



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

January 2, 2013

Dear Ice Seal Committee Members:

On December 28, 2012, the National Marine Fisheries Service (NMFS) published a final determination to list ringed and bearded seals under the Endangered Species Act (ESA). In this letter and the enclosures we provide background information on our decision and related issues of interest to the Ice Seal Committee (ISC).

On December 10, 2010, NMFS published proposed rules to list four subspecies of ringed seals and two distinct population segments (DPSs) of bearded seals, including Arctic ringed seals and the Beringia DPS of bearded seals that occur in Alaska, as threatened species under the ESA. NMFS also proposed to extend ESA section 9(a)(1) protections (including "take" prohibitions) to these populations under section 4(d) of the ESA. On December 13, 2011, NMFS announced a six-month extension of the deadline for final determinations on the listing proposals. Since that time, we obtained additional peer review of the ringed and bearded seal status review reports and accepted comments on the resulting peer review reports during a 30-day public comment period that closed May 7, 2012.

To reach our final listing determinations, we considered all the information received through peer review and public comment, information presented in the status review reports, the factors identified in section 4(a) of the ESA, and efforts being made to protect the species. We determined that Arctic, Okhotsk, and Baltic ringed seals, as well as the Beringia and Okhotsk DPSs of bearded seals, are at risk of becoming endangered within the foreseeable future. Therefore we are listing these population units as threatened under the ESA. We also determined that Ladoga ringed seals (in Russia) are in danger of extinction and are listing them as endangered under the ESA.

In light of public comments and upon further review, we have withdrawn the proposed section 4(d) protective regulations because we determined that such regulations are not necessary or advisable to provide for the conservation of the threatened ringed and bearded seal populations at this time. Given their current population sizes, the long-term nature of the primary threat to their persistence (habitat alteration stemming from climate change), and the existing protections under the Marine Mammal Protection Act, it is unlikely that the 4(d) protective regulations would provide appreciable conservation benefits.



NMFS and the ISC have a co-management agreement to promote the sustained health of ice seal populations in order to protect the culture and way of life of Alaska Natives who rely on the harvest of ice seals for subsistence, and to advance co-management, research, and use of traditional knowledge. Section 10(e) of the ESA provides for Alaska Natives to take and import listed species if such taking is primarily for subsistence purposes and is accomplished in a non-wasteful manner. Subsistence harvest can be regulated under the ESA, but only if such harvest is found to materially and negatively affect a listed species. To make such a finding, NMFS would have to hold an administrative hearing on the record for any such proposed harvest regulations. Currently, based on the best available information, NMFS believes that the subsistence harvest of ringed and bearded seals by Alaska Natives is sustainable. NMFS does not anticipate that listing these seals under the ESA would lead to any regulation of subsistence hunting. If that situation should ever change, NMFS will work under co-management with the ISC to develop the best approach to ensure that a sustainable subsistence harvest of ringed and bearded seals by Alaska Natives can continue indefinitely.

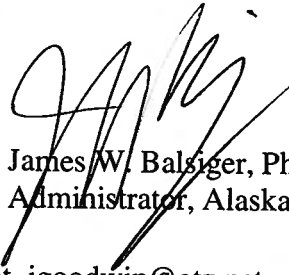
NMFS is not designating critical habitat for Arctic ringed seals and the Beringia DPS of bearded seals at the time of listing, but will do so in subsequent rulemaking as provided under the ESA. Critical habitat is the geographic area(s) that contain features that are essential for the conservation of a threatened or endangered species and may require special management considerations or protection. A critical habitat designation does not set up a refuge or sanctuary for the species, and has no specific regulatory impact on activities that do not require federal action, i.e., a permit, funding, or other action from a federal agency.

NMFS is presently soliciting comments and information during a 60-day public comment period to help identify: (1) the “essential features” of critical habitat for Arctic ringed seals and the Beringia DPS of bearded seals, and to what extent those features may require special management considerations or protection; and (2) the economic, national security, and other relevant attributes within the range of Arctic ringed seals and the Beringia DPS of bearded seals that could be impacted by critical habitat designations. Details on how to submit information pertaining to critical habitat during this comment period are included in the final listing determinations and related news release, which can be found on our web site (see below). The public comments will assist NMFS in developing the critical habitat proposals for ringed and bearded seals. NMFS will then solicit comments from the public on the critical habitat proposals and the economic analyses of these proposals before final decisions are made on the critical habitat designations.

NMFS remains committed to working in partnership with the ISC on matters related to ice seals in Alaska, as identified in our co-management agreement. We intend to confer with the ISC on the ringed and bearded seal critical habitat proposals, and we hope to discuss this with you during the co-management meeting scheduled for January 24-25, 2013.

We have attached an updated version of the Ice Seal Frequently Asked Questions (FAQ) document that provides answers to commonly asked questions about the ESA and ice seals, as well as a document that addresses frequently asked questions regarding the designation of critical habitat. If you have questions about the final listing determinations or the critical habitat designation process, please contact Tammy Olson in our Anchorage Field Office, 222 W. 7th Avenue, Room 552, Box 43, Anchorage, AK, 99513, telephone (907) 271-2373, or tammy.olson@noaa.gov. The final listing rules, species status review reports, and other materials related to the listing determinations (including the attached FAQs) can be found on our website: <http://alaskafisheries.noaa.gov/protectedresources/seals/ice.htm>.

Sincerely,



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Administrator, Alaska Region

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Attachments

Ice Seal FAQ (December 2012 version; 8.5-by-11-inch and 11-by-17-inch formats)
Ringed and Bearded Seals: Critical Habitat FAQ