



# MARINE MAMMAL COMMISSION

12 September 2022

Mr. Jon Kurland, Regional Administrator  
Alaska Regional Office  
National Marine Fisheries Service  
709 West 9<sup>th</sup> Street, Room 420  
Juneau, Alaska 99802

ATTN: Records Office, NOAA-NMFS-2022-0050

Dear Mr. Kurland:

The Marine Mammal Commission (the Commission) has reviewed the National Marine Fisheries Service's (NMFS) request for information relevant to a possible revision of the critical habitat designation for the North Pacific right whale (NPRW) (87 Fed. Reg. 41271). A petition received by NMFS earlier this year asks the agency to extend designated critical habitat beyond its current boundaries<sup>1</sup> to connect critical habitat in the Southeast Bering Sea (SBS) to that off Kodiak Island, in the Gulf of Alaska (GOA). The expansion sought by the petitioners would include waters extending west and south of the SBS area to the Fox Islands, through Unimak Pass to the edge of the continental slope, and east to the GOA area (Figure 2 in the petition). NMFS determined that the petition presented "substantial scientific information indicating the petitioned action may be warranted."

The Commission agrees with NMFS's 90-day finding. This finding prompts further review of the merits of the petitioner's request that NMFS expand the critical habitat designated for the eastern NPRW using the best available scientific data on the population's distribution and movements and the importance of the physical and biological features in these other areas to the conservation of the species. If these areas fit the ESA's definition of critical habitat, designating them as such would further the conservation of the species. The Commission stresses, however, that additional actions by NMFS to promote conservation of the North Pacific right whale are needed, including those recommended in its [31 May 2022 letter](#) commenting on the initiation of a five-year status review for the species.

Please contact me if you have questions or would like to discuss the Commission's views on designating additional areas as critical habitat.

Sincerely,

A handwritten signature in blue ink that reads "Peter O. Thomas".

Peter O. Thomas, Ph.D.,  
Executive Director

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<sup>1</sup> As identified at 73 Fed. Reg. 19000.