



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
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December 3, 2024

Peter O. Thomas, Ph.D.
Executive Director
Marine Mammal Commission
4340 East-West Highway, Room 700
Bethesda, Maryland 20814-4498

Dear Dr. Thomas:

Thank you for your letter dated August 12, 2024, recommending measures to minimize disturbance in Cook Inlet beluga whale (CIBW) foraging areas in the Kenai River area and encouraging the National Marine Fisheries Service (NMFS) to work with the Alaska Department of Fish and Game (ADF&G) to jointly develop and implement these measures.

While NMFS and the Marine Mammal Commission (MMC) may differ on how we characterize and interpret the data and terms described below, we are in agreement when it comes to concern about the overlap between CIBWs and anthropogenic activities in the Kenai River area. We appreciate the MMC's recommendations to mitigate those potential impacts, and provide responses below. In addition, below we provide clarification on several statements made in your letter.

Responses to Recommendations

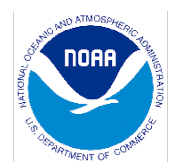
1. "...the Commission recommends that NMFS re-evaluate "reduction of prey" to determine whether it should be elevated to a threat of relatively high concern rather than one of medium concern, as indicated in the 2016 recovery plan." (MMC letter, p. 3).

Data conducted through the NMFS-funded and -led Alaska Beluga Monitoring Program (AKBMP) and the BOEM and NMFS funded acoustics study (Kumar et al. 2024) are the first steps in understanding whether the absence of CIBWs at the height of Kenai River summer salmon runs is due to prey depletion or other factors, and more research is needed.

In addition, recent and ongoing research, including modeling impacts of changes in prey availability and anthropogenic disturbance on survival and reproductive success of CIBWs (McHuron et al. 2023¹) and population viability analyses (Warlick et al. 2023²), as well as

¹McHuron, E.A., M. Castellote, G.K. Himes Boor, K.E.W. Sheldon, A.J. Warlick, T.L. McGuire, P.R. Wade, and K.T. Goetz. 2023. Modeling the impacts of a changing and disturbed environment on an endangered beluga whale population. *Ecological Modeling* 483:110417. <https://doi.org/10.1016/j.ecolmodel.2023.110417>

²Warlick, A.J., G.K. Himes Boor, T.L. McGuire, K.E.W. Sheldon, E.K. Jacobson, C. Boyd, P.R. Wade, A.E. Punt, and S.J. Converse. 2023. Identifying demographic and environmental drivers of population dynamics and viability in an endangered top predator using an integrated model. *Animal Conservation* 27(2). <https://doi.org/10.1111/acv.12905>



bioenergetics studies (John et al. 2024³) will help inform our review of the threat’s level of concern, which is a task undertaken for each threat as part of the development of each 5-year status review under the Endangered Species Act.⁴ In addition, the Cook Inlet Beluga Whale Recovery Implementation Task Force’s Habitat & Threats Management Committee has a dedicated sub-group focused on investigating depletion of prey. This sub-group is currently comprised of representatives from NMFS, ADF&G, and the Tyonek Native Corporation. Based on recent and ongoing research, NMFS will consider reevaluating the threat level assigned to “reduction of prey”.

2) “The Commission recommends that NMFS work with ADFG to conduct additional outreach to ensure that vessel operators are aware of, and comply with, NMFS’s beluga-friendly boat-operating practices...” (MMC letter, p. 3).

We are already implementing this recommendation. NMFS works with ADF&G on multiple CIBW-focused outreach efforts and co-leads the Cook Inlet Beluga Whale Implementation Task Force’s outreach committee. Joint deliverables to date include educational signage and an [ADF&G-led pilot reporting program](#). We also work with several partners in the Kenai area, such as Alaska Wildlife Alliance (AWA), to spread information and awareness of CIBWs. Several of those partners have already posted “slow for belugas” signs of their own design along the Kenai River (e.g., [AWA in coordination with Boy Scout Troop 603](#)). In addition, NMFS’ Office of Law Enforcement (OLE) conducts numerous outreach efforts annually to watercraft operators, with a special focus on CIBWs. These include the Anchorage Boat Show, Alaska State Fair, and the Kenai Sport, Recreation, and Trade Show, and provide education and guidance to the public as well as CIBW recovery partners on marine mammal harassment, vessel-operating guidelines, and how to report stranded, injured, or harassed marine mammals. NMFS also provides CIBW education and outreach in collaboration with numerous partners through focused events such as [Belugas Count!](#) as well as multi-disciplinary efforts such as Alaska State Parks’ Families to the Parks events and ADF&G’s Potter Marsh Discovery Day. In addition, NMFS issues seasonal recurring radio PSAs on Alaska Public Media-KSKA radio stations with instructions for reporting stranded marine mammals. We plan to engage further with ADF&G to discuss additional collaborative outreach opportunities in the Kenai River area, such as providing outreach material with sport fishing and Kenai/Kasilof dip net licenses.

