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**Report on IUCN Western Gray Whale Advisory Panel (WGWAP) work from June 2020 to
May 2021**

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The Western Gray Whale Advisory Panel (WGWAP)¹, which is convened by the International Union for Conservation of Nature (IUCN), has continued to provide advice to Sakhalin Energy Investment Company (SEIC) and other stakeholders concerning the gray whale population that feeds each summer and autumn off Sakhalin Island and southern Kamchatka, Russia. The Panel's terms of reference and composition are unchanged since last year's progress report².

Three formal meetings took place between June 2020 and May 2021, as follows:

- (1) 18th meeting of the Noise Task Force (NTF-18), 7-9 November 2020 (remote video conference)³
- (2) 21st meeting of the Panel (WGWAP-21), 17-19 November 2020 (remote video conference)⁴
- (3) 19th meeting of the Noise Task Force (NTF-19), 24 March, 13-14 April 2021 (remote video conference)⁵.

Reports of all Panel and task force meetings are available on the WGWAP website. In addition, all recommendations made by WGWAP and its predecessor IUCN western gray whale panels can be viewed on a searchable, publicly accessible database.⁶ This database is updated regularly and includes for each recommendation the identity of the party or parties responsible for implementation, target date for implementation, response provided by responsible party or parties, and status (e.g. Closed – implemented/resolved satisfactorily, Open – in progress, Open – no action yet taken). As mentioned in last year's progress report, the agreement between SEIC and its international lenders, which formed the basis for establishment of IUCN's first independent international oversight panel for western gray whales in 2004, will expire at the end of 2021. The WGWAP will be dissolved on 31 December 2021, after which date the Panel will no longer be able to report back to the SC. In view of its impending dissolution, much of the Panel's attention over the past year has been devoted to consolidation of its legacy (e.g. publication of papers, determination of final 'implementation status' of still-open recommendations) whilst trying to ensure some form of continuity in future efforts to monitor and protect western gray whales.

SEIC seismic survey-related issues

At the most recent NTF meeting (chaired by Doug Nowacek), SEIC confirmed its intention to conduct a 4D seismic survey (using a towed airgun array) of the Piltun and Astokh license areas, which lie close to the near-shore (Piltun) gray whale feeding area, in the summer of 2022. After having been heavily involved in the development and implementation of Mitigation and Monitoring Plans (MMPs) for the Company's seismic surveys in 2010, 2015 and 2018, the Panel, having been dissolved, will not play a similar role in 2022. However, much discussion at the NTF-18 and 19 meetings was devoted to aspects of seismic survey monitoring and mitigation in the hope that SEIC would use the advice provided by the Panel in past years and what remains of this year as it finalizes its 2022 MMP, and its MMPs for future seismic surveys. The Company indicated that in planning for 2022, it was using the 2018 MMP as a starting point and would make adjustments based at least in part on this year and last year's work by the NTF.

Among the issues discussed during the most recent NTF meetings were the following:

- whether the near-shore (Piltun) feeding area needs to be delineated anew, given observed shifts in gray whale distribution in recent years;
- whether the previously agreed principle that seismic surveys should be completed as early in the open-water season as possible (before the peak arrival of gray whales to Sakhalin) was still appropriate, taking into account the relative vulnerability of different population components;

¹ <https://www.iucn.org/wgwap>

² SC/68B/CMP/06 Rev1

³ https://www.iucn.org/sites/dev/files/ntf-18_report_final.pdf

⁴ https://www.iucn.org/sites/dev/files/wgwap21_report_final_en.pdf

⁵ Report shall become available in due course; note that at least one more NTF-19 session is planned for June 2021.

⁶ <https://www.iucn.org/western-gray-whale-advisory-panel/recommendations>

- plans for a further reduced-source experiment to see whether acceptable survey data can be obtained with lower acoustic emissions;
- recruitment and training of observers and the prospects for admitting an independent observer as in previous SEIC seismic surveys.

ENL seismic survey(s) in 2021

The Panel was advised that the other major oil and gas company operating in the Piltun area, Exxon Neftegas Limited (ENL), was planning to carry out a large-scale seismic survey program in the summer of 2021 which, according to publicly available Environmental Impact Assessment materials⁷, will include both the Arkutun-Dagi license area that overlaps the northern end of the offshore gray whale feeding area and the Chayvo (ENL) and North Chayvo (Rosneft) license areas that lie between and partially overlap the near-shore and offshore feeding areas (Fig. 1). ENL advised the Panel ahead of the GWAP-21 meeting in November 2020 that a series of papers related to that company's seismic surveys conducted in 2015 (see ⁸) would soon be available as a special section of the journal *Environmental Monitoring and Assessment*, and also a number of papers are in production in relation to ENL's 2019 seismic surveys.

