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June 7, 1993

Dana J. Seagars
Marine Mammals Management
U.S. Fish and Wildlife Service
4230 University Drive, Suite 310
Anchorage, AK 99508

Dear Mr. Seagers:

The State of Alaska has reviewed the Draft Final Management Plan for the Pacific Walrus in Alaska. This letter represents the consolidated comments of the State's resource agencies.

During the previous public comment period, Commissioner Carl Rosier of the Alaska Department of Fish and Game (ADF&G) provided comments to the U.S. Fish and Wildlife Service (FWS) on the draft management plans for polar bear, walrus, and sea otter in Alaska. In those comments, ADF&G noted that the plans should be strategic documents, and should not be directly tied to Marine Mammal Protection Act (MMPA) amendments that the FWS is proposing. Unfortunately, the plans are still written in such a way that they will become outdated as soon as the MMPA reauthorization is completed. The FWS should seriously consider revising the documents and producing separate conservation plans and management option papers for each species.

Our previous comments about State ownership of tidelands, shorelands, submerged lands and watercolumns in Alaska are also still applicable. Based on a brief review of the Walrus Management Plan, we found no references to State land plans and authorities as requested. We again request recognition of these issues in the final plan.

Specific Comments on Draft Final Walrus Management Plan

Page 9, paragraph 2--This paragraph still links the importance of determining the relationship of the population size to OSP primarily to gaining the ability to regulate take by Alaska Natives. The significance of knowing whether the walrus

population is above or below the lower range of OSP is that if it is below there is a serious problem that requires drastic conservation actions. One of those actions may well be regulation of Native take. It is also possible that other factors (e.g., harvest by Russia) may be responsible, and restriction of Alaska Native take would not be an appropriate or necessary response. The real importance of this determination is that it affects the entire array of conservation actions for walrus. This wording should be changed.

Page 34, item 24--The discussion of PBR and TAR assumes that the NMFS proposed regime for managing interactions between marine mammals and commercial fisheries will be approved by Congress. If that does not occur, this discussion will be out of place and confusing in the plan. The discussion should be generalized to indicate the need to assess total removals in relation to population production, but direct references to the NMFS proposed regime should be deleted.

Page 34, objective 3--The statement about "Many terrestrial haulouts" in the last sentence is misleading. In fact, Figure 2 shows only eight terrestrial haulouts currently used in Alaska. A better wording would be "Certain traditional locations are used as terrestrial haulout sites."

Page 35, item 322--Satellite-linked tags should be used to gather data on diving behavior (surface intervals, dive durations, diurnal and seasonal diving patterns, etc.), not simply "dive depth information."

Page 38, objective 4--The last sentence regarding issuance of guidelines for approaching walrus should be deleted. Provisions of the MMPA relating to harassment provide adequate protection for walrus on land and at sea, if they are enforced. The emphasis should be on effective enforcement of existing provisions rather than on new guidelines that will not be enforced.

Page 39, item 412--This section contains numerous inaccuracies and needs to be rewritten. Although the Walrus Islands State Game Sanctuary extends out three nautical miles from each of the seven islands, the only restrictions on traffic are around Round Island. In the areas within three nautical miles of Round Island, all access (not just vessel traffic) is restricted during May 1 through September 1, and is allowed only by permit. The NMFS groundfish regulations referred to do not limit access as is stated, but rather only restrict groundfish trawling and associated activities that are considered part of the fishery.

The transit zone was implemented as part of federal regulations and cannot be closed by the State. The statement in parentheses about additional regulations is vague and seems to have no basis. As stated it adds nothing to the discussion of this topic, and unless some specifics can be given it should be deleted.

The second paragraph shows a total lack of understanding regarding management of State waters. Neither the Board of Game nor the Board of Fisheries has general authority to restrict human access. The Board of Game has authority to restrict all access, where necessary, to protect designated state critical habitat areas. That is what has been done at and around Round Island. They have no authority to specifically regulate commercial fishing activity. While the Board of Fisheries may regulate fishing areas and times, they cannot limit general access to or transit through an area. Thus, while the Board of Fisheries could take action, if requested, to limit fishing in State waters around haulouts, it would be inappropriate for them to appoint a task force to look at overall walrus haulout protection needs. If action by either Board may be needed to protect walrus haulouts, the FWS should consult with others and develop and present appropriate proposals.

