



COOK INLET BELUGA WHALE RECOVERY IMPLEMENTATION TASK FORCE

TERMS OF REFERENCE

May 25, 2018

INTRODUCTION AND BACKGROUND

The National Marine Fisheries Service (NMFS) listed the Cook Inlet beluga whale (*Delphinapterus leucas*) Distinct Population Segment (DPS) as endangered on October 22, 2008 (73 FR 62919), pursuant to Section 4 of the Endangered Species Act (ESA). Section 4(f) of the ESA requires the preparation and implementation of recovery plans for all listed species. In December 2016, NMFS finalized the Recovery Plan for the Cook Inlet Beluga Whale.

The Recovery Plan is a guidance document which outlines a path for recovery of Cook Inlet beluga whales. NMFS defines “recovery” as the process by which listed species and their ecosystems are restored and their future is safeguarded to the point that the protections of the ESA are no longer required. The Recovery Plan provides background information about the population and its threats; identifies criteria for when the ESA status of the Cook Inlet beluga population can be upgraded from endangered to threatened, or from threatened to delisted; and recommends numerous actions that can be taken to help monitor the population and understand and reduce the effects of threats. The Recovery Plan serves as a basis for recovery efforts, prioritization of research to ensure that new information will contribute toward the greatest research needs, and effective monitoring to allow NMFS to track the status of Cook Inlet beluga whales and the factors that may affect them.

Section 4(f)(2) of the ESA authorizes the Secretaries of the Department of Commerce and Department of Interior to convene teams to assist in the development and implementation of recovery plans. As the Cook Inlet beluga whale DPS occurs only in Alaska, the authority to appoint a team to assist with implementation of the recovery plan was delegated to the NMFS Alaska Region. Pursuant to this authority, the NMFS Alaska Regional Administrator has determined that partnering with the Alaska Department of Fish and Game (ADF&G) as specified below is the best means of implementing the Recovery Plan. NMFS recognizes that the State of Alaska also has a significant interest and role in recovering this endangered population of beluga whales. ADF&G’s mission is to foster the highest standards of scientific integrity and promote innovative sustainable fish and wildlife management programs to optimize public uses and economic benefits. As such, NMFS and ADF&G will jointly oversee the Cook Inlet Beluga Whale Recovery Implementation Task Force (CIB Task Force), with the mutual goal of recovering Cook Inlet beluga whales.

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The CIB Task Force will work within the construct of the ESA, Marine Mammal Protection Act (MMPA), and other applicable statutes and will not supplant or supersede the respective roles and authorities of NMFS, ADF&G, or other participants. The ESA specifically exempts recovery teams from the Federal Advisory Committee Act (FACA). Subcommittees are also exempt from FACA so long as they report to the CIB Task Force.

PURPOSE AND OBJECTIVES

The purpose of the CIB Task Force is to *advise* NMFS and ADF&G on issues related to Cook Inlet beluga whale recovery, including recommending practicable and effective ways to implement the Recovery Plan. All CIB Task Force input and recommendations to the NMFS Alaska Regional Administrator or ADF&G do not necessarily represent the views of either NMFS or ADF&G and are independent of the agencies. The CIB Task Force is also a forum to increase communication and coordination between agencies and stakeholders working to recover Cook Inlet beluga whales.

The objectives of the CIB Task Force are to:

- Stay abreast of new information regarding CIBs, their habitat, and their threats, and effectively communicate this information to NMFS and ADF&G so management measures can be focused to recover the population;
- Provide recommendations for recovering CIB, including effective implementation of the Recovery Plan and ways to make efficient use of limited available resources;
- Involve stakeholders in implementation of CIB recovery actions;
- Promote creative, practicable solutions;
- Monitor effectiveness of implemented recovery actions and provide suggestions to adapt accordingly; and
- Facilitate and enhance partnerships to carry out recovery actions.

