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**ALASKA REGIONAL SCIENTIFIC REVIEW GROUP**

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March 10, 2010

Eric Schwaab  
Assistant Administrator for Fisheries  
National Marine Fisheries Service, NOAA  
1315 East-West Highway, Room 14564  
Silver Spring, MD 20910

Dear Mr. Schwaab,

The Alaska Scientific Review Group (SRG) is one of three regional advisory groups created by the 1994 amendments to the Marine Mammal Protection Act. We are charged with advising the National Marine Fisheries Service (NMFS) on the assessment and status of marine mammal stocks in Alaska.

The Alaska SRG is very concerned with the failure of NMFS to use the best available scientific information to designate stocks of harbor seals in stock assessment reports. NMFS scientists first presented the results of their extensive genetic study of Alaskan harbor seals to the Alaska SRG in fall 2000, and NMFS published those results in an Administrative Report in August 2003. The overall findings were confirmed in two rigorous independent peer reviews commissioned by NMFS and the Alaska Native Harbor Seal Commission (ANHSC) in 2004. The SRG has considered all these sources of information and we have repeatedly recommended that the recently gathered data be used to establish more appropriate and scientifically-based stock units. Recommendations to proceed with revising Alaska harbor seal stocks appear in SRG minutes as early as 2004.

In a letter to NMFS of 2 November 2007 we said "We once again urge NMFS to use what is known about harbor seal population structure in their stock assessment reports, and we urge NMFS and the Harbor Seal Commission to apply this information to their conservation and management activities." A response from Jim Lecky, Director of the Office of Protected Resources, to that letter said "My office expects that the remaining concerns can be

resolved in FY 2008, and harbor seal stock identity can be updated soon thereafter."

In a second letter on this topic to NMFS of 29 July 2008 we said "We recommend that you proceed as quickly as possible with revising the designation of harbor seal stocks in Alaska using the best available scientific data, including genetics." Dr. Balsiger's (then Acting Assistant Administrator for Fisheries) response said "At the most recent meeting of the co-management committee, members made substantial progress toward updating the stock structure of harbor seals in Alaska. I anticipate additional progress in the future."

It has now been nearly 10 years since results of genetics studies of harbor seals first became available, and yet the SARs continue to use an arbitrary three stock arrangement for harbor seals that is known to be wrong. The SRG cannot adequately comment on these SARs because data shown for stock boundaries, stock abundances, and takes by fisheries and subsistence hunters are essentially meaningless. Bluntly put, harbor seals in Alaska are being mismanaged by NMFS and their co-managers, ANHSC. Furthermore, NMFS is ignoring the direction given in Section 117(a) of the MMPA which states that draft stock assessments "should be based on the best scientific information available."

Proper management and conservation of any marine mammal species must start with proper identification of demographically independent units or stocks. In the case of Alaska harbor seals, a substantial set of data and numerous careful analyses have allowed the identification of multiple stocks. We once again urge NMFS to reflect what is known about harbor seal population structure in their stock assessment reports, and in the conservation and management activities conducted by NMFS and the ANHSC.

Sincerely,



Elizabeth A. Mathews, AKSRG Chair

cc: AKSRG members

Jim Lecky, Director, Office of Protected Resources, NMFS  
 John Bengtson, Director, National Marine Mammal Laboratory,  
 Alaska Fisheries Science Center, NMFS  
 Kaja Brix, Assistant Regional Administrator, Protected  
 Resources Division, Alaska Region  
 Tim Ragen, Executive Director, Marine Mammal Commission