



Via Certified Mail and Email

May 15, 2013

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Re: Notice of Intent to Sue for Failure to Issue Polar Bear Status Review and Recovery Plan

Dear Secretary Jewell and Director Ashe:

On behalf of the Center for Biological Diversity (the Center), we provide 60 days notice of our intent to sue the U.S. Fish and Wildlife Service (the Service) for failing to timely conduct a status review and complete a recovery plan for the Endangered Species Act (ESA)-listed polar bear.¹ As described below, under the ESA, the Service “shall conduct . . . a review” of each listed species’ status “at least once every five years.” 16 U.S.C. § 1533(c)(2). Despite listing the polar bear five years ago – and despite new evidence demonstrating the polar bear’s status has further declined to warrant an “endangered” listing – the agency has not conducted this required review. The ESA further requires the Service to “develop and implement” a recovery plan for the polar bear, yet the agency has not completed this critical roadmap for the species’ conservation. *Id.* § 1533(f)(1).

If the Service does not correct these legal violations within the next 60 days, the Center will initiate litigation in federal court. *Id.* § 1540(g). We encourage the agency to contact us immediately regarding its progress in complying with these important legal mandates in order to ensure the polar bear’s conservation for future generations.

Legal Background

A. ESA Listing Criteria

The ESA requires the Service to list and protect “any species” determined to be threatened or endangered. 16 U.S.C. § 1533(a). A species is “endangered” if it “is in danger of

¹ The Service’s failures also constitute agency actions unlawfully withheld or unreasonably delayed; arbitrary, capricious, and an abuse of discretion; and/or otherwise not in accordance with law under the Administrative Procedure Act (APA). 5 U.S.C. § 706.

extinction throughout all or a significant portion of its range” and “threatened” if it “is likely to become an endangered species within the foreseeable future.” *Id.* § 1532(6), (20). In making a listing decision, the Service must consider five factors, including “present or threatened” habitat degradation, “overutilization,” “inadequacy of existing regulatory mechanisms,” and “other natural or manmade factors,” and the Service must list a species if it is imperiled by any of these threats. *Id.* § 1533(a)(1). A listing determination must be made “solely on the basis of the best scientific and commercial data available.” *Id.* § 1533(b)(1)(A).

B. Five-Year Status Review

Once a species has been listed, the ESA requires that “at least once every five years” thereafter, the Service “shall conduct . . . a review” of the species’ status. 16 U.S.C. § 1533(c)(2). In this review, the agency must “determine” whether the species “should be removed from [the ESA] list; . . . be changed in status from a threatened species to an endangered species,” or from endangered to threatened. *Id.*; *see also* 50 C.F.R. § 424.21 (“At least once every five years, the Secretary shall conduct a review of each listed species to determine whether it should be delisted or reclassified.”). The duty to complete a timely status review is “mandatory and non-discretionary.” *Fla. Home Builders Ass’n v. Norton*, 496 F. Supp. 2d 1330, 1333 (M.D. Fla. 2007); *see Coos County Bd. of County Comm’rs v. Kempthorne*, 531 F.3d 792, 794 (9th Cir. 2008) (noting “FWS is required to” conduct a status review every five years).

In its review, the agency must evaluate a species’ status based on the same five factors used to list a species. 16 U.S.C. § 1533(c)(2) (“Each determination [on a five-year status review] shall be made in accordance with the provisions of subsections (a) and (b).”); *Coos County*, 531 F.3d at 806. A status review also must be conducted “solely on the basis of the best scientific and commercial data available.” *Id.*

C. Recovery Plans

ESA Section 4(f) requires that the Service “shall develop and implement” a recovery plan for each threatened or endangered species, “unless [the agency] finds that such a plan will not promote the conservation of the species.” 16 U.S.C. § 1533(f)(1); *Southwest Ctr. for Biological Diversity v. Bartel*, 470 F. Supp. 2d 1118, 1136 (S.D. Cal. 2006) (“The statutory scheme contemplates orderly and timely progression of action to list the species; designate its critical habitat; and create a recovery plan.”). A recovery plan provides a critical roadmap, detailing management measures necessary to reduce and eventually eliminate a species’ risk of extinction, designing and funding research priorities, and securing cooperation from other federal, state, regional, and local governmental and private entities. *See Fund for Animals v. Babbitt*, 903 F. Supp. 96, 104 (D.D.C. 1995). Research by the Center has demonstrated that species with dedicated recovery plans are far more likely to have improving statuses than species without.²

Each ESA recovery plan must identify: (1) “site-specific management actions” that “may be necessary . . . for the conservation and survival of the species,” (2) “objective, measurable

² M.F. Taylor, Suckling, K.F., Rachlinski, J.J. 2005. The Effectiveness of the Endangered Species Act: A Quantitative Analysis. *BioScience* 55(4):360-367.

criteria which, when met, would result” in the species’ delisting, and (3) “estimates of the time . . . and the cost” required to achieve the plan’s goals. 16 U.S.C. § 1533(f)(1)(B). Further, the agency “shall, to the maximum extent practicable give priority to those . . . species . . . that are most likely to benefit from such plans, particularly those species that are . . . in conflict with construction or other development projects or other forms of economic activity.” *Id.* § 1533(f)(1)(A). An agency must provide the public an opportunity for notice and comment before finalizing a recovery plan. *Id.* § 1533(f)(4).

Factual Background

A. Polar Bear Listing History

In 2005, the Center petitioned to list the polar bear as an endangered species and later sued over the agency’s failure to timely respond. Following a court order, the agency issued its decision on May 15, 2008, finding the polar bear is “threatened” because it is “likely to become an endangered species within the foreseeable future throughout all of its range” due to declining Arctic sea ice habitat. 73 Fed. Reg. 28,212 (May 15, 2008).