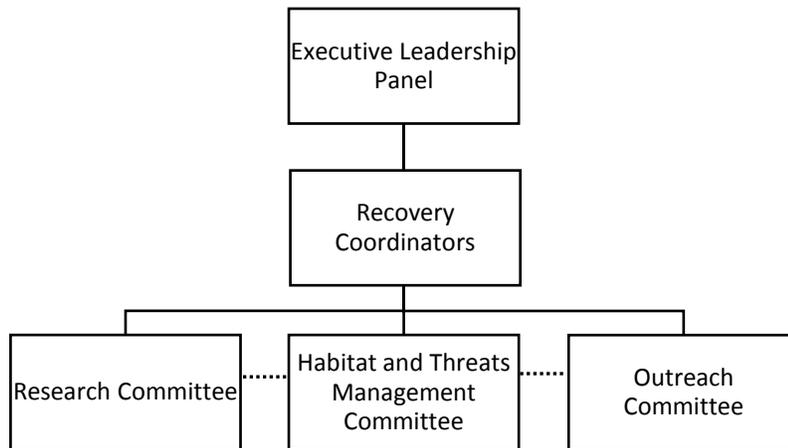
The principal benefits anticipated from the CIB Task Force include:

- Improved likelihood that implemented recovery actions will benefit CIB;
- Enhanced coordination and communication amongst involved parties;
- Integrated and prioritized recovery-related activities;
- Early identification and alleviation of potential conflicts among involved parties and stakeholders;
- Leveraged limited resources;
- Increased public awareness of research and recovery efforts; and
- Facilitation of an adaptive approach whereby research results inform future recovery priorities and actions.

The purpose of these Terms of Reference is to provide operational protocols for the CIB Task Force. More specifically, these Terms of Reference have been developed with the following objectives in mind: 1) to specify the structure of the CIB Task Force; 2) to define the CIB Task Force's roles and responsibilities; 3) to outline the code of conduct of the CIB Task Force; and 4) to gain committed participation of all CIB Task Force members to work towards the goal of achieving full recovery of Cook Inlet beluga whales, to the point the protections of the ESA are no longer necessary.

CIB TASK FORCE STRUCTURE, ROLES, AND RESPONSIBILITIES

The CIB Task Force will consist of three tiers of participants: 1) an Executive Leadership Panel, 2) Recovery Coordinators, and 3) Committees.



The roles, responsibilities, membership, and meeting frequency will vary depending upon CIB Task Force tier.

1. Executive Leadership Panel (ELP)

Overview:

The ELP is comprised of executive-level agency representatives from NMFS Alaska Region and ADF&G who have authority to commit resources towards CIB recovery activities. The ELP oversees the principal direction of the CIB Task Force, maintains communication with the Recovery Coordinators (described below), and works to ensure NMFS and ADF&G are aligned with each other as much as possible, consistent with respective agency policies. The ELP provides institutional support, guidance, and top level reconciliation between NMFS and ADF&G. The ELP provides ultimate approval for CIB Task Force membership, activities, and recommendations, and is the final decision-maker should conflicts not be resolvable at lower tiers. The ELP has the authority to delegate any responsibilities to the Recovery Coordinators.

Membership:

The NMFS Alaska Regional Administrator and the ADF&G Commissioner, or their delegates

Meeting Frequency:

Bi-annually the first year, then at least once a year

2. Recovery Coordinators (RC)

Overview:

The RC will be responsible for the effective coordination of the CIB Task Force. This will include much of the logistical planning processes, as well as intra- and interagency communications regarding the CIB Task Force and CIB recovery. This involves extensive collaboration with both the ELP and committees to facilitate effective communication of information bi-directionally between the ELP and committees; assisting Committee Chairs with planning Committee meetings; attending Committee meetings; advancing outcomes; and streamlining processes to expedite CIB recovery. In doing so, the RC will work closely with the Committee Chairs and the ELP to provide guidance and suggestions to align Committee activities with the intent and direction given in the Recovery Plan and by the ELP. The RC will also check in with and inform their respective agency's leadership to ensure they are on task, meeting deadlines, and remain within the bounds of their agency's missions, guidelines and policies. The RC will strive to provide consistent direction and unified messaging from NMFS and ADF&G to the Committees, and vice versa. The RC will be responsible for keeping the Committees aware of the most pressing management needs.

The RC has responsibility for ensuring the sizes of the Committees balance the need to include diverse expertise and experience with the need to optimize manageability. After consultation with the appropriate Committee Chair, the RC will be responsible for providing recommendations to the ELP for appointing, replacing, or removing Committee members. The RC will also have the responsibility of organizing an annual joint Committee meeting to be held prior to, during, or immediately after the Alaska Marine Science Symposium. This meeting will be an opportunity for information to be shared directly between the Committees, and will be open to the public.

The RC will meet regularly so as to identify and make timely course corrections through adaptive management, while increasing effective communication between Committees and the ELP. Should conflicts arise which cannot be resolved at the Committee level, the RC leads will work together in an attempt to resolve the issues. Should resolution not be attainable at the RC level, the RC will elevate the issues to the ELP for final decision.

