



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

June 25, 2004

David Cottingham
Marine Mammal Commission
4340 East-West Highway, #905
Bethesda, Maryland 20814

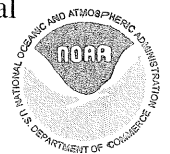
Dear Mr. Cottingham:

Thank you for your letter regarding the National Marine Fisheries Service's Subsistence Harvest Management Plan (Plan) for Cook Inlet (CI) beluga whales. We reviewed your comments, and to the extent possible, we incorporated the concerns of the Marine Mammal Commission (MMC) into our final Plan. Our responses to your comments are presented below. As you are aware, the Plan was submitted to Administrative Law Judge (ALJ) Parlen McKenna on May 3, 2004.

Response to Major Recommendations

- National Marine Fisheries Service (NMFS) agrees to adopt the goal of managing subsistence harvests so as not to delay the recovery time of the population by greater than 25 percent, with 95 percent certainty.¹
- 1) The Plan proposes an annual average harvest rate of 1.5 beluga whales for the initial five year harvest period (2005-2009), rather than for the period 2005-2007 as MMC recommends. We believe this is a fair management strategy, and that this time frame will not impede the recovery of beluga whales. The five year planning sequencing would allow Alaska Natives the necessary time to develop a multiple year harvest plan with the different participating hunter groups. The longer time schedule (five years) will also allow for multiple-year co-management agreements between NMFS and Alaska Native organizations, as well as allow NMFS the necessary time to gather additional data on the CI beluga whales. 2) NMFS agrees hunters should use their experience and expertise to selectively harvest only male beluga whales. Co-management agreements will include measures to reduce the striking of females. However, the hunt would not be stopped if this criterion cannot be met, because NMFS' proposed harvest level assumes a 50/50 sex ratio for harvested animals. 3) A long term harvest plan was developed based on consideration of all comments received in response to the draft Plan. This Plan is for 2005 and thereafter.

¹ NMFS finds this goal is inconsistent with the objective of providing reasonable harvests for traditional subsistence uses under certain population trend scenarios. Therefore, this goal is not always met under the Plan.



- NMFS has provided complete descriptions in the Plan of the variables (e.g., R_{max} , N_{min}) calculations, and models used.
- NMFS has chosen to establish a lower threshold, below which no harvest would occur, at an abundance of 260 beluga whales. This figure is not arbitrary, but represents the 95th percentile of the distribution of five year average abundance estimates, assuming the estimates were drawn from a normal distribution. This level will protect the CI beluga whale population from excessive harvest removals at abundance levels for which additional mortalities would be expected to have serious consequence to the stock's recovery and survival.
- NMFS cannot provide evidence to support the efficacy of detecting dead beluga whales throughout the population's range using current methods. The range of these whales is poorly described, and survey effort is undoubtedly biased toward the more populated regions of the Inlet. Large adult whales are likely to be observed and reported; while smaller, gray beluga whales may not be seen. Whales which do not strand along the shoreline are unlikely to be reported or observed. However, we believe the existing reporting systems, aerial monitoring during abundance surveys, enforcement surveillance, and reporting by co-managers and the public will lead to a high probability in reporting most beluga mortalities within middle and upper Cook Inlet. These data will be used as an index of mortality, and are comparable to similar data gathered over the last decade. The Plan considers that observed mortalities which exceed 6 percent of N_t represent a significant decline within the population. Harvest rates will be adjusted whenever Unusual Mortality Limits are exceeded, as stated in the Plan.

Response to General Comments

- Paragraph one: The 25-95 goal is reflected in the proposed management strategy. The Plan would set appropriate harvest levels which would not preclude recovery of the population.
- Paragraph two: Dr. Goodman's analysis is correct, however, NMFS must balance two goals which may at times conflict with each other: to provide for recovery of the stock and reasonable harvest levels for subsistence users. NMFS has chosen to do this by providing minimum harvests as long as those removals do not unreasonably impact this stock.
- Paragraph three: The Plan presents harvest limits for three growth trends: positive, flat, and negative. The supporting discussion provides detail on how these variables reflect assumed growth rates for R_{max} .

