

SJR

17

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 3/18/99

FURTHER:

Date of 5-Day Notice: 3/18/99
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3/23/99

Resources Committee considered

SENATE JOINT RESOLUTION NO. 17

Requesting that the National Marine Fisheries Service and the United States Congress act immediately to reverse the decline of the Cook Inlet beluga whale population and to regulate the harvest of the beluga whales in Cook Inlet until the beluga whale population has recovered.

and recommends:

be replaced with _____ CS SJR 17 (RES)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:
 same title
 new title
House Bill:
 same title
 technical title
 new: SCR# _____

| SIGNING <u>DO</u> PASS | DP | OTHER RECOMMENDATIONS | NB | DNP | AM |
|---------------------------------------|----|--------------------------------|----------------------|-----|----|
| | X | <i>[Handwritten Signature]</i> | <i>[Handwritten]</i> | | |
| <i>[Handwritten Signature]</i> | X | | | | |
| <i>[Handwritten Signature]</i> | ✓ | | | | |
| <i>[Handwritten Signature]</i> | ✓ | | | | |
| <i>[Handwritten Signature]</i> | ✓ | | | | |
| <i>[Handwritten Signature]</i> | | | | | |
| CHAIR: <i>[Handwritten Signature]</i> | ✓ | CHAIR: | | | |

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

| | | | |
|-------------|-------------|----------|--|
| <i>SRES</i> | <i>3/22</i> | <i>X</i> | |
| | | | |
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APPLIES TO CS

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

| | | | |
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| | | | |
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| | | | |
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APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. SJR 17

Revision Date 3/18/99 Dept. Affected _____
 Title Cook Inlet Beluga Population BRU _____
 Component _____
 Sponsor S RES _____
 Requester _____ Component Serial No. _____

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 | FY 05 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | 0.0 |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES [] | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|----------------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| 1091 Designated Program Receipts | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY99) cost: 0.0

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This resolution is anticipated to have no fiscal impact on state agencies.

Prepared by Senate Resources Committee
 Division *Rick Halford*
 Approved by Senator Rick Halford, Chairman
 Agency _____

Phone 465-4907
 Date 3/22/99
 Date _____

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. SJR 17

Revision Date 3/18/99 Dept. Affected _____
 Title Cook Inlet Beluga Population BRU _____
 Component _____
 Sponsor SRL3 _____
 Requester _____ Component Serial No. _____

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 | FY 05 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | 0.0 |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES [] | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|----------------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| 1091 Designated Program Receipts | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY99) cost: 0.0

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This resolution is anticipated to have no fiscal impact on state agencies.

Prepared by Senate Resources Committee
 Division _____
 Approved by Senator Rick Halford, Chairman
 Agency _____

Phone 465-4907
 Date 3/12/99
 Date _____

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**CS FOR SENATE JOINT RESOLUTION NO. 17(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION**

BY THE SENATE RESOURCES COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATE RESOURCES COMMITTEE

A RESOLUTION

1 **Requesting that the National Marine Fisheries Service and the United States**
2 **Congress act immediately to reverse the decline of the Cook Inlet beluga whale**
3 **population and to regulate the harvest of the beluga whales in Cook Inlet until**
4 **the beluga whale population has recovered.**

5 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 **WHEREAS** the National Marine Fisheries Service (NMFS) is responsible under the
7 **Marine Mammal Protection Act (MMPA) for management and protection of beluga whales**
8 **in Alaska; and**

9 **WHEREAS** NMFS has concluded that, although the data on population trends of Cook
10 **Inlet beluga whales are incomplete, the Cook Inlet beluga whale population appears to have**
11 **declined in recent years, primarily due to overharvest; and**

12 **WHEREAS** NMFS has concluded that the Cook Inlet beluga whale population was
13 **at least 650 in 1994; and**

14 **WHEREAS** the most recent NMFS surveys place the Cook Inlet beluga whale
15 **population at a minimum of 347; and**

16 **WHEREAS** environmental groups have recently petitioned NMFS to list the Cook

