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NOAA proposes critical habitat for Inlet belugas

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Federal regulators on Tuesday proposed designating more than 3,000 square miles of Cook Inlet as critical habitat for the Inlet's beluga whales.

The proposed rule would provide an additional layer of protection for the roughly 300 remaining Cook Inlet belugas that were listed as endangered in October 2008, according to the National Oceanic and Atmospheric Administration.

"It means that we are looking more broadly than the species. We're also looking at its habitat," said Kaja Brix, director of protected resources for the Alaska office of NOAA's National Marine Fisheries Service.

The proposed rule generated accolades from Alaska and Lower 48 environmental groups but was criticized by Gov. Sean Parnell, the state's congressional delegation, Anchorage Mayor Dan Sullivan and pro-business groups in Alaska.

The proposed critical habitat areas will comprise all of upper Cook Inlet, the coastal areas of western Cook Inlet and most of Kachemak Bay.

Environmentalists called it a positive step for the belugas' recovery. According to federal estimates, the Inlet's beluga population has declined from 1,300 animals in 1979 to 321 this year.

But business boosters said Tuesday they are worried about the proposed rule's potential to impede the region's resource development projects and commerce at the Anchorage port, which is the entry point for 90 percent of the goods sent to Alaska and a distribution point for much of its fuel.

MINOR IMPACT?

NOAA officials said the proposed rule would require other federal agencies to consult with the federal fisheries service before approving projects in the proposed critical habitat areas.

The proposed rule and the prior listing of belugas could trigger some changes to major development projects over the next decade -- seismic drilling for offshore oil and gas, and a dock for the Chuitna coal strip-mine proposed on the west side of Cook Inlet, for example, the agency said.

But NOAA said it doesn't anticipate the stepped-up scrutiny will result in rejection of energy projects in the Inlet.

Also, NOAA estimated that the costs of the additional scrutiny will be relatively minor -- less than \$600,000 over a 10-year period for all of the potentially affected projects in Cook Inlet. The agency didn't speculate about the cost of changes that might be needed to comply with the beluga protections.

CRITICS

State officials and business leaders fear far-reaching impacts.

For example, even though NOAA said it doesn't plan to scrutinize Cook Inlet's state-managed salmon fisheries, the Alaska Department of Fish and Game said it is worried about activists suing for federal involvement, since NOAA has identified the Inlet's salmon as key to the beluga's survival.

Port of Anchorage officials said they are not sure yet but they are worried about what the proposed rule could mean for routine shipment of goods and fuel to Anchorage, as well as the military deployments that happen at the port.

U.S. Sen. Mark Begich, D-Alaska, said he



Two beluga whales roll to the surface of Knik Arm near Point Woronzof in August 2007. Where they're swimming is within the critical habitat area proposed by the National Oceanic and Atmospheric Administration Dec. 1, 2009. (MARC LESTER / Anchorage Daily News)

is troubled about the proposal's potential impact on military deployments through the port. He and Sen. Lisa Murkowski, R-Alaska, said NOAA should exempt the port from the proposed rule.

The port already has 25 requirements to protect belugas in the permits for its ongoing port expansion, and port officials wonder what additional requirements they might face under the proposed rule, said spokeswoman Suzanne Armstrong.

Brix, of the federal fisheries service, said her agency hasn't received the required paperwork to exempt the Anchorage port.

The likelihood that routine shipping in the Inlet would be affected is "remote," she said. The main activities that would require additional scrutiny from her agency are dredging, the placement of fill and the building of new structures -- such as dock pilings and bridges -- in the Inlet, she said.

PRAISE

Environmental groups praised the federal proposal on Tuesday, saying

it gives the belugas a real chance at recovery.

“Critical habitat works,” said Brendan Cummings, a senior attorney for the Arizona-based Center for Biological Diversity, which was among several groups that petitioned NOAA to list the belugas as endangered.

He said responsible projects can be designed in ways that don’t harm the whales.

“We need to focus on the habitat that they use now, and this rule does a good job of that,” Cummings said.

Bob Shavelson, executive director for Cook Inletkeeper in Homer, called the proposed rule “an important step toward embracing science and not politics to protect the Cook Inlet beluga.”

DISPUTED SCIENCE

NOAA listed the upper portion of Cook Inlet as critical habitat because that’s

where the belugas spend their time from spring to fall. The lower parts of Cook Inlet, including Kachemak Bay, are where the belugas feed in the fall and the winter, the agency said.

“Protecting these endangered whales is one of our top priorities,” said Doug Mecum, acting administrator of the Alaska office of the National Marine Fisheries Service.

But state officials and an Anchorage-based trade group question the agency’s science.

The only known cause of the beluga decline was the Inlet’s subsistence whale hunts in the 1990s, and those hunts have ended, said Jason Brune, executive director of the Resource Development Council, a trade group based in Anchorage.

Putting new restrictions on activities that aren’t responsible for the decline gives “no added benefit for the belugas,” Brune said.

The Parnell administration disagreed with NOAA’s decision to list the beluga as endangered and believes the species will recover naturally, if given more time, said Doug Vincent-Lang, a biologist with the Alaska Department of Fish and Game.

U.S. Rep. Don Young, R-Alaska, decried the proposed rule as “yet another attempt to halt resource production and development in Alaska, and a step towards making the whole state a national park for the enjoyment of Outsiders.”

The agency will collect public comment on the proposal and requests for exemptions through Feb. 1, 2010. The critical habitat designation could become final in the spring.

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