

**RESOLUTION 20-32**

**A RESOLUTION OF THE ALEUTIANS EAST BOROUGH URGING NMFS TO CAREFULLY CONSIDER IMPACTS TO BOROUGH FISHERMEN AND COMMUNITIES WHEN DESIGNATING HUMPBACK WHALE CRITICAL HABITAT.**

**WHEREAS**, on October 9<sup>th</sup>, the National Marine Fisheries Service (NMFS) published a proposed rule (84 FR 54354) to designate critical habitat for three distinct population segments (DPS) of humpback whales (*Megaptera novaeangliae*), under the Endangered Species Act (ESA), and

**WHEREAS**, the proposed humpback whale critical habitat for the Mexico DPS and the Western North Pacific DPS both include all of the navigable waters of the Aleutians East Borough, and

**WHEREAS**, a critical habitat designation will require a consultation under section 7(a)(2) of the ESA for any federally connected actions in or near the critical habitat, to ensure said actions are not likely to adversely modify the habitat or threaten the existence of the whales, and

**WHEREAS**, actions funded or authorized by federal agencies that would be subject to the ESA section 7 consultation include: federal fisheries rulemaking, shipping lanes establishment, in-water construction and oil and gas activities, and

**WHEREAS**, economic impacts to communities and fishermen from the proposed critical habitat designation are undetermined, but the time period to submit comments on the proposed rule is very short and there are no public hearings scheduled to be held in our coastal communities, and

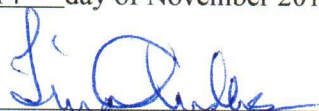
**WHEREAS**, the Aleutians East Borough is solely dependent on fish tax revenue to provide important services and infrastructure, and the Borough is concerned that this proposed rule could restrict fishing opportunities, inhibit project development and strain our local economy.

**NOW THEREFORE BE IT RESOLVED** that the Aleutians East Borough Assembly requests NMFS to carefully consider the potential harmful impacts to Borough fishermen and communities from the proposed humpback whale critical habitat and resulting section 7 consultations, and

**BE IT FURTHER RESOLVED** that the Aleutians East Borough Assembly requests NMFS work closely with the North Pacific Fishery Management Council and establish an ongoing process to engage local stakeholders on section 7 consultations related to the proposed critical habitat.

**PASSED AND APPROVED** by the Aleutians East Borough on this 14<sup>th</sup> day of November 2019.

  
Alvin D. Osterback, Mayor

ATTEST:   
Tina Anderson, Clerk