

Summary of the Proposed Designations of Critical Habitat for Ringed and Bearded Seals in Alaska

This document provides a brief summary of NOAA Fisheries' two proposed critical habitat designations for ringed and bearded seals in Alaska, with all information obtained from the Federal Register notices of the proposed designations (86 FR 1433; 86 FR 1452) and the NOAA Fisheries webpages for these species. Information is presented in four categories (you can click a category name to jump directly to that section): [General Background](#), [Arctic Subspecies of Ringed Seal](#), [Beringia DPS of Bearded Seal](#), and [Two Public Comment Methods](#).

General Background

In the U.S., when a species, subspecies, or distinct population segment (DPS) of a species is determined to be at risk of extinction or near-extinction, they are listed under the Endangered Species Act (ESA) as either “endangered” (meaning they are in danger of going extinct in the foreseeable future) or “threatened” (meaning they are in danger of becoming “endangered” in the foreseeable future). This ESA designation grants additional protections to ensure the actions of the federal government do not jeopardize the continued existence of the species/subspecies/DPS.

Four species of ice-associated seals inhabit the U.S. Bering, Chukchi, and Beaufort seas off the coast of Alaska—bearded, ringed, ribbon, spotted seals. The Arctic subspecies of the ringed seal and the Beringia DPS of the bearded seal were each listed as threatened under the ESA in 2012, primarily due to threats associated with long-term reductions in sea ice, and for ringed seals, on-ice snow depths, expected to occur within the foreseeable future.

The ESA also requires that NOAA Fisheries designate critical habitat for listed species in areas within the jurisdiction of the United States. Critical habitat identifies geographic areas that contain features essential to the conservation of a listed species. Designating critical habitat does not create a preserve or refuge, and would not affect subsistence harvest of ringed or bearded seals by Alaska Natives, but does ensure the federal government's activities do not destroy or adversely modify this critical habitat. It is important to recognize that a critical habitat designation applies to actions permitted, funded, or implemented by the federal government; it does not affect the activities of state or local governments, or private users, unless the federal government is somehow involved in those activities (e.g., provides funding; issues a permit).

NOAA Fisheries is now proposing to designate critical habitat in U.S. waters off the coast of Alaska for Arctic ringed seals and the Beringia distinct population segment (DPS) of bearded seals. Both species are listed as threatened under the Endangered Species Act (ESA).

The proposed critical habitat identifies physical and biological features essential to the conservation of ringed and bearded seals in the northern Bering, Chukchi, and Beaufort seas that include:

- For RINGED SEALS: sea ice suitable for pupping, nursing, basking, and molting, as well as primary prey resources to support these seals. [Click here to read the full proposal for ringed seals.](#)
- For BEARDED SEALS: sea ice suitable for pupping, nursing, and molting; acoustic conditions that allow for effective communication by bearded seals for breeding purposes; and primary prey resources to support these seals. [Click here to read the full proposal for bearded seals.](#)
- The proposed southern and northern boundaries for the critical habitats differ between the two species, reflecting differences in where the essential habitat features for each species are found.

NOAA Fisheries is accepting public comments on their proposals, with oral testimony being accepted during telephonic hearings on February 23 through 25, beginning 4pm AK, or via written submissions due by March 9 (see [Two Public Comment Methods](#) for details how to comment). To read NOAA Fisheries' two-page question and answer sheet about these proposed designations, [click here](#).

Arctic Subspecies of Ringed Seal (*Pusa hispida hispida*)

Ringed seals are the smallest of all the ice-associated seals and are the most common seal found in the Arctic. In Alaska, they are found throughout the ice-covered waters of the Bering, Chukchi, and Beaufort seas. Ringed seals have stout claws on their foreflippers which allows them to maintain breathing holes in ice. They use for resting, whelping (birthing), nursing, and molting. Given their dependence upon sea ice, it makes sense that their seasonal movements are strongly tied to the seasonality of ice cover.



