

Endangered Species Act

FY2023 Request: \$4,000,000

Reference No: 43347

AP/AL: Appropriation

Project Type: Research / Studies / Planning

Category: Natural Resources

Location: Statewide

House District: Statewide (HD 1-40)

Impact House District: Statewide (HD 1-40)

Contact: Eddie Grasser

Estimated Project Dates: 07/01/2022 - 06/30/2027

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Brief Summary and Statement of Need:

This capital project provides funds to fight unnecessary Endangered Species Act (ESA) actions. It will help the State to avoid federal ESA regulatory burdens and maintain the State's right to manage fish and wildlife. This project enables the State's legal and scientific engagement on ESA issues.

Funding:	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	Total
1002 Fed Rcpts	\$1,750,000						\$1,750,000
1004 Gen Fund	\$2,000,000						\$2,000,000
1108 Stat Desig	\$250,000						\$250,000
Total:	\$4,000,000	\$0	\$0	\$0	\$0	\$0	\$4,000,000

<input checked="" type="checkbox"/> State Match Required	<input type="checkbox"/> One-Time Project	<input type="checkbox"/> Phased - new	<input checked="" type="checkbox"/> Phased - underway	<input type="checkbox"/> Ongoing
25% = Minimum State Match % Required		<input type="checkbox"/> Amendment	<input type="checkbox"/> Mental Health Bill	

Operating & Maintenance Costs:

	<u>Amount</u>	<u>Staff</u>
Project Development:	0	0
Ongoing Operating:	0	0
One-Time Startup:	0	0
Totals:	0	0

Prior Funding History / Additional Information:

Sec1 Ch3 SLA2019 P4 L6 SB19 \$1,000,000
 Sec1 Ch17 SLA2012 P116 L27 SB160 \$1,550,000
 Sec7 Ch43 SLA2010 P26 L26 SB230 \$600,000
 Sec4 Ch30 SLA2007 P93 L14 SB53 \$473,300

Project Description/Justification:

If unchecked, regulatory burdens will expand due to federal endangered species issues. This expansion will restrict Alaska's rights and the ability of industry to operate in the state. For Alaska to successfully defend against existing and potential new, unnecessary regulations, funds are needed to adequately engage in the federal Endangered Species Act (ESA) process, from supporting legal challenges to ensuring scientific information is available to make informed decisions and to support successful legal arguments. Legal engagement, along with supporting scientific data, are effective in limiting regulatory impacts from federal ESA listings. Inadequate information typically results in stronger regulatory protection measures, which in many instances may provide little to no conservation benefit to the species.

This project will enable critical research to inform ESA decisions and to support legal engagement when actions on ESA-listed or candidate species are implemented based on faulty application of federal regulations. Among the research projects pursued will be those listed below, including projects impacting polar bears and Cook Inlet Belugas. In addition, federal agencies are considering listings for several other species in Alaska for which additional information and legal engagement will be necessary to avoid unnecessary ESA listings.

Polar Bears: To fully address major assumptions in U.S. Fish and Wildlife Service's (USFWS) incidental take model and polar bear management, additional research will be needed to unequivocally demonstrate that appropriately regulated oil and gas activities are not a threat to polar bears on the North Slope. Carrying out this research will enable the oil and gas industry to operate effectively on the North Slope. Research is specifically needed that will

- accurately determine the efficacy of infrared surveys to identify active polar bear dens,
- assess the survival of bears that den relatively close to industrial areas,
- demonstrate that the stock structure the USFWS uses that constrains take is too small and inappropriate; and
- use noninvasive genetic and other sampling to accurately determine polar bear population dynamics.

Three projects have been identified as critical needs:

- Identify polar bear movement corridors in undeveloped oil and gas areas. Knowing these movements and using them in designing facilities could minimize human / bear interactions and associated take.
- Perform a retrospective analysis of take levels to compare with the USFWS model results and support an independent review of the model assumptions. A retrospective analysis would allow Alaska Department of Fish and Game to assess the accuracy of the predictive model by comparing the models results to take data collected over the past 10 years. The independent review will determine the soundness of the methods, application, and conclusions. Both will help identify the modification necessary to accurately predict take.
- Develop methods for an aerial photo survey of polar bear dens in spring after emergence and research early emergence impact on survival. Both heavily weighted parameters in the USFWS model based on little or no data.

Cook Inlet Belugas (CIB): CIB were listed as endangered in 2008, following a ~50% decline in the 1990s associated with unsustainable subsistence harvests and the population is now estimated at under 300 animals. The reason why CIB are not recovering is unknown but regulatory agencies are pointing at salmon as a limiting factor, which is not supported by fisheries data. To address this misconception and prevent the potential for unnecessary fisheries restrictions, data gaps need to be addressed to focus on causes for declines in reproductive rate. One such gap is the age at maturity and first reproduction which can be assessed using molecular methods to better inform population growth models.

Other ESA Issues: To effectively avoid Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) issues unnecessarily constraining economic and other activities, the State must be able to respond quickly to tight ESA timelines without the constraints that federal funding can impose. Environmental organizations can submit ESA listing and other petitions without notice to State entities, which federal agencies must respond to quickly. Federal agencies are

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currently considering listing of several other species in Alaska including bumblebees, the northern bog lemming, the little brown bat, the sunflower sea star, shortfin mako shark, and the Southeast Alaska population of wolves.