3) “The Commission further recommends that NMFS work with ADF&G to revise the Kenai River fishing regulations to reduce vessel disturbance from the large number of personal-use fishing vessels that operate during the salmon dipnet fishery in July.” (MMC letter, p. 3)

Kenai River fisheries are managed and regulated by ADF&G, under statutory authority from the Alaska Legislature. NMFS does not have jurisdiction over these fisheries. NMFS provides input to ADF&G on fisheries management when solicited, either directly or via public comment processes. This includes recommendations on reducing impacts to CIBW. We will continue to

³John, J.S., D.R. Christen, K.L. Flammer, T.L. Kendall, E.C. Nazario, B.P. Richter, V. Gill, and T.M. Williams. 2024. Conservation energetics of beluga whales: using resting and swimming metabolism to understand threats to an endangered population. *Journal of Experimental Biology* 2024 227(5):jeb246899. <https://doi.org/10.1242/jeb.246899>.

⁴ The most recent Cook Inlet beluga whale 5-year review was issued on September 22, 2022

do so and will continue to inform ADF&G that NMFS welcomes additional opportunities to discuss this topic.

4) “The Commission recommends that, along with increased outreach to vessel operators concerning NMFS’ beluga-friendly boat-operating practices, NMFS and ADFG work with researchers conducting visual surveys and PAM in the Kenai River area to (1) expand monitoring of beluga whale presence in the Kenai River during the summer months, particularly in relation to vessel traffic, and (2) document compliance by vessel operators with NMFS’ beluga-friendly, boat-operating guidelines.” (MMC letter, pp. 3-4)

As mentioned above, NMFS monitors beluga whale presence in the Kenai River area in relation to vessel traffic through AKBMP in the spring and the fall and through other visual and acoustic studies (e.g., the Cook Inlet Beluga Whale Photo-ID Project, as funding allows). The acoustic work outlined in Kumar et al. 2024 was a NMFS-led project funded by NMFS and BOEM working with a University of Alaska Fairbanks graduate student (Kumar). NMFS is open to expanding monitoring to the summer months but additional funding and monitor capacity would be needed. In addition, we actively work with partners and the public to educate locals and visitors on how to report incidents or harassment. The beluga-friendly boat-operating guidelines are not legally enforceable, but rather are recommendations intended to help minimize incidents of unintentional harassment. NMFS, including our OLE, reviews and follows up on all reports of potential harassment (intentional or incidental) received by our office to the extent that the information provided in the report allows.

5) “The Commission recommends that NMFS work with ADFG and the Task Force’s Outreach Committee to develop additional outreach materials targeted at Kenai River vessel operators, primarily recreational fishers and boaters, to inform them of the need to follow NMFS’s beluga-friendly boat-operating guidelines...Such information should also be shared via ADF&G’s boat licensing and fishing license processes.” (MMC letter, p. 4)

The Cook Inlet Beluga Whale Recovery Implementation Task Force’s Outreach Committee held a semi-annual meeting this fall and Lori Polasek and Jill Seymour (NMFS and ADF&G Task Force co-leads, respectively) brought the MMC’s recommended outreach ideas to them for consideration. The Committee plans to pursue identifying existing CIBW outreach efforts in the Kenai area as well as gaps in outreach and provide recommendations to NMFS and ADF&G.

Regarding NMFS’s beluga-friendly boat-operating guidelines of this recommendation, please see above. Incidents reported to us are addressed as warranted by OLE.

Clarification on Specific Statements

1) Through recent efforts by NMFS, information is now available that greatly expands our understanding of the CIBW seasonal presence in the Kenai River area. Thus, it is inaccurate to characterize CIBW occurrence in that area as “sporadic” (MMC letter, p. 1). Nor is it accurate to describe CIBW data for the Kenai River area as “sparse” (MMC letter, p. 3).

