Cook Inlet Beluga Whale Recovery Team
Stakeholder Panel Meeting #5 Summary
Federal Building, Anchorage, Alaska
April 10, 2012 – Morning Session

Welcome and Introduction:
The team leader began the meeting by welcoming the members of the Cook Inlet Beluga Whale Recovery Team (CIBRT) Stakeholder Panel (STK) and briefly reviewing the meeting rules. The team leader gave an overview of the agenda and said topics would be revisited as needed and as time allowed. The team leader asked Jon Kurland of the NMFS to introduce himself to the STK.

Jon said that he would be serving as the Assistant Regional Administrator for the Protected Resources Division during Kaja Brix’s leave of absence. Jon shared that he previously held the position of Assistant Regional Administrator for Habitat Conservation Division and has been with NMFS for many years. Jon thanked the STK for their involvement and shared his appreciation for their efforts because, while the Endangered Species Act (ESA) can be challenging, the process is not the same if it happens without input.
Erin Dunable, the URS representative gave a brief presentation on her role on the project, travel reimbursement for panel members, and safety information.

The team leader reviewed past CIBRT activities.

**Summary of Events with CIBRT Member Participation:**

- **March 30-April 1, 2010** was the first meeting of the CIBRT and included a joint meeting of both panels as well as a dedicated meeting of each panel. The questions addressed by the STK at that meeting were reviewed.

- **September 30, 2010** was the second STK meeting and featured two invited speakers, Dr. Carrie Goertz (of the Science Panel [SCI]) and Dr. Kathy Burek-Huntington, who spoke about Cook Inlet beluga whale (CIB) strandings and the Alaska Stranding Network. The questions addressed by the panel members at that meeting were reviewed.

- **October 11-12, 2010** was a NMFS-sponsored CIB Science Conference exhibiting results of recent CIB research projects, which included presentations by CIBRT members from both panels. The abstracts and most of the presentations are available on NMFS’ CIB website: [www.alaskafisheries.noaa.gov/protectedresources/whales/beluga/workshop/default.htm](http://www.alaskafisheries.noaa.gov/protectedresources/whales/beluga/workshop/default.htm).

- **November 16, 2010**, the State of Alaska and the RDC cosponsored a half-day workshop titled “An Endangered Species Act Primer”, at which two members of the CIBRT STK, Doug Vincent-Lang and Jason Brune, gave presentations, although not on behalf of the recovery team. Those presentations are available on RDC’s website.

- **December 8-10, 2010** was the second meeting of the SCI. The questions addressed by the panel members at that meeting were reviewed. There was a discussion of, and agreement to abide by the Terms of Reference. Rod Hobbs gave a presentation on National Marine Mammal Laboratory’s (NMML) CIB aerial surveys for population and calf index estimates. The SCI discussed the rough drafts of the background sections, which would be submitted to the STK for an internal review. After reviewing the background sections, the SCI reviewed the recovery criteria of other NMFS recovery plans and identified types of criteria used in those plans (e.g., population trends vs. absolute numbers; biological vs. threats-based criteria, etc.), and made recommendations for the types of criteria to use in the CIB recovery plan; the same topic was discussed by the STK at their meeting on January 14, 2011.

- **January 14, 2011** was the third meeting of the STK and featured presentations by Rod Hobbs on 2010 Population Estimate and Calf Counts, and Mark Willette on CIB prey abundance/distribution and the physical habitat of Cook Inlet, with an update by Mandy Migura on the status of the CIB Critical Habitat designation. The questions addressed by the panel members at that meeting were reviewed.

- **April 2011**, the CIBRT meeting was cancelled due to possible federal government shutdown.
November 7-10, 2011 was the third meeting of the SCI and the fourth meeting of the STK. The questions addressed by the STK members at that meeting were reviewed. Rod Hobbs, Barbara Mahoney, and Robert Michaud gave presentations regarding annual calf indices for CIBs, marine mammal health and stranding response, and the recovery strategy for the St. Lawrence beluga population, respectively. The panel discussed recovery criteria, threats assessment, and research gaps/priorities for inclusion in the CIB recovery plan.

January 11-13, 2012 was the fourth meeting of the SCI. The SCI received an update from Rod Hobbs on the 2011 CIB abundance estimates, discussed the use of the Angliss et.al. 2002 NOAA Technical Memorandum NMFS-F/OPR-21, “Report of a Workshop on Developing Recovery Criteria for Large Whale Species”, and worked collaboratively on the recovery criteria and threats sections of the CIB recovery plan.

Meeting summaries are available for all of the above referenced meetings, as are most presentations, on NMFS’ CIBRT website: www.alaskafisheries.noaa.gov/protectedresources/whales/beluga/recovery/ci.htm.

