



MARINE MAMMAL COMMISSION

5 October 2017

Ms. Jolie Harrison, Chief
Permits and Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910-3225

Dear Ms. Harrison:

The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the National Marine Fisheries Service's (NMFS) 5 September 2017 notice of intent (82 Fed. Reg. 41939) to prepare an environmental assessment (EA) for the issuance of annual incidental take authorizations in 2018 in Cook Inlet, Alaska, pursuant to the Marine Mammal Protection Act (MMPA).

The Commission agrees with the overall approach being taken by NMFS for the 2018 open-water season to evaluate the environmental impacts of issuing multiple incidental harassment authorizations. That approach, if inclusive of all planned or ongoing activities in Cook Inlet, would allow for a more thorough assessment of both the individual and cumulative impacts of those activities on Cook Inlet beluga whales. It also would provide NMFS with a stronger foundation on which to determine whether the proposed activities meet the small numbers and negligible impact criteria under the MMPA. Finally, it would allow NMFS to establish annual limits on the total number and types of takes that are authorized for sound-producing activities in Cook Inlet before issuing any additional project-specific incidental take authorizations.

The Commission remains concerned about impacts of human activities on Cook Inlet beluga whales, given their status and continued declining population trend (Shelden et al. 2017). Many of the Commission's previous recommendations that are not reiterated herein remain relevant to the issuance of incidental take authorizations in Cook Inlet (see, e.g., the Commission's [29 December 2014](#) letter on NMFS's intent to prepare a programmatic environmental impact statement on the issuance of incidental take authorizations in Cook Inlet, Alaska). The Commission continues to believe that, given the precarious status of the Cook Inlet beluga whale population, any activity that may contribute to the observed decline should not be viewed as having a negligible impact on the population. As such, the Commission reiterates its recommendation that NMFS defer issuance of incidental take authorizations in Cook Inlet until it has better information on the cause(s) of the ongoing beluga whale decline and has a reasonable basis for determining that authorizing the incidental taking will not contribute to that decline.

If NMFS decides to issue take authorization(s) for activities that may result in incidental taking of beluga whales in 2018, notwithstanding the Commission's recommendation and the possible significant impacts on the Cook Inlet beluga whale population, then the Commission makes the following additional recommendations.

The Commission believes that the endangered status, small population size, and declining trend of Cook Inlet beluga whales warrant a complete accounting of *all* sound-producing activities that may occur in 2018 and that could affect the stock, including oil and gas, construction, and other activities. If any of those activities have the potential to incidentally take beluga whales but operators do not have or have not applied for the required authorizations, NMFS should increase its efforts to ensure those activities are in full compliance with the MMPA's requirements, particularly those generating sound levels in excess of NMFS's Level A and B harassment thresholds. Incidental taking that occurs without appropriate authorizations should prompt enforcement actions by NMFS. Therefore, the Commission recommends that NMFS expand its outreach and coordination with federal, state, and local officials, industry representatives, private entities, and tribal organizations in Cook Inlet to ensure that (1) all activities that may take or otherwise impact Cook Inlet beluga whales are included in the proposed action of the EA and (2) all entities whose activities may result in incidental taking of Cook Inlet beluga whales are apprised of the incidental take authorization provisions of the MMPA and the consequences of unauthorized taking.

To put this in the context of the National Environmental Policy Act (NEPA), the Commission remains concerned that any activity or suite of activities that contributes to the decline of the Cook Inlet beluga whale population should be viewed as having significant impacts. Thus, the Commission concurs with NMFS's earlier decision to prepare a programmatic environmental impact statement (EIS) on the issuance of incidental take authorizations for all activities in Cook Inlet occurring over multiple years. However, depending on the number and type of activities being proposed, the impact of even a single year's activities could rise to a level of significance warranting analyses typically conducted in an EIS. The Commission trusts this issue will be addressed in the EA as well.

Finally, a thorough assessment of impacts should include information on the value the American public, and particularly Alaska Natives, places on the recovery of beluga whales. The NMFS Alaska Fisheries Science Center is conducting research on nonmarket value of beluga whales to Alaska residents, similar to other recent studies of public willingness to pay for recovering and downlisting threatened and endangered marine species (Wallmo and Lew 2012). Although that research is not targeting Alaska Native households specifically, Alaska Native viewpoints were represented. The Commission recommends that NMFS incorporate nonmarket valuation research being conducted by the Alaska Fisheries Science Center on Cook Inlet beluga whales, as appropriate, to provide context on the socioeconomic costs and benefits of authorizing actions (such as incidental taking) that may affect their recovery.

The Commission hopes that these comments will be helpful to NMFS in meeting its responsibilities under the MMPA and NEPA. Please let me know if you have any questions.

Sincerely,



Rebecca J. Lent, Ph.D.
Executive Director

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Enclosure

cc: Jon Kurland, NMFS Alaska Regional Office

References

- Shelden, K.E.W., R.C. Hobbs, C.L. Sims, L. Vate Brattström, J.A. Mocklin, C. Boyd, and B.A. Mahoney. 2017. Aerial surveys of beluga whales (*Delphinapterus leucas*) in Cook Inlet, Alaska, June 2016. Alaska Fisheries Science Center (AFSC) Processed Report 2017-09, AFSC, National Marine Fisheries Service, Seattle, WA, 62 pages.
- Wallmo, K., and D.K. Lew. 2012. Public willingness to pay for recovering and downlisting threatened and endangered marine species. *Conservation Biology* 26(5):830–839.