Ringed seal pup in a partially collapsed snow cave.
Photo credit: NOAA/Michael Cameron

Ringed seals in Alaska are part of the Arctic subspecies and were listed under the ESA as a threatened species in December 2012. NOAA Fisheries has determined that the primary threat to Arctic ringed seals is anticipated loss of sea ice and reduced on-ice snow depths stemming from climate change. In December 2014, NOAA Fisheries started the process of designating critical habitat for these seals when they published their first proposed rule to designate critical habitat and solicited public comments (79 FR 71714; 79 FR 73010). Multiple public hearings were held in 2015 and the public comment deadline was extended to the end of March that year. However, the process of designating critical habitat for ringed seals stopped in 2016 when the courts vacated the original ESA listing of the seals. Since the seals were no longer protected by the ESA, no critical habitat needed to be designated. In 2018, a higher court reversed the lower court's decision, and as of May 2018, ringed seals were once again on the ESA list as a threatened species.

After another year went by with still no critical habitat designated for Arctic ringed seals, NOAA Fisheries was sued for failing to designate critical habitat in a timely manner. Under a court-approved stipulated settlement agreement, NOAA Fisheries agreed to publish a proposed rule to designate critical habitat for Arctic ringed seals by March 15, 2021, and to finalize the critical habitat determination by March 15, 2022.

On January 8, 2021, NOAA Fisheries published a proposed rule to designate critical habitat for Arctic ringed seals (86 FR 1452). Although the agency had previously proposed critical habitat and had received oral testimony and written comments from the public in early 2015, they decided to not finalize that previous version and instead revised it by incorporating new information, and are again soliciting public comments.

Similar to the original proposal for critical habitat, NOAA Fisheries has determined the southern boundary of critical habitat in the Bering Sea is the southern extent of snow-covered sea ice essential for birth lairs since information about whelping locations and the distribution of Arctic ringed seals during the spring is limited. Birth lairs, also referred to as subnivean lairs, are essential for ringed seals because they provide protection from the cold and predators throughout winter months, and shelter pups during whelping and nursing. These lairs are generally found in areas where snowdrifts, typically at least 54 cm deep, have built up on seasonal landfast (shorefast) ice or on dense, stable pack ice. Not all ice is suitable for a birth lair. For example, bottom-fast ice extending seaward from the coastline and in waters less than 2 m deep are not suitable, and the ice needs to have undergone some kind of deformation (e.g., rafting, ridging, or hummocking due to wind and ocean currents) to allow for sufficiently deep snowdrifts to form. Based upon previously unavailable data of ringed seal whelping locations and spring distribution in the Bering Sea, the agency now considers that the estimated position of the ice edge in May, rather than April, provides the best estimate for the southern boundary of ringed seal critical habitat based upon suitability of habitat for birth lairs.

In determining the areas for critical habitat of Arctic ringed seals, NOAA Fisheries first identified the following three physical or biological features as essential to the conservation of the species:

1. Snow-covered 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 areas of seasonal landfast (shorefast) ice and dense, stable pack ice, excluding any bottom-fast ice extending seaward from the coastline (typically in waters less than 2 m deep), that have undergone deformation and contain snowdrifts of sufficient depth, typically at least 54 cm deep.
2. Sea ice habitat suitable as a platform for basking and molting, which is defined as areas containing sea ice of 15% or more concentration, excluding any bottom-fast ice extending seaward from the coastline (typically in waters less than 2 m deep).
3. Primary prey resources to support Arctic ringed seals, which are defined to be Arctic cod, saffron cod, shrimps, and amphipods.

When identifying which areas within the range of Arctic ringed seals qualify as critical habitat, the agency looked for specific areas which contain one or more of the three essential features listed above, and which may require special management considerations or protections. NOAA Fisheries identified one specific area to propose as critical habitat in the Bering, Chukchi, and Beaufort seas based on the expected occurrence of the identified essential features. With the exception of the exclusion noted below, the northern, eastern, and western boundaries constitute the outer extent of the U.S. Exclusive Economic Zone (EEZ), whereas the southern boundary is the estimated position of the May median ice edge for the 1990 to 2019 period.

