



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

June 11, 2008

Ice Seal Committee
John Goodwin, Chairman
P.O. Box 413
Kotzebue, AK 99752

Dear Mr. Goodwin:

On May 28, 2008, NOAA's National Marine Fisheries Service (NMFS) received a petition from the Center for Biological Diversity (CBD) to list three ice seal species (ringed, bearded, and spotted) under the Endangered Species Act (ESA). NMFS is reviewing this petition to determine if it presents substantial information indicating that the petitioned action may be warranted. The Notice of Finding on this petition will be published in the Federal Register in August, 2008.

We understand that potential listing of these seals presents concern regarding continued subsistence harvests by Alaskan Natives. Section 10 (e) of the ESA specifically exempts subsistence harvests by Alaskan Natives. Subsistence hunting can be regulated under the Act, but only when the harvest is found to materially and negatively affect the species, and then only after notice and hearing in the affected district(s) of Alaska. Because population numbers of ice seals appear to be high, and harvest by Alaskan Natives relatively low, to the best of our knowledge the effects of subsistence hunting do not appear to be "materially and negatively" affecting ice seal populations. Therefore we do not anticipate that listing these seals under the ESA would lead to any regulation of subsistence hunting. NMFS is also required to designate critical habitat for any species that is listed as threatened or endangered. However, such designation would not carry any prohibitions on subsistence hunting of seals using traditional practices. The designation of critical habitat would mean that any Federal agency proposing an action within those areas must consult with NMFS to ensure their actions would not adversely modify that habitat.

Due to the petition to list the ribbon seal under the ESA, filed by the CBD on December 20, 2007, NMFS has already voluntarily chosen to initiate a status review of the ice seal species in the Alaska region that share similar habitat and biological requirements as ribbon seals (73 FR 16617, March 28, 2008). If we make a positive 90-day finding on CBD's May 28 petition to list ringed, bearded, and spotted seals, we would then be under statutory obligation to complete those status reviews by May 28, 2009.

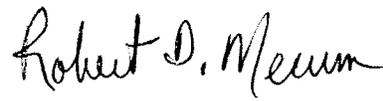
Our intention is to conduct comprehensive reviews of the available information about the current and future status of ice seal species. Each of these species interacts with sea ice in different ways. It is important to assemble and review the available information as soon as



possible to best enable the agency to meet its goals of protecting and co-managing these important subsistence resources. Conducting the status reviews does not signal an intention or a proposal to list the ice seals under the ESA; rather it is a process to determine whether such a proposal is warranted, based on the best available science.

As we go through this process, NMFS will remain in close communication with the Ice Seal Committee regarding the ice seal status reviews. If you have questions about the ice seal petition or the status review process, please contact James Wilder in the Alaska Region Protected Resources Division, at (907) 271-6620.

Sincerely,

A handwritten signature in black ink that reads "Robert D. Mecum". The signature is written in a cursive style with a large, prominent "R" and "M".

Robert D. Mecum
Acting Administrator, Alaska Region

Cc:
Sandy Tahbone
Jennifer Hooper
Harry Brower, Jr., Vice Chairmen
Ms. Meda Snyder
Mr. Charles Johnson