1 Inlet beluga whale population as either threatened or endangered under the Endangered
2 Species Act; and

3 **WHEREAS** listing of this population under the Endangered Species Act would have
4 significant negative effects on the economies of Cook Inlet as well as the entire state; and

5 **WHEREAS** there are procedures under the MMPA that provide for the regulation of
6 the harvest of marine mammals; and

7 **WHEREAS** NMFS has apparently been reluctant to use its existing authority under
8 the MMPA allowing for the regulation of harvests; and

9 **WHEREAS** continued delays by NMFS could further contribute to the decline in the
10 Cook Inlet beluga whale population; and

11 **WHEREAS** the MMPA also specifically authorizes the Secretary of the United States
12 Department of Commerce to enter into cooperative agreements with Alaska Native
13 organizations to conserve marine mammals;

14 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the
15 National Marine Fisheries Service to immediately begin the process of reviewing the status
16 of Cook Inlet beluga whales to determine whether the status under the Marine Mammal
17 Protection Act should be changed; and be it

18 **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests that
19 the United States Congress immediately consider legislation amending the Marine Mammal
20 Protection Act to require the National Marine Fisheries Service to regulate the harvest of Cook
21 Inlet beluga whales in cooperation with the local Native subsistence users until the population
22 has recovered; and be it

23 **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests that
24 the United States Congress provide the National Marine Fisheries Service with adequate
25 financial resources to secure, in cooperation with the Alaska Department of Fish and Game
26 and the local subsistence users, the information and management tools necessary to ensure that
27 the Cook Inlet beluga whale population is not placed in jeopardy, that Alaskans dependent on
28 the beluga whale resource are not unnecessarily penalized, and that associated industries in
29 the state are not placed at risk.

30 **COPIES** of this resolution shall be sent to the Honorable William M. Daley, Secretary
31 of the United States Department of Commerce; and to the Honorable Ted Stevens and the

- 1 Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S.
- 2 Representative, members of the Alaska delegation in Congress.



Official Business

ALASKA STATE LEGISLATURE

SENATE RESOURCES COMMITTEE

State Capitol
Juneau, AK 99801

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Vice Chair: Senator Robin Taylor
Senator Lyda Green
Senator Pete Kelly
Senator Jerry Mackie
Senator Sean Parnell
Senator Georgianna Lincoln

Senate Joint Resolution 17 Sponsor Statement

"Requesting that the National Marine Fisheries Service and the United States Congress act immediately to reverse the decline of the Cook Inlet beluga whale population and to regulate the harvest of the beluga whales in Cook Inlet until the beluga whale population has recovered."

According to the National Marine Fisheries Service (NMFS), the Cook Inlet beluga whale population has been declining in recent years and will become extinct within a decade, primarily due to over harvest. The studies that prove this trend are incomplete and their accuracy has been disputed. However, based on these presumptions, animal rights and environmental groups have petitioned the NMFS to list the Cook Inlet beluga whale population as threatened or endangered under the Endangered Species Act.

Designation of the species as endangered or threatened could severely curtail economic activities, such as oil exploration and production, and subsistence, commercial and personal use fishing in Cook Inlet. Another, more viable option, would be for the NMFS to use its existing authority under the Marine Mammal Protection Act (MMPA) to regulate harvest by Alaskan Natives until the population has recovered.

SJR 17 asks the federal government to start the process of assuming that authority, and to provide funding for the research necessary to balance the needs of the whales and the Alaskans who depend upon the resource and related industries in Cook Inlet. While this process is more complicated and costly for the federal government than simply declaring the species endangered and waiting to see if the population recovers, sound management of the resource while providing for the economic needs of Alaskans is the only reasonable and fair approach. This resolution urges the United States Congress to hold the NMFS to their responsibility of managing and protecting Cook Inlet beluga whales, before this problem becomes a crisis.

I urge your support for SJR 17.

