

Polar Bear Critical Habitat Final Rule Questions & Answers

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

The U.S. Fish and Wildlife Service is publishing a final rule to designate critical habitat for the polar bear, a threatened species protected under the federal Endangered Species Act (ESA). This final rule designates approximately 484,734 sq km (187,157 sq mi) of on-shore and offshore habitat in northern Alaska as critical habitat.

2. What is critical habitat?

Critical habitat is a term under the ESA identifying the geographic area that contains habitat features essential for the conservation of a threatened or endangered species and which may require special management considerations or protections. Section 7 of the ESA requires federal agencies to ensure that the activities they authorize, fund or carry out are not likely to jeopardize the continued existence of the species or to destroy or adversely modify its critical habitat. A designation does not set up a preserve or refuge, and has no specific regulatory impact on landowner actions on private land that do not involve federal agency funds, authorization or permits.

3. What are the criteria used to determine critical habitat?

Under the ESA, areas eligible for designation as critical habitat defines contain habitat features essential for the conservation of a protected species and which may require special management considerations. Such features include but are not limited to:

- 1) Space for individual population growth and for normal behavior;
- 2) Food, water, air, light, minerals, and other nutritional or physiological requirements;
- 3) Cover or shelter;
- 4) Sites for breeding, reproduction, or rearing (or development) of offspring; and
- 5) Habitats that are protected from disturbance or are representative of the historical, geographical, and ecological distributions of a species.

Critical habitat is determined after taking into consideration the economic impact, it could cause, impact on national security, as well as any other relevant impacts. The Secretary of the Interior may exclude any area from critical habitat if the benefits of exclusion outweigh the benefits of inclusion, as long as the exclusion would not result in the extinction of the species.

4. How will polar bears benefit from a critical habitat designation?

Critical habitat designation increases the protections afforded a listed species by focusing attention on the species' habitat needs, and by ensuring that federal agency activities do not destroy or adversely modify designated areas. Designated critical habitat receives an additional level of legal protection under Section 7 of the Endangered Species Act (ESA). In areas where polar bears occur, agencies are already required to consult with the Service to avoid actions that would jeopardize the continued existence of the species. However, the ESA also prohibits destruction or adverse modification of designated critical habitat. Federal agencies are required to consult with the Service when authorizing, funding or carrying out actions that may affect species protected by the ESA or their critical habitat. For actions on private or other non-federal lands that do not involve a federal nexus, designation of critical habitat alerts entities planning

to undertake those activities to the potential of inadvertently causing harm or “take” to a listed species.

5. Who will be affected by a critical habitat designation?

Federal agencies are required to consult with the Service on actions they carry out, fund or authorize that might affect critical habitat. Non-federal entities, including private landowners, will only be affected where a federal nexus exists that involves federal funding, permitting or authorization. Thus, activities conducted by a landowner or operator of a business not involving federal funding, permitting or authorization would not be affected.

6. What legal protections are currently in place for the polar bear?

Polar bears in the U.S. are managed and protected under three different authorities: the Endangered Species Act; the Marine Mammal Protection Act (MMPA) of 1972 (as amended); and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) signed in 1973.

In most cases, consultation under Section 7 of the ESA is already occurring where links between activities on private lands and federal funding, permitting, or authorization exist and polar bears are present. Consultation is also occurring under the provisions of the MMPA. Private landowners, corporations, state or local governments, tribes, or other non-federal landowners who are conducting activities that might incidentally harm (or “take”) polar bears, whether or not those activities occur within designated critical habitat, are required to obtain an incidental take permit from the Service, to avoid violating the ESA. Similar authorization must be given under the MMPA.

CITES is an international agreement initiated in 1973 and signed by the United States and more than 175 other countries regulating global trade in imperiled wild animals and plants including their parts and products. The Polar Bear is protected under Appendix II of CITES, requiring a CITES permit for the importation or export of any polar bear, its parts or products.

Listing the polar bear as a threatened species under the ESA automatically designated the bear as a depleted species under the MMPA. As a result, importation of sport hunted polar bear trophies is prohibited by the MMPA.