Update of Recovery Planning Schedule and Process
The team leader stated that following the SCI meeting in January 2012, the STK and SCI are now in sync and reminded the STK that the meeting summaries are available online (as are many of the presentations) for downloading. The team leader updated the STK on the SCI’s progress in developing the outline of the CIB recovery plan, preparing a rough draft of the background section (which will be revised as new data becomes available), and preparing the draft recovery criteria, which the STK will be commenting on today. The STK comments will be compiled, reviewed by the SCI, and then incorporated into the final draft as appropriate. The team leader shared that during the January SCI meeting, the panel decided that they needed more information on certain topics, which largely influenced the presentations the team will be hearing in the joint meeting this afternoon. The SCI is still developing recovery actions, which consist of research gaps/priorities and management actions. The team leader briefly reviewed the draft outline of the table of contents and discussed the goals for completion of each section and discussed the timeline and the roles of each panel, NMFS, and external review in providing input and completing the CIB recovery plan.

General Discussion and Concerns about Schedule and Process
A STK member asked for clarification regarding when the full recovery plan would be available for review, as it was her understanding it would be available to the STK in April 2012. The team leader stated that had originally been the goal, but while she and the SCI were doing their best to make progress, there was not yet a complete draft available for review. Another panel member expressed frustration that the STK was asked to comment first on the threats and now the recovery criteria, but without seeing a completed draft of the , which he felt was necessary to understanding what the SCI identifies as obstacles to the recovery of the CIB. Opinions were expressed that the further along the draft recovery plan gets, the more difficult it becomes to make meaningful comments, and that there are expectations that the STK is not treated as equal to the SCI. The team leader clarified that she has shared everything with the STK that is ready
for review; and that while she understands their frustration, it is difficult to balance the need to be productive while also maintaining a dialogue between the two panels during the drafting process. The team leader reminded the STK that there are multiple avenues to give feedback on the draft recovery plan throughout every stage of its development.

Another STK panelist commented that he shares the frustration expressed by others and that his organization has intentionally not put anything on the record because they expect future litigation and they do not want to have something in the record now that could potentially be used against them later. Their comments on the plan thus far have been strategic and calculated so that they can change their mind in the future; this may include not providing information that could be useful for the process. He commented that if there was a way to submit comments that wouldn’t be used against his organization in a lawsuit, the discussion would not be as stifled. In general, his organization would reserve their comments until all sections of the draft recovery plan were completed as they do not want to be “trapped” by their comments now. It was further clarified that the team and/or the team leader would not be sued, but rather the agency.

After this exchange, Jon Kurland stated that he understands that it is hard to comment without seeing the full document, but suggested they still comment and considering providing a caveat that these comments were provided without seeing the full document. He reiterated that NMFS wants and appreciates their early input into the development of the recovery plan.

A concern regarding the formality of the meetings as an impediment to open communication was brought forth. For instance, transcribing the STK comments as written into the meeting summaries is giving the impression that they cannot have a collegial discussion. Another STK member contributed that while he shares some of the frustrations with his fellow STK members, the intent behind this process was good. This is one of the first times there has been a joint recovery team with a STK and he applauds NMFS for the effort, but acknowledges there are difficulties with the process. He further stated that he felt it was difficult to be collegial when people wish to preserve the right to litigate; he further expanded that the choice for a joint CIBRT was NMFS’ decision and not the team leader’s and that he felt she was doing the best she could, under the circumstances.

The team leader continued her presentation, reviewing the goals of the recovery criteria, NMFS’ guidance regarding recovery criteria, and the need to relate the criteria back to the five listing factors.

*The team leader transitioned to the dedicated STK comment period, in accordance with the agenda.*

**Stakeholder Comments for the Science Panel to Consider**

*NOTE: The STK members represent their organization’s perspective and as such, there is no expectation of arriving at consensus within the STK and no debating among panel members is permitted. Each STK member is given a dedicated time to speak on behalf of their organization. STK members may have their spoken comments recorded for them with the opportunity to review and make any necessary corrections prior to leaving for the day (notated by “verbal comments”)*
in parenthesis after their name and affiliation) or may submit written notes during the meeting or in absentia to be entered into the record verbatim (notated by “submitted notes” in parenthesis after their name and affiliation).

When discussions between the stakeholder comments were productive, the team leader allowed them to continue until the subject was exhausted, or as time allowed. Question and answer discussions that related directly to a stakeholder’s comments are summarized directly below their submission, otherwise comments are grouped based on topic under the header “General STK Discussions” at the end of this section. The speakers are listed below in the order in which they presented.

Each STK member was asked to comment on the draft recovery criteria which were distributed to the group for review prior to the meeting. Prior to giving their comment, the team leader asked each member introduce him/herself and state the organization they represent so that Jon Kurland could become familiar with the STK members.

**John Schoen – Audubon Society (submitted notes)**

The April 1 Draft Recovery Criteria forwarded for the Stakeholder Team’s review included background information on standards and the connection between the standards and concrete recovery criteria. The standard has been defined as measurable and objective characteristics of the population.

The draft recovery criteria and background information was difficult to comprehend and required several readings to sort out what was being recommended. As I understand the situation, the draft recovery criteria plan states:

1. Concrete recovery criterion requires a Population Viability Analysis.
2. The PVA requires reliable population data and all uncertainty must be calculated probabilistically.
3. Currently, there is inadequate ecological data and uncertainty is high.
4. Thus the initial PVA will be less than definitive and need to be continually updated.