SENATE JOINT RESOLUTION NO. 17
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Introduced: 3/18/99
Referred: Resources

A RESOLUTION

1 **Requesting that the National Marine Fisheries Service and the United States**
2 **Congress act immediately to reverse the decline of the Cook Inlet beluga whale**
3 **population and to regulate the harvest of the beluga whales in Cook Inlet until**
4 **the beluga whale population has recovered.**

5 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 **WHEREAS** the National Marine Fisheries Service (NMFS) is responsible under the
7 **Marine Mammal Protection Act for management and protection of beluga whales in Alaska;**
8 **and**

9 **WHEREAS** NMFS has concluded that, although the data on population trends of Cook
10 **Inlet beluga whales are incomplete, the Cook Inlet beluga whale population has been declining**
11 **in recent years, primarily due to overharvest; and**

12 **WHEREAS** NMFS has concluded that the Cook Inlet beluga whale population was
13 **at least 650 in 1994; and**

14 **WHEREAS** the most recent surveys place the Cook Inlet beluga whale population at
15 **a minimum of 347; and**

16 **WHEREAS** environmental groups have recently petitioned NMFS to list the Cook

1 Inlet beluga whale population as either threatened or endangered under the Endangered
2 Species Act; and

3 **WHEREAS** listing of this population under the Endangered Species Act would have
4 significant negative effects on the economies of Cook Inlet as well as the entire state; and

5 **WHEREAS** there are procedures under the Marine Mammal Protection Act that
6 provide for the regulation of the harvest of marine mammals only following a NMFS finding
7 of "depletion"; and

8 **WHEREAS** NMFS has apparently been reluctant to use the Marine Mammal
9 Protection Act procedure allowing for the regulation of harvests due to the fact that the
10 "depletion" review and finding process is extremely time-consuming and complicated; and

11 **WHEREAS** continued delays by NMFS could further contribute to the decline in the
12 Cook Inlet beluga whale population;

13 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the
14 National Marine Fisheries Service to immediately begin the process of reviewing the status
15 of Cook Inlet beluga whales for consideration for "depleted" status under the Marine Mammal
16 Protection Act; and be it

17 **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests that
18 the United States Congress immediately consider legislation amending the Marine Mammal
19 Protection Act to allow the National Marine Fisheries Service to regulate the harvest of Cook
20 Inlet beluga whales until the population has recovered; and be it

21 **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests that
22 the United States Congress provide the National Marine Fisheries Service with adequate
23 financial resources to secure, in cooperation with the Alaska Department of Fish and Game,
24 the information necessary to ensure that the Cook Inlet beluga whale population is not placed
25 in jeopardy, that Alaskans dependent on the beluga whale resource are not unnecessarily
26 penalized, and that associated industries in the state are not placed at risk.

27 **COPIES** of this resolution shall be sent to the Honorable William M. Daley, Secretary
28 of the United States Department of Commerce; and to the Honorable Ted Stevens and the
29 Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S.
30 Representative, members of the Alaska delegation in Congress.

COOK INLET BELUGA WHALES

SUMMARY OF SURVEY DATA

| <u>YR.</u> | <u>"ESTIMATES"</u> | <u>AGENCY OR GROUP</u> | <u>COMMENTS</u> |
|------------|--------------------|------------------------|------------------------|
| 1963 | 300-400 | STATE | |
| 1964 | 300-400 | STATE | |
| 1978 | 450 | UNIVERSITY OF AK | |
| 1978 | 500 | INTERAGENCY GROUP | |
| 1982 | 400 | STATE | SAW 200-300 |
| 1988 | 300-450 | STATE | |
| 1993 | 344 | NMFS | SAW 344, NO CORRECTION |
| 1994 | 653 | NMFS | SAW 279, CORRECTED |
| 1995 | 491 | NMFS | SAW 328, CORRECTED |
| 1996 | 594 | NMFS | SAW 361, CORRECTED |
| 1996 | 891 | ABWC | |
| 1997 | 440 | NMFS | SAW 264, CORRECTED |
| 1997 | 752-861 | ABWC | |
| 1998 | 347 | NMFS | SAW 194, CORRECTED |
| 1998 | 500 | ABWC | |

GENERAL INFORMATION:

Survey data most accurate from 1994 to present. Correction factors appear complicated, but are generally between 2 - 3 times number visually counted.

