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Endangered Species: Court rejects challenge to beluga whale listing

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A federal court today rejected a challenge to protections of beluga whales that live in an Alaskan fjord.

Chief District Judge Royce Lamberth of the U.S. District Court for the District of Columbia upheld the listing of the whale as endangered under the Endangered Species Act in the face of a challenge from the state of Alaska and Escopeta Oil Co.

Beluga whales in the Cook Inlet region -- which is also an area earmarked for oil and gas exploration -- nearly died out due to excessive hunting in the 1990s, and the population has not bounced back in a way that would justify lifting the protections, Lamberth concluded.

The National Oceanic and Atmospheric Administration finalized the Endangered Species Act listing for the whale, one of five populations off the shores of Alaska, in October 2008.

Since then, NOAA has proposed protecting the upper third of the Cook Inlet and much of its coastline as critical habitat. The Cook Inlet stretches 180 miles from the Gulf of Alaska to Anchorage.

There was a population of about 375 whales at the time of listing -- down from 653 in 1994.

Lamberth today granted the government's motion for summary judgment, noting that "the administrative record demon-

strates that the service acted rationally in listing the Cook Inlet beluga whale as endangered."

The government "articulated a rational basis for its listing determination, grounded that decision in the best available scientific data, and provided a full opportunity for public comment," he added.

Brendan Cummings, a lawyer at the Center for Biological Diversity, which intervened in support of the government, said in a statement that he would like to see Alaska "putting its resources into helping recover the state's endangered species, rather than wasting money on pointless litigation."