7. What areas are being designated as critical habitat?

Designated critical habitat encompasses three areas or units: barrier islands, sea ice and terrestrial denning habitat. The total area designated covers 484,734 sq km (187,157 sq mi). About 96 percent of the proposed critical habitat area is sea ice. Characteristics of these areas include:

- 1) The barrier island habitat includes coastal barrier islands and spits along Alaska’s northern coast.
- 2) Terrestrial denning habitat includes lands within 32 km (20 miles) of the northern coast of Alaska between the Canadian border and the Kavik River and within 8 km (5 miles) between the Kavik River and Barrow. In each case, these boundaries are informed by polar bear distribution data and encompass areas where 95 percent of bears were found to occur.
- 3) Sea ice habitat is located over the continental shelf, and includes ice over water up to 300 m (984 ft) in depth extending to the outer limits of the U.S. Exclusive Economic Zone, 321 km (200 miles) from shore.

This designation only applies to the lands and waters of the United States. There are two polar bear populations that occur on U.S. territory: the Chukchi Sea population and the Southern Beaufort Sea population. The current population estimate for the Southern Beaufort Sea population is approximately 1,500 animals. The Chukchi Sea polar bear population is currently unknown.

8. Why were these three habitat categories selected?

Barrier island habitat is used by polar bears for denning, refuge from human disturbances, access to maternal dens and feeding habitat, and travel along the coast. Special management considerations and protections may be needed in these habitats to minimize the risk of human disturbances, as well as potential negative impacts from shipping and crude oil spills associated with oil and gas development and production, oil and gas tankers, and other marine vessels.

Appropriate terrestrial denning habitat allows pregnant females to balance their nutritional demands before and after denning. They select den locations that will provide an environment safe from predatory adult males, human disturbance and adverse weather conditions – threats to which cubs are particularly vulnerable. Because of these factors, suitable terrestrial denning habitat located near the coast and those areas including the coastal barrier islands in northern Alaska are considered essential for the conservation of the species.

Sea ice habitat is essential to most polar bear activities. Polar bears evolved over thousands of years to life in a sea ice environment. They depend on the sea ice-dominated ecosystem to support essential life functions. Ice provides a platform for hunting and feeding, for seeking mates and breeding, for movement to terrestrial maternity denning areas, for resting and for long-distance movements. The sea ice ecosystem supports ringed seals, the primary prey of polar bears, and other marine mammals that are also part of their prey base.

Polar bears require a stable ice platform from which to hunt seals. This sea ice must provide accessibility to seals either at breathing holes, the ice edge, or near leads, called polynyas. Thus the sea ice has to be in close proximity to these potential feeding areas. The highest densities of ringed and bearded seals occur in the shallower more productive marine waters over the continental shelf. Consequently, sea ice habitat adjacent to open water areas over the shallower waters is preferred polar bear habitat.

9. What changes were made to the critical habitat areas based on comments received during the public comment period on the proposed rule and publication of the final rule?

On October 29, 2009, the Service proposed a total critical habitat designation of approximately 519,403 sq km (200,541 sq mi), entirely within the lands and waters of the United States. However, the Service incorrectly identified the extent of the U.S. territorial waters in its proposal. The final critical habitat designation corrects this error to accurately reflect the U.S. boundary for proposed sea ice habitat.

In addition, the critical habitat included in the final rule differs from that originally proposed in several significant areas: 1) five U.S. Air Force (USAF) Radar Sites are exempt from the final rule based on their Integrated Natural Resource Management Plans, which include measures to protect polar bears occurring in habitats within or adjacent to these facilities; 2) the Native communities of Barrow and Kaktovik were excluded from the final designation; 3) all existing

manmade structures (regardless of land ownership status) are not included in the final critical habitat designation.

As a result of these changes, the final rule designates approximately 484,734 sq km (187,157 sq mi).

10. Why have the native communities of Barrow and Kaktovik been excluded from the final designation?

The Service has a history of coordinating with Native communities regarding polar bear management issues, and conducted extensive outreach relative to this critical habitat designation with Alaska Native organizations and communities within the range of the polar bear in Alaska. During the public comment period, the Service received comments that recommended the exclusion of all Native-owned lands (including those owned by Native and Village corporations, local governments, and Native allotments) from the critical habitat designation.

