

Pacific Walrus 12-month Finding Questions and Answers

What action is the U.S. Fish and Wildlife Service taking today?

The U.S. Fish and Wildlife Service announced a 12-month finding on a petition to protect the Pacific walrus (*Odobenus rosmarus divergens*) as endangered or threatened and to designate critical habitat under the Endangered Species Act (ESA) of 1973, as amended. After review of the best scientific and commercial information available, the Service finds that protecting the Pacific walrus as threatened or endangered is warranted. Currently, however, adding the Pacific walrus to the Lists of Endangered and Threatened Wildlife and Plants is precluded by the need to address higher priority species. Upon publication of this 12-month petition finding, the Service will add Pacific walrus to the candidate species list. As priorities allow, the Service will develop a proposed rule to list the Pacific walrus that is subject to public review and comment. The Service will make any determination on critical habitat during development of the proposed listing rule. In the interim, the Service will address the status of the Pacific walrus through the annual Candidate Notice of Review.

Where is the Pacific walrus found?

The Pacific walrus is found throughout the continental shelf waters of the Bering and Chukchi seas and occasionally in the East Siberian Sea and the Beaufort Sea. During spring, most of the population, including females and calves, migrates from the Bering Sea into the Chukchi Sea, where they form mixed groups along the southern edge of the pack ice. As summer sea ice recedes, walrus may haulout on shore on Wrangel Island in the Russian Federation and other islands and along the Chukchi Sea coast. The number of walrus using coastal haulouts in Chukotka, Russia is highly variable among years and seasons. In 2007, 2009, and 2010, walrus were also observed hauling out in large numbers and mixed sex and age groups along the Chukchi Sea coast of Alaska in late August, September and October. Many adult males remain in the Bering Sea for the summer, using coastal haulout sites in the Gulf of Anadyr, Russian Federation, the Bering Strait region, and in Bristol Bay, Alaska. In the fall, walrus follow the formation of sea ice as they migrate south from the Chukchi Sea through the Bering Strait and back into the Bering Sea.

What is the current status of the Pacific walrus population?

The current size and current trends in the number of the Pacific walrus are unknown. Between 1975 and 1990, cooperative aerial surveys were carried out by the United States and the former Soviet Union at 5-year intervals, producing population estimates ranging from about 170,000 to 250,000 animals. Observers counted or estimated numbers of walrus hauled out on pack ice and land, but could not accurately determine the number of walrus swimming in the water. After 1990, efforts to survey the Pacific walrus population were suspended by both countries due to unresolved problems with survey methods. Technological advances, including thermal imaging systems and satellite transmitters led to a joint U.S./Russian survey in 2006. The number of walrus within the surveyed area was estimated at 129,000 with 95 percent confidence intervals of 55,000 to 507,000 individuals. This is a minimum estimate as weather conditions forced an early end to the survey and not much of the southwest Bering Sea was completed. Past survey results are not directly comparable among years due to differences in survey methods, timing of surveys, segments of the population surveyed, and

incomplete coverage of areas where walrus may have been present, and they do not provide a basis for determining trends in population size.

How does the Pacific walrus use sea ice?

The Pacific walrus is identified as an ice-dependent species because it uses floating sea ice as a substrate for birthing and nursing calves, resting, isolation from predators and for passive transport to new feeding areas. Pacific walrus also use terrestrial haulouts located in close proximity to areas suitable for feeding. Walrus feed mostly on clams, but also sea anemones, worms, sea cucumbers, tunicates and snails, and occasionally fish, birds or seals. Although capable of diving to deeper depths, walrus usually feed in shallow waters of 100 meters (328 feet) or less.

What are the primary reasons listing the walrus is warranted?

The Service concluded that loss of sea ice, with the resulting changes to walrus distribution and life history patterns likely to occur as a result, will lead to a population decline, and is a threat to Pacific walrus in the foreseeable future. Over time, walrus will be forced to rely on terrestrial haulouts to a greater extent. This will expose all individuals, but especially calves, juveniles, and females, to increased levels of stress from depletion of prey, increased energetic costs to obtain prey, trampling injuries and mortalities, and predation. In addition, the Service has determined that current subsistence harvest levels are a threat to the walrus population in the foreseeable future.

What is a candidate species, and how is a candidate species managed?

