

**MARINE MAMMAL COMMISSION**  
4340 EAST-WEST HIGHWAY, ROOM 905  
BETHESDA, MD 20814

6 March 2007

Ms. Kaja Brix  
Assistant Regional Administrator  
Alaska Regional Office  
National Marine Fisheries Service  
P.O. Box 21668  
Juneau, AK 99802

Dear Ms. Brix:

One year ago the Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, submitted comments to you on the Administrative Law Judge's recommended decision concerning regulations to govern the taking of Cook Inlet beluga whales by Alaska Natives. A copy of that letter, dated 8 March 2006, is attached. The Commission recommended that the Service retain the option to reconsider the interim harvest limits that would be established through 2009 under the recommended decision if lower than expected population estimates persisted. The Commission noted that when the 2005 estimate of 278 whales is used, the five-year running average of estimated abundance for the Cook Inlet beluga whale population drops to 340 whales, which is below the proposed level at which all harvest would stop under the proposed long-term regime. Although concerned about the implications of the 2005 estimate, the Commission was unwilling at that time to recommend that the interim harvest be suspended on the basis of that single estimate. Nevertheless, we thought it important for the Service to retain sufficient flexibility to allow it to reduce or suspend the harvest during the interim period if low abundance estimates persisted.

When we wrote our earlier letter, the analysis of population trends prepared by Dr. Goodman, using data through 2005, indicated that there was a 93 percent probability that the growth rate of the Cook Inlet beluga population is below two percent and a 71 percent probability that the growth rate is negative (i.e., that the stock is declining). The 2006 population estimate, when added to the existing data series, strengthens our ability to assess recent population trends. Although the 2006 estimate is slightly above the estimate for 2005, it provides a strong indication that the 2005 survey was not an anomaly. Dr. Goodman has recently completed an updated trend analysis of the population, incorporating the most recent data. His analysis concludes that there is now a 98 percent probability that the growth rate of the Cook Inlet beluga population is below two percent and an 81 percent probability that the population is declining. The new estimate also solidifies our view that the population remains below 350 whales, the level below which no harvest would be allowed under the Service's proposed long-term harvest regime.

Considering that the Service has yet to publish a final rule, the Marine Mammal Commission reiterates its recommendation that any such rule provide sufficient flexibility to allow the Service to reduce or suspend hunting during the interim harvest period until the population shows clear evidence that it is recovering fast enough that it could continue to recover while being harvested. Absent such regulations, the Commission believes that the Service possesses sufficient authority under section 627 of Public Law 106-553 to limit or suspend hunting opportunities to prevent a

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further decline of the population. Although we recognize that the Service has approached the Cook Inlet Marine Mammal Council asking its members to forego hunting voluntarily this year, the Commission believes that the situation has reached a critical point where no additional removals should occur. Therefore, the Marine Mammal Commission recommends that the Service use its unilateral authority to suspend the harvest this year if the affected hunters are unwilling to take such action voluntarily. In making this recommendation, we recognize the cultural and nutritional significance of Native hunters being able to harvest beluga whales, even at fairly low levels. Nevertheless, the situation involving the Cook Inlet beluga whale is sufficiently dire that conservation of this stock must take priority.

Given that the currently available information on this stock does not enable the Service to identify the cause or causes for the recent and ongoing failure to recover, even in the absence of harvest, we urge the Service to initiate and pursue investigations to resolve this mystery, and we recommend expedited listing of this remnant population under the Endangered Species Act.

Please contact me if you wish to discuss the rationale for our recommendation.

Sincerely,



Timothy J. Ragen, Ph.D.  
Executive Director

Attachment

cc: William T. Hogarth, Ph.D.  
Mr. Douglas Mecum  
Mr. Peter Merryman