Based on a request and information provided by the U.S. Navy about their various training and testing activities in the Arctic, and their inability to shift those activities to other areas or different times of the year due to the size of the proposed critical habitat, NOAA Fisheries is also proposing to exclude from the critical habitat designation an area north of Prudhoe Bay to the Canadian border, extending seaward from approximately 125 nm to 200 nm. The agency determined the benefits of excluding this particular area due to national security impacts outweighed the benefits of designating this area as critical habitat for the Arctic ringed seals. NOAA Fisheries also received requests by some Alaska Native organizations and tribes to exclude important hunting areas from the critical habitat designation, however NOAA Fisheries has clarified that no restrictions on subsistence hunting are associated with the critical habitat designation, thus no exclusion on this basis is warranted.

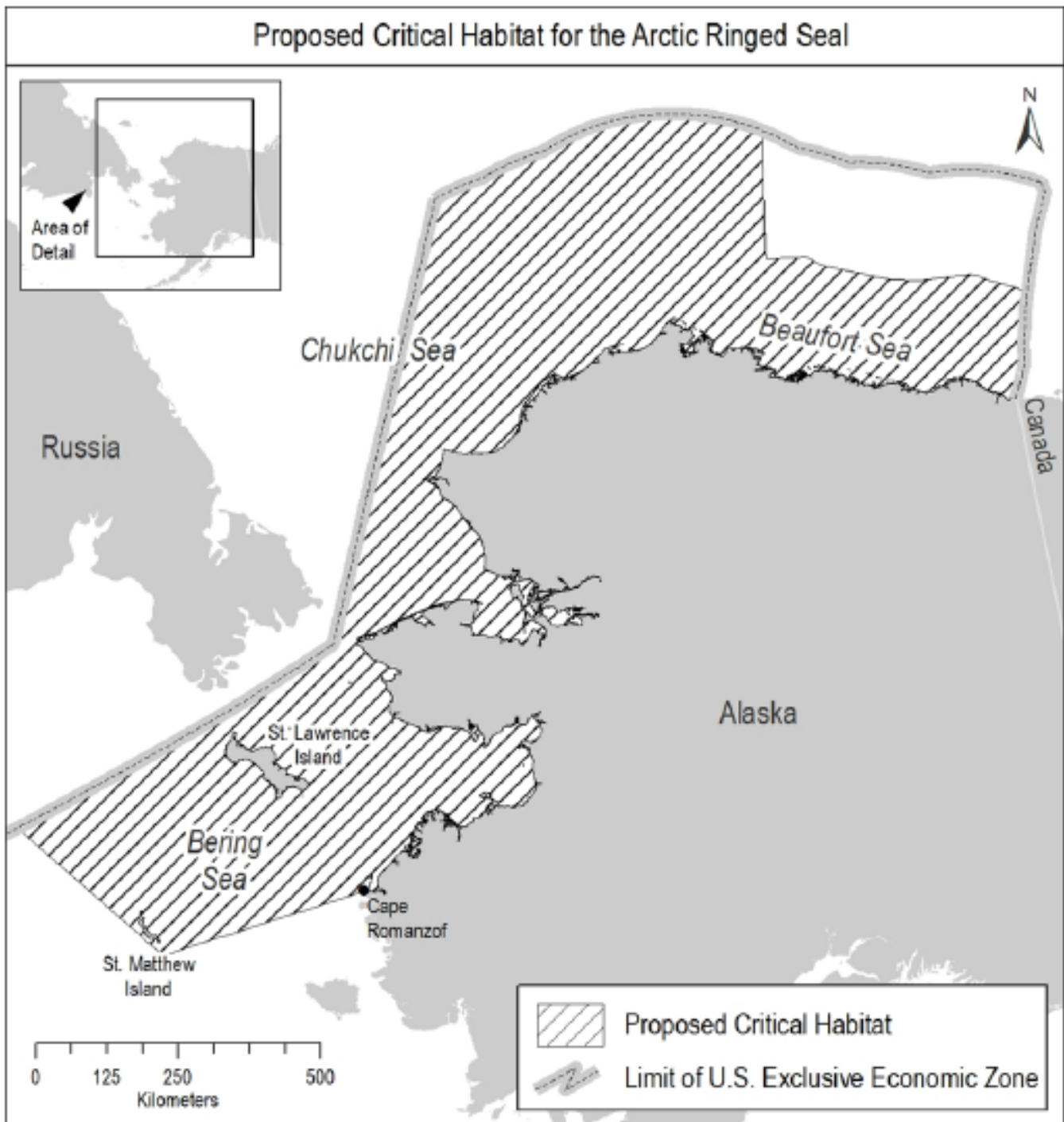
Another notable differences between the 2014 version and the currently proposed version of the critical habitat designation is the clarifications about the shoreward boundary. In the current version, NOAA Fisheries changed its wording regarding the shoreward boundary from “the coast line of Alaska” to “the line that marks mean lower low water (MLLW) because the former language omitted some smaller bays and shallow nearshore waters that contain the essential physical and biological features of habitat for Arctic ringed seals which the agency determined should be included in the designation.