Candidate species are plants and animals for which the Service has enough information on their status and the threats they face to propose them as threatened or endangered, but developing a proposed listing rule is precluded by higher priority listing actions. Candidate species do not receive protection under the ESA, although the Service works to conserve them. The annual review and identification of candidate species provides landowners and resource managers with notice of species in need of conservation, allowing them to address threats and work to preclude the need to list the species.

Now that the Service has designated the Pacific walrus as a "candidate," what will happen next?

It is difficult to predict how long it might be before the Service is able to prepare a proposed rule for the Pacific walrus. The agency's ability to address this species will depend on available funding as well as the number of species facing greater and more imminent threats. While the Pacific walrus is a candidate species, the Service will review its status and work with states, other federal agencies, private landowners, tribes, and other partners to strengthen efforts to conserve the species.

When a species becomes a candidate it is given a "listing priority number" (LPN). This number is given because there are not enough Service personnel, time, or money to propose all the candidate species for listing. The purpose of the LPN is to ensure the species in the most trouble are given the highest priority. The Service's listing process works from the highest priority LPNs (1) down to lowest (12) to fund listing actions.

The Service has assigned an LPN of 9 to the Pacific walrus, which places it near the end of the Service's nationwide listing priorities.

What other protection is the Pacific walrus afforded?

Pacific walrus in the U.S. are currently managed under the Marine Mammal Protection Act (MMPA) of 1972. Protections afforded under the MMPA are similar to those under the Endangered Species Act and include prohibitions on the harvest, import, export, and interstate commerce of Pacific walrus or walrus products.

The MMPA requires federal agencies to consult with the Service where links between activities on private lands and federal funding, permitting, or authorization exist and Pacific walrus are present. Private landowners, corporations, state or local governments, tribes, or other non-federal landowners who are conducting activities that might incidentally harm (or “take”) Pacific walrus are required to obtain an incidental take authorization from the Service to avoid violating the MMPA.

Is the harvest of Pacific walrus legal?

The MMPA provides for the legal harvest of walrus by Alaska Natives for subsistence purposes, including the making of handicrafts. Current harvest levels are thought to be sustainable, although the Service’s analysis indicates that subsistence harvest will pose a threat in the foreseeable future if sea ice declines as expected. If this happens, the Service will work closely with the Eskimo Walrus Commission and walrus hunting communities to determine the best approach to maintaining sustainable harvests in Alaska.

Why is subsistence harvest a threat to the walrus population in the foreseeable future?

The Service anticipates reductions in population size in response to losses in sea ice habitats and associated impacts. There is currently no reliable population information or regulatory mechanisms in place to assure the sustainability of future subsistence harvest of walrus. Although the Service does not identify current subsistence harvest as a threat to walrus populations, if the current level of harvest continues as expected, subsistence harvest is a threat in the foreseeable future.

Why did the Service list polar bears in 2008, but decide on “warranted, but precluded” for walrus when both depend on sea ice?

While polar bears and Pacific walrus are both sea-ice dependent species, the total population of the former is no more than 20,000 to 25,000 individuals, while the Pacific walrus population contains at least (and likely more than) 129,000 animals. In addition, polar bears have an extremely limited capability to adapt to life on land when sea ice is not available, as there are no land-based food sources capable of supplying the amount of high-fat food that they rely on. Walrus, on the other hand, have shown an ability to use land-based haulouts when sea ice is unavailable, and to use those haulouts to rest between feeding periods offshore. The Service has determined that increased use of coastal haulouts would be expected to result in prey depletion of the benthic species that walrus subsist on in those areas. In addition, walrus are subject to greater disturbances on land haulouts that would result in increased levels of trampling mortalities. Both of these factors are identified as threats to the walrus population and serve as part of the basis for the warranted finding.

What is happening to the sea ice?

The scientific consensus is that arctic sea ice habitat is declining due to melting from global warming, atmospheric changes (including circulation and clouds) and changes in oceanic circulation. As a result, sea ice is beginning to melt earlier in the summer, retreating farther during the late summer and early fall, and refreezing later in the fall than has ever been observed. In addition, research has demonstrated a decline in multi-year ice (ice that remains year round), and decreasing ice thickness. The length of the arctic melt season is increasing by a rate of approximately 13.1 days per decade.