Based on the benefits of maintaining and sustaining conservation partnerships with native communities, the Secretary has exercised his discretion, as authorized under section 4(b)(2) of the Act, to exclude the town sites for Barrow and Kaktovik, the only formally defined and recognized communities that overlap with the proposed critical habitat. The legal boundaries that define Barrow are larger than the currently developed areas and thus provide for town expansion. New construction on private land outside the town boundaries would only require section 7 consultation with the Service if Federal funding or a Federal permit was required. However, consultation does not mean that new construction could not occur, but would mean that impacts to polar bear critical habitat would need to be considered.

11. What about undeveloped land owned by Native and Village Corporations?

Any existing manmade physical structures, including those owned by the Native communities found on otherwise undeveloped land, are not included in the critical habitat designation. However, with respect to the large areas of undeveloped land owned by the Native and Village corporations, the Service has determined that exclusions cannot be made based on uncertain future development. Any future activities that may affect polar bears, and, if there is a Federal nexus, polar bear habitat, would be addressed through section 7 of the Act. In addition, critical habitat designation provides benefits by making land managers aware of areas that are essential to polar bears. Therefore, the Secretary has decided not to exercise his discretion to exclude Native Village and Corporation lands that are not currently developed.

12. What role have native communities played in efforts to conserve polar bears?

The Marine Mammals Management Office of the Service has worked closely with Alaska Native communities for many years through the Alaska Nanuuq Commission, North Slope Borough, and local communities to discuss management and conservation issues concerning polar bears and subsistence uses. The Native community has been instrumental in assisting the Service with scientific studies; contributing to the success of the Marking, Tagging and Reporting Program; managing the southern Beaufort Sea population through the Inuvialuit/Inupiat Agreement of 1988; and more recently in the formation and implementation of the U.S./Russia Bilateral Agreement for the Conservation of the Alaska/Chukotka Polar Bear Population. The working relationships developed over the past 20 plus years have often provided the framework for other Service field offices and other agencies wishing to work in

Alaska Native communities. The Service remains committed to working with Alaska Natives on issues regarding conservation and subsistence use of polar bears in Alaska.

13. Has the Service been working with these communities to minimize interactions with polar bears?

Yes. The Service has been actively working with the Arctic National Wildlife Refuge and local residents in the village of Kaktovik to reduce bear-human interactions. Accomplishments to date have included setting up a Kaktovik polar bear committee, acquiring funds through tribal grants, conducting bear patrols, conducting safety and bear deterrence training, developing safety guidelines, and the developing polar bear viewing guidelines. The Service is expanding this effort to more communities as resources allow.

14. What effect will the critical habitat designation have on the subsistence harvest and the current practice of moving subsistence-harvested whales away from communities for safety reasons?

The designation of critical habitat for polar bears in Alaska will not affect subsistence harvest of polar bears or the movement of whale carcasses away from communities and hunting camps to reduce adverse bear-human interactions. Subsistence harvest is specifically exempt under the ESA and the MMPA and, as such, will not be affected by the designation of critical habitat. The practice of moving whale carcasses taken for subsistence purposes away from the villages is in the best interest of both polar bears and humans. Further, there is no federal nexus to these activities as described, and thus a section 7 consultation would not be required.

15. Does the area designated as critical habitat remain critical habitat when the sea ice is not present at any given time?

Yes. Areas which are designated as critical habitat retain that designation even when the sea ice is not present for seasonal variations or other factors. If a proposed activity would take place at a time when the ice is likely to be absent, analysis under Section 7 of the ESA of the potential adverse effects of the activity would take that probable absence into consideration.

16. Why are only U.S. lands designated as critical habitat?

The Service lacks legal authority to designate critical habitat outside the United States and its territories. According to the Fish and Wildlife Service, Department of the Interior/National Oceanic and Atmospheric Administration, Department of the Commerce listing regulations (50 CFR Part 424 - Listing Endangered and Threatened Species and Designating Critical Habitat; § 424.12 Criteria for designating critical habitat, (h)), "Critical habitat shall not be designated within foreign countries or in other areas outside of United States jurisdiction."

17. Will the critical habitat designation affect the exemption for Alaska Natives? Will the critical habitat designation alter subsistence harvest regulations or impose additional restrictions?

No. Designation of critical habitat will not affect the provisions under the ESA for the continued subsistence harvest of polar bears.

18. Where do polar bears live?

Polar bears occur throughout most ice-covered seas in the arctic, however, they are not evenly distributed throughout their range. They are generally found near the shore in shallow water, and in areas where ocean conditions bring nutrient-rich water near the surface and keep the ice

from becoming too thick in winter. Over most of their range, male polar bears remain on the sea ice nearly year-round.

