



# MARINE MAMMAL COMMISSION

14 September 2017

Ms. Carolyn Doherty  
Office of International Affairs and Seafood Inspection  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910-3225

Dear Ms. Doherty:

The Marine Mammal Commission (the Commission) has reviewed the National Marine Fisheries Service's (NMFS) 15 August 2017 notice of intent to prepare an environmental impact statement (EIS) for the establishment of annual catch limits for the harvest of bowhead whales by Alaska Natives (82 Fed. Reg. 38671) and submits the following comments on the scope of the planned EIS pursuant to the National Environmental Policy Act (NEPA).

NMFS previously prepared EISs in [January 2008](#) and [January 2013](#) for setting annual limits for subsistence hunting of bowhead whales by the Alaska Eskimo Whaling Commission for the years 2008-2012 and 2013-2018, respectively. Through the preparation of those documents, NMFS has identified most, if not all, of the relevant issues to be considered in the planned EIS covering the years from 2019 onward. In fact, the Commission believes that with those documents as background, NMFS could meet its responsibilities under NEPA by preparing an environmental assessment that tiers off of the previous EISs. Nevertheless, the Commission understands NMFS's decision to prepare a new EIS to provide "greater transparency and public involvement in [its] decision-making" process.

Selecting alternative harvest limits to include in the EIS for the subsistence taking of bowhead whales is somewhat challenging because such limits are dependent on actions taken by the International Whaling Commission (IWC), which may reject or seek to modify proposals put forward by subsistence whaling countries. For purposes of preparing a draft EIS, what is most important is selecting a range of alternatives that captures the range of possible outcomes of the IWC process. The Marine Mammal Commission believes that the alternatives identified in the *Federal Register* notice capture an appropriate range – from no authorized hunt (the no action alternative) to an annual strike limit of 67 whales, with a maximum carryover of unused strikes from previous years of up to 50 percent of the annual strike limit. As discussed in the notice, the IWC is unlikely to authorize a greater carryover percentage given the elements of the strike limit algorithm it uses to model the sustainability of proposed hunts. However, if there is any possibility that the United States will seek an increase in the current annual strike limit of 67 whales or an increase in the total number of whales (i.e., more than 336 that may be landed during the six-year period expected to be covered by the next catch limit adopted by the IWC), such alternatives should be included in the EIS as well.

Assuming that NMFS will use its 2013 EIS as the starting point for the new EIS, the sections most likely to be in need of updating are those concerning cumulative effects (section 4.6),

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given changes in (1) the understanding of and ability to assess cumulative impacts, (2) the level of, and interest in, Arctic oil and gas activities, (3) new information on the rate and impacts of climate change, and associated consequences of changes in the Arctic environment such as changes in ability to access hunting areas and recover struck whales, the timing of hunting activities, the availability of other subsistence resources, and ship traffic frequency or routing. The EIS should also discuss actions being taken to reduce the potential impacts of these changes on bowheads and subsistence hunters.

Thank you for considering our comments. The Commission looks forward to reviewing the draft EIS and continuing to work with NMFS in preparing and promoting a U.S. proposal for updated subsistence whaling catch limits from the IWC.

Sincerely,



Rebecca J. Lent, Ph.D.,  
Executive Director