The ESA requires that prior to designating critical habitat, the economic impacts of doing so be assessed. The agency also prepared a Draft Impact Analysis Report to assess the incremental costs and benefits (beyond those resulting from listing the seals as a threatened species) that may arise specifically as a result of the critical habitat designation, with economic costs estimated over the next 10 years. Identified potential benefits include all Federal agencies ensuring their actions are not likely to destroy or adversely modify the designated habitat; increased education and enhanced public awareness which may help focus and contribute to conservation efforts for the Arctic ringed seal and its habitat; and may result in indirect benefits to subsistence users, and other wildlife co-occurring in the same habitat, such as polar bears, Beringia DPS bearded seals, and Pacific walrus. The direct economic costs were estimated between \$786,000 to \$800,000 for a 10-year period and were primarily associated with administrative costs associated with implementing section 7(a)(2) of the ESA in consultation with

Federal agencies to ensure that their proposed actions are not likely to destroy or adversely modify critical habitat. No project modifications specific to critical habitat designation are anticipated. During this public comment period, NOAA Fisheries is also specifically seeking comments and information regarding the types of activities that are likely to undergo section 7 consultation as a result of the proposed designation, and will consider any relevant information when finalizing their economic analysis.

Learn more:

- To read the full text of the proposed critical habitat designation for Arctic ringed seals, [click here](#).
- To read the full text of the Draft Impact Analysis Report for Arctic ringed seals, [click here](#).
- To learn more about ringed seals in general, [click here](#).



Beringia DPS of Bearded Seal (*Erignathus barbatus nauticus*)

Bearded seals are the largest of the Arctic seals. They get the name “bearded” due to their long white whiskers, which are very sensitive and used for finding food along the bottom of the ocean. Bearded seals are also very vocal, especially males during the breeding season who vocalize intensively during this time to advertise their breeding condition and/or to proclaim a territory. In Alaska, bearded seals are found in sea ice over shallow waters (typically less than 200 m) of the continental shelf in the Bering, Chukchi, and Beaufort seas, where they can reach the ocean floor to forage. They are closely associated with sea ice, particularly pack ice, and rely on it to haul-out on so they can rest, molt, avoid predators, and birth and nurse pups. Due to their preference for icy habitats, their seasonal distribution and movements are linked to seasonal changes in ice conditions, generally moving north as the ice melts and retreats, and south as the sea ice forms and spreads.



Young bearded seal with long white whiskers.
Photo credit: NOAA/Michael Cameron

Although bearded seals may be found in a variety of sea ice types, they prefer drifting pack ice with natural openings to open water, such as leads, fractures, and polynyas. They use these openings for easy transition between the ice (for hauling out) and the water (for foraging), and access to air for breathing when in the water. If there aren't natural openings in the ice, the seals are able to make their own breathing holes if the ice is thin enough. The importance of these openings in the ice is highlighted in their tendency to avoid areas of continuous, thick, landfast (shorefast) ice as well as unbroken, heavy, drifting ice or large areas of multi-year ice.

