

Pacific Walrus 12-month Finding Questions and Answers

1. What action is the U.S. Fish and Wildlife Service taking today?

The U.S. Fish and Wildlife Service determined that the Pacific walrus does not warrant listing as threatened or endangered under the Endangered Species Act (ESA). The finding follows a comprehensive review and analysis of the best available scientific information concerning the species, as well as local and traditional ecological knowledge of Alaska Native peoples.

2. What federal Pacific walrus listing actions have preceded this announcement?

- **The Service received a petition** on February 8, 2008 from the Center for Biological Diversity (CBD) to list the Pacific walrus as threatened or endangered under the ESA and to designate critical habitat for the species. The petition claimed that global warming would impact the species by degrading and eliminating critical sea-ice habitat; decreasing prey availability; altering interactions with predators and disease; increasing human disturbance throughout its range; and that without sea ice, Pacific walruses will be forced into a shore-based existence for which they are not adapted.
- **CBD filed a complaint in U.S. District Court for the District of Alaska** on December 3, 2008 for declaratory judgment and injunctive relief challenging the failure of the Service to make a 90-day finding on their petition to list the Pacific walrus. On May 18, 2009, a settlement agreement was approved in the case of *Center for Biological Diversity v. U.S. Fish and Wildlife Service, et al.* (3:08-cv-00265-JWS) requiring the Service to submit a 90-day finding on the petition to the *Federal Register* by September 10, 2009.
- **The Service published a 90-day finding** on September 10, 2009 stating that substantial scientific or commercial information indicated that the petitioned action may be warranted due to effects on walruses resulting from changes in climate and sea-ice habitats. The Service also announced initiation of a status review, and opened a 60-day comment period soliciting scientific and commercial information on:
 - The current and historical status of the population's distribution, density and trends, taxonomy, food habits, and habitat selection;
 - The short and long-term effects of climate change, sea ice change, and ocean acidification on the distribution and abundance of Pacific walruses and their principal prey; and,
 - The effects of other potential threats to the subspecies, including oil and gas development, contaminants, and hunting.
- **The Court approved an amended settlement agreement** on August 30, 2010 requiring the Service to submit the 12-month finding to the *Federal Register* by January 31, 2011.

- **The Service published a 12-month finding** on February 10, 2011 that stated that listing the Pacific walrus as an endangered or threatened species was warranted; however, the listing was precluded by higher priority actions. The agency added the Pacific walrus to the ESA Candidate List.
- **The Service entered into a settlement agreement** with WildEarth Guardians and CBD on September 9, 2011 regarding species on the candidate list at that time. The settlement agreement included a deadline to submit a proposed rule or not-warranted finding to the *Federal Register* for the Pacific walrus by September 30, 2017. This current action completes that process.

3. Why did the Service arrive at a “not warranted” finding in this decision when in 2011 the agency arrived at a “warranted but precluded” finding?

An important difference between the 2011 and 2017 findings is the ability to predict the impacts of certain environmental stressors on the species. Pacific walrus have shown the ability to change their behavior and adapt to new environmental challenges (including increased use of land on which to “haul out” when sea ice is unavailable). The population also appears to be approaching stability with reproductive and survival rates that are higher than in the 1970s - 1980s. Many of the same obstacles were identified in both 2011 and 2017 (including sea ice loss, subsistence harvest and population size), but there are several important differences:

- Local protection of Pacific walrus coastal haulouts in recent years has been effective at reducing disturbance and associated trampling and mortality events.
- In 2011 the Service assumed that the number of animals harvested annually for subsistence would remain constant while the population declined and, therefore, would become unsustainable. However, shortly after the 2011 decision, the number of animals harvested annually for subsistence dramatically declined due to poor weather and sea ice conditions associated with climate change. For this reason, in 2017, the agency assumed that subsistence harvest would remain sustainable into the future.
- The best available information for the 2011 decision included a population estimate of 129,000 (with a range of 55,000 to 507,000). In 2017 a preliminary estimate, gathered through mark-recapture work, indicates a population size of 283,213 (range of 93,000 to 478,975). While population size alone does not determine whether a species is threatened or endangered, a relatively larger population experiencing a similar level of stressors is likely to be more resilient.

