

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

24 April 2006

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

Dear Kaja:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the 24 March 2006 *Federal Register* notice published by the National Marine Fisheries Service announcing the initiation of a status review of the Cook Inlet beluga whale under the Endangered Species Act and requesting information relevant to such a review. Enclosed is a recent assessment of the status of this population that has been approved by the Cetacean Specialist Group of IUCN–The World Conservation Union. The assessment concludes that Cook Inlet beluga whales are “critically endangered” under the applicable IUCN criteria and, as a result, the population will be listed in that manner when the IUCN Red List of Threatened Species is updated in May 2006. This conclusion is based on the recent demographics of the population and an assessment of the various threats it faces. The IUCN analysis and conclusion are directly relevant to a listing determination under the Endangered Species Act.

We will not reiterate the analysis contained in the IUCN assessment in our comments, but it is important to emphasize some of its findings. Using data from the Service’s abundance surveys conducted since 1994, the assessment found that there is a 95 percent probability that the population numbers between 278 and 388 animals and, using the mode of that distribution (329), it estimated that there are only 207 mature individuals in the population. The assessment also found that “the underlying growth rate is so low that there is a 71% probability that if present conditions persist the population cannot withstand any take, and will decline in the future.” The assessment concluded that “Cook Inlet belugas face a suite of risks common to small populations, including those related to demographic, environmental, and genetic stochasticity, amplified by the tendency of belugas to return annually to specific areas and to congregate in compact herds.” It also cited the limited knowledge of details of this population’s ecology, life history, and reproductive potential (beyond the documented fact of the very small population size, its failure to recover, and the high probability of a continuing decline) and the inability at present to quantify the currently operating threats that are adversely affecting the whale’s habitat as factors that exacerbate the precarious situation of the Cook Inlet beluga whale.

These findings underscore the need for the Service to act swiftly to list the Cook Inlet beluga under the Endangered Species Act and to augment its research and conservation efforts for this stock. The Cook Inlet population has already been reduced to about the size of the highly endangered North Atlantic right whale population. Moreover, the population appears to be continuing to decline despite the fact that since 1999 subsistence hunters have harvested only about one animal per year. We are at a critical juncture for this stock, and it would be irresponsible for management agencies not to take advantage of all the tools that are available to promote recovery. As such, the Commission reiterates the recommendation, made in its 27 June 2005 letter commenting on the draft conservation plan for this stock, that the Service proceed expeditiously to list the population under the Endangered Species Act. In light of the findings of the IUCN review, the case for listing is clear, and the Commission recommends that the Service proceed directly to publish a proposed rule without waiting to complete a comprehensive status review. In fact, the Commission believes that serious consideration should be given to using the emergency listing provisions available under section 4(b)(7) of that Act as an interim measure.

The *Federal Register* notice indicates that if the stock is listed the Service will need to consider designating critical habitat. Although at this time the Service is specifically requesting information only on a potential listing, the Commission considers the designation and protection of critical habitat to be one of the most important actions that can be taken to prevent the extinction of Cook Inlet beluga whales. In this regard, the draft conservation plan identifies “high value” habitats that should be afforded special protection. We believe that the analysis in the conservation plan provides sufficient justification for protecting those areas, and the Commission therefore recommends that the Service propose to list those high-value areas as critical habitat as part of the recommended listing.

On a related point, the lack of detectable growth in this population since 1998 strongly indicates that some factor or factors other than subsistence hunting is reducing survival or reproduction. This being the case, what is most urgently needed is an expanded research effort to investigate the factors that may be impeding recovery of the stock and to identify possible remedial actions. Despite this pressing need, the research budget for Cook Inlet beluga whales has been cut in recent years—from about \$260,000 in fiscal years 2002 and 2003 to about \$85,000 in fiscal years 2004 and 2005. Funding at that level is barely sufficient to continue the annual surveys used to monitor the population. The Marine Mammal Protection Act requires the Service to do more than merely monitor the slow decline of this stock toward extinction; it requires it to act affirmatively to “conserve” the stock. As that term is defined in section 3 of the Act, this means that the Service is expected to collect and apply biological information for the purposes of increasing and maintaining this and other marine mammal stocks at their optimum sustainable population levels.

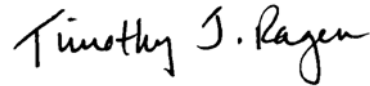
To accomplish this, the research budget for Cook Inlet beluga whales needs to be increased to a level that enables the Service not only to conduct annual aerial surveys but also to pursue research that is needed to identify specifically the factors that are inhibiting recovery of the population. Such research might include foraging and habitat-use studies, analyses of contaminant levels in beluga tissues and their environment, systematic surveys to determine the detection

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probability of strandings, an improved stranding response program to maximize the potential for rescue, and a necropsy program (also linked to any harvest) to maximize the information obtained from any deaths. In a 25 January 2006 letter to the head of the National Marine Fisheries Service, the Commission already emphasized the need for such research. The 2005 abundance estimate of 278 whales, and what it tells us about the likely population trend, only serve to underscore the urgency of this need.

Please contact Tim Ragen, the Commission's Scientific Program Director, if you have any questions concerning these recommendations and comments.

Sincerely,

Handwritten signature of Timothy J. Ragen in black ink.

-for-

John E. Reynolds III, Ph.D.  
Chairman

Enclosure

cc: Thomas C. Eagle, Ph.D.  
William T. Hogarth, Ph.D.