



BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XF600

Notice of Intent to Prepare an Environmental Impact Statement for the Establishment of Annual Catch Limits for the Subsistence Harvest of Bowhead Whales by Alaska Natives

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent; announcement of public scoping period; request for written comments.

SUMMARY: NMFS announces its intent to prepare an environmental impact statement (EIS) pursuant to the National Environmental Policy Act of 1969 (NEPA), in order to assess the impacts of issuing annual catch limits for the subsistence harvest of bowhead whales by Alaska Natives from 2019 onward. Publication of this document begins the official scoping period that will help identify issues and alternatives to be considered in the EIS.

DATES: Written comments on this scoping process must be received no later than **[INSERT DATE 30 DAYS AFTER DATE OF**

PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Submit your comments on this scoping notice, by including NOAA-NMFS-2017-0098 by either of the following methods:

- *Federal e-Rulemaking Portal:* Go to <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0098>. Click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- *Mail:* Carolyn Doherty, Office of International Affairs and Seafood Inspection, NOAA Fisheries, 1315 East-West Highway, Silver Spring, MD 20910.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends at 11:59 p.m. eastern time on the date of comment period closure. All comments received are a part of the public record and will generally be posted to www.regulations.gov without change. For posted comments, all personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter

"N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (PDF) formats only.

FOR FURTHER INFORMATION CONTACT: Carolyn Doherty, Office of International Affairs and Seafood Inspection, NOAA Fisheries (phone: 301-427-8385 or email: *Carolyn.Doherty@noaa.gov*).

SUPPLEMENTARY INFORMATION: NMFS is initiating this EIS process in order to comprehensively assess impacts of the subsistence harvest of Western Arctic bowhead whales by Alaska Natives from 2019 onward.

Background

Alaska Natives have hunted bowhead whales for over 2,000 years as the whales migrate in the spring and fall along the coast of Alaska. Their traditional subsistence hunts for these whales have been regulated by catch limits and other limitations under the authority of the International Whaling Commission (IWC) since 1977. Alaska Native subsistence hunters from 11 northern Alaskan communities take less than 1 percent of the stock of bowhead whales per year. Since 1977, the number of whales

struck by harpoons has ranged between 14 and 72 animals per year, depending in part on changes in IWC management strategy due to higher estimates of both bowhead whale abundance and increased hunter efficiency in recent years. The IWC sets an overall aboriginal subsistence catch limit for this stock, based on the request of IWC member countries on behalf of the aboriginal hunters. The IWC's catch limit for bowhead whales includes a limit on the number of landed whales and a limit on the number of whales that may be struck. In the case of Alaska and Russian Native subsistence hunts, the United States and the Russian Federation make a joint request to the IWC for subsistence catch limits for bowhead whales.

NMFS must annually publish a notice of aboriginal subsistence whale hunting catch limits and any other limitations on such hunting in the *Federal Register* (50 CFR 230.6). The subsistence hunt is directly managed by the Alaska Eskimo Whaling Commission (AEWC) and the catch limits are issued through annual amendments to a cooperative agreement between the AEWC and NOAA, consistent with the mandates codified in the Whaling Convention Act, 16 U.S.C. 916-916l.

In order to comprehensively assess the effects of these annual removals, this proposed action would extend from 2019 onward, subject to IWC-set catch limits. IWC-set catch limits are, in turn, based on IWC Scientific Committee advice on the sustainability of proposed catch limits using a population model, referred to as a Strike Limit Algorithm. The Strike Limit Algorithm used by the IWC is specific to this population of bowhead whales and is the IWC's formula for calculating sustainable aboriginal subsistence whaling removal levels, based on the size and productivity of a whale population, in order to satisfy subsistence need. The Strike Limit Algorithm also allows for an inter-annual variation of strikes up to 50 percent of the annual strike limit in order to provide flexibility for the hunt while meeting the Commission's conservation objectives.

Alternatives

NMFS preliminarily anticipates four alternatives:

Alternative 1 (no action): Do not grant the AEWC a catch limit.

