

HOUSE JOINT RESOLUTION NO. 40

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES MILLETT, Neuman, Lynn, Johnson, Keller

Introduced: 1/27/10

Referred: Resources

A RESOLUTION

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

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

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

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

12 **WHEREAS** scientists in the National Marine Fisheries Service have concluded that
13 the sole reason for the population decline was the unsustainable subsistence harvest in the
14 1990s; and

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

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

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

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

8 **WHEREAS** there is no evidence that human activity has harmed the beluga whale's
9 environment, migration, or ecology; and

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

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

14 **WHEREAS** a critical habitat designation in Cook Inlet will hurt community and
15 economic development; and

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

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

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

22 **WHEREAS** the Port of Anchorage receives 90 percent of all the goods coming into
23 Alaska and would be negatively affected by a critical habitat designation; and

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

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

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

1 beluga whales; and

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

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

7 **WHEREAS** the Municipality of Anchorage may have to spend a minimum of
8 \$400,000,000 to meet unnecessary new wastewater treatment requirements that would come
9 with a critical habitat designation, causing utility bills for customers of Anchorage Water and
10 Wastewater to, at a minimum, triple; and

11 **WHEREAS** there is no evidence that commercial or sport fishing is harming the
12 beluga whale population; and

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

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

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

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

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

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

29 **FURTHER RESOLVED** that the State of Alaska requests a more robust economic
30 analysis be completed by the National Marine Fisheries Service before finalizing any critical
31 habitat designation.

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