

## SUMMARY OF ESA STATUS REGARDING ARCTIC SPECIES

### ENDANGERED SPECIES:

- **Eskimo Curlew** – Listed March 11, 1967. Medium-sized shorebird. Last sighting off the coast of Texas in 1962.
- **Bowhead Whale** – Listed June 2, 1970. NOAA found in favor of designating critical habitat for the Bering Sea Stock of Bowhead Whales on May 22, 2001. No critical habitat has yet been designated.

### THREATENED SPECIES:

- **Spectacled Eider** – Listed May 10, 1993. Large sea ducks that spend most of their life at sea. Critical habitat was issued on Feb. 06, 2001 and includes approximately 39,000 square miles.
- **Steller's Eiders** – Listed June 11, 1997. Small, marine duck. Although difficult to determine, USFWS has stated that population has been in relative decline. 2,839 square miles of land has been listed as critical habitat as of February 2, 2001.
  - Both are also protected under the MBTA. USFWS issued regulations designed to limit the harvest of both species in 2009, which include some restrictions on times of hunting.
- **Polar Bear** – Listed May 15, 2008. USFWS issued 4(d) special rule allowing for subsistence take, oil & gas activities, deterrence, and self defense. Multiple lawsuits have been brought and are pending in the D.C. Federal District Court. 200,000 square miles have been proposed for critical habitat designation and a final rule is expected by June 30, 2010. USFWS will develop guidelines for deterrence by March 31, 2010. The Borough previously filed comments on Dec. 28, 2009 protesting lack of consultation.
  - In its prior comments, the Borough indicated that it opposed listing of the polar bear due to insufficient data indicating the stock was actually declining (some reports point to the contrary). At the time of the comments, the Borough believed adequate protection measures were already in place and that listing would be premature based on existing data.

### SPECIES UNDER CONSIDERATION:

- **Ice Seals** (including Bearded, Ringed, and Spotted) – Petition to list filed by Center for Biological Diversity on May 28, 2008. NMFS concluded, after conducting a status review, that listing of the species may be warranted. A proposed rule should have been issued by May 2009 but was never issued. The Center for Biological Diversity issued a notice of intent to sue. All three species are currently managed under the MMPA allowing for subsistence take, deterrence, and self defense.
  - For Bearded and Ringed Seals, NMFS will determine if listing is warranted by Nov. 1, 2010.
  - Spotted Seals in the Yellow Sea have been proposed to be listed by NMFS as a DPS.
- **Ribbon Seal** – Center for Biological Diversity filed a petition to list the species on Dec. 27, 2007. Determination that listing was not warranted issued on Dec. 30, 2008. Lawsuit has been brought challenging this decision. Currently managed under MMPA allowing subsistence take, deterrence, and self defense.
- **Pacific Walrus** – On Feb. 7, 2008, the Center for Biological Diversity filed a petition to list the walrus under the ESA. USFWS announced on Sept. 10, 2009 that listing may be warranted and is currently conducting a status review. A decision should be announced by Sept. 10, 2010.

submitted by: North Slope Borough

Currently managed under the MMPA allowing subsistence take, deterrence, and self defense. Some non-lethal, incidental take is permitted for oil and gas activities.

- **Kittlitz's Murrelet** – Small bird found in the waters off the shore of Alaska. Listed as a candidate species on May 4, 2004 under the ESA. Because it is a candidate species, ESA's protections do not currently apply. AK Dept. of Fish and Game declined to list it as a state endangered or threatened species on April 7, 2009. These birds are not currently included as a species subject to subsistence harvest under the MBTA.
- **Yellow-Billed Loon** – Center for Biological Diversity filed a petition on March 30, 2004 to list the yellow-billed loon as threatened or endangered. On March 25, 2009, the USFWS concluded that listing the yellow-billed loon under the ESA is warranted but precluded by other higher priority listing actions and therefore, USFWS classified them as a candidate species under the ESA. Currently protected under the MBTA and no subsistence harvest is permitted. But, up to 20 loons per year taken inadvertently is acceptable.
- **Caribou** – International Fund for Animal Welfare filed a petition with USFWS on Sept. 15, 2009 to list two subspecies under the ESA. The two subspecies are only found in Canada, so USFWS will consider whether to list them as a foreign species. USFWS is required to determine whether listing may be warranted 90 days after receipt of the petition.