

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

21 January 2004

Mr. Michael Payne
Chief, Marine Mammal Division
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Mr. Payne:

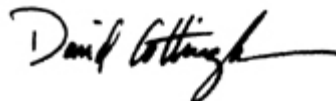
The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the proposed rule to designate the AT1 group of Alaska transient killer whales as “depleted” under the Marine Mammal Protection Act. The Commission reviewed the petition for designation in a letter to the Service dated 23 December 2002 (see attached). The Commission reiterates its recommendations from that letter and concurs with the Service’s determination of depleted.

The Commission agrees with the Service that, based on the best available scientific information, including genetics and demographics, the AT1 group is a population stock as defined by the Marine Mammal Protection Act. The Commission also concurs, as it stated in its letter of December 2002, that the best available scientific information indicates that the AT1 stock is currently less than its optimum sustainable population, based on (1) a minimum estimate of carrying capacity of 22; (2) an optimum sustainable population level estimated to be between 13 (60% of carrying capacity) and 22 (minimum carrying capacity); and (3) the current population estimate of 9 animals. Therefore, the Marine Mammal Commission recommends that the National Marine Fisheries Service designate the AT1 group of transient killer whales as a depleted stock.

Finally, the Commission reiterates its recommendation of letters dated 18 November and 23 December 2002 that the Service develop a long-term research plan for North Pacific killer whales. The Commission would be happy to provide any assistance it can to this endeavor.

Please contact me if you have questions about these comments and recommendations.

Sincerely,



David Cottingham
Executive Director

PHONE: (301) 504-0087
FAX: (301) 504-0099