Bearded seals in Alaska are part of the Beringia Distinct Population Segment (DPS) of the Pacific bearded seal subspecies, and were listed as a threatened species under the ESA in December 2012. NOAA Fisheries has identified ongoing and anticipated reductions in the extent and timing of sea ice cover stemming from climate change (warming) as posing a significant threat to bearded seals. In mid-2014, the ESA listing was vacated by the court (meaning they were no longer protected under the ESA), but a higher court reinstated the ESA listing in early 2017.

After two years passed since the reinstatement of the ESA listing with no critical habitat designated for Beringia DPS bearded seals, NOAA Fisheries was sued for failing to designate critical habitat in a timely manner. Under a court-approved stipulated settlement agreement, NOAA Fisheries agreed to publish a proposed rule to designate critical habitat for Arctic ringed seals by March 15, 2021, and to finalize the critical habitat determination by March 15, 2022. On January 8, 2021, NOAA Fisheries published a proposed rule to designate critical habitat for Beringia DPS bearded seals (86 FR 1433).

In determining the areas for critical habitat of Beringia DPS bearded seals, NOAA Fisheries first identified the following four physical or biological features as essential to the conservation of the species:

1. Sea ice habitat suitable for whelping and nursing, which is defined as areas with waters 200 m or less in depth containing pack ice of at least 25 percent concentration and providing bearded seals with access to those waters from the ice.
2. Sea ice habitat suitable as a platform for molting, which is defined as areas with waters 200 m or less in depth containing pack ice of at least 15 percent concentration and providing bearded seals access to those waters from the ice.
3. Primary prey resources to support bearded seals in waters 200 m or less in depth: benthic organisms, including epifaunal and infaunal invertebrates, and demersal and schooling pelagic fishes.

4. Acoustic conditions that allow for effective communication by bearded seals for breeding purposes within waters used by breeding bearded seals.

When identifying which areas within the range of Beringia DPS bearded seals qualify as critical habitat, the agency looked for specific areas which contain one or more of the four essential features listed above, and which may require special management considerations or protections. NOAA Fisheries identified one specific area to propose as critical habitat in the Bering, Chukchi, and Beaufort seas based on the expected occurrence of the identified essential features. The southern boundary of the proposed critical habitat is the estimated position of the April median ice edge for the 1990 to 2019 period, with some modifications to the ice edge contour line for simplification. Sea ice extent in April was selected because April is the peak month for bearded seal whelping (molting occurs later in the spring). The northern boundary is the 200-m isobath over the continental shelf break in the Chukchi and Beaufort seas. The outer extent of the U.S. Exclusive Economic Zone (EEZ) defines the east and west boundaries. The shoreward boundary of the proposed critical habitat is the mean lower low water (MLLW) line.

After review and coordination with the U.S. Air Force and U.S. Navy regarding their activities in or near proposed critical habitat for Beringia DPS bearded seals, NOAA Fisheries made a determination to not exclude any areas from critical habitat based on national security impacts. NOAA Fisheries also received requests by some Alaska Native organizations and tribes to exclude important hunting areas from the critical habitat designation, however NOAA Fisheries has clarified that no restrictions on subsistence hunting are associated with the critical habitat designation, thus no exclusion on this basis is warranted.

The ESA requires that prior to designating critical habitat, the economic impacts of doing so be assessed. As such, the agency also prepared a Draft Impact Analysis Report to assess the incremental costs and benefits (beyond those resulting from listing the seals as a threatened species) that may arise specifically as a result of the critical habitat designation, with economic costs estimated over the next 10 years. Identified potential benefits include all Federal agencies ensuring their actions are not likely to destroy or adversely modify the designated habitat; increased education and enhanced public awareness which may help focus and contribute to conservation efforts for the Beringia DPS bearded seal and its habitat; and may result in indirect benefits to subsistence users, and other wildlife co-occurring in the same habitat, such as polar bears, Arctic ringed seals, and Pacific walrus. The direct economic costs were estimated at \$786,000 for a 10-year period and were primarily associated with administrative costs associated with implementing section 7(a)(2) of the ESA in consultation with Federal agencies to ensure that their proposed actions are not likely to destroy or adversely modify critical habitat. No project modifications specific to critical habitat designation are anticipated.