- Paragraph four: NMFS has provided complete descriptions of the variables (e.g., R_{max} , K), calculations, and models used to determine the long term harvest plan for CI beluga whales in the Technical Notes for the Harvest Plan.
- Paragraph five: The Plan will set strike/harvest levels for five year intervals, determined in part by the recovery of the CI beluga whales as measured by the average abundance in the prior five year period. The table is based on the time to recovery and intended to insure that if the R_{max} for the population remains between 2 percent and 6 percent, the population will recover. The recovery of the stock, with a delay of no more than 25 percent with 95 percent certainty, remains a goal for planning purposes. NMFS acknowledges this goal will not be met under certain circumstances.
- Paragraph six: NMFS realizes that the MMC representative did not agree to the establishment of 1.5 beluga whales per year for the entire five year period. Although the MMC prefers an allowable annual harvest of 1.5 whales for only 2005-2007, NMFS will continue with five year harvest intervals for reasons stated above.
- Paragraph seven: Hunters have been working to harvest only males during the hunt and their effort to do so will likely continue. This recommendation will be incorporated into the Cooperative Agreements between NMFS and affected Alaska Native organizations. However, any striking of a female whale will not be cause for suspension of subsistence hunting.
- Paragraph eight: Refer to Major Recommendations (paragraph 4) above.
- Paragraph nine: Refer to Major Recommendations (paragraph 4) above, in talking about the proposed 'floor' for the harvest management plan.
- Paragraph ten: Refer to Major Recommendations (paragraph 2) above.

Response to Specific Comments

The underlined text below references the underlined text in the Commission's letter.

- Page 1, first paragraph - The Plan combines a long-term harvest management strategy with cooperative harvest management with Alaska Natives, a major feature in the MMPA, as amended. We feel it is appropriate to reserve certain harvest practices for co-managers, in part to allow them self-direction in establishing harvest means and methods in the context of traditional practices. The overriding Plan provides a framework and limitations for this process. A multi-year strike limit will be established, within what we believe to be a reasonable timetable (i.e., five years). Other concerns (seasons and hunting practices) brought up by the MMC are incorporated in the final regulations

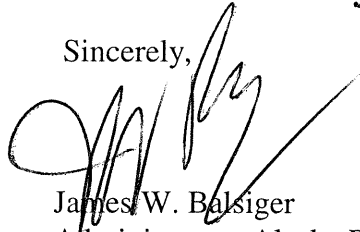
published April 6, 2004 (69 FR 17973). The final sentence in this paragraph was changed as requested.

- Page 1, second paragraph - This paragraph is no longer in the Plan.
- Page 1, criteria for adjustments of the harvest - The Technical Committee Notes have been provided to the ALJ and Parties. However, the Technical Committee has been removed as a reference in the Plan. The fourth bullet, referring to mortality information from stranded beluga whales now has language to include all credible sources (Part IV, h).
- Page 1, carryover paragraph - The five year planning interval is a management choice that allows for a reasonable distribution of harvest. Language was added to the Plan that states NMFS would conduct the population reviews every five years and set the harvest accordingly. NMFS has removed the predetermined language regarding Criteria 2 and Criteria 3. NMFS has clarified the statement where MMC did not agree.
- Page 2, criterion 1 - NMFS has clarified this section of the Plan.
- Page 2, criterion 2 - NMFS believes that the harvest management plan should be scheduled every five years. See above (Page 1, carryover paragraph).
- Page 2, criterion (a) and (b) - NMFS has clarified this section of the Plan. The specific details of the development of the harvest table are now explained in the Plan.
- Page 2, criterion 2(b) - NMFS has clarified this section of the Plan. Descriptive methodologies are now included.
- Page 3, stipulation 4(c) - This was changed as requested.
- Page 3, stipulation 4(e) - This was clarified as requested under Part IV, section (d).
- Page 3, stipulation 4(g) - NMFS has clarified this section of the Plan and moved it to section I.
- Pages 3-4, stipulation 4(h) - Text has been added to the Plan to explain the use of 2-6 percent as values for R_{\max} .
- Page 4, stipulation 4(k) - Refer to Major Recommendations (paragraph 4) above.

- Page 4, stipulation 4 (1) - NMFS believes harvest practices should be developed between NMFS and Alaska Native organizations in co-management agreements, under Section 119 of the MMPA. Both Parties are working to recover the CI beluga whale population, and will include limitations and practices in the co-management agreements for this purpose. Essential elements of management will be specified in Regulations.

Thank you for your comments on the harvest management plan. Please direct any questions to Kaja Brix at (907) 586-7235.

Sincerely,

A handwritten signature in black ink, appearing to read 'James W. Balsiger', written over the typed name below.

James W. Balsiger
Administrator, Alaska Region