



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

December 19, 2003

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Dear Sirs and Madam:

The National Marine Fisheries Service has recently compiled the records of Cook Inlet beluga whale mortalities for 2003 (through December 12, 2003). These data show a total of 20 dead beluga whales for this year, not including the one subsistence harvested animal taken in 2003. This represents a higher than normal number of dead animals. Based on detailed NMFS records, a "normal" number of dead beluga whales (based on data from 1994 to 2000) is up to 12 whales per year.

Dead whales are reported by concerned public, air taxi services, State troopers, and other agencies. NMFS makes a concerted effort to confirm the reports of dead animals, examine the carcasses, and take appropriate samples. A veterinary pathologist has been contracted to help perform necropsies and analyze results. Samples taken (depending on the decomposition stage), may include skin for genetics; blubber, kidney, liver, and muscle for contaminant analysis; histology samples from organs to examine for signs of disease; a lower jaw for ageing; blubber for fatty acid analysis; stomach for food analysis; and the reproductive tract, for fecundity analysis. A general examination is made for tumors, parasites, or other signs that may indicate cause of death. Whales are examined for trauma from various sources including killer whale attacks, boat strikes, net entanglement, gunshots, or other sources.

Beluga whales will sometimes strand to escape killer whale attacks. One dead whale (examined August 25, 2003) had killer whale tooth marks on it and probably died of hemorrhaging caused by a killer whale. No trauma marks were observed on the other 19 whales. Contaminant sampling was done on several whales. Results are pending, but contaminant loads in Cook Inlet beluga whales have been relatively low, and comparable to the other Alaska stocks. No tumors, lesions, or signs of disease were found, and parasite loads were within the normal range. Several of the dead whales were large. Large whales may be more susceptible to death upon stranding because of the stress placed on their internal organs by a relatively greater body mass, as



compared to smaller whales. One whale, a pregnant female, examined on April 1, 2003 was very thin. The lack of robustness in this particular female may have contributed to her death.

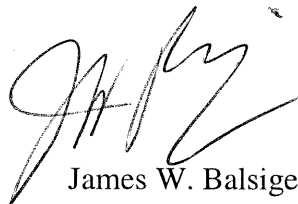
The National Marine Fisheries Service is bringing this high mortality level to your attention because of its significance with respect to the stipulations agreed upon by the parties to the Court's December 8, 2000 order on harvest limitations. As you are aware, the parties in the Administrative Law Judge proceeding before Judge McKenna stipulated to language describing a "trigger" (the "emergency provision for unusual mortality") for ceasing takes of the Cook Inlet beluga by Native hunters in the event that the "trigger" is met. The trigger threshold under the emergency provision for unusual mortality is calculated as a total of 18 dead animals. This threshold has been exceeded by two whales. The stipulations specify that no strikes will be allowed in subsequent years until the population has recovered from this mortality.

The stipulated language for the trigger to cease further takes will, once the final regulations are published, be our guidance in determining when to provide notice to Native hunters that hunting is suspended. However, the regulations are not yet published. We anticipate the regulations will be published early this next year. Until the regulations are published, however, NMFS would like to follow the stipulated terms for the emergency provision for unusual mortality and asks that the Native hunters do the same.

If the parties agree to adhere to the stipulated terms invoking this emergency provision, it would mean that no subsistence harvest of Cook Inlet beluga whales should occur, at a minimum, in 2004, or until the population has recovered from those mortalities through foregone future harvests and natural recruitment. Through the authority of the Congressional moratorium (Pub. L. No. 106-553, 114 Stat. 2762, 2762A-108), NMFS and the hunters can also agree to suspend hunting in a co-management agreement.

We will be in touch with you to set up a meeting (or teleconference) to discuss these mortalities and the implications to the 2004 harvest. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Balsiger', written over a light blue horizontal line.

James W. Balsiger
Administrator, Alaska Region

cc: Marine Mammal Commission
John (Sky) Starkey
The Honorable P.J. McKenna