Concern for this population has existed for over 5 years. NMFS has discussed listing in early 1990's.

The early 1990's harvest was estimated at 15 - 20 per year. Present harvest levels are estimated between 70 - 100 per year. The last five year average harvest estimated to be approximately 75 per year.

Scientists agree that this population can not sustain the present level of harvest.

NMFS classified Anchorage as a Native village soon after the Marine Mammal Protection Act passed which makes it legal to sell beluga meat in that community.

LAW OFFICES

BIRCH, HORTON, BITTNER AND CHEROT

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MEMORANDUM

TO: Ted Popley
 Ron Somerville

FROM: Bill Horn *BH*
 Beth Quevi *BH* **VIA TELEFAX**

DATE: November 23, 1998

RE: Federal Register Notice regarding Cook Inlet Beluga Whales

The National Marine Fisheries Service (NMFS) announced that it is initiating a status review of the Cook Inlet beluga whale population to determine whether designation under the Marine Mammal Protection Act, or a change in ESA classification is warranted.

In a November 20 Federal Register Notice (63 FR 64228-64229), NMFS announced they would conduct the review, in conjunction with the Alaska Beluga Whale Committee and the Cook Inlet Marine Mammal Council, to give consideration to the current status of the population, their distribution, abundance and trends, food habits, biohealth parameters, and reproductive parameters. The review will also examine the effects of Native subsistence harvest and the potential effects of other humanly induced impacts.

All interested parties should submit pertinent information and comments by January 19, 1999.

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MEMORANDUM

TO: Ted Popely
Ron Somerville

FROM: Bill Horn *BH*
Beth Quevli *BQ*

DATE: March 1, 1999

RE: Possible Emergency Listing of Cook Inlet Belugas as Threatened Species

VIA TELEFAX

Several environmental groups, including the National Audubon Society and possibly the Center for Marine Conservation, Trustees for Alaska as well as several others, are expected to petition the federal government to list Cook Inlet Beluga whales as a threatened species under the Endangered Species Act.

The groups suggest the purpose of the petition is to temporarily stop Native subsistence hunting of the whales, whose population is estimated by the National Marine Fisheries Service to have dropped 65 percent in the last ten years. The potential petitioners contend that they are not against subsistence whale hunting, and that they would not be adverse to hunting resuming eventually under a more tightly controlled and monitored system.

Theoretically, the emergency petition would shorten the review period necessary before a listing can occur by 75 percent. However, such petitions are rarely granted, and, if this one was granted it would take until late spring, possibly June before a listing could be made.

The National Marine Fisheries Service has scheduled a meetings for March 8 and 9 to address the 1999 harvest of belugas and subsistence hunting issues.

14208

Beluga hunting debated

Conference suggests extinction imminent

By TOM BELL
Daily News reporter

Cook Inlet beluga hunters must drastically cut back on their hunt or the whales will face extinction, officials from the National Marine Fisheries Service said Monday at a conference in Anchorage.

The beluga population, estimated at around 350, has declined by nearly 50 percent since 1994, said Doug DeMaster, director of the Seattle-based National Marine Mammal Laboratory. If current hunting levels continue, he said, the Cook Inlet beluga will likely be extinct in a decade.

To allow the beluga population to recover, he said, the hunters must reduce the total killed every year to about seven or fewer. Last year, hunters killed 78 whales, according to NMFS estimates.

About a dozen Native hunters attended the conference put on by the agency. Some agreed the whales are in danger and said they would stop hunting in the Inlet. But some disputed the scientists' methods as well as findings.

"I do not think there is much of a decline," said Art Nugrene of Anchorage. "These people come up from Seattle and spend a couple of days counting belugas. These whales don't stay in the Inlet. They follow the fish."

A group of hunters did propose putting an end to the commercial harvest of the whales. The hunters have formed a five-man committee that intends to negotiate a plan for protecting the belugas. Mark John, the committee's chairman, said the group would an-

Please see Back Page, BELUGAS

State rural panel calls for limited Native self-rule

By TOM KIZZIA
Daily News reporter

At a time when Alaska is "pulling apart at the seams," only Gov. Tony Knowles can take steps to assure that Native institutions have a place in the state, members of the governor's Rural Governance Commission said Monday.

