

TESTIMONY OF H. DALE HALL, DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE ON EXAMINING THREATS AND PROTECTIONS FOR POLAR BEARS

January 30, 2008

Chairman Boxer, Ranking Member Inhofe, and Members of the Committee, I am H. Dale Hall, Director of the U.S. Fish and Wildlife Service (Service), and I appreciate the opportunity to testify before you today regarding both the proposal to list the polar bear as a threatened species under the Endangered Species Act (ESA) and the current protections provided for polar bears under Federal laws such as the Marine Mammal Protection Act (MMPA).

Under the ESA, a species may be determined to be either an endangered species, defined as one which is in danger of extinction throughout all or a significant portion of its range, or a threatened species, defined as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, based on one or more of the following five factors:

- Present or threatened destruction, modification or curtailment of its habitat or range;
- Overutilization for commercial, recreational, scientific or educational purposes;
- Disease or predation;
- Inadequacy of existing regulatory mechanisms; or
- Other natural or manmade factors affecting its continued existence.

This determination is to be based solely on the best scientific and commercial data available and after taking into account any efforts being made by any state or foreign nation, or any political subdivision of either, to protect such species. The determination may be based on any of these factors or a combination of the factors. The ESA does not distinguish between natural or manmade causes.

As Committee Members are aware, on January 9, 2007, the Service proposed to list the polar bear under the ESA as a threatened species throughout its range after a scientific review of the polar bear found that populations may be threatened by decreasing sea ice extent and coverage and inadequate regulatory mechanisms to address sea ice recession. Polar bears use sea ice as a platform for many activities essential to their life cycle, especially hunting for their main prey, ice seals. The polar bear listing proposal was based on both observed and projected future effect of the expected modification or curtailment of polar bear habitat or range, specifically from receding sea ice, and the absence of any known regulatory mechanisms at the national or international level effectively addressing this threat to polar bear habitat. As part of the scientific review for the listing proposal, the Service also considered the possibility of effects from oil and gas development, hunting, and subsistence harvest and determined, based on a review of various factors, that these activities do not threaten the polar bear rangewide.

At the time Secretary of the Interior Dirk Kempthorne announced the proposal, he directed the U.S. Geological Survey (USGS) to perform new research aimed at providing additional analysis designed to assist our process of moving from a proposed rule to a final rule. The Secretary also directed the Service to work with the public and pertinent sectors of the scientific community to broaden our understanding of what factors affect the species and to gather additional information to inform the final decision on whether the species warrants Federal protection under the ESA. The Service opened a three-month public comment period and held public hearings in Anchorage and Barrow, Alaska and Washington D.C. In June 2007, the Service hosted a meeting of countries that are part of the polar bear's range that included official representatives from the United States, Canada, Norway and Russia. Greenland, which is part of Denmark, was also represented. The meeting provided a forum for the exchange of scientific, management and technical information among the range nations.

In September 2007, USGS scientists provided the results of their new research to the Service. This research included an evaluation of polar bears occupying similar physiographic ecoregions and a determination of how the observed and projected changes

in sea ice translate into changes in polar bear habitat availability and status. It updated population information on polar bears of the Southern Beaufort Sea of Alaska, and provided new information on the status of two other polar bear populations (Northern Beaufort Sea and Southern Hudson Bay). USGS studies also provided additional data on arctic climate and sea ice trends and modeled probabilities of change to polar bear numbers throughout the species' range over various time periods.

As a result of the new USGS research findings, the Service reopened and later extended a second comment period, which closed on October 22, 2007, to allow the public time to review and respond to the USGS findings. At the time the decision was made to reopen and extend the comment period, I alerted the Department that the Service might need extra time to adequately evaluate and incorporate results from the comments received. The Service received numerous comments on the USGS reports and has been working to incorporate the USGS findings, as well as to analyze and respond to the information provided during this extended comment period.

The Service expects to provide a final recommendation to the Secretary of the Interior and to finalize a decision on the proposal to list the polar bear as a threatened species under the ESA in the near future.

POLAR BEAR CONSERVATION

The Service working with key partners including the State of Alaska, Alaska Natives, the oil and gas industry, other Federal agencies, science organizations, foreign countries within the range of the polar bear and the sporting and conservation communities, has a number of programs or efforts in place which provide conservation benefits to the polar bear.

The polar bear is currently protected under the Marine Mammal Protection Act (MMPA). The MMPA, enacted in 1972, places an emphasis on habitat and ecosystem protection and sets forth a national policy to prevent marine mammal species or population stocks from diminishing to a point where they are no longer a significant functioning element of

the ecosystem. The Secretaries of Commerce and the Interior have primary responsibility for implementing the MMPA. The Department of the Interior, through the U.S. Fish and Wildlife Service, manages polar bears, walruses, manatees and sea otters. The Department of Commerce has responsibility for whales, porpoises, seals and sea lions. The incidental take provisions of the MMPA ensure that any population-level effects on the polar bear will be negligible and will not have an unmitigable negative effect on the availability of the species for subsistence use by Alaska Natives.

The Service and its partners have also started working on coordinated efforts to conserve polar bears under our existing authorities. These efforts will focus on polar bear management and coordination; polar bear conservation planning, range-wide; implementation of the U.S.-Russia Bilateral Agreement¹; and research and monitoring, and represent an ongoing approach to utilizing and depending upon the expertise, authorities, and support of our State, Federal, Alaska Native, and non-governmental partners. International collaboration will also be fundamental to the success of efforts to address polar bear conservation in the near and long term, using a broad, landscape-level, inter-disciplinary approach.

In addition to the MMPA and the proposed status under the ESA, the polar bear is protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the 1973 Agreement between all five range states, and the Inupiat-Inuvialuit Agreement. This latter agreement is a voluntary agreement between two Native groups – one Alaskan and one Canadian – that harvest polar bears for cultural and subsistence purposes. The Agreement covers the Southern Beaufort Sea population, and harvest under the agreement is monitored by the Service's marking and tagging program. Illegal take or trade in Alaska is monitored by the Service's law enforcement program. All of these protections remain in place regardless of the final listing decision under the ESA.

¹ Agreement between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population.

CONCLUSION

In conclusion, I look forward to working with you as we move forward on this important issue. The Service recognizes that the polar bear faces significant challenges across its range, but we will continue to work with all stakeholders, including the State of Alaska, Alaska Natives, industry, the sporting and conservation communities and foreign governments to conserve the polar bear throughout its range. Rest assured, we are actively utilizing our resources to make an informed decision, based on the best available scientific and commercial data available. I appreciate the opportunity to be here today and am happy to answer any questions you may have.