Membership:

The NMFS Alaska Region Cook Inlet Beluga Whale Recovery Coordinator and the ADF&G Marine Mammal Program Coordinator

Meeting Frequency:

Monthly (or more frequently if necessary)

3. Committees:

General Overview:

NMFS and ADF&G recognize that successful recovery of CIB will require a multifaceted approach, including: understanding and monitoring the Cook Inlet beluga population (i.e., research); assessing, preventing, mitigating or abating threats to the population's recovery

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(i.e., habitat and threats management); and garnering public support through improved outreach and education. Many examples of specific recovery actions for such a multifaceted approach to CIB recovery are discussed in the Recovery Plan, as are criteria for identifying success. In an effort to promote recovery, the CIB Task Force includes three distinct committees which will focus on each of these general topics: a) Research Committee; b) Habitat and Threats Management Committee; and c) Outreach Committee.

NMFS and ADF&G recognize there is considerable expertise within and outside their respective agencies that, if utilized, will promote quicker recovery of CIB. The primary role of the Committees is to engage the expertise of researchers, managers, communicators, and various other stakeholders to advise NMFS and ADF&G on specific topics or issues relating to CIB recovery. The Committees will provide guidance and recommendations for most effective recovery action implementation based on existing and new data and commercial information, as it becomes available, and will help prioritize limited resources to make the most difference in achieving recovery. The focus will be on short-term actions that can be completed in the next 2-5 years without losing sight of the importance of long-term projects and research.

General Membership:

Each Committee will have a Committee Chair, initially appointed by the ELP. Committee Chairs are members of the CIB Task Force with the following additional responsibilities: 1) serve as a conduit for communication between the Committee and the RC; 2) recommend addition, replacement, or removal of Committee members to the RC; 3) coordinate with the RC on meeting scheduling and agendas; 4) facilitate Committee meetings, promoting open and constructive discussion of ideas and information; 5) work with the Committee to identify and recommend priorities for recovery implementation; 6) keep the Committee moving forward and making steady progress; 7) attempt to resolve Committee disputes, and escalate to the RC those which cannot be resolved at the Committee level; and 8) provide meeting summaries to the RC after each Committee meeting.

General membership in a Committee may be fluid, dependent upon approval by the ELP, and based on certain qualifications. Members will be selected based on expertise or experience as they pertain to CIB recovery (e.g., research and data analyses; habitat and threats management; outreach), or their ability to represent the views of important stakeholder groups. To maintain consistency and improve the likelihood for success of the Committees, membership on a Committee will require at least a 2 year commitment by each member (i.e., no alternating representatives). Memberships may be renewed an unlimited number of times, based upon ELP approval. The ELP has the discretion to remove or replace non-productive Committee members at any time.

Membership as part of a CIB Task Force Committee is a voluntary role. No financial reimbursements for meeting attendance, time spent completing tasks outside of meetings, or travel will be provided by the CIB Task Force.

General Meeting Frequency:

It is anticipated that each Committee will meet independently at least once but not more than twice a year to work on specific topics or issues. Individual Committee meeting schedules will be based upon workload needs; the specific timing of meetings will be coordinated by the Committee Chair in consultation with the RC. Committee meetings may be conducted in-person or remotely (e.g., video- or teleconference). In addition to independent Committee meetings, all committees will meet jointly each year to disseminate information to, discuss progress with, or request information from, other committees. The joint meetings will be held immediately prior to, during, or after the Alaska Marine Science Symposium, will be organized by the RC, and will be a means to help update the public on the activities of the CIB Task Force.

a) Research Committee

Overview:

Research and population monitoring are necessary to inform management decisions for recovering CIB. The Research Committee will focus on research and data needs pertaining to CIB recovery, including identifying new information which may explain why CIB are not recovering. Important roles of this Committee will be synthesizing new information about CIBs; providing recommendations for future research activities which will be most likely to promote CIB recovery or explain the lack of recovery; and identifying and pursuing collaborations and ways to leverage funding for CIB research activities. The Committee will be provided information by the other Committees, the ELP, and the RC about the most pressing management needs to help prioritize the committee's work and focus recommendations.

Committee Chair:

Initially, the Committee Chair role will be fulfilled by the NMFS Alaska Fisheries Science Center Marine Mammal Laboratory's Cook Inlet Beluga Whale Research Program Lead (Paul Wade).

