petition to list the Pacific walrus under the Endangered Species Act presented substantial scientific or commercial information indicating that a listing may be warranted based on the present or threatened destruction, modification, or curtailment of its habitat or range due to climate change, the inadequacy of existing regulatory mechanisms to address climate change, and the possible impact of other natural or manmade factors. The Service will undertake a status review to determine if listing under the Endangered Species Act is warranted.

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Pacific walrus appear to be more dependent on sea ice than Atlantic walrus and therefore may be more affected by climate change. Observations to date regarding the effects of climate change on Pacific walrus are briefly described in the Service's draft stock assessment report. Diminishing ice cover in the Bering Sea in winter and spring and reduced summer sea ice in the Chukchi Sea are expected to affect critical life history traits and the population's resilience. Alaska Natives and scientists observed major changes in walrus feeding, haul-out patterns, and survival in 2007, and early reports indicate that similar changes may be occurring in 2009. Undoubtedly, climate change has already begun to affect the Pacific walrus population.

The Marine Mammal Protection Act allows harvest of Pacific walrus by Alaska Natives for subsistence purposes and to make and sell traditional handicrafts. International trade primarily involves walrus parts and derivatives, including ivory pieces, jewelry, and carvings, as well as bone carvings and tusks. As indicated in the Service's *Federal Register* notice, more than 16,000 individual specimens of walrus ivory were imported or exported from the United States in 2008. The United States was the country of origin for 98 percent of those specimens.

The IUCN Red List assessment of the threats to the Pacific walrus states, "[a] history of poor international cooperation, crude population monitoring methods and delayed management responses has led to speculation that future management actions in response to population declines of Pacific Walrus may not be taken soon enough to be effective." Currently, neither the Fish and Wildlife Service nor any scientific entity can reliably describe or predict population declines for walrus in any portion of their circumpolar range. Clearly, the observations of changing distribution, animal condition, and juvenile mortality suggest that serious declines may be occurring. The Service's determination that a status review is warranted does not necessarily mean that it will propose to list the walrus. Thus, we are confronted with a situation that is clouded by great uncertainty, where all the available information indicates that the walrus is at considerable risk, and where subsistence harvests are supporting significant trade in walrus parts and products. For these reasons, the Marine Mammal Commission recommends that the Fish and Wildlife Service propose to list the walrus on CITES Appendix II.

Please contact me if you have any questions concerning these recommendations and rationale.

Sincerely,



Timothy J. Ragen, Ph.D.  
Executive Director

cc: Mr. James H. Lecky  
Rebecca Lent, Ph.D.