Downlisting Criteria (summarized):

1. when the population has < 1% probability of quasi-extinction in 100 yrs as determined by a PVA incorporating uncertainty and including …
2. identified threats have been resolved or mitigated.

Delisting Criteria: (Uses a similar approach with but with different probabilities and years of becoming endangered)

This approach makes intuitive sense to me and I support using PVA modeling as the foundation for establishing recovery criteria. However, what has been described is a long-term process for generating recovery criteria that will evolve as new and better data are acquired. The “process” does not yet provide a set of measurable and objective population characteristics. I think (that for the general public) this approach will seem somewhat circular and it will be difficult to
comprehend as there is substantial technical terminology and jargon used throughout. I suggest that the scientists who developed this protocol work with some Information and Education experts to develop a layman’s summary that can be more easily understood by managers and the general public.

There were no specific questions/comments to this member.

Nancy Lord – Audubon Society (submitted notes)
The stakeholder group has been asked to comment upon the draft recovery criteria. I would like to note that the goal of the overall team in January was to have a complete draft recovery plan ready by April 1 for review and comment by the stakeholder group. This deadline has obviously not been met, and we (Cook Inletkeeper) would like to express our great disappointment at not having more than recovery criteria to comment upon. It’s difficult to see how a recovery plan can be completed by November when the stakeholder members of the recovery team, after all this time, still have had no opportunity to see or participate in anything approaching a plan for CIBW recovery. We do not know the status of the drafting of the plan, which seems to be far behind schedule.

I don’t mean this comment to be criticism of the CIBRT or its leadership. We appreciate that everyone is operating as a volunteer. But it does seem to be a flawed process, given inadequate resources, to accomplish the stated goals in anything like a timely manner.

I did attend all of the science panel sessions in January and have the benefit of learning from them. Much of that time was devoted to discussion of recovery criteria and the use of the PVA model.

I understand that recovery plans must state recovery criteria and that that is why so much focus has been devoted to deciding what the RC should be. However, it seems completely perverse to me to have focused on what will determine downlisting and delisting to the exclusion of discussing and acting upon recommendations that might actually assist with the CIBW’s recovery. To a lay person, this is nonsensical. The CIBW is so endangered that any opportunity for downlisting is very far in the future, and indeed may never come. Meanwhile, months and years are going by without any progress on an actual plan that involves strategies, measures, actions, etc. to address the population’s fragile status and assist with recovery.

Having said that, and because our assignment is to comment upon the draft recovery criteria, here are some comments:

Cook Inletkeeper supports the approach described in the paper dated April 1 and distributed to the stakeholders. Specifically, we believe that the PVA modeling approach is the appropriate one, since it represents the most thorough application of the best available science. It has previously been applied, with reasonable and useful results, to the CIBW, and we understand that its applications are continually improving with time. It allows for a great deal of complex data to be fed into the model, for addressing uncertainty where there are data gaps, and for continual evolution and updating as new information becomes available. We support incorporating a summer range size variable in the modeling, as is proposed. We support the use of the 100-year time scale for considering the probability of extinction, given the life spans of beluga whales.
We reviewed the ruling by Judge Lamberth, in which he found that the previous use of the PVA approach in support of the ESA listing was justified. As that ruling quoted from a previous case, “If no one proposes anything better, then what is available is the best.”

We are not, however, modeling experts, and it’s beyond our ability to comment on the intricacies of modeling, or to have more than a basic sense of how the modeling would work and what results of the analysis might look like. The usefulness of the PVA approach of course depends on the parameters and quality of the information fed into the model. It would certainly be helpful to see results of trial runs and how altering various variables affects results. It would have been helpful to have a joint session for the panels about modeling, as had been suggested earlier.

I would like to end by simply quoting a line from the 2005 Workshop on Assessing Population Viability of Marine Mammals. Page 9, regarding the CIBW, reads, “…It is clear that its recovery potential is eroding rapidly and the population is in great need of rigorous, effective management to identify and address the factors perpetuating the decline.” It’s now 2012, seven years later, and we have seen very little progress in response to this urgent call. We would like to call upon the whole CIBRT to complete, submit, and promote a robust recovery plan without more delay, and we further encourage the stakeholders to support and advocate for the critical funding needed to implement such a plan. The research needs alone are substantial and essential.

There were no specific questions/comments to this member.

**Chris Garner – Joint Base Elmendorf-Richardson (JBER) (verbal comments)**
- Very difficult time reading through the Recovery Criteria
- Not a modeler, so not qualified to speak to specific efficacy of using a PVA
- Seems clear a PVA model will provide most rigorous scientific methodology given alternatives
- Introduction of quasi-extinction was noteworthy, need definition of what that means, but given precarious and small size of population, it makes sense to build in cushion
- This section could use some dumbing down and clarification
- The 100 year time horizon at first gave some pause, but makes sense given the longevity of the species.
- Needs adaptive management- authors begin to weave that thread when say, future models/PVAs that come out may be better and should be used – good to keep the idea of adaptive management in this

There were no specific questions/comments to this member.