Committee Membership:

The Research Committee may be composed of beluga experts, scientists, veterinarians, data analysts, or others with relevant expertise.

Meeting Frequency:

In addition to the annual Joint Committee meeting, the Research Committee will meet independently at least once but not more than twice a year (time and dates TBD).

b) Habitat and Threats Management Committee

Overview:

Many of the identified recovery actions address concerns for protecting essential habitat functions and reducing threats which may be limiting the recovery of CIBs. The Habitat and Threats Management Committee will focus on: improving the understanding of the existing status of habitat and threats; identifying and assessing other potential threats to CIB; the degree to which known and other

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potential threats are impeding recovery; and identifying ways to improve mitigation or abatement of threats forestalling recovery. Important roles of this Committee will be synthesizing new information about the potential threats to CIBs; providing practicable recommendations for future habitat improvement projects or threat management activities which will be most likely to promote CIB recovery or explain the lack of recovery; and identifying and pursuing collaborations that promote CIB recovery by protecting and restoring habitat and reducing threats. The Committee will be provided information by the other Committees, the ELP, and the RC about the most pressing management needs to help prioritize the committee's work and focus recommendations.

Committee Chair:

Initially, the Committee Chair role will be fulfilled by the ADF&G's Endangered Species Biologist (Kelly Nesvacil).

Committee Membership

The Habitat and Threats Management Committee may be composed of representatives from industry, fisher groups, restoration/conservation/environmental groups, local/state/federal/tribal governments, or other stakeholder groups whose activities may affect (positively or negatively) Cook Inlet beluga whales, their prey, or their habitat.

Meeting Frequency:

In addition to the annual Joint Committee meeting, the Habitat Committee will meet independently at least once but not more than twice a year (time and dates TBD).

c) Outreach Committee

Overview:

The Recovery Plan specifically identifies the need for public education and outreach efforts targeted at informing the public of the threats to and status of CIBs, and promoting more public involvement in reporting Cook Inlet belugas. The Outreach Committee will focus on coordinating and developing consistent messaging for NMFS, ADF&G and other partners to share with the public regarding CIB status, progress towards recovery, and threats management; and identifying existing or recommending new opportunities for broadcasting and receiving messages to and from the public. The Committee will be provided information by the other Committees, the ELP, and the RC about the most pressing management needs to help prioritize the committee's work and focus recommendations.

Committee Chair:

Initially, the Committee Chair role will be fulfilled jointly by NMFS Alaska Region's Public Affairs Officer (Julie Speegle) and ADF&G Wildlife Biologist (Sue Goodglick)

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Committee Members:

The Outreach Committee may be comprised of representatives of organizations that have a role in education or outreach, or which have interest and opportunity to inform the public about the status of CIB recovery.

Meeting Frequency:

In addition to the annual Joint Committee meeting, the Outreach Committee will meet independently at least once but not more than twice a year (time and dates TBD).

PARTICIPATION, COLLABORATION, AND COMMITMENT TO PROCESS

NMFS and ADF&G are committed to jointly overseeing the CIB Task Force, with the mutual goal of recovering Cook Inlet beluga whales. CIB Task Force Committee members are volunteering their time and resources with the shared goal of recovering CIB. In the interest of preserving continuity, CIB Task Force members are strongly encouraged to attend all meetings (including all days of multi-day meetings). If a Committee member is unable to attend a meeting due to circumstances beyond their control, a substitute representative from their stakeholder group may attend meetings as an observer, but not an active participant. The purpose of the substitute representative is to keep the absent CIB Task Force Committee member informed of CIB Task Force Committee discussions. If a CIB Task Force Committee member misses two meetings during the 2-year term, the RC, following discussions with the Committee Chair and the individual member, may recommend to the ELP the removal or replacement of that member.

CIB Task Force members are encouraged to commit to the following:

- *Active, focused participation.* Every member is responsible for communicating his/her perspectives and interests on the issues under consideration. Voicing these perspectives is essential to enable meaningful dialogue. Everyone will participate; no one will dominate. Only one person will speak at a time (i.e., no sidebar conversations). Everyone will help stay on track.
- *Respectful interaction.* Members will respect each other's personal integrity, values and legitimacy of interests. This includes avoiding personal attacks and stereotyping.
- *Integration and creative thinking.* In developing, reviewing and revising work products, participants will strive to be open-minded and to integrate members' ideas, perspectives and interests. Disagreements will be regarded as problems to be solved rather than battles to be won. Participants will attempt to reframe contentious issues and offer creative solutions to enable constructive dialogue.
- *Mutual gains approach.* Members will work to satisfy not only their own interests but also those of other CIB Task Force members. Members are encouraged to be clear about their own interests and to recognize the important distinction between underlying interests and fixed positions.

