



# NOAA FISHERIES

## Alaska Region

### Arctic Ringed Seal Critical Habitat: Questions & Answers



Arctic ringed seals, which occur in Alaska, were listed as threatened under the ESA in December 2012. While Arctic ringed seals presently exist in relatively high numbers, they face significant threats from long-term climate alteration of their sea ice habitat.

Many aspects of the ringed seal's life cycle depend on the availability of suitable sea ice and on-ice snow cover at the right time of the year in areas with sufficient food. Ringed seals are able to create and maintain breathing holes in the ice, and they construct lairs over their breathing holes in the ice where snow depths are sufficient. These lairs are occupied for resting, pupping, and nursing. Ringed seals also use sea ice to bask in the sun as they molt.

Ringed seals eat a variety of fish and invertebrates. Primary ringed seal prey resources include Arctic cod, saffron cod, shrimps, and amphipods.

#### 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 habitat features that are essential to the conservation of a threatened or endangered species and that 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 a permit, funding, or other action from a federal agency.

#### What features are considered to determine critical habitat?

Physical and biological habitat features needed for important life history functions ("essential features") are considered in determining critical habitat. For ringed seals, these include: (1) Sea ice habitat suitable for the formation and maintenance of subnivean birth lairs used for sheltering pups during whelping and nursing. (2) Sea ice habitat suitable as a platform for basking and molting. (3) Primary prey resources to support Arctic ringed seals, which are defined to be Arctic cod, saffron cod, shrimps, and amphipods.

#### Do listed species in critical habitat areas receive more protection?

No. 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:

- 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 may 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 seals at this time.

Federal agencies are required to ensure that their activities do not destroy or adversely modify critical habitat. Such activities include actions authorized, funded, or undertaken by a federal agency. Designation of critical habitat also alerts the public to the importance of these areas, and can help focus conservation activities for a listed species by identifying areas that contain habitat features that are essential to the conservation of the species.

### Proposed Critical Habitat:



Proposed ringed seal critical habitat designation in the northern Bering, Chukchi, and Beaufort seas. Additional information on this proposed designation is available at the web site listed below.

### For more information:

The proposed rule to designate critical habitat for Arctic ringed seals is published in the Federal Register. Copies of this proposed rule, the supporting draft impacts analysis report, and related information, such as the status review report for ringed seals, can be found at:

<http://alaskafisheries.noaa.gov/protectedresources/seals/ice.htm>

### Will critical habitat designation for ringed seals affect the subsistence harvest exemption for Alaska Natives under the ESA?

No. A designation of critical habitat will not affect the subsistence harvest of ringed seals by Alaska Natives.

### Why designate critical habitat for ringed seals now?

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. When Arctic ringed seals were listed as threatened, NOAA Fisheries concluded critical habitat was not determinable. Since that time we have compiled the best data available to develop this critical habitat proposal and we are inviting public comment before making a final designation.

### What areas are proposed for critical habitat designation for ringed seals?

The area proposed for critical habitat designation is located the northern Bering, Chukchi, and Beaufort seas. The proposed critical habitat provides sea ice conditions that are essential for ringed seal pupping, nursing, basking, and, molting, as well as primary ringed seal prey species.

### Ringed seals are highly associated with sea ice during much of the year. Does the area proposed as critical habitat remain critical habitat when the sea ice is not present at any given time?

Yes. The critical habitat designation applies even when sea ice is absent. If a proposed action with Federal involvement would occur when sea ice is unlikely to be present, analysis of the potential effects of the action on critical habitat would take that expected absence of ice into consideration.

### Will the public have an opportunity to comment on the proposed critical habitat designation for ringed seals?

Yes. Written comments on the proposed rule to designate critical habitat are being accepted for 90 days following publication in the Federal Register. During this comment period, comments on the proposed designation may be submitted, identified by FDMS Docket Number NOAA-NMFS-2013-0114, by either of the following methods:

- **Electronic Submission:** Submit all electronic comments via the Federal e-Rulemaking Portal. Go to <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0114>, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- **Mail:** Address written comments to Jon Kurland, Assistant Regional Administrator for Protected Resources, Alaska Region, NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.

All comments received are a part of the public record and will generally be posted for public viewing on <http://www.regulations.gov> without change, including any personal information provided. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).