**Steve Ribuffo – Port of Anchorage (POA) (verbal comments)**
- In awkward position because POA is an excluded area for Critical Habitat (CH), but have different perspective than some others
- This was difficult to read for someone who doesn’t have a background to understand.
- Second to last paragraph in Section 2 was understandable:
“The failure of the CIB population to exhibit a ‘normal’ growth rate in the time since cessation of the subsistence harvest indicates that some factor, or combination of factors, is inhibiting reproduction and/or survival to a degree that is overriding expected normal density dependence. Until the responsible factor or combination is identified and understood, and its influence on the population is quantified, all the plausible alternative hypotheses are part of the overall uncertainty which must be encompassed by the PVA model. If and when the causes for depression become better understood, this can be modeled explicitly and the uncertainty propagating through the PVA will diminish accordingly.”

- Thinks it means we’re throwing darts at the wall until these come back slowly- we don’t know, but it may be a lost cause if we’re already at quasi-extinction.
- The rest is mathematics
- This could be at the heart of the whole discussion; there hasn’t been subsistence hunting for a while and it doesn’t matter
- The wrong way to do this is to have one group write a document and have others try to decipher it- make what exists work instead
  - For example, in designing aircraft, the Air Force uses a process where the designers/engineers take the requirements and develop a prototype product. Then, immediately the operators get involved to see if it works in practical situations. As time progresses, it’s more about the operators than the “scientists.” In the end, this type of collaboration works well.
- Have to get both groups together to get something that both groups have a stake in and make it something both sides can live with – will take longer, but will have a better document.

There were no specific questions/comments to this member.

Eileen Probasco – Matanuska-Susitna Borough (Mat-Su) (verbal comments)
- Relieved to hear comments because feeling a little inadequate for not being able to understand this.
- Would appreciate more of an Executive Summary explaining these RC.
- Here representing future Port Mackenzie and rail expansion and natural resource export plans.
- Want to make sure those interests are represented.

There were no specific questions/comments to this member.

Doug Vincent-Lang – Alaska Department of Fish and Game (ADF&G) (submitted notes)
The State of Alaska appreciates the opportunity to participate in the Recovery Team Stakeholder Panel, and looks forward to continued involvement in the development of a scientifically sound Recovery Plan. For transparency purposes, I must put on the record that the State is in active litigation over the listing of this DPS and its designation of critical habitat. The State respectfully requests that these comments be taken into consideration by the Recovery Team Scientific Panel and look forward to providing additional comments on the draft plan once it is
released. We add that it is very difficult to provide meaningful comments on isolated pieces of a complex and interwoven document. We feel this results from the decision to have separate, not integrated, panels developing this document.

Let me begin by stating that the state believes that the one week review opportunity represents an unreasonably short comment period, especially on an issue as critical and fundamental as the recovery goals and criteria. This is the backbone of the recovery plan and a one week review period is insufficient to the comprehensive gathering of input and information from other agency staff with valued expertise on these issues. Further, to not be able to print the document is very troubling and raises fundamental trust issues.

Taxonomists classify cetaceans into two sub-orders: Mysticeti, the baleen whales, and Odontoceti, the toothed whales (together with porpoises and dolphins). Most baleen whales are very large and use their long baleen plates to strain tiny marine animals, such as krill, from sea water. In contrast, most toothed whales, such as belugas, are much smaller and occupy a different ecological niche: They generally catch and eat fish with their teeth, and belugas in particular use echolocation to navigate in generally shallower waters. In building the recovery criteria, the Recovery Team relies on a 2002 report authored by Angliss et al regarding how objective, measurable recovery criteria should be established for large whales.

This report focuses exclusively on large whale species and discusses recovery plans for several large, baleen whales (e.g., blue, fin, and humpback whales). Beluga whales, however, are not “large whales”. As a matter of fact, NMFS classifies beluga whales as small whales. In the record for the listing decision, NMFS states that “The beluga whale (Delphinapterus leucas) is a small, toothed whale in the family Monodontidae, a family it shares with only the narwhal.” The Recovery Team fails to adequately explain why the recovery criteria for large, baleen whales should apply to a recovery goal for small, toothed whales like belugas which have different life history characteristics.

The Recovery Team proposes use of a population viability analysis (PVA) as the basis for determining if recovery goals have been attained. While the State does not oppose this concept in principle, it is critical that any model that is developed be based on sound assumptions and verified based on performance. The current PVA is based on several key assumptions that are not valid and need further verification, with a key assumption being carrying capacity. As we have said numerous times in the past to this panel, the ADFG historic estimate of 1200 should not be used as an estimate of comparative historic abundance or as an estimate of supportable carrying capacity. The best estimate for these purposes remains the historic NMFS abundance information. Furthermore, the use of PVAs as a basis for recovery planning under the ESA has not been fully accepted as a definitive tool for listed species. As such, determination of the recovery must not rest exclusively on the PVA.