19. Where are polar bears found in U.S. territory?

There are two polar bear populations that occur in U.S. territory: the Chukchi Sea population of unknown size that is shared with Russia, and the Southern Beaufort Sea population with an estimated 1,500 animals that is shared with Canada.

20. What is currently being done to protect polar bears in Alaska and internationally?

The Department of the Interior (DOI) has an active polar bear management and research program in place. The management program includes cooperation and collaboration with a broad array of partners. The research program includes studying polar bear population status and trends and conducting a variety of ecological investigations (including studies on the distribution and feeding ecology of on-shore bears, denning emergence patterns, and habitat relationships in the Southern Beaufort and Chukchi Seas).

DOI and its collaborators conduct studies of polar bear behavior and distribution in areas of development and the presence of disease and contaminants in polar bears.

This high-profile listing action helped renew interest by the Polar Bear Range States (signatories to the 1973 Agreement on the Management and Conservation of Polar Bears) to meet and address polar bear conservation issues.

Also, DOI continues to manage oil and gas operations to minimize impacts on resident wildlife, including polar bears. Implementation of the ESA and use of Incidental Take Regulations established under MMPA are important tools.

The Service is working with Alaska Natives to provide technical support for an Inupiat/Inuvialuit agreement between indigenous hunters of Alaska and Canada. The Service is participating in the U.S. – Russia Bilateral Agreement to develop population estimates and manage subsistence harvest of this shared population. In addition, the Service is taking steps to minimize bear-human interactions and their potential adverse effects.

More on these programs can be found at <http://alaska.fws.gov/fisheries/mmm/polarbear/pbmain.htm> and http://alaska.usgs.gov/science/biology/polar_bears/.

21. Are updated population numbers or estimates available for the polar bear?

Yes. Since the listing of polar bears as a threatened species on May 15, 2008, updated population estimates are now available for 2 of 19 subpopulations: the Barents Sea population is estimated at 2,650 bears, and the Davis Strait population is estimated at 2,142 bears. The world-wide population of polar bears is still estimated to be between 20,000 and 25,000.

22. Why is sea ice important to the polar bear?

Polar bears are evolutionarily adapted to life on the sea ice. Polar bears require sea ice as a platform for hunting and feeding on seals, seasonal and long-distance movements, travel to terrestrial maternal denning areas, resting and mating. Polar bears are classified as an ice-obligate (ice restricted) species due to their dependence on the sea ice as a platform for resting, breeding and foraging. A majority of the polar bears in the U.S. population remain with the sea

ice year-round and prefer the annual sea ice located over the continental shelf and areas near the southern ice edge for foraging.

In the winter, seals depend on holes or cracks in the ice to surface and breathe between long periods of swimming underwater. They also use small openings just under the surface of the ice for shelter. Polar bears anticipate this and generally catch their prey at those times. As the sea ice melts, access to prey becomes more difficult and the summer season becomes a fasting time for polar bears. It is easier for seals to reach the surface without encountering a bear as the sea ice recedes, while at the same time the bears lose their ability to wait and rest at places seals must visit. As a consequence, polar bears are forced onto ice over deeper, less productive Arctic waters where seals are less likely to occur, or even onto land where their food supply is extremely limited or non-existent. While this summer fasting cycle is a component of some polar bear populations' life history, as the ice melts earlier in the summer and re-freezes later in the fall, the bears must fast for progressively longer periods.

23. What is happening to the sea ice?

The scientific consensus is that arctic sea ice habitat is declining due to melting from human-induced global warming, atmospheric changes (including circulation and clouds) and changes in oceanic circulation. As a result, sea ice is beginning to melt earlier in the summer, retreating farther during the late summer and early fall, and refreezing later in the fall than has ever been observed. In addition, research has demonstrated a decline in multi-year ice (ice that remains year round), and decreasing ice thickness. The length of the arctic melt season is increasing by a rate of approximately 13.1 days per decade.