As repeatedly noted by the Panel and stakeholders (see e.g. GWAP-21 report), the expansion of development activities off north-eastern Sakhalin highlights the importance of accounting for all operations when considering the cumulative effects of noise and other disturbance on Sakhalin gray whales.

Acoustic monitoring in 2020 and 2021

As mentioned last year, SEIC and Exxon Neftegas Limited (ENL) terminated their joint annual acoustic monitoring program in the near-shore feeding area after the 2016 season, arguing that such monitoring was needed only in years when particular activities such as seismic surveys or construction were planned to take place. Following the Panel's recommendation that acoustic monitoring be resumed to check compliance with the Company's Marine Mammal Protection Plan, SEIC carried out its own program in 2020 and it is hoped that this will continue in 2021 and beyond.

Other fieldwork results

The Panel was pleased that the oil and gas company team and the Russian Gray Whale Project (RGWP) managed to carry out field programs (limited as in recent years to photo-identification and distribution surveys) in the summer of 2020 despite problems associated with the pandemic. After an exceptional season in 2019 when 20 mother-calf pairs were documented by the RGWP and 22 calves (19 with their mothers and 3 unaccompanied) by the Joint Program, there was a return to more typical numbers in 2020 when 8 calves were identified by the RGWP (calf numbers were not reported by the SEIC/ENL Joint Program at the GWAP-21 meeting).

At the time of writing, it was expected that the Joint Program would continue monitoring gray whales in the two Sakhalin feeding areas in 2021, following essentially the same procedures and protocols as in 2020. There was no reason to expect a resumption of benthos monitoring, something that the Panel has long considered essential. In fact, SEIC noted at GWAP-21 (November 2020) that due to budget and pandemic-related constraints, it could prove difficult to maintain 2020 levels of effort in 2021.

The RGWP team reported that all 20 of the mothers observed with calves in 2019 had been sighted previously off Sakhalin (i.e. they were already in the photo-ID catalogue). Many of the 2019 mothers had been seen with calves in previous years but about half of them were thought to be 'first time' or 'new' mothers. In 2020, all 8 of the mothers identified off Sakhalin had sighting histories and were already in the photo-ID catalogue.

In July and August 2020 Alexander Burdin and his RGWP team also collected some gray whale data in Olga Bay off south-eastern Kamchatka. About half of the 18-21 individuals seen, including two mother-calf pairs, had been sighted at Sakhalin in earlier years and had demonstrated within-season movements from Kamchatka to Sakhalin. One of the

⁷ See ENL public consultation materials for its program of marine geophysical surveys at Chayvo and Arkutun-Dagi fields, including preliminary Environmental Impact Assessment materials (in Russian) and preliminary version of Environmental Impact Assessment materials (non-technical summary, in Russian) available on the company's website at https://www.sakhalin-1.com/-/media/Sakhalin/Files/Environment-and-safety/Public-consultations-and-assessments/ENG/Seismic-2021_PC-Materials_Full-EPS-st2.pdf and https://www.sakhalin-1.com/-/media/Sakhalin/Files/Environment-and-safety/Public-consultations-and-assessments/ENG/Seismic-2021_PC-Materials_Nontechnical-EPS-st2.pdf

See also Appendix 1 in GWAP-21 report for other activities of ENL and other companies; https://www.iucn.org/sites/dev/files/wgap21_report_final_en.pdf

⁸ See GWAP-16 report, https://www.iucn.org/sites/dev/files/import/downloads/wgap_16_report_final_29_feb_2016_en.pdf#page=15

mother-calf pairs was photo-documented off Kamchatka on 12 July and off Sakhalin on 4 August, having travelled about 800 nmi in approximately 23 days.

With regard to planning for 2021, Burdin indicated his team's desire to continue their work but acknowledged that funding was more uncertain than ever before. The 2020 field season was completed primarily with financial support from personal donations. That being said, a tentative plan for a 2021 season would include continued photo-identification and sampling off Sakhalin and south-eastern Kamchatka to support ongoing research related to population assessment, genetic structure and dietary/trophic relationships via fatty acid and stable isotope analyses.

The Panel again acknowledged the extraordinary dedication and commitment of the RGWP team. Their annual summer surveys at Sakhalin have contributed to the IWC's regional and range-wide assessments and have helped scientists and conservationists to track the return of gray whales to the Russian Far East, where the whales had been either absent or ignored for many decades.

Population studies

The latest population assessment (presented by Cooke at the WGWP-21 meeting), using long-term photo-identification data collected up to and including the 2019 season, indicated that the Sakhalin feeding population has increased at 4.5% (SE 0.2%) per year over the 20 years to 2019, reaching 231 (SE 10) in 2019, of which 67 (SE 4) were reproductive females. This result suggests that the cumulative impact of factors negatively affecting gray whales off Sakhalin has, to date, been within the population's capacity to continue increasing. The recent apparent decline in food availability in the Piltun area, which may have led to a lower residence time of mothers and the earlier weaning of calves, has not yet had a detectable effect on population demography.