It also appears that the recovery threshold is being set at or about 70% of the historic population level, which as we stated above is not known with any certainty. Such a high threshold like this would exceed not only the 60% standard typically employed for the attainment of the optimum sustainable population (OSP) level called for in the Marine Mammal Protection Act (MMPA), but be contrary to years of NMFS precedent. It is our contention that ESA recovery goals should be set at a lower level than OSP as the ESA is concerned with removing the risk of extinction, whereas the MMPA has a higher goal of achieving optimal yield and ecosystem health and
stability. The State strongly urges the establishment of a recovery goal reflective of the difference in these statutory mandates and standing agency precedent – that is a goal reflective of that required to remove the risk of extinction not one aimed at full recovery. Once the risk of extinction is removed and the whale is delisted MMPA can be used to fully recover the population. We are also unsure what exactly “quasi-extinction” means and if this criteria is necessary given the very conservative goals proposed.

Finally, the criterion which states that “The treats listed below have been investigated scientifically and are dismissed, resolved controlled, or, if determined to be entirely of natural origin, have been mitigated to a level that the PVA model predicts is compatible with the extinction risk criterion.” All known threats are being adequately mitigated is problematic. All populations face a multitude of threats that potentially impact their growth rate in varying degrees throughout time. The key question is whether the overall impact of the threats in combination is negatively impacting growth rate. If the population is meeting its desired growth rate, the influence individual threats have is somewhat irrelevant. Inclusion of criteria for single threats allows such criteria to be used as defacto vetos on down or delisting decisions regardless of overall population health. As such, it is inappropriate to include specific criteria for each known threat that could prevent down or delisting if overall the population is meeting stated growth rate objectives.

These are a few thoughts we were able to put together in the very limited time we had to review these criteria. We agree with other members of the Recovery Team that, with regard to future communications between the Stakeholder and Science Panels: 1) a complete version of the draft Plan, without missing or withheld sections, should be provided well in advance of the next meeting; 2) amended sections of the Plan and its components, including the Recovery Criteria, should be made available at least one month in advance of stakeholder comment deadlines; and 3) procedures should be established for asking questions of the drafters of the Plan and the Science Panel outside the context of the meetings.

Specific questions/comments regarding this member’s comments:

A STK member asked Doug to articulate the difference of PVA for large, versus small whales. Doug stated that the Angliss report was specific to large whales with different life history characteristics. There was not an adequate explanation of why it is applicable to use these criteria for small whales that have different life history parameters. The team leader offered to send out a table-top exercise she did comparing large and small whales which found that while the size and weight of the whales were very different, the reproductive parameters were very similar. Two STK members who were present at the January 2012 SCI meeting shared their recollection of the SCI discussion and shared their opinions that the large whales were focused on because they were grandfathered in under the ESA, but the intent was to be applied to all whales; as such, it seemed to be a logical use of the criteria. Doug stated that he hasn’t seen where other recovery criteria for small whales use this criteria. He also stated that a PVA is a critical component, but if you use the highest population estimate obtained by NMFS instead of the ADF&G estimate, the PVA shows the number is already at the 1% threshold suggested in the criteria. The team leader thanked them for their comments and encouraged everyone to review the meeting summary of the SCI discussion, and clarified that the SCI would do a better job of explaining the rationale for using the Angliss report within the text of the recovery plan.
**Kate Williams – Alaska Oil and Gas Association (AOGA) (verbal comments)**

- A week was not enough time to provide substantive comments.
- The two panels are being held to different standards (STK had 1 week), but SCI can have work trickle in and it impacts this group’s ability.
- It’s hard to comment in a vacuum without seeing the threats section because oil and gas (O&G) may be identified as a threat and will want to review that before commenting.
- Hopes there’s a recognition of O&G mitigation measures
- Needs to be a recognition of the O&G resources to the State of Alaska and the south central region in particular.

**There were no specific questions/comments to this member.**

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**Roland Maw – United Cook Inlet Drift Association (UCIDA) (verbal comments)**

- When meet with various industry folks and he shares and collects information to bring to this meeting, is the question: What is the end game of the people involved in this process? The data has to be interpreted and he doesn’t have an answer
- His group doesn’t have confidence in the 1,200 number; population is not that big; even folks from the State of Alaska that collected the data say 1,200 plus or minus 300 is the kind of number he is hearing.
- He’s been out fishing in Cook Inlet since the early 1970s and questions that number.
- Someone made a comment about a summer range adjustment to these maps - understands the need for standardized maps, but thinks they are consistently wrong.
- The numbers the past two years show 30, 40, 50 animals missing- where did they go?
- People looking in the Kenai and Kasilof Rivers aren’t supporting this.
- It is causing a lot of frustration in the people he works with.
- Muddy water, ice, etc. means we are not accurately collecting the population
- Models are questionable; for example, the halibut commission brought in someone from Argentina who said model was wrong in several parameters and got half the numbers.
- Has concerns about a PVA because of the sensitivity of the values of the parameters you put in; you can prioritize values in a model and UCIDA supports such a prioritization and a sensitivity analysis of the model itself because it drives the output.
- On draft, would like to see “for instance, this might mean….”; he doesn’t know what this means in real life.
- Agrees we are in crisis mode; what we have been doing the past 10 years is not working.
- Another process “incident command” has worked on a short term (two to three year) basis
- 1% in 100 years does not work and he doesn’t know what it means – what would it look like for humans?
- Genetic variability being good for a species is not necessarily an idea he agrees with – there seems to be an inconsistency in an argument that doesn’t consider bringing in more genetic diversity - there are a lot of species in North America that are essentially genetic clones and seem to be doing just fine.
- The five days time to review wasn’t enough for him to go back to his group
Specific questions/comments regarding to this member’s comments:

A STK member shared that she thought sensitivity analysis was common practice; and said that she was the one who mentioned summer range, but they may have different definitions of that issue.