Meeting with two of Knowles' top aides, the commission said the words "Native" and "tribe" seem taboo in the Alaska Legislature. They called on Knowles to heed their call for state recognition of limited tribal self-government.

The alternative, they said, would be growing Native militancy, civil disobedience and a turning away from the state to the federal government.

"The wedge is deeper and more hurtful than many people understand," said former state Sen. Arliss Sturgulewski, who said the 10-month-old commission had traveled to the Bush to hear village sentiments. "I think we're at real peril if we do not recognize what's really happening in this state."

"The governor can do a lot, just as gover-

nor," said Tanana Chiefs Conference president Will Mayo.

Commission members said they want the state to do more contracting with tribes and involve tribes more in managing natural resources, for example.

Knowles chief of staff Jim Ayers offered no specific promises to the commission at its Anchorage meeting. But he said Knowles recognized the importance of Alaska's diversity.

Please see Back Page, PANEL

BELUGAS: Hunting called threat to Cook Inlet population

Continued from Page A-1

nounce its proposals later this week.

John said he hopes a co-management plan — put together and implemented by the hunters and the agency — will prevent the federal government from listing the whale as an endangered species.

Last week, a coalition of conservation groups and a former whale hunter filed a petition asking the federal government to do just that.

While the federal government could quickly declare the whale endangered, the government doesn't have the authority to stop this year's whale hunt without going through a formal process that could take from several months to a year. The hunting typically runs from April until October.

Adopting a co-management plan would not necessarily keep the whales off the endangered or threatened species list, said Mike Payne, head of NMFS's Washington, D.C.-based marine mammal division.

Since 1972, the Marine Mammal Protection Act has banned anyone except Natives from hunting the whales. There is no mechanism under that law to regulate the Native subsistence hunt, although hunting can be curbed if a species is listed as threatened or endangered under the Endangered Species Act or listed as depleted under the Marine Mammal Protection Act.

Carl Jack, one of the hunters on the committee, said NMFS is partly to blame for the beluga decline because it allowed commercial whale hunting for many years. Beluga skin and fat has been sold in an Anchorage store for \$6 a pound and also has been sold from vehicles parked in some lots in town.

"It's only human nature," Jack said. "If you put a dollar value on a resource, there will be an incentive to make money."

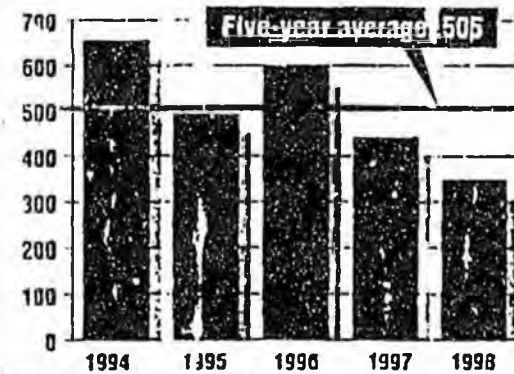
Payne agreed that NMFS policies have been part of the problem, but he said he's more interested now in finding some solutions.

"There is enough blame to go around," he said. "We are not trying to fix blame but fix the problem."

Daniel Alex, head of the Cook Inlet Marine

Cook Inlet beluga population

Biologists use aerial surveys and videotapes of pods to count the whales. Then they run the numbers through a formula to get an annual population estimate.



Source: National Marine Fisheries Service

RON ENGSTROM / Anchorage Daily News

Mammal Council, said the scientists' drastic prediction only makes sense if the Cook Inlet beluga population is considered distinct from all other beluga whales in Alaska. He said he believes that the local whales are part of a larger group from the Gulf of Alaska and that the whales are traveling to the Inlet in fewer numbers because there are fewer fish to eat here. He said scientists need to study where the whales travel not just count them in Cook Inlet. Hunting should be reduced until more is learned about the beluga population, Alex said.

