



**NOAA
FISHERIES**

Bearded and Ringed Seals:

Critical Habitat Under the Endangered Species Act

January 2020

Bearded and Ringed Seals: Critical Habitat Under the Endangered Species Act (ESA)

- Both species in Alaska are listed as threatened
- The ESA requires designation of critical habitat for listed species at the time of listing or within one year if it is not determinable at that time
- A stipulated settlement agreement requires submission of critical habitat determinations for both species by September 15, 2020



Presentation Outline

- What is critical habitat?
- Who may be affected by critical habitat?
- How is critical habitat identified?
- What happens next?
- Identification of critical habitat – questions for consideration



What is Critical Habitat?

- Specific areas within the geographical area occupied by the species on which are found those physical or biological features essential to the conservation of listed species, and that may require special management considerations or protection
- Identifies essential habitat areas, but does not prohibit human activities



Who May be Affected by Critical Habitat?

- Federal agencies must consult with NOAA Fisheries to ensure their actions are not likely to destroy or adversely modify critical habitat
 - This is in addition to the existing requirement that federal agencies consult with NOAA Fisheries to ensure their actions are not likely to jeopardize the continued existence of listed species
- Consultation applies only to activities with a federal link: activities authorized, funded, or carried out by a federal agency
- Designation of critical habitat will not affect the continued subsistence harvest of ice seals by Alaska Natives

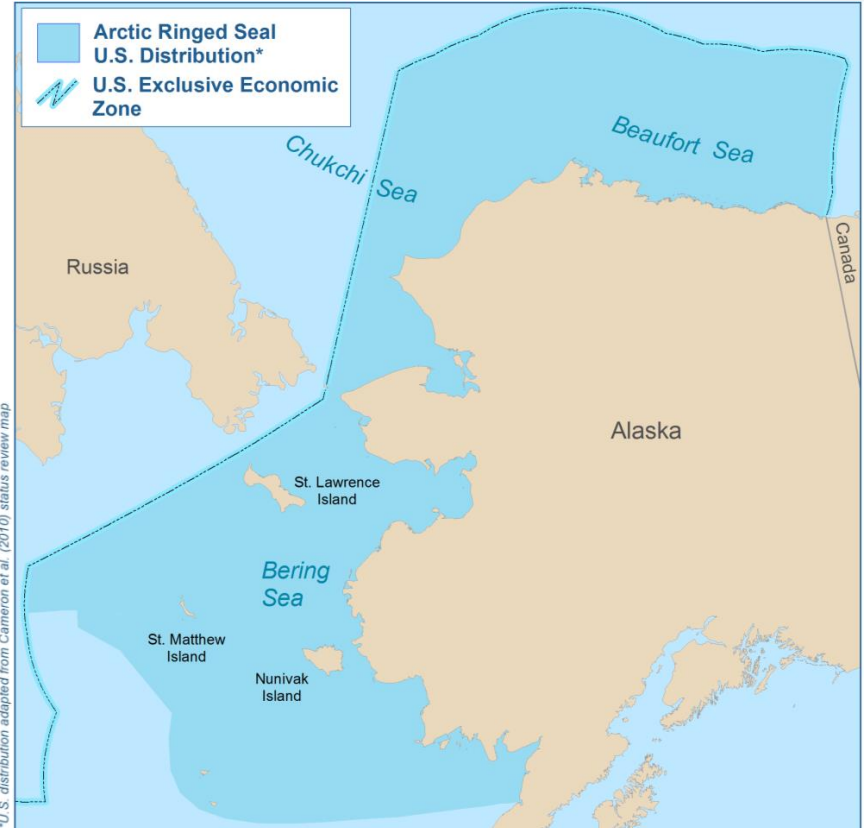


Identification of Critical Habitat

- Consider the geographical area occupied by the species
- Identify physical or biological features essential to conservation of the species and that may require special management considerations or protection
- Identify and map specific area(s) within the geographical area occupied by the species that contain the essential features