24. Will polar bears “adapt” to life on land?

While many bear species are generally adaptable, polar bears, the largest of the bear species, differ from all other bear species because they specialize in a high-calorie, carnivorous diet. Their size, increased fat storage capability, and minimized heat loss make them uniquely suited for the Arctic environment. The decline of sea ice decreases access to their principal food supply and increases the amount of energy they must expend to reach the seals they do consume. The high fat content of seals helps them maintain their body size and their survival. No suitable alternative food source exists on land and, in some situations, when food is limited some polar bears have preyed on other polar bears. While species can and do adapt to changing environments, the time frame at which adaptation typically occurs is longer than the time frame in which polar bears are expected to experience a dramatic loss of habitat.

25. What does the best available scientific information suggest about the future of polar bear populations?

At the time the polar bear was listed, a team lead by scientists from the U.S. Geological Survey and including scientists from other American and Canadian government agencies, academia and the private sector concluded changes in future sea ice conditions, if realized, will result in the loss of approximately 2/3 of the world's current polar bear population by the mid 21st century. Models used by the USGS team also projected a 42 percent loss of optimal polar bear habitat from the Polar Basin during summer, a vital hunting and breeding period, by mid-century. Because the observed trajectory of Arctic sea ice decline appears to be underestimated by currently available models, this assessment of future polar bear status may be conservative.

26. Studies suggest that polar bear populations will decline regardless of what is done to reduce greenhouse gas emissions, because emissions that have already been released into the atmosphere will result in continued climate warming and additional loss of the polar bear's sea ice habitat. Can anything be done to save polar bears?

Inertia in the climate system means human reductions in greenhouse gas emissions will not immediately reduce global temperature or reverse sea ice decline. However, actions beginning in the next few years will help to prevent potentially catastrophic climate change, and hopefully may begin to show some effect in the next 30 to 50 years. Because the Intergovernmental Panel on Climate Change has now concluded, with certainty, that the current warming is mostly caused by human contributions of greenhouse gases, this warming can be reversed in the long run by appropriate human actions. Polar bear experts forecast that polar bears are most likely to survive in the Archipelago Ecoregion of Canada through the end of the century; therefore, action starting now could reverse the current trend in time to prevent polar bears from disappearing altogether. The Department of the Interior is working with a diverse group of partners on research, monitoring and mitigation efforts designed to ensure that polar bears can recolonize suitable habitat if conditions improve in the future.

27. With the prediction that polar bear populations will be declining, subsistence harvest will become of increasing import and impact. How will the Service meet its obligations for ensuring continued subsistence harvest?

The Service recognizes the social and cultural importance of marine mammals to Alaska Natives and the special exemptions provided to Alaska Natives for a continued subsistence harvest under the Endangered Species Act. The agency will continue to work with partners in the Alaska Native community, including the Alaska Nanuuq Commission and the North Slope Borough, to meet, wherever possible, the dual requirements of conserving polar bear populations and providing for a continued subsistence harvest. In addition, the Service is implementing the "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" which provides for a regulated harvest. Recently the US/Russia polar bear commission developed under the US/Russia bilateral treaty for the conservation of polar bears in the Chukchi/Bering Seas voted to place a quota on the harvest of 58 bears, 29 for U.S and 29 for Russia. In addition, at the 2010 Inuvialuit/Inupiat Meeting which establishes harvest guidelines for the Southern Beaufort Sea population, the harvest quota was reduced from 80 to 70, 35 per country.

28. What is the primary prey base for polar bears?

Ringed and bearded seals are the primary prey for polar bears in Alaska. Polar bears also feed on walrus, beluga whales, and scavenge on other marine mammal carcasses. Though ringed and bearded seals are not currently protected under the ESA, the NOAA's National Marine Fisheries Service is currently conducting a status review for these two species to determine if listing is warranted. Similarly, the Service recently initiated a review of the status of the Pacific walrus, after finding that a petition seeking to protect the walrus under the ESA presented substantial evidence that listing may be warranted. Currently the Service is preparing a 12-month finding, due January 31, 2011, to determine whether protection for the Pacific walrus under the ESA is warranted.

29. Does the critical habitat designation include areas where oil and gas development activities occur? If so, how will designating critical habitat affect these activities?

Yes. The areas of designated critical habitat do encompass areas where oil and gas exploration activities are known to occur. These activities are already conducted subject to incidental take regulations issued under authority of the MMPA, which provides significant protection for the polar bear.