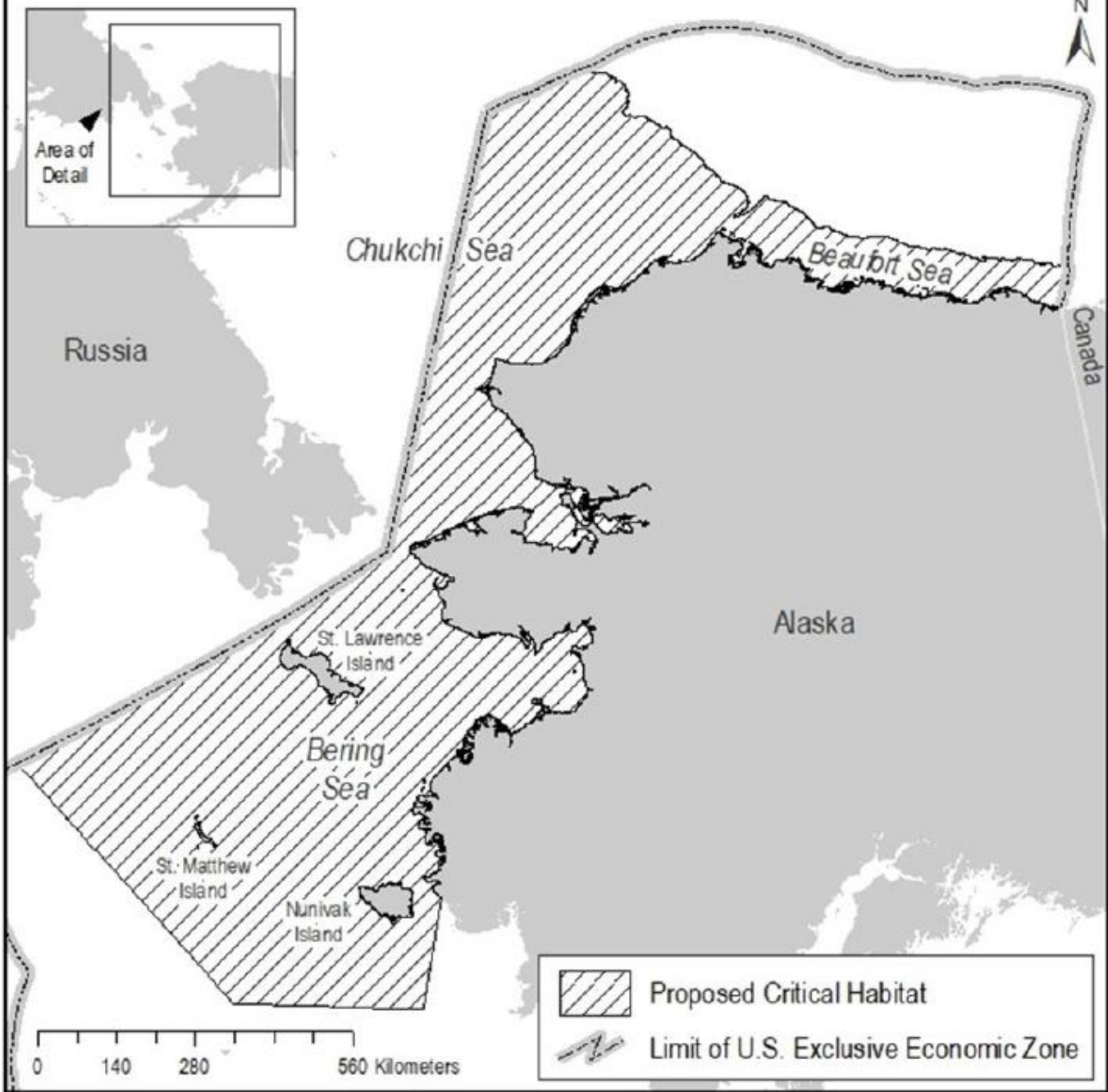


Bearded seal hauled-out on ice. Photo credit: John Jansen

Learn more:

- To read the full text of the proposed critical habitat designation for Beringia DPS bearded seals, [click here](#).
- To read the full text of the Draft Impact Analysis Report for Beringia DPS bearded seals, [click here](#).
- To learn more about bearded seals in general, [click here](#).