Since loss of sea ice is the principal threat to Pacific walrus and the polar bear, why doesn't the Service consult on greenhouse gas emissions that are likely causing this loss?

Consultation is triggered when a causal connection can be established between a proposed federal action and effects on a listed species. On May 14, 2008, former Service Director H. Dale Hall issued a memorandum providing policy guidance on consultations involving actions that would result in the emission of greenhouse gases. That memorandum stated, in part, that "the best scientific data available do not allow us to draw a direct causal connection between GHG emissions from a given facility and effects posed to listed species or their habitats, nor are there data to suggest that such impacts are reasonably certain to occur." That conclusion was affirmed by a Solicitor's opinion, and remains in effect. The current state of the science is unable to connect a particular source of greenhouse gas emissions to effects on listed species or critical habitat.

Will this always be the case? What if the state of the science improves?

The development of knowledge and modeling capability relating to climate change is occurring at a rapid pace. If at some future date improved scientific information and modeling capabilities demonstrate the ability to make a causal connection between emissions from a particular facility or action and effects on a particular listed species, the Service could revisit this issue.

What federal Pacific walrus listing actions have preceded this *Federal Register* announcement?

- On February 8, 2008, the Service received a petition dated February 7, 2008, from the Center for Biological Diversity (CBD) to list the Pacific walrus as threatened or endangered under the ESA and to designate critical habitat, stating that global warming will impact the Pacific walrus by degrading and eliminating critical sea-ice habitat, decreasing prey availability, altering interactions with predators and disease, and increasing human disturbance throughout its range, and that without sea ice, the Pacific walrus will be forced into a shore-based existence for which it is not adapted.
- On December 3, 2008, the CBD filed a complaint in U.S. District Court for the District of Alaska for declaratory judgment and injunctive relief challenging the failure of the Service to make a 90-day finding on their petition to list the Pacific walrus. On May 18, 2009, a settlement agreement was approved in the case of *Center for Biological Diversity v. U.S. Fish and Wildlife Service, et al.* (3:08-cv-00265-JWS) requiring the Service to submit a 90-day finding on the petition to the *Federal Register* by September 10, 2009.
- On September 10, 2009, the Service published a 90-day finding stating that substantial scientific or commercial information indicated that the petitioned action may be warranted due to effects on walrus resulting from changes in climate and sea-ice habitats. The Service also announced initiation of a Status Review, and opened a 60-day comment period soliciting scientific and commercial information on:

- o The current and historical status of the population's distribution, density and trends, taxonomy, food habits and habitat selection (both sea-ice and terrestrial haulouts);
- o The short and long-term effects of climate change, sea ice change and ocean acidification on the distribution and abundance of Pacific walrus and their principal prey; and,
- o The effects of other potential threats to the species, including oil and gas development, contaminants and hunting.
- On August 30, 2010, the Court approved an amended settlement agreement requiring the Service to submit the 12-month finding to the *Federal Register* by January 31, 2011. This notice constitutes the 12-month finding on the February 7, 2008, petition to list the Pacific walrus as endangered or threatened.

What kind of information and comments were received from the public?

In response to the Service's *Federal Register* notice of September 10, 2009, requesting information from the public, as well as the request for information on September 10, 2010, the Service received roughly 30,000 submissions, including information from the U.S. Marine Mammal Commission, the State of Alaska, the Alaska North Slope Borough, the Eskimo Walrus Commission, the Humane Society of the United States, the Center for Biological Diversity, the American Petroleum Institute, and many interested citizens, which the Service has considered in making this finding. The Service also consulted with recognized Pacific walrus experts and other Federal, State, and tribal agencies.

Where can I get additional information on this finding?

The 12-month finding and other background information is available on the internet at <http://alaska.fws.gov/fisheries/mmm/walrus/esa.htm>

The 12-month finding is available on the internet at <http://www.regulations.gov> at Docket Number FWS-R7-ES-2009-0051.

Supporting documentation used in preparing this finding is available for public inspection, by appointment (907-786-3800 or 800-362-5148), during normal business hours at:

U.S. Fish and Wildlife Service
Marine Mammals Management Office
1011 East Tudor Road, M/S 341
Anchorage, AK 99503

Where can I provide additional information on Pacific walrus?

The Service will accept any new information, materials, comments, or questions concerning this finding to the above address at any time.