

TESTIMONY OF H. DALE HALL, DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE U.S. HOUSE OF REPRESENTATIVES SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING ON POLAR BEARS AND MINERAL LEASING ON THE OUTER CONTINENTAL SHELF IN ALASKA

January 17, 2008

Chairman Markey, Ranking Member Sensenbrenner, and Members of the Select Committee, I am H. Dale Hall, Director of the U.S. Fish and Wildlife Service (Service), and I appreciate the opportunity to testify today before you regarding both the proposal to list the polar bear as threatened under the Endangered Species Act (ESA) and the current protections Federal law provides polar bear under laws such as the Marine Mammal Protection Act (MMPA).

As Committee Members are aware, on January 9, 2007, the Service proposed to list the polar bear under the ESA as “Threatened” throughout its range after a scientific review of the polar bear found that populations may be threatened by receding sea ice habitat. Polar bears use sea ice as a platform for many activities essential to their life cycle, especially hunting for their main prey, arctic seals.

Under the ESA, a species may be a threatened or endangered species based on one or more of the following five factors:

- Present or threatened destruction, modification or curtailment of its habitat or range;
- Overutilization for commercial, recreational, scientific or educational purposes;
- Disease or predation;
- Inadequacy of existing regulatory mechanisms; or
- Other natural or manmade factors affecting its continued existence.

This determination is to be based on the best scientific and commercial data available.

The determination may be based on any of these factors or a combination of the factors.

The ESA does not discriminate between natural or manmade causes.

At the time Secretary of the Interior Dirk Kempthorne announced the proposal, he directed the U.S. Geological Survey (USGS) to perform new research aimed at filling specific knowledge gaps pertinent to our process of moving from a proposed rule to a final rule. The Secretary also directed the Service to work with the public and pertinent sectors of the scientific community to broaden our understanding of what factors affect the species and to gather additional information to inform the final decision on whether the species warrants Federal protection under the ESA. The Service opened a three-month public comment period and held public hearings in Anchorage and Barrow, Alaska and Washington D.C. In June 2007, the Service hosted a meeting of countries that are part of the polar bear's range that included official representatives from the United States, Canada, Norway and Russia. Greenland, which is part of Denmark, was also represented. The meeting provided a forum for the exchange of scientific, management and technical information among the range nations.

In September 2007, USGS scientists supplied their new research to the Service. This research developed ecoregions for polar bears and determined how the observed and projected changes in sea ice translate into changes in polar bear habitat availability. It updated population information on polar bears of the Southern Beaufort Sea of Alaska, and provided new information on the status of two other polar bear populations. USGS studies also provided additional data on arctic climate and sea ice trends and projected effects to polar bear numbers throughout the species' range over various time periods and scenarios of projected trends.

As a result of the new USGS research findings, the Service reopened and later extended a second comment period, which closed on October 22, 2007, to allow the public time to review and respond to the USGS findings. At the time the decision was made to reopen and extend the comment period, I alerted the Department that the Service might need extra time to adequately evaluate and incorporate results from the comments received. The Service received numerous comments on the USGS reports and has been working to incorporate the USGS findings as well as to analyze and respond to the information provided during this extended comment period.

The Service expects to provide a final recommendation to the Secretary of the Interior and finalize the decision on the proposal to list the polar bear under the ESA in the near future.

Part of the discussion today centers on possible oil and gas development activities occurring in polar bear habitat. As the Service noted in its January 9 finding and proposed rule, a review of various factors led to a determination that these activities do not threaten polar bears throughout all or a significant portion of its range. These factors included: (1) mitigation measures in place and likely used in the future, including mitigation measures required under the Marine Mammal Protection Act (MMPA); (2) historical information on development activities; (3) the lack of direct, quantifiable effects to habitat from these activities noted to date; and (4) because of the localized nature of development activities or possible events such as oil spills.

Existing regulations and authorizations under MMPA that have been issued to oil and gas operators contain mitigation measures to ensure that any adverse effect on polar bears will be limited strictly to low levels, monitored, and reported. These protections are reviewed at five-year periods, at a maximum, to ensure mitigation measures are updated, as needed. In particular, the incidental take provisions of the MMPA ensure that any population-level effects on the species will be negligible and will not have an unmitigable negative effect on the availability of the species for subsistence use by Alaska Natives.

The Department also prepares an Environmental Impact Statement (EIS), under the National Environmental Policy Act and Departmental policy, which serves to evaluate the potential effects of exploration and development activities that could result from a lease sale. The EIS process incorporates extensive coordination with the State and local agencies, Alaska Natives, and other Federal agencies. Other consultations and reviews occur under many other authorities including, for Outer Continental shelf lease sales, the Magnuson-Stevens Fishery Conservation and Management Act and the Coastal Zone Management Act.

Conclusion

In conclusion, I look forward to working with you as we move forward on this important issue. The Service recognizes that the polar bear faces significant challenges across its range, but we will continue to work with all stakeholders, including the State of Alaska, Native Alaskans, industry, the sporting and conservation communities and foreign governments to conserve the polar bear throughout its range. I appreciate the opportunity to be here today and am happy to answer any questions you may have.