The Panel (and the IWC Scientific Committee) has repeatedly recommended that a 'joint catalogue' of western gray whales (together with associated data) be established under the auspices of the IWC. A draft potential agreement has been shared and all parties involved have agreed in principle to make their photographs, biopsies and data available under a data-sharing agreement based upon the safeguards incorporated in the IWC's data-sharing agreement and guidelines for catalogues. However, despite the agreement in principle, this initiative has made little or no progress over the last few years and remains in the hands of the two companies.

Threat assessment

The Panel has devoted considerable time and effort to threat assessment in the context of both (a) SEIC's commitment to comply with the International Finance Corporation's Performance Standards and (b) the need to further develop input to the Western Gray Whale Conservation Management Plan (CMP) and the multinational Memorandum of Cooperation Concerning Conservation Measures for the Western Gray Whale Population (MoC). Several papers co-authored by Panel members have been published addressing specific threats – noise (Nowacek et al. 2013; Nowacek and Southall 2016), entanglement in fishing gear (Lowry et al. 2018) and ship-strike risk (Silber et al. 2021). The importance of a cumulative effects framework or integrated management approach for western gray whales, with an initial focus on threat factors that the whales encounter on the Sakhalin Shelf, is evident from the continued expansion of exploration and development activities in the region (Figure 1⁹). Such a framework has been developed by Cooke and New, and it is expected that this framework will be elaborated upon in one or two of the other WGWP 'legacy' papers that are currently in preparation.

Policy developments in Russia

Significant progress has been made by the Ministry of Natural Resources and Environment of the Russian Federation (Minprirody of Russia) in collaboration with Russian marine mammal scientists to strengthen the conservation of western gray whales under the National Project 'Ecology'. After Red Book Priority 1 conservation status had been assigned in April 2020 to the 'Okhotsk Sea gray whale population', a proposal to add this population (as well as the Okhotsk Sea population of bowhead whales) to its Minprirody's *List of rare and endangered wildlife taxa that require priority measures for restoration and reintroduction*.

This initiated a process to establish an Expert Section on Cetacean Conservation and Restoration under the Minprirody Working Group on Conservation and Restoration of Selected Rare and Endangered Wildlife Objects in the Russian

⁹ Updated from the map figure included in the 2020 progress report to the SC, this time focussing solely on offshore energy projects centred in or near the gray whale feeding areas rather than everywhere on the Sakhalin Shelf

Federation. Minprirody convened two expert meetings, one in January and one in April 2021, to review the Russian Federation Conservation Strategies of the Okhotsk Sea Populations of Gray Whales and Bowhead Whales which are intended to identify, develop and improve mechanisms for the long-term conservation of these population in the Russian Far East in the face of increasing anthropogenic impact and climate change. The Expert Section is expected to become operational in the coming months and, among other tasks, will review the revised drafts and finalize the two strategies, including a roadmap and action plan for their implementation in 2021-2030.

The draft strategy for gray whales was developed by the Marine Mammal Council of Russia with contributions from IUCN/WGWAP and it integrates relevant information from the draft revised IUCN-IWC CMP.¹⁰ This strategy could prove to be an important milestone in the context of the MoC. The efforts by the Minprirody and engaged stakeholders to develop the national strategy, roadmap and action plan for implementation may serve as a model of what the other MoC signatories should be trying to achieve and it could present an opportunity to restart international dialogue for coordinated implementation of tangible conservation measures in all Range States.

REFERENCES

- Lowry, L.F., Burkanov, V.N., Altukhov, A., Weller, D.W. and Reeves, R.R. 2018. Entanglement risk to western gray whales from commercial fisheries in the Russian Far East. *Endangered Species Research* 37:133-148. DOI: <https://doi.org/10.3354/esr00914>
- Nowacek, D.P., Bröker, K., Donovan, G. Gailey, G. Racca, R., Reeves, R.R., Vedenev, A.I., Weller, D.W. and Southall, B.L. 2013. Responsible practices for minimizing and monitoring environmental impacts of marine seismic surveys with an emphasis on marine mammals. *Aquatic Mammals* 39:356-377. <https://doi.org/10.1578/AM.39.4.2013.356>
- Nowacek, D.P. and Southall, B.L. 2016. *Effective planning strategies for managing environmental risk associated with geophysical and other imaging surveys*. IUCN, Gland, Switzerland. 42 pp. <https://portals.iucn.org/library/node/46291>
- Silber, G.K., Weller, D.W., Reeves, R.R., Adams, J.D. and Moore, T.J. 2021. Co-occurrence of gray whales and vessel traffic in the North Pacific Ocean. *Endangered Species Research* 44:177-201. DOI: <https://doi.org/10.3354/esr01093>

