

**STATE OF ALASKA  
THE LEGISLATURE**

**2010**

**Source**

SCS CSHJR 40(RES)

**Legislative  
Resolve No.**

42



Opposing the proposed designation by the National Marine Fisheries Service of 3,000 square miles of upper Cook Inlet, the mid-inlet, all of the inlet's western shores, and Kachemak Bay as critical habitat for beluga whales.

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

**WHEREAS** the Endangered Species Act requires economic effects to be taken into account for critical habitat designations, and areas may be excluded from critical habitat if it is determined that the benefit of such exclusion outweighs the benefit of specifying such areas as critical habitat; and

**WHEREAS** the National Marine Fisheries Service has proposed declaring 3,000 square miles of upper Cook Inlet, the mid-inlet, all of the inlet's western shores, and Kachemak Bay as critical habitat for beluga whales; and

**WHEREAS** scientists in the National Marine Fisheries Service have concluded that the primary reason for the population decline was the unsustainable subsistence harvest in the 1990s; and

**WHEREAS** a cooperative harvest management plan was put into place in 2000; and

**WHEREAS** scientists predicted signs of recovery of the beluga whale population would take five to seven years after a cooperative harvest management plan was instituted; and

**WHEREAS**, in 2005, the population of beluga whales was 278, and, in 2009, the population was 321, a four percent increase a year; and

**WHEREAS** the State of Alaska has given notice of its intent to sue, challenging the Cook Inlet beluga whale Endangered Species Act listing; and

**WHEREAS** there is little evidence that human activity has harmed the beluga whale's environment, migration, or ecology; and

**WHEREAS** the National Marine Fisheries Service has stated that the additional regulatory oversight will cost only an additional \$600,000 over the next decade; and

**WHEREAS** the cost estimate does not factor in the extra costs that existing and future operations may have to pay to meet unnecessary new regulatory burdens; and

**WHEREAS** a critical habitat designation in Cook Inlet may hurt community and economic development; and

**WHEREAS** permitting and construction projects may suffer costly delays, and economic development could be curtailed; and

**WHEREAS** the proposed Knik Arm Bridge, Port Mackenzie, tourism, and vessel traffic may be negatively affected; and

**WHEREAS** infrastructure development in Cook Inlet for resource development and energy projects could be threatened by critical habitat designations; and

**WHEREAS** the Port of Anchorage serves 85 percent of the population of the state and receives 90 percent of the goods coming into the state, and the port has already fully addressed the conservation needs of the Cook Inlet beluga whales relating to the whales' activity, based on the best scientific information available, working with the National Marine Fisheries Service and other experts; and

**WHEREAS** military deployments from the Port of Anchorage, military flight patterns, and military operations could be negatively affected or limited with no benefit to beluga whales; and

**WHEREAS** environmental lawsuits may add significant delays and millions of dollars to the cost of economic development projects in the Cook Inlet area; and

**WHEREAS** decades of safe and environmentally responsible oil and gas production, vessel transportation, community development, commercial, sport, and subsistence fishing, and other economic activity in Cook Inlet have taken place without harming Cook Inlet beluga whales; and

**WHEREAS** future oil and gas exploration, development, and production could be gravely affected by critical habitat designations; and

**WHEREAS** Southcentral Alaska energy needs have been met predominantly through responsible oil and gas production in Cook Inlet for nearly 50 years while beluga whale populations thrived; and

**WHEREAS** there is little evidence that commercial or sport fishing is harming the beluga whale population; and

**WHEREAS** the commercial and sport fishing industries could be gravely threatened by a critical habitat designation because the beluga whale's primary food source is fish; and

**WHEREAS** lost development opportunities because of critical habitat designations could ultimately lead to lost revenue to the State of Alaska and to local governments; and

**WHEREAS** all three members of Alaska's Congressional delegation and Governor Sean Parnell are opposed to the critical habitat designation; and

**WHEREAS** designation of such broad areas of municipal, commercial, and industrial interest, without any known or identifiable link between these activities and the conservation status of the Cook Inlet beluga whale, is contrary to the public interest; and

**WHEREAS** the conservation benefits, which are entirely uncertain and speculative, are outweighed by the costs and impediments posed by designation of critical habitat in this instance in most, if not all, of the proposed designation area;

**BE IT RESOLVED** that the Alaska State Legislature opposes the proposed designation by the National Marine Fisheries Service of 3,000 square miles of upper Cook Inlet, the mid-inlet, all of the inlet's western shores, and Kachemak Bay as critical habitat for beluga whales; and be it

**FURTHER RESOLVED** that the Alaska State Legislature requests a more robust economic analysis be completed by the National Marine Fisheries Service before finalizing any critical habitat designation; and be it

**FURTHER RESOLVED** that any final critical habitat designation be supported by

sound science, including any science conducted by State of Alaska marine mammal experts, that clearly links any designated critical habitat to the conservation and recovery of Cook Inlet beluga whales.

**COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives; the Honorable Gary F. Locke, United States Secretary of Commerce; Dr. Jane Lubchenco, Under Secretary of Commerce for Oceans and Atmosphere, United States Department of Commerce; Kaja Brix, Director, Protected Resources Division, Alaska Region, National Marine Fisheries Service, National Oceanic and Atmospheric Administration; the Honorable Dan Sullivan, Mayor of the Municipality of Anchorage; the Honorable John C. Combs, Mayor of the City of Palmer; the Honorable Verne E. Rupright, Mayor of the City of Wasilla; the Honorable Talis Colberg, Mayor of the Matanuska-Susitna Borough; the Honorable James C. Hornaday, Mayor of the City of Homer; the Honorable Pat Porter, Mayor of the City of Kenai; the Honorable Peter A. Micciche, Mayor of the City of Soldotna; the Honorable Dave Carey, Mayor of the Kenai Peninsula Borough; and the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.