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November 27, 2000.

Via facsimile

Chief, Marine Mammal Division  
Office of Protected Resources  
Silver Spring, MD 20910

Re: Comments on Proposed Rule and DEIS, Federal actions associated with management and recovery of Cook Inlet beluga whales

Please accept the following remarks, made on behalf of the Sierra Club, on the proposed rule and DEIS. The Sierra Club is a national environmental organization of 650,000 members with chapters in every state. In Alaska, the Krik Group (Anchorage area) of the Alaska Chapter, Sierra Club, has hundreds of members who cherish the Cook Inlet population of Beluga whales, are dismayed that the whales have been reduced to the current number, and want to see the speediest possible recovery and proper management of these magnificent creatures.

Given the status of the Cook Inlet stock, it is necessary that the federal government take the strongest possible action under federal law to ensure the recovery of these animals. The strongest possible action, which the Sierra Club strongly supports, is a listing of this population as endangered pursuant to the Endangered Species Act (ESA).

The proposed rule and an endangered species listing would both deal with the number of whales that can be struck each year with associated provisions governing the conduct of the hunt. But unlike the proposed rule, endangered species status would also afford additional protection to the whales through the designation of critical habitat and related provisions. As the DEIS notes at page 61, "The primary benefit of critical habitat is that it informs Federal agencies that listed species are dependent upon these areas for their continued existence; and that consultation with NMFS on any federal action that may affect these areas is required."

Following this recognition of an ESA listing alternative, NMFS rejects it. Referring to a petition to list the Cook Inlet beluga whales as endangered, the DEIS states that "upon further review, and taking into account management measures put in place to restrict the subsistence harvest following receipt of the petition, and this proposed action, NMFS has made a determination that an ESA listing is not warranted." (DEIS, p. 62).

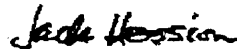
However, full consideration of the endangered listing alternative is required under the terms of the National Environmental Policy Act (NEPA), whether or not the NMFS wishes to adopt the alternative. By summarily rejecting this alternative, the NMFS has

deprived the public of an opportunity to compare it with the other alternatives. According, the final EIS should fully discuss an alternative for listing the beluga whales as endangered.

The DEIS also fails to adequately consider potential cumulative impacts. Although the analysis identifies the various human activities ... "that may contribute to the cumulative impact on the beluga whale stock," it deals with them in isolation. NEPA requires that the NMFS provide an analysis of how these factors may interrelate, and thereby have a cumulative impact greater than any one factor taken alone. For guidance on cumulative impact analysis, please refer to the Council on Environmental Policy's *Considering Cumulative Impacts Under the National Environmental Policy Act (1997)*.

Thank you for considering these views.

Sincerely,



Jack Hession  
Alaska Representative