

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

29 December 2006

Mr. Steve Davis  
National Marine Fisheries Service  
P.O. Box 21668  
Juneau, AK 99802-1668

Dear Mr. Davis:

On 18 October 2006 the National Marine Fisheries Service published a *Federal Register* notice announcing its intent to prepare an environmental impact statement for the establishment of annual quotas for the subsistence harvest of bowhead whales by Alaska Natives. The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed that notice and offers the following comments and recommendation.

The Service identifies four alternatives that it anticipates analyzing in the planned environmental impact statement—a “no action” alternative, under which no taking of bowhead whales would be authorized, and three alternative ways of authorizing Alaska Natives to land up to 510 bowhead whales over the 10-year period between 2008 and 2017. What these alternatives fail to recognize is that U.S. bowhead whaling limits are not established independently by the Service or by the United States. Rather, they reflect harvest limits established by the International Whaling Commission (IWC), which generally sets not only a multi-year limit on the number of bowhead whales that may be struck but also establishes specific restrictions on how those strikes may be apportioned from year to year. As such, it seems premature to consider the establishment of quotas or to specify how those quotas should be allocated until new harvest limits are set by the IWC, which is expected to take up this issue at its 2007 meeting. This being the case, the Marine Mammal Commission recommends that the Service defer selecting the range of alternatives that it will analyze in its draft environmental impact statement until the IWC has considered the matter at its 2007 meeting. Doing so should not undermine the Service’s ability to complete the environmental review and decision-making processes in time to have new bowhead whale harvest limits in place before the 2008 hunting season.

In the meantime, the Service should begin compiling the relevant information and drafting sections of the environmental impact statement concerning the status and trends of the western Arctic bowhead whale stock; traditional use of this species by Alaska Natives; other human activities, such as oil and gas exploration and development, that may affect bowhead whales; potential effects related to climate change, etc. These sections would remain relevant regardless of the harvest alternatives being assessed in the environmental impact statement. In this regard, the Commission believes that the environmental assessment prepared by the Service in 2003 on the issuance of bowhead whale quotas for 2003 through 2007 provides an appropriate starting point and template for the planned environmental impact statement. Of course, it will need to be expanded and updated to reflect new information on the trends and status of the population, recent research on the stock structure of bowhead whales, and relevant actions and advice of the IWC and its Scientific Committee.

Mr. Steve Davis  
29 December 2006  
Page 2

Please let me know if you have any questions concerning these comments and this recommendation or if you would like to discuss them further as your plans for drafting the environmental impact statement develop.

Sincerely,

A handwritten signature in black ink that reads "Timothy J. Ragen". The signature is written in a cursive style with a large, prominent 'T' and 'R'.

Timothy J. Ragen, Ph.D.  
Executive Director