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- *Progressing the process.* Members will make a good faith effort to work towards and eventually achieve recovery of the Cook Inlet beluga whales. This includes working collaboratively with other CIB Task Force members to commit to share, and not withhold, relevant information, and to share information in a timely fashion.

RECOMMENDATIONS AND CONFLICT RESOLUTION

Whenever possible, recommendations from the committees to the RC should reflect consensus of the committee members, whereby all participants are able to support (i.e., “to live with”) a package of agreements developed over the course of the group’s deliberations. If Committee members cannot reach consensus, the committee should identify the outstanding issues and the varying perspectives on those issues.

The RC will strive for unanimous agreement, but should that not be attainable, conflicts will be elevated to the ELP for final decisions.

CODE OF ETHICS AND CONDUCT

The CIB Task Force is an advisory group, not a government entity. CIB Task Force members who are not employees of NMFS or ADF&G should not present themselves as representing either NMFS or ADF&G. There are no requirements for CIB Task Force members to carry out actions identified either in the Recovery Plan or through the CIB Task Force, but member organizations or individuals may do so voluntarily, including providing resources (e.g., through their representative institutions).

CIB Task Force members will refrain from discussing details of the CIB Task Force process with the media or political representatives. In particular, CIB Task Force members will not represent the views of others, characterize ideas or proposals still under discussion, or prejudge outcomes. CIB Task Force members will not distribute internal documents. CIB Task Force members recognize that premature efforts to “negotiate through the press” or through other political avenues can undermine the success of a collaborative effort. Committee members contacted by the media or political representatives are encouraged to direct these inquiries to the RC.

The CIB Task Force members must avoid conflicts of interest and other ethical concerns by abiding by the following conditions:

1. Before advising the CIB Task Force on a particular matter, members shall disclose any relationships that may exist between themselves or their organization and any entities with interest in developments, projects, or proposals that may affect or associated with threats or stressors to Cook Inlet belugas.
2. Members must disclose and if appropriate disqualify themselves from advising on a matter which has a direct and predictable effect on their personal or professional financial matters, their research funding, those of a client or family member, or those of their employer, apart from matters that are inherent in their employment or outside affiliation.
3. Members shall not solicit business for themselves or their firms or seek an economic advantage based on their position on the CIB Task Force.

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4. Members shall hold any non-public information obtained as a result of their services on the CIB Task Force in confidence and ensure that it is used exclusively for official CIB Task Force purposes. Members should not use or permit the use of such information for private or professional gain, the gain of another person, or the gain of any organization.
5. Members shall not use the resources available to the CIB Task Force for the purposes of assisting a political campaign, or for any campaign business.

CIB TASK FORCE OVERSIGHT AND BUSINESS

The NMFS Alaska Regional Administrator, in partnership with the ADF&G Commissioner, will oversee the CIB Task Force by: 1) convening and, if and when appropriate, disbanding or restructuring the CIB Task Force; 2) appointing, replacing, and removing individual members; 3) defining the CIB Task Force's operating procedures (through these Terms of Reference); and 4) helping identify questions and issues that need the CIB Task Force's consideration.

Costs of CIB Task Force management will be assumed by NMFS Alaska Region and ADF&G (subject to legislative appropriation or other available funding). NMFS and ADF&G will provide for administrative assistance such as photocopying, procurement of supplies, and expenses related to the printing and distribution of materials. NMFS and ADF&G may contract for services or for specific products necessary for the completion of CIB Task Force assignments. No funds are available for salaries, travel, or other expenses not identified above for CIB Task Force activities.

MISCELLANEOUS

These Terms of Reference will remain in effect as long as the CIB Task Force is in place or until superseded. They may be modified if the need arises and at the discretion of NMFS and ADF&G. This document, and modifications to this document, will be distributed to all CIB Task Force members prior to the first meeting, and it will be reviewed at CIB Task Force meetings as needed. Agreeing to serve on the CIB Task Force will be construed as a willingness to abide by all conditions set forth in these Terms of Reference.