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Chairman Tom Gray (907) 304-2003

The Honorable Nick Begich  
153 Cannon House Office Building  
Washington, DC 20515  
Phone: (202) 225-5765

21 July 2025

Dear Representative Begich,

I am writing as Chairman of the Alaska Beluga Whale Committee (ABWC) to address several concerns regarding a draft bill to amend the Marine Mammal Protection Act. The ABWC was only indirectly made aware of this draft bill on 11 July 2025 and comments were requested prior to a 22 July 2025 hearing. The ABWC strongly encourages you not to support these amendments. The proposed amendments reduce the protection for beluga whales and other marine mammals and threaten our subsistence lifestyle. The goal of the ABWC is to protect subsistence whaling and ensure that subsistence whaling is sustainable for future generations. On the surface, the proposed amendments do not appear to directly affect Section 119 of the MMPA and co-management of belugas stocks, however, the ABWC does not support removal of provisions that help to ensure that beluga stocks remain healthy and can be sustainably harvested by our people.

The ABWC is the Alaska Native co-management group that works in partnership with the Federal government to responsibly manage beluga whales in western and northern Alaska. Belugas are harvested by more than 50 communities in that area. The ABWC's goals are to provide for participation of beluga hunters in the management of beluga whales for subsistence use; provide for sustainable use of belugas for subsistence purposes; involve beluga hunters in research; and promote conservation of belugas. The ABWC conducts management-related projects in cooperation with beluga hunters and state, federal, tribal, and local agencies in a cost-effective manner.

I will address the ABWC's major concerns here. Due to the short timeline for comments, we will send additional comments after the upcoming hearing. Among our major concerns are the following:

- Language stating that abundance must be estimated for the entire geographical area for a stock to calculate PBR is overly restrictive and more important, extremely difficult if not impossible to implement. The range of many stocks is poorly understood and only portions of the range may be used seasonally because of migrations between wintering and summering areas. Therefore, surveying the entire range is inappropriate because many Alaskan stocks, including belugas, only occupy a portion of their range at any given time. Thus, many estimates of abundance cover a large portion of the range for a stock, but not the entire range. Surveys often focus on regions that are known to cover the

majority of a stock's range or the primary area used at a specific time of year because surveying the entire range is not logistically or financially possible. In Alaska, stocks may range too far offshore to survey safely or into Russian territory where surveys are not allowed. This change does not make practical sense nor is it likely to be affordable by the Federal Government or industry. Unnecessarily surveying the entire range of Alaska stocks would be cost prohibitive. We can provide you and your staff with examples of how surveys capture most of the population but in a cost-effective way. We also fear that this change of language will be used to negate estimates of PBR when any portion of a population is found outside of a survey area. This is not sound or fiscally responsible management and conservation of important resources.

- Redefining “harassment” to be the observed abandonment of habitat, and redefining “harm” as observed injury risks access to subsistence species for subsistence, is dangerously permissive, and not proactive or preventative. Proposed language also greatly reduces protections provided by Incidental Take Regulations (ITR) and Incidental Harassment Authorizations (IHA). For example, ITRs and IHAs would no longer be limited to “small numbers” of marine mammals and conditions to minimize the impact of take or harassment must be “practicable and economically feasible” and cannot result in more than a “minor change” to the proposed commercial activities. The expected result of these proposed changes is that industrial activities could make marine mammals unavailable to subsistence hunters. For decades, industry and subsistence hunters, particularly oil and gas industry and the Alaska Eskimo Whaling Commission but other co-management organizations too, have managed to work together so industry can accomplish their goals and communities can be provided with subsistence resources necessary to meet nutritional and cultural needs.
- The proposed removal of the zero-mortality rate goal and change in definition of the Optimum Sustainable Population to “viable” would make it legal for NMFS to authorize bycatch of marine mammals in commercial fisheries in the Bering Sea that could drive the impacted populations to low levels. Currently, the largest take of belugas and most other marine mammals in Alaska is by subsistence hunters. Current levels of subsistence harvest are necessary for food security. Allowing commercial fisheries to have bycatch rates approaching the Potential Biological Removal will create competition between developing commercial fisheries and subsistence harvest. These outcomes are not acceptable to the ABWC.
- A “precautionary approach” to the conservation of marine mammal stocks helps to ensure that stocks remain at healthy levels that can be harvested for subsistence. Alaska Native hunters spend much of their lives on the water observing animals, their behavior and their environment. We know much about how they respond to disturbance; we do not need to observe the actual impacts of disturbance and noise to know they will respond to intrusions into their habitat. By the time harassment and harm are proven, commercial activities could have consequences that are irreversible or will take years to reverse.

Alaska is undergoing profound changes resulting in major reductions in sea ice. This is the habitat of belugas and other Arctic marine mammals. These are the marine mammals that Alaska

Natives rely on. With less ice the expansion of shipping, commercial fisheries, petroleum development, and whale watching is expected. Thus, now is not the time to weaken the MMPA. Additionally, the MMPA has not stopped any industrial activity in Alaska but has created partnerships between Alaska marine mammal co-management organizations and industry. These private/public partnerships should continue to be encouraged. Weakening the MMPA puts those partnerships at risk.

The ABWC strongly recommends that your office work with Alaska co-management groups prior to proposing any amendments to the MMPA, including the ones currently on the table. We encourage you to withdraw the proposed amendments and begin the review and revision process again. This discussion should include co-management groups for all Alaska marine mammal species so that all marine mammals important for subsistence in Alaska are considered regarding any amendments. The ABWC would be happy to work with you and others to design a solution that works for subsistence users and industry.

The MMPA must continue to protect our subsistence resources and our subsistence lifestyle in the face of rapidly occurring changes on the environment and northern economies. For 50 years, the MMPA has protected the marine mammals we depend on for our food, materials, and culture. It must continue to do so. We look forward to your response. We hope we can meet with you or your staff later this summer or fall, perhaps at our annual meeting in Anchorage in November.

Sincerely,



Tom Gray, Chairman

Cc: The Honorable Lisa Murkowski  
The Honorable Dan Sullivan  
IPCoMM  
The Marine Mammal Commission  
The Alaska Eskimo Whaling Commission  
Alaska Nannut Co-management Commission  
Ice Seal Committee  
Eskimo Walrus Commission