Karla Dutton – Defenders of Wildlife (submitted notes)
Defenders of Wildlife’s comments are listed below referencing the page and text in question.

- “…status of the listed population under the ESA may be revised”
  o Technically, only “species” (rather than populations) may be listed and hence delisted under the ESA. Species includes full species, subspecies, and distinct population segments. The Recovery Plan might avoid confusion by referring only to “species” for purposes of listing/delisting/downlisting.

- “…recovery plans are now expected to state recovery criteria.”
  o This wording sounds as if the National Marine Fisheries Service (NMFS) has the discretion to include or exclude recovery criteria. Recovery criteria are mandatory components of recovery plans, per section 4(f)(1)(B)(ii) of the ESA.

- Page 1-2, discussion of recovery criteria
  o While it is encouraging that NMFS is trying to adopt clearer, quantitative criteria for downlisting and delisting, this section should more clearly state that ESA recovery criteria must also “address threats to the species in terms of each of the 5 factors outlined in section 4(a)(1) of the ESA…,” as indicated in the NMFS recovery guidance. One could read this section and leave with the impression that recovery criteria can be defined solely in terms of population status, rather than population status and threats. Please note that NMFS now requires that all recovery plans list all five threat-based criteria (not just some of the criteria). Defenders understands that threat-based recovery criteria are still being developed as stated on page 5. Our organization looks forward to reviewing them in the “Threats Section” of the recovery plan.

- Delisting criteria – The biological threshold for “endangered” means less than 1% chance of extinction over 100 years, and the threshold for “threatened” means less than 10% chance of becoming “endangered” within 20 years (i.e., less than a 10% probability within 25 years of exceeding a 1% chance of quasi-extinction in a further 100 years).
  o There is no explanation of how timeframe for “threatened” went from 20 to 25 years.
  o The extinction risks seem reasonable to our organization.

There were no specific questions/comments to this member.

Brett Jokela – Anchorage Water and Wastewater Utility (Verbal comments)
• Liked idea of having probabilistic approach - seems necessary and appropriate
• Selection of particular numbers would become hard and fast, but numbers are not well
defined in these criteria.
• How these numbers came to be is a little bit mysterious and incomprehensible to the
average Joe.
• What do statistics mean? It seems kind of arbitrary and needs explanation.
• One way would be to provide examples
  o When are they bound to extinction versus recovery
  o e.g., all other things being equal, does 450 for three years in a row provide a better
    chance for recovery?
• 1% in 100 years means nothing to people on the street who have to deal with these
numbers.
• Also, hard to digest in terms of threats when don’t have an assessment of threats to
review.
• We know very little about threats and their impact to recovery
• Helpful to identify threats quantitatively in PVA
• Then may be able to look at threats in terms of what kind of response may result in a
biggest bang for the buck
• Some threats may be taken off the threats list all together.
• Helpful in recovery plan to say if we focus on certain threats, may have a more
meaningful impact to the whales
• Need to define threats in a probabilistic manner and focus on those that are most critical
• Target resources on recovery actions that have best potential to remove greatest threats to
recovery of population.

There were no specific questions/comments to this member.

Bruce Anders – Cook Inlet Region, Inc. (CIRI) (Absent, but submitted notes read into the
record by Mandy Migura)
This statement is submitted on behalf the Cook Inlet Region, Inc. (CIRI), an Alaska Native
Corporation, on the Draft Recovery Criteria for the Cook Inlet Beluga Whale (Recovery
Criteria). CIRI commends the National Marine Fisheries Service (NMFS) and the Cook Inlet
Beluga Whale Recovery Team for their continued efforts to devise a comprehensive, balanced,
and effective Recovery Plan (Plan). CIRI appreciates the opportunity to participate in the
development of the Plan as a member of the Stakeholder Panel.

As CIRI has noted in previous submissions, these comments are general in nature, based largely
on the fact that they have been prepared with only one week’s notice. This unreasonably short
comment period does not lend itself to the comprehensive gathering of input and information
from stakeholders, and undermines the role of the Stakeholder Panel. We again recommend that,
with regard to future communications between the Stakeholder and Science Panels: 1) a
complete version of the draft Plan, without missing or withheld sections, should be provided well
in advance of the next meeting; 2) amended sections of the Plan and its components, including
the Recovery Criteria, should be made available at least one month in advance of stakeholder
comment deadlines; and 3) procedures should be established for asking questions of the drafters of the Plan and the Science Panel outside the context of the meetings.

