

(LIMITED RUN SHOWING ALL ADDITIONAL SPONSORSHIPS)

**SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 40(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

**BY THE SENATE RESOURCES COMMITTEE**

**Offered: 4/11/10**

**Referred: Rules**

**Sponsor(s): REPRESENTATIVES MILLETT, Neuman, Lynn, Johnson, Keller, Gatto, Olson, Stoltze, Johansen**

**SENATORS Dyson, Wagoner, Bunde, McGuire, Meyer, Stedman, Huggins, Menard**

**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  
7 is 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 primary 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 little 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 may have to pay to meet unnecessary new regulatory burdens; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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