Section 7 of the ESA requires federal agencies to ensure that the activities they authorize, fund or carry out are not likely to jeopardize the continued existence of the species or to destroy or adversely modify its critical habitat. If a federal action may affect the polar bear or its critical habitat, the permitting or action agency must enter into consultation with the Service. This applies to oil and gas development activities, as well as any other activity that may have an adverse effect on the species. Because the ESA and MMPA already provide protection to the polar bear and extensive consultation and mitigation activities already take place under these laws, additional impacts to oil and gas development resulting from the critical habitat designation are expected to be small.

30. What is being done now under the MMPA to minimize the impact of oil and gas activity on polar bears?

Since 1991, the Service has issued incidental take regulations under the MMPA covering onshore and offshore oil and gas exploration, development, and production activities in Alaska in polar bear areas. This includes regulations issued for incidental take in the Chukchi Sea for the periods 1991–1996, and June 11, 2008–June 11, 2013 and regulations issued for incidental take in the Beaufort Sea from 1993 to the present.

Mitigation measures required for all oil and gas projects include a site-specific plan of operation and a site-specific polar bear interaction plan outlining the steps the applicant will take to minimize impacts on polar bears – such as garbage disposal and snow management procedures to reduce the attraction of polar bears, an outlined chain-of-command for responding to any polar bear sighting, and polar bear awareness training for employees. These measures allow for the early detection and appropriate response to polar bears that may be encountered during operations, which eliminates the potential for injury or lethal take of bears in defense of human life. Additional mitigation measures are also required on a case-by-case basis depending on the location, timing, and specific activity. These mitigation measures include: trained marine mammal observers for offshore activities; pre-activity surveys (e.g., aerial surveys, infra-red thermal aerial surveys, polar bear scent-trained dogs) to determine the presence or absence of dens or denning activity; measures to protect pregnant polar bears during denning activities (den selection, birthing, and maturation of cubs), including incorporation of a 1.6-km (1-mi) buffer surrounding known dens; and enhanced monitoring or flight restrictions. These mitigation measures are implemented to limit human–bear interactions and disturbances to bears and have ensured that industry effects on polar bears have remained at the negligible level.

31. What are the effects of the critical habitat designation on existing/planned activities (e.g., offshore oil and gas development, onshore oil and gas development, ice breaking/expanded shipping routes)?

Predicting every potential specific effect of critical habitat designation on existing/planned activities is not possible. Any proposed activity in the area would have to be analyzed under Section 7 of the ESA to determine both the effects to the species and its designated critical habitat that may result from that activity. The magnitude of these effects would affect the outcome of the Service’s biological opinion. Most of these activities are already required to

avoid jeopardy to the species, but under Section 7, the Service will undertake a separate analysis to determine if actions may adversely modify critical habitat.

32. What additional activities could have an effect on polar bear critical habitat?

Other than the activities listed above (offshore oil and gas development, onshore oil and gas development, ice breaking/expanded shipping routes), activities that could affect polar bear critical habitat include military exercises, construction/maintenance of facilities, and contaminants clean-up activities, along with other types of onshore development (including infrastructure associated with communities).

33. Since sea ice is designated as critical habitat and the polar bear is listed due to climate change, why doesn't the Service consult on greenhouse gas emissions?

Consultation is triggered when a causal connection can be established between a proposed federal action and effects on a listed species or designated critical habitat. On May 14, 2008, former Service Director H. Dale Hall issued a memorandum providing policy guidance on consultations involving actions that would result in the emission of greenhouse gases. That memorandum stated, in part, that “the best scientific data available do not allow us to draw a direct causal connection between GHG emissions from a given facility and effects posed to listed species or their habitats, nor are there data to suggest that such impacts are reasonably certain to occur.” That conclusion was affirmed by a Solicitor’s opinion, and remains in effect. The current state of the science is unable to connect a particular source of greenhouse gas emissions to effects on listed species or critical habitat.

34. Will this always be the case? What if the state of the science improves?

The development of knowledge and modeling capability relating to climate change is occurring at a rapid pace. If at some future date improved scientific information and modeling capabilities demonstrate the ability to make a causal connection between emissions from a particular facility or action and effects on a particular listed species, the Service could revisit this issue.

35. Where can I get more information about the final rule for critical habitat for the polar bear?

For more information about this critical habitat designation and other issues on polar bear conservation, please visit: <http://alaska.fws.gov/fisheries/mmm/polarbear/criticalhabitat.htm>.