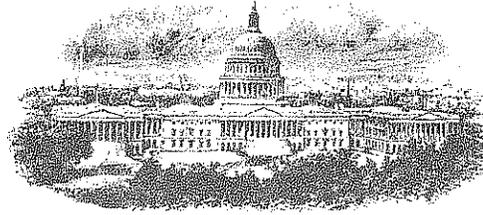


DON YOUNG
CONGRESSMAN FOR ALL ALASKA
WASHINGTON OFFICE
2111 RAYBURN BUILDING
TELEPHONE 202-225-5765



COMMITTEE ON
RESOURCES
COMMITTEE ON
TRANSPORTATION
REPUBLICAN
POLICY COMMITTEE

Congress of the United States
House of Representatives
Washington, DC 20515

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 Dr. Lubchenco,

I am writing you regarding the National Oceanic and Atmospheric Administration's (NOAA) proposed designation of critical habitat for the Cook Inlet beluga whale. NOAA's decision to list this stock of beluga whale as endangered under the Endangered Species Act (ESA) remains questionable and controversial. Consequently, the proposal to establish one-third of the Cook Inlet as critical habitat for the beluga whale is troubling and contentious within Alaska.

The 3,000 square miles of the Cook Inlet covered by this designation includes the Port of Anchorage and the coastal areas of the city's two military bases. Anchorage is home to the majority of Alaska's population and is the region's major economic hub. Simply put, designating the entire Upper Cook Inlet and Kachemak Bay as critical beluga habitat will profoundly affect the activities of the region and the economy of the State of Alaska.

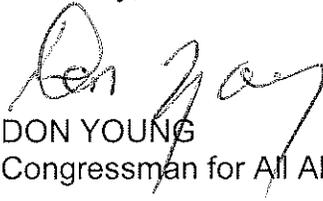
As you know, Section 4 of the ESA requires that before designating critical habitat, National Marine Fisheries Service (NMFS) must consider the economic impacts, impacts on national security, and other impacts of designating a particular area as critical habitat. It also allows NMFS to exclude a particular area from critical habitat if the benefits of exclusion outweigh the benefits of inclusion, unless excluding an area from critical habitat will result in the extinction of the species concerned. Such exclusions are not unusual. I am troubled that while recognizing their ability to exclude areas under Section 4(b)(2) of the ESA, NMFS chose not to.

In addition, while I want to be optimistic regarding the agency's low economic impact estimates, I have serious doubts to their validity in light of the usual permitting delays and litigation that often surrounds these types of designations. It appears that rather than take these obvious realities into account, the NMFS economic analysis does little more than account for the

increased administrative costs of the Agency. Among other things, this designation could lead to vast litigation, further curtailing of an already slowing Cook Inlet resource development, noise restrictions from the Ted Stevens International Airport, vessel traffic and speed restrictions, restrictions on certain wastewater treatment facilities, and an impediment to the expansion of the Port of Anchorage and the construction of the Knik Arm Bridge.

In conclusion, this designation is unnecessary, unwarranted, and will undoubtedly be damaging to the economies of Anchorage, the Kenai Peninsula, and Alaska as a whole. The ESA must be used as intended, using all of the credible science, not in a manner that seems to select the science that supports the narrow interests of the environmental community and others that wish to curtail Alaska's economic progress. I look forward to our upcoming meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Young", written over the printed name and title.

DON YOUNG
Congressman for All Alaska