

STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 115526
JUNEAU, AK 99811-5526
PHONE: (907) 465-4100
FAX: (907) 465-2332

December 24, 2007

Dr. William Hogarth
Assistant Administrator for Fisheries
National Oceanic and Atmospheric Association
1315 East West Highway, 9th Floor
Silver Spring, MD 20910

Re: Request for 6 month extension on decision to list Cook Inlet beluga whales under the Endangered Species Act.

Dear Dr. Hogarth:

The State of Alaska requests that the National Marine Fisheries Service (NMFS) grant a six month extension on the decision to list Cook Inlet beluga whales under the Endangered Species Act (ESA). An extension is merited under Section 4 of the ESA, which allows the Secretary to grant up to a six month extension when "there is substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the determination or revision concerned ... for the purposes of soliciting additional data." 16 U.S.C. § 1533(b)(6)(B)(i).

The June 2007 count of beluga whales, released by NMFS on December 18, 2007, was the largest since 2001. This increase indicates that the population is beginning to recover from the unsustainable harvests in the early 1990s, as predicted by state and federal biologists and NMFS modeling for population viability assessment. While we believe that the recent documented increase, combined with prior population modeling predictions, is sufficient to justify a decision that listing of Cook Inlet beluga whales under the ESA is not warranted at this time, we recognize that there are differing viewpoints. An additional six months will allow collection of additional data, specifically the conduct of the June 2008 count and its analysis by mid October. One year's additional data is expected to verify the upward trend in the recovering population. These additional data will allow the NMFS to make a more informed and more widely accepted listing decision.

The extension would not negatively impact Cook Inlet beluga whales because existing regulatory mechanisms are in place to assure for the conservation of the species during this period. Examples of these mechanisms are detailed in our July 31, 2007 comments submitted to the NMFS on the proposed listing.

We appreciate your consideration of our request. We also offer to you our assistance in assessing and evaluating beluga abundance data in 2008, especially if our assistance will help NMFS complete a timely estimate of the abundance of these animals in Cook Inlet within the requested six month extension period.

Sincerely,

A handwritten signature in black ink, appearing to read "Denby S. Lloyd". The signature is fluid and cursive, with a large initial "D" and "S".

Denby S. Lloyd
Commissioner

cc: John Katz, Governor's Office
Talis Colberg, Attorney General, Department of Law
Tom Irwin, Commissioner, DNR
Ken Taylor, Deputy Commissioner, ADF&G
Doug Vincent-Lang, ESA Coordinator, ADF&G