¹⁰ For more detail, see GWAP-21 report https://www.iucn.org/sites/dev/files/wgap21_report_final_en.pdf#page=30 and document GWAP-21/25 https://www.iucn.org/sites/dev/files/wgap21_25upd.pdf

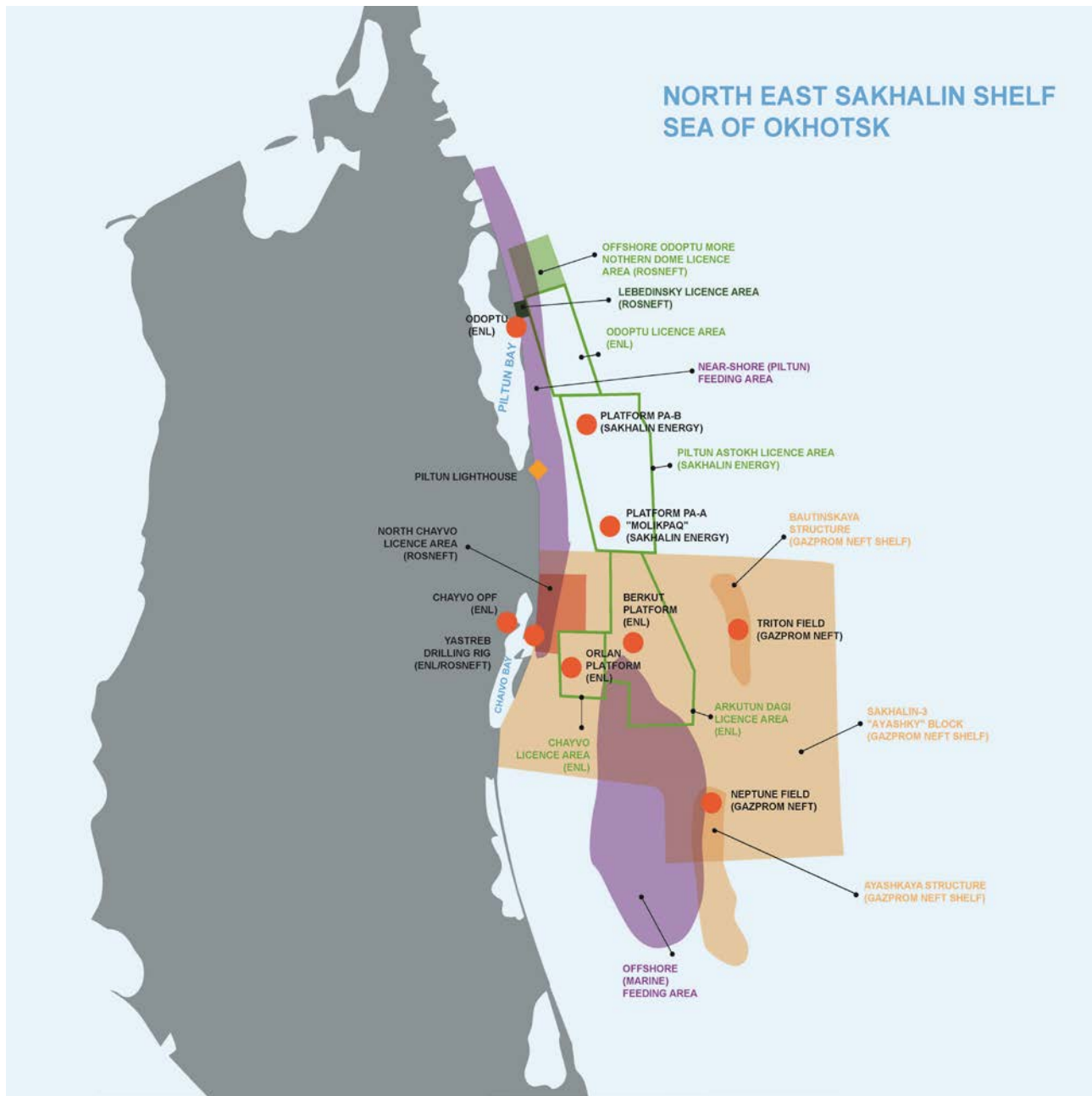


Fig. 1 Schematic map showing the approximate locations and boundaries of oil and gas development areas, platforms and other facilities in or near the gray whale feeding areas (purple-shaded) off north-eastern Sakhalin (provided courtesy of Anete Berzina-Rodrigo of IUCN).

Note: this schematic map is based on publicly available information and is intended for illustrative purposes only (not to scale). The designation and depiction of areas on this map should not be interpreted as any opinion on the part of IUCN or WGWAP concerning the legal status, authorities or operators, or delimitation of boundaries. Coordinates, boundaries etc. on the map are not exact and therefore should not be used as such.