

# Attorneys argue for listing bearded seals as threatened

August 5 2016, by Dan Joling

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This Sept. 5, 2006, photo provided by the National Oceanic and Atmospheric Administration shows a bearded seal in Kotzebue, Alaska. An attorney for the National Marine Fisheries Service on Thursday, Aug. 4, 2016, in Anchorage, Alaska, urged the 9th U.S. Circuit Court of Appeals to overturn a lower court ruling that said bearded seals do not merit a listing as a threatened species. (Michael Cameron/NOAA Fisheries Service via AP)

Bearded seals, the largest of the Arctic seals, deserve to be listed as a

threatened species because of continuing loss of their sea ice habitat, a federal government attorney told a panel of the 9th U.S. Circuit Court of Appeals on Thursday.

Robert Stockman of the National Marine Fisheries Service urged judges to reverse a lower court ruling that said the agency improperly listed [bearded seals](#) in December 2012.

The agency's best projection is that ice critical to bearded seals will disappear or be greatly reduced by the end of the century in the Bering Sea, where 70 percent of bearded seals thrive. Ice loss already is outpacing models, he said.

"The minimum ice years will start being harmful soon," he said.

Attorneys for the North Slope Borough, the Alaska Oil and Gas Association and others who sued to reverse the listing said the federal agency has not demonstrated that Bering Sea ice losses will harm bearded seals, which have thrived for centuries and survived other warming periods.

"Here all we have is information on [sea ice loss](#)," said attorney Tyson Kade.

Bearded seals get their name from short snouts covered with thick, long, white whiskers, according to the agency. They grow as large as 8 feet, weigh between 575 and 800 pounds and can live to 25 years or more.



This June 26, 2009, provided by the National Oceanic and Atmospheric Administration shows a bearded seal on sea ice near Kotzebue, Alaska. An attorney for the National Marine Fisheries Service on Thursday, Aug. 4, 2016, in Anchorage, Alaska, urged the 9th U.S. Circuit Court of Appeals to overturn a lower court ruling that said bearded seals do not merit a listing as a threatened species. (Michael Cameron/NOAA Fisheries Service via AP)

They eat Arctic cod and shrimp but also dive for crab and clams, usually in depths less than 325 feet, according to the agency.

They give birth and rear pups on drifting pack ice. When females give birth, they need ice to last long enough in spring and early summer to successfully reproduce and molt.

U.S. District Court Judge Ralph Beistline in 2014 ruled the threatened species listing was improper. It did not appear, he wrote, that any serious threat of a population reduction, let alone extinction, existed before 2100. The listing itself conceded that through the middle of the century,

there would be enough sea ice to sustain Bering Sea bearded seals at or near current levels, Beistline said.

Judges on Thursday closely questioned how far out an agency could project harm before it declared a species threatened or endangered.

Kristen Monsell of the Center for Biological Diversity, which sought the listing, said agencies must act to protect future generations of a species, not just the current population, and take measures with enough time to do so.



This Sept. 5, 2006, photo provided by the National Oceanic and Atmospheric Administration shows a tagged bearded seal in Kotzebue, Alaska. An attorney for the National Marine Fisheries Service on Thursday, Aug. 4, 2016, in Anchorage, Alaska, urged the 9th U.S. Circuit Court of Appeals to overturn a lower court ruling that said bearded seals do not merit a listing as a threatened species. (Michael Cameron/NOAA Fisheries Service via AP)

But Jeffrey Leppo, representing the Alaska Oil and Gas Association, said NMFS has not documented harm to bearded seals despite well-documented [sea ice](#) loss that already has occurred. He dismissed the idea that bearded seals will face harmful competition if they migrate north of the Bering Strait into other areas with ice.

"If this was a small area, that would be a fair point," he said. "The area is a very, very large area."

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