4. How was information from the Alaska Native community incorporated into this finding?

Information from the Alaska Native community was incorporated into the finding in several different ways. In June of 2016, the U.S. Fish and Wildlife Service sponsored a workshop

where input from 20 participants representing 15 walrus hunting communities in Alaska provided information regarding the status of Pacific walruses from their perspective as Alaska Native subsistence resource users. The report from this workshop is a significant part of the Species Status Assessment (SSA) document and analyses that were used to inform the ESA decision.

In addition to the workshop, the Service conducted two rounds of government-to-government consultation with affected tribes and Alaska Native Claims Settlement Act regional and village corporations to provide information on how the ESA listing decision process would be conducted and to solicit information that could be used in the ESA decision process. The agency presented information about the listing process and responded to questions at the five annual meetings of the Eskimo Walrus Commission that have occurred since the 2011 finding. Finally, the Service incorporated numerous publications and reports containing Alaska Native local and traditional ecological knowledge with the science that is included in the SSA, which allowed the decision team to consider it, along with scientific data, in the ESA finding. The local and traditional ecological knowledge that was incorporated into the SSA is outlined in Appendix F of the Species Status Assessment (<https://www.fws.gov/alaska/fisheries/mmm/walrus/pdf/final-pacific-walrus-species-status-assessment.pdf>).

5. What other laws guide the conservation of Pacific walruses?

The Pacific walrus will continue to receive protection in the United States under the Marine Mammal Protection Act (MMPA). Protections afforded under the MMPA include prohibitions on the take, import, and export of the Pacific walrus or walrus products, except by Alaska Natives who may take Pacific walruses for subsistence and handicraft purposes.

Individuals, corporations, state or local governments, tribes or others who determine that their activities might incidentally harm Pacific walruses may obtain an incidental take authorization from the Service to avoid violating the MMPA.

6. What is the current size and trend of the Pacific walrus population?

The estimate of 283,213 individuals used in the listing determination is a preliminary estimate that was arrived at through genetics-based mark-recapture methods. Recent work by the U.S. Geological Survey indicates that the population likely reached carrying capacity in the early '80s and soon thereafter experienced an approximate 60% decline. This trend has moderated in recent years and the population appears to be approaching stability.

7. Why did the Service list polar bears in 2008, but decide on a “not warranted” finding for Pacific walruses when both are associated with sea ice?

Both the walrus and polar bear decisions were arrived at using the best available scientific information. That science led the Service in a different direction for each species because they have different responses to the same stressors. Polar bears have an extremely limited capability

to adapt to life on land because there are no land-based food sources capable of supplying the amount of high-fat food they need. Walruses, on the other hand, have shown an ability to use land-based haulouts when sea ice is unavailable, and to use those haulouts to rest between offshore feeding bouts. While walruses typically prefer sea ice over land-based haulouts, walruses have successfully used land-based haulouts throughout their range for decades. In addition, while polar bears and Pacific walruses are both associated with sea-ice, the total population of the former is no more than 20,000 to 25,000 individuals, while the Pacific walrus population contains approximately 283,000 individuals.

8. Where can I get additional information on this finding and Pacific walruses in general?

The finding is available at: <http://alaska.fws.gov/fisheries/mmm/walrus/esa.htm> or visit <http://www.regulations.gov> and search for Docket Number FWS-R7-ES-2009-0051.

Supporting documentation used in preparing this finding is available for public inspection (by appointment) at:

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9. Where can I find additional information regarding Pacific walrus?

For more information regarding the Pacific walrus and its life history, visit: <https://www.fws.gov/alaska/fisheries/mmm/walrus/wmain.htm>.