

2.0 ALTERNATIVES, INCLUDING THE PROPOSED ACTION

Under the Whaling Convention Act, NMFS can issue an annual bowhead whale quota based on IWC Schedule provisions pertaining to the aboriginal subsistence harvest of Western Arctic bowhead whales. The subsequent hunt is managed cooperatively by NMFS and the AEWG.

The IWC conducted its 59th Annual Meeting May 28-31, 2007 in Anchorage, Alaska, and based on the management advice of the IWC Scientific Committee, adopted a catch limit for 2008 through 2012 identical to that of the previous five-year period. Alternative 3 corresponds to the IWC action, and is the preferred alternative as noted below.

Under IWC policies, the limits on aboriginal subsistence whaling consist of two components. No more than 255 bowhead whales may be landed during the period 2008 through 2012. In addition, no more than 67 bowhead whales may be struck per year, with provisions for a carry-over of up to 15 unused strikes from one year to the subsequent year, as detailed below in Alternative 3.

2.1 Alternative 1 (No Action) – Do not grant the AEWG a quota

Under this alternative, NMFS would not issue the AEWG a subsistence whaling quota for cultural and nutritional purposes. This could occur if the IWC decided not to update subsistence catch limits or if NMFS chose not to issue an annual quota based on environmental concerns.

2.2 Alternative 2 – Grant the AEWG an annual strike quota of 67 bowhead whales, not to exceed a total of 255 landed whales over five years (2008 through 2012), with no unused strikes added to the annual quota.

Under this alternative, NMFS would (through annual quotas⁴) grant the AEWG an annual strike quota of 67 bowhead whales, subject to a total of 255 landed whales over the 5-years 2008 through 2012. The quota for 255 landed whales represents the U.S. portion of the total quota of 280 landed whales granted by the IWC to aboriginal whalers. The actual allocation of strikes between Alaska Eskimos and Russian Chukotkan Natives is determined on an annual basis through a bilateral agreement between the U.S. and Russian Governments (Appendix 8.3)⁵. Under this alternative, no unused strikes from a previous year would be added to the quota for a subsequent year, notwithstanding the IWC's approval of a carry-over of unused strikes in the bowhead subsistence quota.

⁴ The actual quota issuance to the AEWG would be made on an annual basis by NMFS. See 50 CFR 230.6.

⁵ The current agreement was signed in 2002. It is expected that following the actions of the May 2007 IWC meeting in renewing the bowhead aboriginal subsistence harvest allocation, the U.S. and the Russian Federation will sign a new agreement in spring 2008.

2.3 Alternative 3 – Grant the AEW C an annual strike quota of 67 bowhead whales, not to exceed a total of 255 landed whales over the five years 2008 through 2012, with no more than 15 previously unused strikes from the previous year are added to the annual strike quota. This alternative would continue management as in the recent past and as quoted by the IWC in late May 2007. This is the agency’s preliminary preferred alternative.

Under this alternative (the proposed action), NMFS would (through annual regulations) grant the AEW C an annual strike quota of 67 bowhead whales (plus carry-over), not to exceed a total of 255 landed whales over the five years 2008 through 2012. This alternative differs from Alternative 2, by allowing 15 unused strikes from a previous year to be added to the quota for a subsequent year, consistent with the IWC catch limit. A policy to permit carry-over of 15 unused strikes was approved by the IWC. A carry-over allows for variability in hunting conditions from one year to the next within limits that conserve the Western Arctic bowhead stock.

2.4 Alternative 4 – Grant the AEW C an annual strike quota of 67 bowhead whales, not to exceed a total of 255 landed whales over the five years 2008 through 2012, where, for unused strikes, up to 50% of the annual strike limit is added to the strike quota for a subsequent year.

Under this alternative, NMFS would (through annual regulations) grant the AEW C an annual strike quota of 67 bowhead whales per year (plus carry-over), not to exceed a total of 255 landed whales over the five years 2008 through 2012. This alternative differs from Alternative 3 by allowing up to 50% of the unused annual strike limit from a previous year to be added to the quota for a subsequent year.

2.5 Alternatives Considered but Not Carried Forward

Alternatives considered but discarded included alternatives that both substantially decreased and increased the annual and five-year bowhead whale subsistence quotas for Alaska Eskimos. A substantially decreased quota would not meet Alaska Eskimo-documented need for bowheads. A substantially increased quota may exceed Eskimo subsistence needs and has not been requested. One option under Alternative 1 would be to compensate the AEW C for not exercising its subsistence rights. While it may be appropriate for the AEW C to receive compensation for economic harm due to a prohibition of a commercial activity, in this case the AEW C is requesting a quota for cultural and nutritional subsistence purposes, something that cannot be compensated financially. Such alternatives were rejected because they do not meet the first objective of the proposed action, which is to meet the documented cultural and nutritional needs for bowhead whales by Alaska Eskimos. While the No Action Alternative does not meet this first objective, NMFS has included it in accordance with NEPA.

Another alternative considered but not carried forward was to analyze issuance of annual whaling quota over a ten-year period rather than a five-year period. As introduced in the Notice of Intent to prepare this EIS, NMFS indicated that it was going to assess a longer time period. The rationale for this was to avoid preparing another EIS in five years’ time (to coincide with the next IWC decision on bowhead subsistence catch limits) unless significant changes to the environment warranted such an analysis. NEPA does not require that EAs or EISs be renewed in a specified timeframe; rather it only requires a new document be prepared or updated when

significant changes to the federal action or to the human environment occur. Based on internal discussions, the agency has determined that while pursuing a longer time frame for its NEPA analysis has some merit from an analytical and administrative point-of-view, introducing such a concept now could be confusing to the AEWG and the public because it would be inconsistent with the IWC's five-year catch limits and its current decision-making process.

2.6 Environmentally Preferred Alternative

NEPA requires that an agency identify the environmentally preferable alternative when preparing the ROD for an EIS. The Council of Environmental Quality has advised that such an alternative is to be based only on the physical and biological impacts of the proposed action on the resources in question, and not the social or economic impacts of the action. In this EIS, Alternative 1 (No Action) would not authorize annual subsistence bowhead whaling by Alaska Eskimos and no bowhead whales would be taken. Therefore, Alternative 1 is identified as the environmentally preferable alternative based on impacts to bowhead whales. See *Section 4 Environmental Consequences* for a full analysis of predicted impacts of this alternative on the complete human environment.

2.7 Preferred Alternative

For purposes of public review of this Draft EIS the agency has identified Alternative 3 as its preliminary preferred alternative because it meets the purpose and need of this action; it achieves the socio-cultural benefits of the subsistence hunt at minimal environmental cost; and it keeps the harvest level and strike limit at current levels. Alternative 3 would also correspond to the action taken by the IWC during its 59th Annual Meeting May 28-31, 2007 in Anchorage, Alaska, when based on the management advice of the IWC Scientific Committee, it adopted a catch limit for 2008 through 2012 identical to that of the previous five-year period. A final determination on the preferred alternative will be made in the Final EIS.