When developing a Recovery Plan, section 4(f) of the Endangered Species Act (ESA) requires that NMFS and the Recovery Team incorporate a description of the site-specific management actions necessary to achieve species conservation and survival; include objective, measurable criteria which, when met, would result in a species delisting determination; and provide estimates of the time required and total costs associated with carrying out these measures. Per NMFS guidance, Recovery Criteria “comprise the standards upon which the decision to reclassify or delist a species should be based.” *See, NMFS Interim Recovery Planning Guidance* at 5.1-14, available at: [www.nmfs.noaa.gov/pr/pdfs/recovery/guidance.pdf](http://www.nmfs.noaa.gov/pr/pdfs/recovery/guidance.pdf). Of additional critical importance in the overall Plan process is the consideration of, and goal of minimizing, socioeconomic impacts. *Id* at 2.3-4. CIRI has repeatedly pointed out that the Recovery Criteria must be reasonable and objective and fully consider impacts to regional socioeconomics and development. The Recovery Criteria must be reasonable based on what is actually attainable. *Id* at 2.3.2.4. CIRI continues to have significant concerns about the direction the Recovery Plan process, including the Draft Recovery Criteria, has taken.

1. **The Recovery Criteria Must Minimize Socioeconomic Impacts.**

The guiding principle for the Plan must be to expeditiously achieve the recovery of the Cook Inlet beluga whale population without imposing an undue burden on entities attempting to responsibly develop natural resources in the Cook Inlet region. As outlined above, the Plan cannot legally focus only on biological recovery goals, but must also seek to minimize socioeconomic impacts. CIRI notes that discussions of the Recovery Criteria thus far have focused solely on biological factors, and have not considered the economic significance of the region and the potential socioeconomic impacts of Plan implementation. The Recovery Criteria and Plan should include specific considerations of how distinct biological considerations associated with recovery relate to specific development and resource user activities.

2. **Recovery Criteria Must Measurably Specify the Relative Value of Habitat Areas.**

When considering the value of various habitat areas to recovery, the Recovery Criteria should provide measurable and specific values associated with the specific habitat and its seasonal use by the beluga whales. Habitat use restrictions should be applied only as definitively necessary to recover the species so as to minimize impacts to the local economy and regional development.


Some members of the Scientific Panel are advocating that the recovery threshold be set at 70% of the historic population level. This high threshold would exceed not only the comparable 60% standard typically employed for the attainment of the optimum sustainable population (OSP) level referred to in the Marine Mammal Protection Act (MMPA), but be contrary to years of NMFS precedent. It is almost uniformly the case that ESA recovery goals are set at a lower level than OSP. This is because the ESA is concerned with preventing extinction, whereas the MMPA
has a higher goal of achieving ecosystem health and stability. CIRI strongly urges the Scientific Panel to employ a recovery goal reflective of the difference in these statutory mandates and standing agency precedent.

4. Use of Population Viability Analysis

During its January 2012 meeting, the Scientific Panel discussed use of a population viability analysis (PVA) as the basis for determining species recovery levels. While CIRI does not support or oppose this concept in principle, it is critical that any team assembled to conduct a possible PVA be broad-based, representing all of the different disciplines and stakeholders involved in order to develop a comprehensive and thoughtful formula. Furthermore, the use of PVAs as a basis for recovery planning under the ESA has not been fully accepted or used for other species. Determination of the recovery standard must not rest exclusively on the PVA.

Again, CIRI appreciates the opportunity to participate in the Stakeholder Panel, and looks forward to continued involvement in the development of objective and measurable, balanced and realistic Recovery Criteria. CIRI respectfully requests that these comments, as well as the request for more notice for providing comments, be taken into consideration by the Recovery Team and Scientific Panel.

Joel Blatchford – Alaska Native Marine Mammal Hunters Committee
- Absent, no comments submitted

Willie Goodwin – Alaska Beluga Whale Committee
- Absent, no comments submitted

Mayor David Carey – Kenai Peninsula Borough
- Absent, no comments submitted

George Vakalis – Anchorage Municipality
- Absent, no comments submitted

Page Herring – Northern District Set Netters Association of Cook Inlet
- Absent, no comments submitted

General STK Discussions

There was repeated mention and questioning among members regarding the phrase and meaning of “quasi-extinction”. The team leader shared that the SCI had struggled with the concept as well and they would try to do a better job explaining the concept. This led to a brief discussion regarding quasi-extinction. A STK member questioned that if the population was already at quasi-extinction, should we consider bringing in new genetic stocks to Cook Inlet now. Other confusing or unclear phrases were mentioned. The team leader explained that she had invited Dan Goodman from the SCI to come to this STK meeting and explain some of these terms, however, his schedule did not allow him to attend this week’s meeting. She suggested that, if
time permitted at the end of the day, they could go through the draft recovery criteria item by item and get a list of phrases/words/concepts to take back to the SCI and request a better definition.