Alternative 2: Grant the AEWC an annual strike limit of 67 bowhead whales, not to exceed a total of 336 landed

whales over any 6-year period, with **no unused strikes from previous years** added to a subsequent annual limit.

Alternative 3: Grant the AEWC an annual strike limit of 67 bowhead whales, not to exceed a total of 336 landed whales over any 6-year period, with unused strikes from previous years carried forward and added to the annual strike limit of subsequent years (subject to limits), provided that no more than **15 additional strikes** are added to any one year's allocation of strikes. This alternative would maintain the *status quo* for any six-year period with respect to management of the hunt.

Alternative 4: Grant the AEWC an annual strike limit of 67 bowhead whales, not to exceed a total take of 336 landed whales over any 6-year period, with unused strikes from previous years carried forward and added to the annual strike quota of subsequent years (subject to limits), provided that no more than **50 percent of the annual strike limit** is added for any one year. This would maintain the *status quo* for any 6-year period with respect to management of the hunt for landed whales and employ the Commission's 50 percent carryover principle.

NOAA prepared an EIS in 2013 that analyzed issuing

annual strike limits to the AEWG for a subsistence hunt on bowhead whales from 2013 through 2018. That analysis concluded that the overall effects of human activities associated with subsistence whaling results in only minor impacts on the western Arctic bowhead whale stock. In light of the stability of the IWC subsistence harvest allocations and the subsistence bowhead harvests by Alaska Natives, the 2013 EIS estimated environmental consequences for a 25- or 30-year period, recognizing that every 5 or 6 years, when new catch limits are considered by the IWC, NMFS would prepare an Environmental Assessment (EA) to determine whether any new circumstances would result in significant environmental impacts warranting a new EIS.

NMFS decided to prepare an EIS rather than an EA in order to assess the impacts of issuing annual quotas for the subsistence hunt by Alaska Natives from 2019 onward. This decision was not based on any new determination that significant effects occur as a result of the bowhead subsistence hunt, but rather to take advantage of the greater transparency and public involvement in decision-making afforded through an EIS process.

Major issues to be addressed in this EIS include: the

impact of subsistence removal of bowhead whales from the Western Arctic stock of bowhead whales; the impacts of these harvest levels on the traditional and cultural values of Alaska Natives, and the cumulative effects of the action when considered along with environmental conditions and past, present, and future actions potentially affecting bowhead whales.

Public Comment

We begin this NEPA process by soliciting input from the public and interested parties on the type of impacts to be considered in the EIS, the range of alternatives to be assessed, and any other pertinent information. Specifically, this scoping process is intended to accomplish the following objectives:

1. Invite affected Federal, state, and local agencies, Alaska Natives, and other interested persons to participate in the EIS process.

2. Determine the potential significant environmental issues to be analyzed in the EIS.

3. Identify and eliminate issues determined to be insignificant or addressed in other documents.

4. Allocate assignments among the lead agency and

cooperating agencies regarding preparation of the EIS, including impact analysis and identification of mitigation measures.

5. Identify related environmental documents being prepared.

6. Identify other environmental review and consultation requirements.

The official scoping period is from [*insert the date of publication in the Federal Register*], until [*insert date 30 days after the date of publication in the Federal Register*]. Please visit the NOAA Fisheries' Alaska Regional Office's web page at <https://alaskafisheries.noaa.gov/pr/whales-bowhead> for more information on this EIS. NMFS estimates the draft EIS for 2019 onward will be available in May 2018.

Authority

The preparation of the EIS for the subsistence harvest of Western Arctic bowhead whales by Alaska Natives will be conducted under the authority and in accordance with the requirements of NEPA, Council on Environmental Quality Regulations (40 CFR parts 1500-1508), other applicable Federal laws and regulations, and policies and procedures

of NMFS for compliance with those regulations.

Dated: August 9, 2017.

John Henderschedt,

Director,

Office of International Affairs and Seafood Inspection,

National Marine Fisheries Service.

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