

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

27 January 2006

Rowan Gould, Ph.D.
Regional Director, Alaska Region
U.S. Fish and Wildlife Service
1011 East Tudor Road
Anchorage AK 99503

Dear Dr. Gould:

At its annual meeting on 12–14 October 2005 the Marine Mammal Commission reviewed actions that have been taken to implement section 119 of the Marine Mammal Protection Act (MMPA). Congress passed section 119 in 1994 to provide explicit authority for Alaska Native organizations (ANOs) and the Fish and Wildlife Service and/or the National Marine Fisheries Service to enter into cooperative agreements to conserve marine mammals and to provide for the co-management of subsistence use by Alaska Natives. More generally, section 119 was designed to promote partnerships between the federal management agencies and subsistence users to further the goals of the Act. At the time, the co-management agreement between the Alaska Eskimo Whaling Commission and the National Oceanic and Atmospheric Administration constituted the only formal cooperative management structure among subsistence hunters and federal managers.

Based on what we heard at the Commission meeting, it is clear that over the past decade significant progress has been made toward implementing section 119. Native commissions now exist for most marine mammal species being taken for subsistence. Cooperative agreements between several of the ANOs and the responsible federal agency are in place for a number of species. The Indigenous People's Council for Marine Mammals (IPCoMM) has been created to serve as an advocate for Native interests and to coordinate matters related to co-management on behalf of the various ANOs. Overall, the level of cooperation and collaboration among Native subsistence hunters and the agencies has improved considerably. Like you, the Commission recognizes the need for and value of further development of such cooperative efforts. At the same time, we hope you are as encouraged by progress to date as we are.

In the decade since section 119 was added to the MMPA, marine mammal research and management have become significantly more complex. Greater attention is being devoted to ecosystem-related issues and, particularly, to the effects of climate change. These effects are already being manifested in ways that pose grave threats to the marine mammals, the marine ecosystems of which they are a part, and the subsistence cultures that depend on them. In view of these considerations, we believe that it might be timely to carry out a more comprehensive review of co-management efforts than was possible at the Commission's meeting. Such a review might address concerns that were raised at our annual meeting, including (a) stable support for ANOs with section 119 responsibilities; (b) the role of the State of Alaska in these agreements; (c) identification of

marine mammal populations for which additional coverage or better coordination among ANOs may be needed; (d) an assessment of the efficacy of harvest monitoring programs conducted to date and the identification of mechanisms that might make them more effective; (e) the initiation of additional monitoring programs where needed; and (f) the consideration of the need, if any, for modifications to the umbrella agreement between IPCoMM and the responsible federal agencies. These suggested topics are further developed below.

One benefit of the existing cooperative agreements has been the establishment of relatively stable funding sources for some ANOs and for some activities under the agreements. Other ANOs, however, receive little or no federal funding for their activities. In some cases, this is because cooperative agreements have yet to be developed. In other cases, this reflects funding priorities established by Congress or made within the Administration. With discretionary spending for marine mammal programs shrinking, the Services are unlikely to be able to make up any funding shortfalls for co-management programs from their existing budgets. This being the case, the development of comprehensive, long-term strategic plans, including clarification of minimum efforts required for sampling or other aspects to ensure collection of adequate information to meet management objectives, may be the most effective way to address these shortcomings. Regardless, funding considerations need to be factored into decisions as to whether additional cooperative agreements are pursued and, if so, how they are structured. This is not to say that new cooperative agreements for some species or areas might not be beneficial, even if funding is limited or unavailable.

Another issue touched on at the Commission's meeting was the need to expand the current authority under the MMPA to enable the Services and ANOs to enter into agreements that enable the parties to establish and enforce harvest limits prior to a stock becoming depleted. The need for such an amendment is exemplified by the situation with Cook Inlet beluga whales, which were harvested to the point of depletion even though the National Marine Fisheries Service and most Native hunters sought to curtail hunting before that occurred. We encourage you to continue to work with members of Congress and their staffs to urge them to include a harvest management provision in legislation to reauthorize and amend the Act.

Harvest monitoring is a key element that should be addressed in most, if not all, cooperative agreements between the Services and ANOs. The Fish and Wildlife Service has established marking and tagging regulations that require hunters to provide information on polar bears, sea otters, and walrus taken for subsistence and handicraft purposes and that provide a mechanism for tracking the origin of certain marine mammal parts. The Service has established a network of "taggers" in most Native villages where marine mammals under its jurisdiction are taken. We believe that the program yields valuable information on the numbers of marine mammals landed by hunters. However, animals that are struck and lost are not tagged, and the task of assessing the numbers of such animals remains a challenge. Nevertheless, we encourage the Services and the ANOs to consider possible methods for addressing this and other possible shortcomings and believe that a comprehensive review would provide an opportunity to discuss this issue.

The Commission also believes that section 119 cooperative agreements provide an appropriate mechanism for coordinating research and information collection activities between the

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federal agencies and the affected Native communities and subsistence users. The potential contribution of Alaska Natives to marine mammal science and management has yet to be fully developed. A comprehensive review would provide an opportunity to identify future areas of collaboration and clarify ways in which all parties might most effectively contribute to the various programs. The parties to such agreements should support hunters, village schools, or other appropriate entities in carrying out, participating in, assisting, or otherwise supporting needed research (e.g., by providing or assisting in logistical support, specimen and data collection, internships and training). Furthermore, the importance of traditional ecological knowledge should be recognized in cooperative agreements between the agencies and the ANOs, and greater efforts should be made to document and, where possible, quantify such information so that it can be effectively integrated into existing research and management programs.

Finally, a comprehensive review of co-management would provide an opportunity for all parties to assess what aspects of the current agreements have been most effective and to reaffirm their commitment to future cooperation and collaboration. It would also allow for an evaluation of the effectiveness of programs conducted to date in relation to funds expended and how the results have been used to date to improve management of the individual species. Perhaps most importantly, such a review would enable the agencies and ANOs to engage in long-range, strategic planning and budgeting to guide the development of co-management efforts over the next five or ten years. Such plans would provide useful information to Congress as it considers future budget decisions. The Commission would be pleased to assist the Services and IPCoMM in the planning and conduct of a review of co-management.

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We thank the Fish and Wildlife Service staff members who participated in our meeting, gratefully acknowledge your vital contribution to the development of co-management of marine mammals in Alaska, and look forward to continued important progress in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "David Cottingham", with a long horizontal flourish extending to the right.

David Cottingham
Executive Director