Pages 42-43, item 43--This entire discussion relies on Congress adopting the new regime for managing incidental take of marine mammals by commercial fisheries that has been proposed by NMFS. As noted above, if that regime is not adopted this section of the walrus management plan will be misleading. The discussion should be written in such a way that the item has relevance regardless of what happens during MMPA reauthorization.

Page 44, objective 5--The statement in the second paragraph referring to "virtually limitless taking" by Alaska Natives is very misleading. Walrus harvests are limited by many factors, including regulations on wasteful take and handicraft uses, need for meat and ivory, weather conditions during the hunting season, distribution and behavior of walruses, village populations, employment opportunities, availability of other subsistence resources, etc. This statement should be removed.

Pages 45-46, item 51--This section articulates, and tries to provide some justification for, the FWS proposal for regulatory authority over Alaska Native harvests. There are contradictions between the statements in support of cooperative management approaches and the apparent need for regulatory authority. There seems to be an assumption made that under current circumstances effective cooperative management programs could not be developed. The justification for this is not clear. For example, although the FWS, ADF&G and the Eskimo Walrus Commission (EWC) signed a Memorandum of Agreement (MOA) on walruses in 1987, no mention of the MOA is made in this section. Has FWS tried to use the

existing MOA as a vehicle to promote cooperative management, and if so, what resulted? In other situations, such as the North Slope Borough and Inuvialuit Game Council Polar Bear Agreement and the Alaska and Inuvialuit Beluga Whale Committee, significant progress in management has been made without requiring additional legislative authority being given to agencies.

What is the basis for assuming that similar progress couldn't be made if FWS made a sincere effort to work with the EWC and ADF&G on walrus management? It is not clear what purpose these sections will serve in the management plan if the proposals for MMPA amendments are not approved by Congress. These sections should be reconsidered and restructured.

Page 49, item 541--It is unclear how and why wasteful take affects estimates of total annual removal. If parts of animals are wasted but the tusks are accounted for in the MRTP then there is no need to adjust removal estimates. It seems that one purpose of the harvest monitoring program is to account for animals that are taken but are not accounted for in the MRTP. It appears that the various subsections under item 54 should be consolidated. The relationship between retrieved animals, struck and lost, wasteful take, and total annual removals should be clearly described.

Pages 49-50, items 56 and 57--Both these items are linked to amendments of the MMPA that would authorize federal regulation of Native take. This is not appropriate. During Management Plan Advisory Team meetings these options were discussed on their own merits rather than as a possibility that existed only with federal regulatory authority. That type of consideration should be reflected in the plan. The fact that FWS prefers to have regulatory authority does not mean that there is no other way to incorporate sales of meat and hides or sport hunting into a walrus conservation program. The reference to "light industry" in item 56 should be changed to something more properly descriptive of what might actually occur.

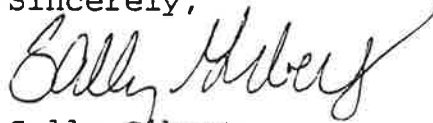
Page 53, item 61--It is still not clear why an amendment to the MMPA is needed to increase the attention FWS gives to information and education efforts. Does this mean that if such an amendment does not happen, FWS will not increase its effort on information and education even though such a need is identified in the management plan?

Page 55, item 74--This section does not, but should, make reference to the existing MOA between the FWS, EWC, and ADF&G.

Page 55, section VI--The reference to "Belukha Committee" in the first paragraph should say the "Alaska and Inuvialuit Beluga Whale Committee."

Thank you for the opportunity to provide these comments. If clarification is needed on any of the technical concerns, please feel free to contact Lloyd Lowry in the Fairbanks office of DFG at 456-5156.

Sincerely,



Sally Gilbert
State CSU Coordinator

cc:

Carl Rosier, Commissioner, Department of Fish and Game
Glenn Olds, Commissioner, Department of Natural Resources
John Sandor, Commissioner, Department of Environmental
Conservation

Bruce Campbell, Commissioner, Department of Transportation and
Public Facilities

Richard Burton, Commissioner, Department of Public Safety
John Katz, Governor's Office, Washington, D.C.