

James W. Balsiger, Ph.D.
Administrator, Alaska Region
NOAA Fisheries Alaska Region
709 West 9th Street; Room 420A
PO Box 21668
Juneau, AK 99802-1668

January 13, 2011

Dear Dr. Balsiger;

As the Team Leader of the Cook Inlet Beluga Recovery Team (CIBRT) and also as a member of the CIBRT Science Panel, I am writing to you at the unanimous request of the CIBRT Science Panel (Science Panel). It has come to our attention that some members of the Science Panel are representing policy position and are not serving as independent scientists. This position is contrary to (1) the development of a science-based recovery plan and (2) the CIBRT Terms of Reference (TOR; attached).

As you know, the Stakeholder Panel of the CIBRT was created explicitly for stakeholders to provide information and insights from their positions of advocacy. By necessity, the Science Panel needs to operate apart from those positions or the integrity of a science-based recovery plan for Cook Inlet belugas will be compromised.

We respectfully request that the National Marine Fisheries (NMFS), with regards to representation on the Science Panel from Alaska Department of Fish and Game, stand by the CIBRT Terms of Reference (TOR; attached), which were provided to the CIBRT prior to our first meeting March 2010. The Panel's concern is that a departure from the scientific independence embodied in the TOR might undermine the credibility of the draft Recovery Plan we are tasked to produce. We request that team members who are not free to follow these TOR be removed from the CIBRT.

During the December 8-10, 2010 Science Panel meeting in Seattle, WA, it came to our attention that Science Panel members who are also employed by the State of Alaska were representing a policy position rather than an independent science position. Apparently they have been instructed to represent and advocate for specific positions of the State of Alaska concerning Cook Inlet beluga whales, which contradicts the following sections of the CIBRT TOR:

- *The Scientific Panel is composed of beluga experts, scientists, and co-management partners who were appointed as **independent scientists/experts based upon their specific areas of expertise. They will not represent their agency or organization while serving in the capacity of a CIBRT Scientific Panel member.** The primary functions of*

the Scientific Panel will be to advise NMFS about the key scientific data gaps and to develop the draft recovery plan.

- *The goal of the process is to produce a **scientifically-based plan** to foster recovery of the Cook Inlet beluga whales.*
- *Participation on the Recovery Team **is not a forum by which to discuss personal or institutional opinions regarding the listing of the species or its designated critical habitat.** All team members must be committed to working together towards achieving the goal of the Recovery Plan, which is the recovery of the species and ultimately removal from the List of Threatened and Endangered Species. **Recovery Team members may be removed or replaced if they cannot work towards this goal, or if they fail to serve in a contributory or constructive manner.***
- ***All members are expected to conduct themselves** and team business **in accordance** with the goal of recovering the Cook Inlet beluga whale and as described by **these Terms of Reference.***
- *This document will be distributed to all team members prior to the first meeting, and it will be reviewed at recovery team meetings as needed. **Agreeing to serve on the team will be construed as a willingness to abide by all conditions set forth in the Terms of Reference.***

The Endangered Species Act (ESA) mandates that Recovery Plans be written based on the “best science”. “Best science” can only be obtained by inquiry and frank discussions that are driven by the scientific method, not by policy advocacy. Scientific integrity and the necessity for scientists to be able to work independently of politics has been a topic of concern for scientists, scientific organizations (e.g. Union of Concerned Scientists http://www.ucsusa.org/scientific_integrity/), and for public agencies. The Federal Government has recently released a directive on Scientific Integrity (see attached), which states, “Science, and public trust in science, thrives in an environment that shields scientific data and analysis from inappropriate political influence”. In the view of the Science Panel, the CIBRT TOR supplied by NMFS are indeed crucial to the development of credible science-based advice from the Recovery Team.

The Science Panel has already made substantial progress and greatly values the scientific expertise and experience of all of its members, including those employed by the State of Alaska. The team values the contribution of Dr. Bob Small in the areas of general expertise in Alaskan marine mammal issues, his direct research experience as the principle investigator of a Cook Inlet beluga whale acoustics project, and his Recovery Team experience as the Team Leader of the Steller Sea Lion Recovery Team. The team values the contribution of Mark Willette resulting from his expertise in the management of Cook Inlet

fisheries and knowledge of annual changes in runs of fish of particular importance to Cook Inlet beluga whales (i.e., salmon and eulachon). We sincerely hope to retain all members as active contributors of the CIBRT. However, the Science Panel strongly believes that if a panel member is required by their agency to advocate a policy position, then unfortunately they can no longer be part of the Science Panel. We strongly request that NMFS dismiss those members from the CIBRT who are not able to operate as independent scientists. All members of the Science Panel must be working under the same TOR supplied by NMFS to preserve scientific credibility of the draft Recovery Plan.

We request that you act to resolve this situation in advance of our next CIBRT meeting, scheduled for April 2011 in Anchorage Alaska. Please feel free to contact me with any questions or concerns.

Sincerely,



Dr. Tamara McGuire
Cook Inlet Beluga Recovery Team Leader

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Enclosures:
CIBRT Terms of Reference
Federal Scientific Integrity Memo

cc:
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The Cook Inlet Beluga Recovery Team Science Panel and Stakeholder Panel