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SPP

Finding of No Significant Impact for the taking of up to two Cook Inlet Beluga Whales in 2005, pursuant to a Co-management Agreement between the National Marine Fisheries Service and the Cook Inlet Marine Mammal Council



National Marine Fisheries Service
September 8, 2005

National Oceanic and Atmospheric Administration Administrative Order 216-6 (NAO 216-6) (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality regulations at 40 C.F.R. §1508.27 state that the significance of an action should be analyzed both in terms of “context” and “intensity.” Each criterion listed below is relevant to making a finding of no significant impact and has been considered individually, as well as in combination with the others. The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ’s context and intensity criteria. These include:

1) Can the proposed action be reasonably expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act and identified in FMPs?

The Native hunt for and removal of up to two beluga whales in Cook Inlet will not cause any damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act. For a few days’ time at most, hunters use a skiff, harpoon, and rifle in Cook Inlet waterways and beach the harvested whale on land where it is butchered. This activity does not damage the ocean, coastal habitats, or essential fish habitat.

2) Can the proposed action be reasonably expected to have a substantial adverse impact on public health or safety?

The co-management agreement would allow a harvest level of up to two strikes on Cook Inlet beluga whales for the year 2005. No adverse impact on public health and safety is expected with this harvest. The hunting of the whale is done in a traditional manner. Hunters use an outboard motor and skiff and an elder or experienced beluga hunter is required. The hunt occurs during favorable water and weather conditions where there is reduced risk of injury, or drowning.

3) Can the proposed action be reasonably expected to adversely affect endangered or threatened species, marine mammals, or critical habitats of these species?

This action could result in the take of two marine mammals in 2005. The hunt occurs in beluga whale habitat, which is a depleted species under the MMPA. However, this hunt would not intrude upon any listed species critical habitat, or adversely affect such habitat were it designated in Cook Inlet. The use of one or two skiffs with several Native hunters for a few days, does not adversely affect any habitat, nor any listed species were any present in Cook Inlet.

4) Can the proposed action be expected to have a substantial impact on biodiversity and ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)?

The co-management agreement allows a harvest level of up to two strikes on Cook Inlet beluga whales for the year 2005. The direct biological consequence of this alternative would be the removal of two adult beluga whales from this population or less than 1 percent of the adult population. The beluga whale preys on salmon, crab, and other fresh and salt water organisms. Beluga whales are prey for transient killer whales, but only a handful a year is thought to be consumed by killer whales. Notwithstanding these relationships with prey and predators, the removal of two beluga whales from their population in 2005 will not have any impact on biodiversity and ecosystem function in upper Cook Inlet.

5) Are significant social or economic impacts interrelated with significant natural or physical environmental effects?

The co-management agreement allows a harvest level of up to two strikes on Cook Inlet beluga whales for the year 2005. The direct biological consequence of this alternative would be the removal of two adult beluga whales from this population. Although the social impact of the hunt is the continued Native tradition of beluga meat consumption, and the economic impact is the potential sale of beluga whale bone carvings, these impacts are not significant because the hunt is restricted to only two whales. Were numerous whales allowed for harvest in 2005, there would be potential significant social and economic effects. There are no significant social or economic impacts, and so none to interrelate with significant natural or physical environmental effects. There are no significant natural or physical environmental effects from the harvest of two beluga whales from Cook Inlet by Native hunters in 2005.

6) To what degree are the effects on the quality of the human environment likely to be highly controversial?

The removal of beluga whales from the depleted stock in Cook Inlet is controversial. However, this co-management agreement would allow a harvest level of up to two strikes only, for the year 2005. During hearings before an Administrative Law Judge, which included testimony from various experts on beluga whale conservation issues for the purpose of developing a long term harvest plan for the CI beluga whale, the parties agreed to an interim harvest of two whales in 2005, thus reducing the short-term level of controversy. The Native hunters have participated in several forums that have enhanced their level of input into the harvest. The co-management agreement minimizes potential controversy.

7) Can the proposed action be reasonably expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas?

The co-management agreement would allow a harvest level of up to two strikes on Cook Inlet beluga whales for the year 2005. The Native hunters will take up to several days to hunt two

whales using one or two skiffs. They will kill the whales with several rounds fired from a rifle and hand-thrown harpoons. This activity occurs in open water, typically far from other human beings. The whales would be butchered on a beach, with the potential that skeletal and some tissue pieces would remain on the beaches for decomposition, or float away in the tide. Aside from the death of the whales by human activity, these are natural occurrences. The direct biological consequence of this alternative would be the removal of two adult beluga whales from this population. This action will not result in impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas.

8) To what degree are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

This action is limited to the Native subsistence harvest of two small whales in the summer of 2005, an activity that presents the risk that a hunter may drown or suffer from exposure, but no other risks to humans or the human environment. NMFS has determined that the harvest of two beluga whales during the year 2005, as specified in the co-management agreement, will not significantly impact the overall quality of the human environment.

9) Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?

No.

10) Is the proposed action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural or historical resources?

No.

11) Can the proposed action be reasonably expected to result in the introduction or spread of a non-indigenous species?

No.

12) Is the proposed action likely to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?

During hearings before an Administrative Law Judge, which included testimony from various experts on beluga whale conservation issues for the purpose of developing a long term harvest plan for the CI beluga whale, the parties agreed to an interim harvest of two whales in 2005. Although the full impact of this harvest could not be determined, the harvest was considered a reasonable level during the interval when data was not sufficient to determine an actual growth rate of the population. The proposed long term harvest plan will account for the actual harvest in 2005 and adjust future harvests to meet the recovery goals of the plan.

13) Can the proposed action be reasonably expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?

No.

14) Can the proposed action be reasonably expected to result in beneficial impacts, not otherwise identified and described above?

No. The co-management agreement would allow a harvest level of up to two strikes on Cook Inlet beluga whales for the year 2005. The primary purpose of this action is the need to recognize the importance of the CI beluga whale to Native culture and nutrition, and to provide for the continued opportunity to harvest these whales within the recovery phase. The subsistence harvests and use of the beluga whale is a component of Alaska Native culture. The importance of the harvest transcends the nutritional or economic value of the whale and provides identity to the cultures which now harvest the whales.

DETERMINATION

In view of the information presented in this document and the analysis contained in the attached Environmental Assessment prepared for the Co-management Agreement between the National Marine Fisheries Service and the Cook Inlet Marine Mammal Council for the Year 2005, it is hereby determined that the Co-management Agreement will not significantly impact the quality of the human environment as described above and in the Environmental Assessment. In addition, all impacts to potentially affected areas, including national, regional and local, have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.

Robert O. Meeman acting

**Administrator, Alaska Region
National Marine Fisheries Service**

9/8/05

Date