The federal scientists say they're convinced by DNA analysis that the Inlet beluga stock is distinct from four other beluga groups in the state.

The conference at the Sheraton Anchorage Hotel continues today, starting at 9 a.m.

Reporter Tom Bell can be reached at tbull@adn.com.

Anchorage Daily News

Wednesday, March 10, 1999

Whalers offer change

Feds hear proposal for new beluga hunting guidelines

By TOM BELL
Daily News reporter



See Related File

While federal officials ponder whether to list Cook Inlet's beluga whales as an endangered species, a group representing most of the Inlet's beluga hunters have proposed fundamentally changing the way they hunt.



They said they want to ban commercial hunting and register all hunters. They want to require hunters to harpoon whales before shooting, so fewer would sink and be lost, and to hunt only in shallow waters, where they would be easier to recover.

Their proposal comes as federal officials, tribal leaders and hunters begin hashing out some kind of agreement for regulating beluga hunting. Both sides say they want "co-management," which would involve various sides creating and implementing a conservation strategy together.

Carl Jack, one of the hunter leaders, and Daniel Alex, head of the Cook Inlet Marine Mammal Council, said it could take a year to put a deal together. In the meantime, before hunting begins this spring, all sides should agree to an interim plan, they said. Talks continue today and Thursday.

Jack said the hunters and the federal officials share the same goal.

"We want a healthy stock so people who hunt can continue to do that in the future," he said.

For the past several years, hunters and federal officials have been talking about creating a co-management plan, but nothing has come of it. Such agreements exist between Native hunters and the federal government elsewhere in Alaska.

The effort to forge an agreement has gained urgency because of

concern that the Inlet beluga population is declining rapidly. A federal scientist warned Monday that current hunting levels could drive the Inlet's familiar white whales to extinction in a decade.

Some hunters believe a co-management plan might be the only way to keep the whales from being listed as an endangered species. Last week, a former hunter and a coalition of conservation groups petitioned the government to implement such a plan.

If the National Marine Fisheries Service does not list the belugas as endangered by June, the peak of the hunting season, environmental groups will probably take legal action against the agency, said Doug DeMaster, director of the Seattle-based National Marine Mammal Laboratory.

Without a co-management plan in place, he said, the agency wouldn't stand much of a chance in court.

Valerie Brown, staff attorney for Trustees for Alaska, described the hunters' proposal as a significant step forward. But she said the Endangered Species Act sets explicit scientific criteria for listing animals as endangered, such as a dramatic drop in population. Whether NMFS can strike a deal with hunters, she said, has nothing to do with those scientific rules.

An interim agreement would help prevent the beluga population from declining more, she said, but "that's not going to stop them from being endangered. They are endangered now."

She said she suspects the government wants to avoid listing the animals as endangered for political reasons. The agency would then have to monitor all human activity in the Inlet, including the oil and gas industry, for the potential effects on the beluga population, she said.

On April 21, the state is scheduled to auction large sections of the Inlet for oil and gas development. At Tuesday's conference, Brown held up maps showing that some of those lease areas have been identified by scientists as critical habitat for belugas.

During public comment Tuesday, one former hunter read a "dear human beings" letter written from a whale's perspective. A woman wearing a kuspuk cried as she talked about her frustrations as she watched the whale population crash while people seemed unwilling to agree on a solution. Gilbert Paniptchuk, an Anchorage hunter, angrily said the whales are not in decline and that outsiders were intruding on the traditional lives of Natives.

"We are up against people who are trying to destroy what Native people have and enjoy," he said.

The fisheries service has up to a year to make a decision about whether to list the Inlet beluga as endangered, but it can also list it immediately. Even if it put the whale on the list today, the agency could not stop this year's whale hunt without going through a formal process that could take from several months to a year.

The beluga population, estimated at 350, has declined nearly 50 percent in five years, federal scientists say. They say the Cook Inlet beluga stock is distinct and isolated from the state's other belugas. Some Native hunters say the whales are part of a larger Gulf of Alaska population and that there are fewer whales in the upper Inlet because there are fewer fish here.

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