Several concerns regarding the threats assessment were brought up. One STK member shared his concerns about how threats would be defined in real life and what the impacts would be to industries as a result. This led to further discussion regarding how the threats would be “used” and how those threats would be addressed in managing the CIB. A different STK member stated that it would help him to get information from the SCI on the probability of threats, since not knowing makes some groups be defensive - people want to know which industry or group has a “target on their back”. This uncertainty keeps his group from sharing information with the recovery team that they probably should share. Another STK member agreed and stated this was a real concern and cited the Stellar Sea Lion Recovery Plan, which resulted in a fishery closure based on the possibility that commercial fisheries were causing nutritional distress; he felt that it was very likely the same thing could happen in Cook Inlet, as a result. The team leader said these were excellent points and shared the process the SCI is undergoing to identify and evaluate threats to CIBs. The SCI is trying to determine if some potential threats really are not threats.

A STK member contributed that the draft recovery criteria were very academic and that, while it needs an underpinning of good theory, adaptive management is also needed, but the challenge with CIBs is the small population and quasi-extinction. This led to a discussion of how to manage without going after a specific industry since the goal of recovery to 1% of the population in 100 years is an ambitious goal. A STK member responded that due to the small population size, the CIB is in a crisis situation, a single stranding event could wipe out the population.

The dedicated STK comment period was concluded, and the team leader reminded the panel that they still had the opportunity to provide further comments in the future. The team leader briefly reviewed the remaining agenda items, then asked Nancy Lord to share her thoughts regarding the Alaska SeaLife Center’s Oral History of Cook Inlet Belugas report.

Nancy Lord said that she was impressed by the number of responders and how passionate people in the community are about CIBs. Nancy said she was surprised by how much people didn’t know; they didn’t know CIBs are in trouble or why. Nancy also thought that it was interesting how people’s memories differ. For example, her recollection and another person’s recollection of a she shared experience differed. This brought the limitations of this type of exercise to light, but she encouraged the panel to read the report.

Since time allowed, the team leader then displayed the draft recovery criteria per the panel’s earlier request to review and highlight areas needing clarification. Comments and highlights were made directly to the displayed document, which would be reviewed at the subsequent SCI meeting.

The panel then edited the document as a group, making suggestions such as: an introduction paragraph stating the objectives; explaining the relationship of recovery and down/de-listing; explaining the use of the Angliss et al. report in developing RC; defining the meaning of a

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distinct population segment (DPS) and other unclear terms such as quasi-extinction; and clearly
defining the differences between the existing statutes and clearly defining the metrics used.

This led the panel to an extensive discussion regarding the population level used to define
recovery and the uncertainty some STK members feel regarding historic population estimates. A
panel member pointed out that if the cause and effect of the decline are not understood, the
mitigation measures can’t be determined, and the recovery criteria that is created now, may not
be enough in the future. This led to a discussion regarding the confidence of the metric for the
future and the importance of adaptive management.

In accordance with the agenda, time was made available for observer questions or comments.

The two observers present introduced themselves and thanked the panel for allowing them the
opportunity to observe, but had no questions or comments.

Closing Remarks and Discussion
The team leader thanked everyone for their questions/comments and with the time remaining,
asked Jon Kurland if he had any final thoughts or comments. Jon thanked everyone for their
participation, and recognized that it is an imperfect process but he thinks it is better to get input
early in the process via an imperfect system than to not get their input at all. He reminded the
STK that this meeting was not the last chance to make comments and invited them to reach out
to him if they had any questions or comments. A STK member thanked Jon for attending the
meeting and was glad he was able to hear the frustration regarding the disjointed nature of the
two panels. Jon said that he was glad to listen and while he understood their frustration, he very
much appreciated their willingness in engaging in the process and expressed how valuable their
input was.

There was a discussion about the future scheduled meeting in October. There was general
consensus that the next meeting should be a joint meeting held after a complete draft recovery
plan was available for STK review. Many liked the idea of having the SCI walk the STK
through the plan and explain the rationale for specific decision, allowing for back and forth
discussions between the panels about specific concerns. It should not be a situation where the
SCI is regurgitating the contents of draft plan. A suggestion was made that the next meeting
should be a two-day meeting in which the SCI explains the draft plan on day one and the STK
explains their perspective on day two; there was general agreement to that suggestion. They also
discussed the need of getting the draft plan to the STK early enough to allow for a meaningful
review of the entire document; four weeks prior to the next meeting was suggested and generally
agreed upon. The team leader commented that in order to accommodate these requests, it would
likely be necessary to push back the meeting that had been scheduled for October 2012. Some
members stated that would be preferable than to continue trying to review and comment on
sections out of context with the rest of the document.

Finally, there was a quick discussion about lessons learned during this process that NMFS should
consider in the future:
• Volunteerism is more costly in the long run than assigning a core group to draft a plan in a timely manner.
• All timelines have been missed; this breeds frustration.
• Consider setting up MOAs with other agencies stating that they will provide expertise and deliverables by a deadline.
• NMFS should pay to have a technical writer/editor.
• Build in time during the meetings for the group to work and write, and don’t rely on volunteers to work between meetings.

_The team leader thanked everyone for their participation and concluded the STK meeting._