Geographical Area Occupied



Bearded Seal

Ringed Seal

U.S. distribution adapted from Cameron et al. (2010) status review map

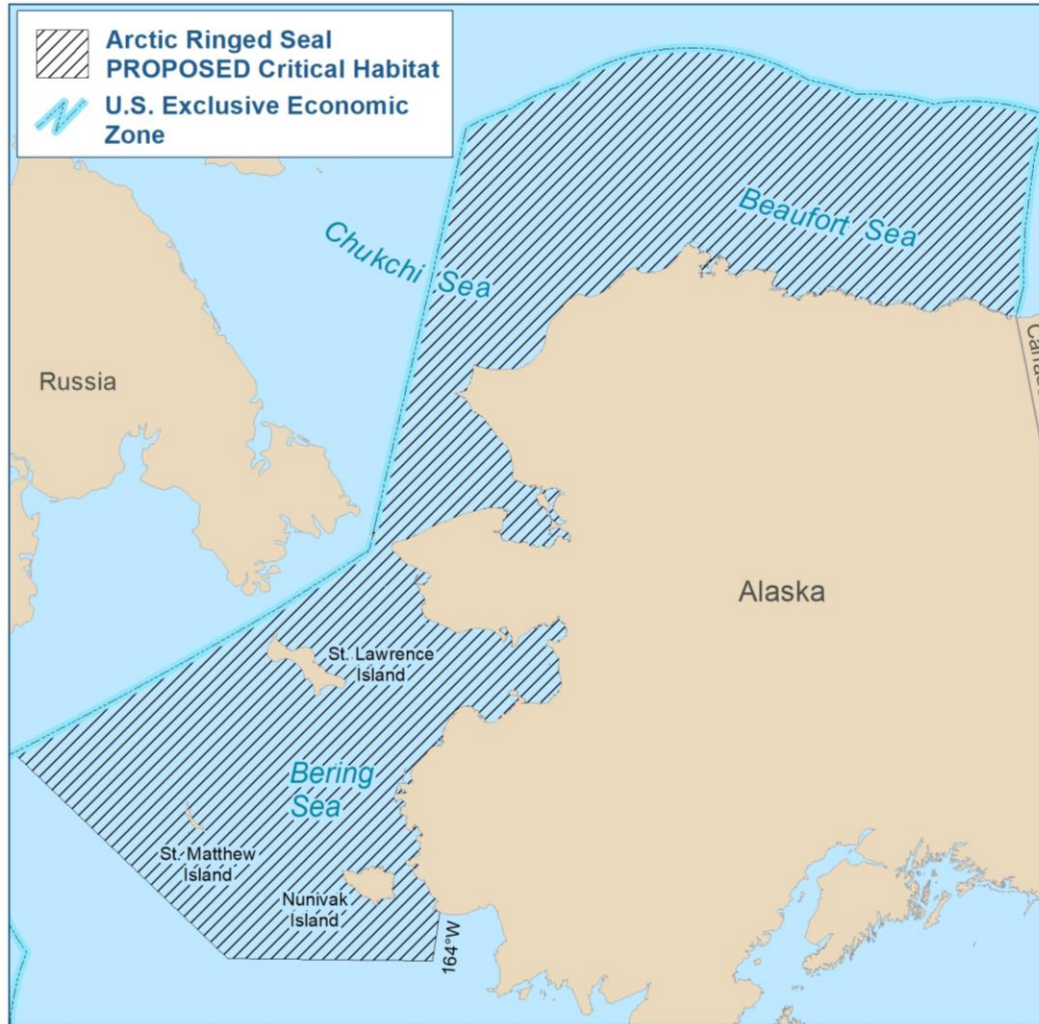
Adapted from Kelly et al. (2010) status review report map, with more recent data on ringed seals farther SE of St. Matthew I.

Proposed (2014) Ringed Seal Essential Features

- Sea ice habitat suitable for the formation and maintenance of subnivean birth lairs used for sheltering pups during whelping and nursing, which is defined as seasonal landfast (or shorefast) ice, and dense, stable pack ice, that has undergone deformation and contains snowdrifts at least 54 cm deep
- Sea ice habitat suitable as a platform for basking and molting, which is defined as sea ice of 15 percent or more concentration. For both sea ice features, bottom-fast ice extending from the coast in waters less than 2 m deep is not included
- Primary prey resources to support ringed seals, which are defined to be Arctic cod, saffron cod, shrimps, and amphipods



Proposed (2014) Ringed Seal Critical Habitat



ESA Section 4(b)(2)

- NOAA Fisheries must consider the impacts of critical habitat designation
- Direct incremental costs are expected to be limited to administrative costs of addressing effects on critical habitat in section 7 consultations
- NOAA Fisheries does not expect designation of critical habitat for bearded or ringed seals will result in the need to modify proposed federal actions beyond steps taken to minimize effects on these species



ESA Section 4(b)(2)

- The Secretary of Commerce has discretion to exclude any particular area from the critical habitat if the Secretary determines that the benefits of exclusion outweigh the benefits of designation
- The Secretary may not, however, exclude a particular area if the failure to designate that area as critical habitat would result in the extinction of the species



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Critical Habitat: What Happens Next?

- NOAA Fisheries must submit proposed critical habitat determinations for bearded and ringed seals to the Federal Register by September 15, 2020
- For additional information:
 - www.fisheries.noaa.gov/find-species
 - www.fisheries.noaa.gov/topic/endangered-species-conservation
 - www.regulations.gov

Proposed Rule



Public Comment Period



Final Rule



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Critical Habitat: Questions for Consideration

1. What specific habitat features are essential for bearded and ringed seals?
2. What types of sea ice are most important for bearded and ringed seals?
3. How important are shallow areas, near the shore, for bearded and ringed seals, as compared to areas in deeper waters?
4. How important are estuaries, lagoons, and/or similar areas for bearded and ringed seals?
5. What specific area(s), if any, should be excluded from bearded and ringed seals critical habitat?
6. Other considerations?

