MARK BEGICH
ALASKA

COMMITTEE ON ARMED SERVICES

COMMITTEE ON
COMMERCE, SCIENCE, AND TRANSPORTATION

COMMITTEE ON VETERANS' AFFAIRS

United States Senate

WASHINGTON, DC 20510

SUITE SR-144
RUSSELL BUILDING
WASHINGTON, DC 20510
(202) 224-3004

March 3, 2010

The Honorable Jane Lubchenco
Administrator
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Administrator Lubchenco:

Thank you for accommodating the Alaska congressional delegation's request to extend the public comment period set by the National Oceanic and Atmospheric Administration (NOAA) for the proposed designation of critical habitat for Cook Inlet beluga whales. The extension of time and addition of public hearings allowed Alaskans to provide meaningful comments to NOAA.

In summary, I believe NOAA's proposal to establish more than 3,000 square miles of critical habitat in Cook Inlet is an unnecessary overreach which could jeopardize responsible development along the Inlet. I am particularly concerned this proposal could halt use and expansion of the Port of Anchorage, which is vital to the economy of our state and our nation's national security.

You have heard from me and other Alaskans in the past who are willing to take reasonable and appropriate steps to ensure recovery of Cook Inlet beluga whales. Alaskans have already teamed with NOAA and many other agencies, businesses and residents to highlight the importance of our natural assets and to implement projects to protect and restore our coastal environment. These initiatives include a $6 million investment to monitor the Anchorage Water and Wastewater Treatment plant, which led to a determination by the Environmental Protection Agency and NOAA that the plant is not affecting belugas. They also include aggressive work to halt industrial discharges to the sewer system, to collect household hazardous waste and to improve water quality in our streams and storm drains. The success of our environmental work is validated by tissue sample tests of Cook Inlet belugas showing contaminant levels substantially below levels found in beluga populations outside the inlet.

Our record of what we have not done is strong, too. I know of no other city in the industrial world the size of Anchorage, world which has as many miles of undisturbed coastal wetlands and mudflats. The vast majority of our shoreline is unchanged from a century ago. Anchorage has taken steps to protect and improve fish habitat in creeks that flow through the city.

The designation of critical habitat is an important element under the Endangered Species Act (ESA) which will be used by NOAA to evaluate the risk of existing and future projects in the inlet as it relates to the animal's recovery. While I appreciate NOAA's reliance on the best scientific information and respect the statutory time lines associated with this determination, I remain concerned with the adequacy of the current analysis.

The proposed critical habitat area overlaps geographically with Alaska's highest human population density and its primary economic base. Yet the economic analysis completed for the proposal cites the added costs for evaluating future projects in the inlet based on this designation at a mere $575,000. This low amount seems entirely unrealistic. As I have met with Alaskans in the region, I have heard estimates much higher than for just single projects.

I am particularly concerned about the effect this designation will have on the Port of Anchorage and its economic importance to the state. The Port is critical to the state's economy and the military posture and security of this nation. Alaska's economic dependence on a single port is unparalleled in the contiguous 48 states. The Port of Anchorage is a regional port, serving 80 percent of the state's maritime trade and 90 percent of the population through the movement of petroleum, cement, iron, steel and lumber, household goods, vehicles and food. In all, over 4,370,276 tons of goods are moved per year. The Port provides 100 percent of the jet fuel to Elmendorf Air Force Base and 80 percent to the international airport and is the only active Foreign Trade Zone available in Alaska.

To underscore the Port's critical national security importance, NOAA has received a January 26, 2010, letter from Lt. General Dana T. Atkins, Commander of the Alaska Command, strongly supporting this status. His letter concludes: "As you can see, the Port of Anchorage is critical to the success of military operations in, and deploying out of, the State of Alaska." Unfortunately, the Port's designation as one of 19 National Strategic Seaports is not ackonwledged in NOAA's analysis.

ESA Section 4(b)(2) provides the Secretary with discretion to exclude areas from critical habitat designation in cases where the potential economic or national security benefits from exclusion outweigh the potential benefits to the species from designation. In order to assess these tradeoffs, NOAA must perform a robust scientific, economic and strategic analysis. The substantial economic and strategic benefits of excluding near-shore waters off the Port are as yet unaccounted for in the agency's proposed critical habitat designation.

Fortunately, there is a strong understanding of the marine waters adjacent to the Port, which consist of a significant body of marine mammal observer data. This data allow for a finer scale consideration of the designation. Given the combination of the well managed protective measures around the Port, the preponderance of monitoring data indicating the Port's operation is not placing beluga whales at risk, and the high conformity of the Port's status with ESA Section 4(b)(2) criteria, I strongly urge NOAA to exclude from critical habitat certain marine areas essential for safe navigation and to accommodate the Port's expansion.

I was born and raised on Cook Inlet and like all Alaskans, I have a strong affinity for our coastal environment. I particularly support increased research leading to an understanding of the steps necessary to recover this population, which in this fiscal year includes a five-fold increase in Cook Inlet beluga whale research funding to NOAA.

I look forward to meeting with you next week to discuss in detail the public comments submitted by Alaskans on this vital issue to our lives and livelihoods.

Sincerely,

Mark Begich
United States Senator

cc: Kaja Brix, NOAA Fisheries Alaska