Since 2019, annual AKBMP shore-based visual monitoring has occurred at the mouth of the Kenai from mid-August through late November. Since 2021, this NMFS-led program has also conducted monitoring during spring months (March through mid-May). Through these efforts, observers have reported CIBWs at the Kenai consistently starting from mid-March through the beginning of May

and again from late August through the mid-November. AKBMP also documents the presence of different types of anthropogenic activities, including aircraft traffic, motorized and non-motorized watercraft, and construction noise. A peer-reviewed publication detailing AKBMP findings since its inception is currently being drafted. In addition, annual progress reports can be found at www.akbmp.org.

Kumar et al. (2024), conducted passive acoustic monitoring in the Kenai River between May to early November 2021 and late October 2022, and outside the mouth of the Kenai from September 2021 until April 2022. They detected CIBWs on “numerous” occasions in the Kenai River from late August to early November, and off the mouth of the river from December to March. Visual CIBW data included in Kumar et al. (2024) comes from AKBMP datasets. Kumar et al. (2024), is currently being revised for submission to a peer-reviewed journal. Once the paper is final and published, we will have a clearer understanding of what type of management actions would be appropriate and feasible to adopt.

2) Page 2 of the MMC letter states that a review of recent papers indicates that the threat of reduced prey to CIBW recovery, currently categorized by NMFS as of medium concern, may be hindering the population to a greater degree than previously assumed. Unfortunately, no references accompany this statement. We are aware of the following recent CIBW publications:

Castellote, M., A. Mooney, R. Andrews, S. Deruiter, W.-J. Lee, M. Ferguson, and P.R. Wade. 2021. Beluga whale (*Delphinapterus leucas*) acoustic foraging behavior and applications for long term monitoring. PLoS ONE 16(11): e0260485

McHuron, E.A., M. Castellote, G.K. Himes Boor, K.E.W. Shelden, A.J. Warlick, T.L. McGuire, P.R. Wade, and K.T Goetz. 2023. Modeling the impacts of a changing and disturbed environment on an endangered beluga whale population. Ecological Modeling 483:110417. <https://doi.org/10.1016/j.ecolmodel.2023.110417>

Warlick, A.J., G.K. Himes Boor, T.L. McGuire, K.E.W. Shelden, E.K. Jacobson, C. Boyd, P.R. Wade, A.E. Punt, and S.J. Converse. 2023. Identifying demographic and environmental drivers of population dynamics and viability in an endangered top predator using an integrated model. Animal Conservation 27(2). <https://doi.org/10.1111/acv.12905>

While these papers provide greater insight into the level of threat posed by reductions in prey, the findings are not definitive and research investigating the extent of this threat’s impact is ongoing. If there are other references that would support this statement, we would appreciate receiving them.

3) Page 2 of the MMC letter references “boat surveys conducted in the Kenai River by Kumar et al. (2024)” providing information on beluga presence; however, it appears that there may be confusion in how that report uses the term. Kumar et al. (2024) collected opportunistic shore-based observations of vessel presence in the Kenai River. Therefore, the “boat surveys” themselves do not provide information on the presence or absence of CIBWs, as described in the MMC letter. As discussed above, recent visual and acoustic data show that CIBWs are present in the Kenai River as early as August 16 (AKBMP unpublished data) and August 28 (Kumar et al. 2024).

4) Page 2 of the MMC letter describes CIBWs as only being present in the Kenai River area during late fall and that they are not present during salmon spawning in August. However, as discussed

above, recent visual and acoustic data show that CIBWs are present in the Kenai River as early as August 16 (AKBMP unpublished data) and August 28 (Kumar et al. 2024).

5) Page 3 of the MMC letter states that guidance regarding safer vessel operation around CIBWs is difficult to find on NMFS's website. In 2021, NMFS created the [Help Belugas webpage](#), which compiles the common actions recommended to the public to help recovery of CIBWs in one location. This website includes information on how to operate watercraft in a more beluga-friendly manner while on rivers. QR codes linking this website are on NMFS's CIBW outreach materials, including brochures and informational signs posted at locations throughout Cook Inlet, and the website is also referenced during media interviews and presentations given by NMFS about CIBWs.

We appreciate the MMC's ongoing support of Cook Inlet beluga whale recovery efforts, including these thoughtful recommendations to NMFS and ADF&G as well as your involvement as a member of the Task Force. We look forward to continued partnership as we collectively work towards the important conservation goal of recovering this species.

Sincerely,



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