Proposed Critical Habitat for the Beringia DPS of the Bearded Seal



Two Public Comment Methods

NOAA Fisheries is accepting public comments and additional information on any portion of the proposed critical habitat designations for either species, to include, but not limited to: habitat use by the species, including rivers and streams; the identification, location, and quality of the physical or biological features; the delineation of the boundaries; any additional information to further inform the economic analyses; identification of current or planned projects (Federal or non-Federal) in the areas proposed as critical habitat and how critical habitat may affect those projects; and potential effects to Alaska Native cultural practices and villages. The agency encourages the inclusion of maps and descriptions of the affected areas or activities, descriptions of existing or planned conservation measures which may protect the seals' habitats, and a point of contact.

1) Testify Orally during a Public Hearing – February 23, 24, or 25

NOAA Fisheries is holding virtual public hearings by teleconference on February 23, 24, and 25 beginning at 4pm each day, and ending no later than 7pm (although they may end earlier). A short presentation will be given by NOAA Fisheries staff in the beginning of each meeting, and then members of the public may provide oral testimony. Please note, each person is generally limited to only 3 minutes during oral testimonies and we recommend you practice and time your comments in advance to ensure you can read them in under 3 minutes. If your comments require more than 3 minutes to read, we strongly urge you to consider submitting your comments in writing (see method #2 below).

The three public hearings will be held by conference calls, convening at 4 p.m. and concluding no later than 7 p.m. Alaska Standard Time on each of the following dates:

- February 23, 2021 (Yukon-Kuskokwim and southwest Alaska)
- February 24, 2021 (Northwest Arctic Borough and northern Bering Sea)
- February 25, 2021 (North Slope Borough)
- The conference call information for all three hearings is the same: Telephone (800) 201-3962; Conference Code: 651174

Although NOAA Fisheries has identified specific regions for each meeting, all hearings are open to all interested parties regardless of region and they will accept testimony regarding any area or aspect of the proposed critical habitat designations during any meeting. You only need to attend and testify at one meeting as the information presented by NOAA Fisheries will be the same each time.

2) Submit Written Comments – due March 9

NOAA Fisheries is accepting written public comments until March 9, 2021 on all aspects of the proposed designations.

Submit Comments Online:

The online system allows you to either type your comments directly into their comment box, or attach your comments as a separate file. Each species has a separate page to submit comments, so if you are providing comments for both species, you must submit your comments via the appropriate portal. If you developed one comment that covers both species, we suggest you submit that same comment to both species' pages. As a reminder, if you submit a comment via a governmental portal, anything you voluntarily enter or attach (including personal or business information) may be publicly viewable by other people. If you wish to remain anonymous, make sure you do not include your name or other identifying information in your comment itself, and when it asks for your information, enter "N/A" into those required fields.

- RINGED SEALS
 - [Click here to submit public comments online for RINGED SEALS](#) or go to regulations.gov and search for docket # NOAA-NMFS-2013-0114 and submit your comment via the “Comment Now!” button
- BEARDED SEALS
 - [Click here to submit public comments online for BEARDED SEALS](#) or go to regulations.gov and search for docket # NOAA-NMFS-2020-0029 and submit your comment via the “Comment Now!” button

Submit Comments by Mail:

- Address your written comment to:
Jon Kurland
Assistant Regional Administrator for Protected Resources
Alaska Region, NMFS
Attn: James Bruschi
P.O. Box 21668
Juneau, AK 99802-1668
- In your comment, clarify which species your comment is about by including the following ID number:
 - For RINGED SEALS include “NOAA-NMFS-2013-0114”
 - For BEARDED SEALS include “NOAA-NMFS-2020-0029”
 - If your comment is about both species, include both of these numbers