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Arctic ringed seals and the Beringia Distinct Population Segment (DPS) of bearded seals, which occur in Alaska, were listed as threatened under the ESA in December 2012. Many aspects of the ringed and bearded seals' life cycles depend on the availability of suitable sea ice and snow cover at the right time of the year in areas with sufficient food. While these seal populations presently exist in relatively high numbers, they face significant threats in the future from the ongoing and anticipated loss of sea ice habitat. The listing determinations, status review reports, and other background information are available on the internet at: <http://alaskafisheries.noaa.gov>.

Ringed and Bearded Seals: Critical Habitat Questions & Answers

What is critical habitat?

Critical habitat is a term defined and used in the Endangered Species Act (ESA). It is the geographic area(s) that contains features that are essential for the conservation of a threatened or endangered species and may require special management considerations or protection. Critical habitat may include an area that is not currently occupied by the species but that will be needed for its recovery. 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 a permit, funding, or other action from a federal agency.

What features are considered to determine critical habitat?

Those physical and biological features needed for life processes and successful reproduction of the species ("essential features") are considered in determining critical habitat. These include: (1) Space for individual and population growth and for normal behavior; (2) food, water, air, light, minerals, or other nutritional or physiological requirements; (3) cover or shelter; (4) sites for breeding, reproduction, or rearing of offspring; and (5) habitats that are protected from disturbance or are representative of the historical, geographical, and ecological distributions of a species.

Do listed species in critical habitat areas receive more protection?

Listed species are protected under the ESA whether or not they are in an area designated as critical habitat. To understand the additional protection that critical habitat provides to an area, it is first necessary to understand the protection afforded to any endangered or threatened species, even if critical habitat is not designated for it:

- The ESA requires that federal agencies conduct their activities in such a way as to conserve listed species.
- The ESA also requires federal agencies to consult on actions they carry out, fund, or authorize, that might affect a listed species to ensure that the activity is not likely to jeopardize the continued existence of a threatened or endangered species.
- The ESA forbids the import, export, or interstate or foreign sale of endangered species without a special permit. It also makes "take" of endangered species illegal— forbidding the killing, harming, harassing, pursuing, or removing of the species from the wild. These protections are not automatically provided to species that NOAA Fisheries lists as threatened. Rather, any or all of these protections may be provided to a threatened species through regulations issued under ESA section 4(d). NOAA Fisheries determined that such rules are not necessary for ringed and bearded seals at this time.

Federal agencies are required to ensure that their activities do not destroy or adversely modify critical habitat. Designation of critical habitat also alerts land management agencies as well as the public to the importance of these areas, and can help focus conservation activities for a listed species by identifying areas that contain the physical and biological features that are essential for the conservation of the species.

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The purpose of the Endangered Species Act (ESA) is to conserve threatened and endangered species and their ecosystems. The U.S. Fish and Wildlife Service (FWS) and NOAA's National Marine Fisheries Service share responsibility for implementing the ESA. NOAA Fisheries manages most marine and anadromous species. There are approximately 125 species of marine mammals world-wide. Of those species, eight are under the jurisdiction of the FWS, including three species found in Alaska (walrus, polar bear, and sea otter).

For more information

Ringed and bearded seal listing determinations, status reviews, and other background information:

<http://alaskafisheries.noaa.gov>

Research on ringed and bearded seals at the Alaska Fisheries Science Center and additional species information:

<http://www.afsc.noaa.gov/>

Who will be affected by critical habitat designations for ringed and bearded seals?

Federal agencies are required to consult with NOAA Fisheries on actions they carry out, fund, or authorize that may affect critical habitat of species under our jurisdiction. Non-federal entities will only be affected when an activity involves federal funding, permitting, or authorization. In most cases, consultation is already occurring because listed species are affected. Critical habitat requirements do not apply to an activity that does not involve federal funding, permitting, or authorization.

Will critical habitat designations for ringed and bearded seals affect the subsistence harvest exemption for Alaska Natives under the ESA?

No. A designation of critical habitat will not affect the continued subsistence harvest of ringed and bearded seals.

Why designate critical habitat for ringed and bearded seals now?

Arctic ringed seals and the Beringia Distinct Population Segment (DPS) of bearded seals, which occur in Alaska, were listed as threatened species under the ESA by NOAA Fisheries in December 2012. The ESA requires that NOAA Fisheries designate critical habitat at the time a species is listed or within one year if critical habitat is not determinable at that time. At the time of listing, NOAA Fisheries concluded that additional information was needed to identify the features essential for the conservation of ringed and bearded seals, as well as the economic consequences of critical habitat designations. As a result, NOAA Fisheries will designate critical habitat in subsequent rulemaking as provided under the ESA.

How is critical habitat designated?

In designating critical habitat, NOAA Fisheries must use the best scientific information available, in an open public process, and within specific timeframes. Before designating critical habitat, careful consideration must be given to the economic impacts, impacts on national security, and other relevant impacts of specifying any particular area as critical habitat. NOAA Fisheries may exclude any area from critical habitat if the benefits of exclusion outweigh the benefits of inclusion, as long as the exclusion would not result in the extinction of the species.

Will the public have an opportunity to comment on the proposed critical habitat designations for ringed and bearded seals?

Yes. NOAA Fisheries will solicit comments and information on the proposed critical habitat designations. An economic analysis of the critical habitat proposals will also be made available for public comment before final decisions are made.