

## **Alaska Journal of Commerce**

### **Judge says NOAA decision on spotted seals due by Oct. 15**

**By Margaret Bauman**

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A federal decision must be reached by Oct. 15 on whether ice-dependent spotted seals need protection under the Endangered Species Act. The deadline was set under a decision handed down by in the District of Columbia District Court.

District Judge Henry H. Kennedy on Sept. 25 approved a settlement between the Center for Biological Diversity and the National Oceanic and Atmospheric Administration requiring NOAA to deliver a finding on the spotted seals by mid-October, and by Nov. 1, 2010, for the ringed and bearded seals.

The center petitioned NOAA in May 2008 to protect the seals, alleging threats from global warming and increasing oil development in their habitat.

In September 2008, the agency found that the seal species may deserve such protection, but the center said NOAA subsequently failed to make a decision on whether legal protection was warranted within the one-year deadline provided by the statute.

The Obama administration is currently deciding whether to go forward with a Bush administration plan to expand offshore oil and gas development in an area which includes ice seal habitat.

The Resource Development Council for Alaska has supported development, arguing that a secure supply of reasonably priced energy would affect the economics of domestic mining, transportation, aviation, construction, commercial fishing and other resource development activities, and would increase jobs in those sectors.

The Center for Biological Diversity has argued that rapid action to reduce greenhouse gas pollution, plus a moratorium on new oil and gas development in the Arctic, are needed to save several species of Arctic wildlife.

Rebecca Noblin, an attorney with the center in Anchorage, said immediate action addressing global warming issues is necessary to save the ice seals, as well as polar bears and walrus.

Ringed seals, the primary prey of polar bears, excavate snow caves on sea ice to shelter themselves and their pups. Bearded seals give birth and rear their pups in drifting pack ice over shallow waters, where their bottom-dwelling prey is abundant.

Spotted seals rely on the edge of the sea ice away from predators as safe habitat for birthing and as a nursery for their pups.

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