The agency based its decision on then-existing science, including nine U.S. Geological Service studies from 2007 that evaluated sea ice loss projections, the status of individual polar bear populations, and anticipated polar bear habitat loss and population declines in the future. *Id.* at 28,235. The final report, authored by Dr. Steven Amstrup, concluded that two-thirds of the world’s polar bears would be extinct by 2050 under a middle-of-the-road emissions scenario, with both Seasonal Ice Ecoregion and Divergent Ice Ecoregion polar bears facing approximately an 80% extinction probability within 45 years.³ *Id.* at 28,274. The Service also acknowledged that polar bear hunting remains a “potential stressor, and could exacerbate the effects of habitat loss in the future,” in addition to threats from oil and gas development and toxic contamination. *Id.* at 28,279, 28,265. The agency’s polar bear listing decision was upheld by the D.C. Circuit in March of 2013. *Safari Club Int’l v. Salazar*, 709 F.3d 1 (D.C. Cir. 2013).

B. The Polar Bear’s Continued Decline and Growing Threats since Listing

Since the 2008 polar bear listing, substantial, new evidence not only confirms the habitat degradation and polar bear decline projected in the Service’s listing rule, but has also demonstrated that these declines are likely to exceed the Service’s predictions. Additionally, harvest in some polar bear populations has risen and dangerous Arctic development has accelerated since 2008, adding further pressure on the already seriously at-risk species.

First, studies published since the 2008 listing provide significant, new scientific evidence that polar bears are suffering a wide range of harms from the loss of their sea-ice habitat and also forecast major declines in some polar bear populations. For example, numerous new studies document increasing nutritional stress, more open-water swimming, increasing time on land,

³ Amstrup, S.C., B.G. Marcot, and D.C. Douglas. 2007. Forecasting the rangewide status of polar bears at selected times in the 21st Century. USGS Alaska Science Center, Anchorage, Administrative Report.

more interactions with humans, lower survival and reproductive success, and declines in population size.⁴ Evidence of increasing nutritional stress includes increased fasting by bears from all sex, age, and reproductive classes in the southeastern Beaufort Sea;⁵ declining body condition of bears in Baffin Bay and Davis Strait;⁶ decreasing skull size and body length of polar bears three years and older in the Southern Beaufort Sea;⁷ abnormal and energetically inefficient hunting behaviors in the Southern Beaufort Sea;⁸ and incidents of intraspecific killing and cannibalism, including an unprecedented incident in which a male polar bear stalked, killed, and ate a mother polar bear in her den.⁹

As sea ice retreats farther from land, polar bears in the Southern Beaufort and Chukchi Seas are being forced to swim increasingly longer distances to find stable ice or reach land, which likely leads to higher cub mortality.¹⁰ In the western Hudson Bay and southern Beaufort Sea, polar bears are spending progressively longer periods on land without access to prey.¹¹ This is increasing conflicts between polar bears and humans in western Hudson Bay as more bears are entering human settlements, which often leads to the deaths of bears.¹² Polar bear survival and reproductive success are also declining as sea ice disappears. Female survival, breeding rates, and cub litter survival has decreased as the ice-free period increased in the Southern Beaufort Sea.¹³ In the Northern Beaufort Sea, the survival of polar bears of all age classes decreased with declines in the sea-ice concentration over the shelf.¹⁴

⁴ See generally Stirling, I. and A.E. Derocher. 2012. Effects of climate warming on polar bears: a review of the evidence. *Global Change Biology* 18: 2694-2706.

⁵ Cherry, S.G. et al. 2009. Fasting physiology of polar bears in relation to environmental change and breeding behavior in the Beaufort Sea. *Polar Biology* 32:383-391.

⁶ Rode, K.D. et al. 2012. A tale of two polar bear populations: ice habitat, harvest, and body condition. *Population Ecology* 54: 3-18.

⁷ Rode, K.D. et al. 2010. Reduced body size and cub recruitment in polar bears associated with sea ice decline. *Ecological Applications* 20:768-782.

⁸ Stirling, I. et al. 2008. Unusual predation attempts of polar bears on ringed seals in the Southern Beaufort Sea: possible significance of changing spring ice conditions. *Arctic* 61:14-22.

⁹ *Id.*; Stirling, I. and J.E. Ross. 2011. Observations of cannibalism by polar bears (*Ursus maritimus*) on summer and autumn sea ice at Svalbard, Norway. *Arctic* 64: 478-482.

¹⁰ Durner, G.M. et al. 2011. Consequences of long-distance swimming and travel over deep-water pack ice for a female polar bear during a year of extreme sea ice retreat. *Polar Biology* 34:975-984; Pagano, A.M. et al. 2012. Long-distance swimming by polar bears (*Ursus maritimus*) of the southern Beaufort Sea during years of extensive open water. *Canadian Journal of Zoology* 90: 663-676.

¹¹ Schliebe, S. et al. 2008. Effects of sea ice extent and food availability on spatial and temporal distribution of polar bears during the fall open-water period in the Southern Beaufort Sea. *Polar Biology* 31:999-1010; Gleason, J.S. and K.D. Rode. 2009. Polar bear distribution and habitat association reflect long-term changes in fall sea ice conditions in the Alaskan Beaufort Sea. *Arctic* 62:405-417; Cherry, S.G. et al. 2013. Migration phenology and seasonal fidelity of an Arctic marine predator in relation to sea ice dynamics. *Journal of Animal Ecology*. DOI: 10.1111/1365-2656.12050.

¹² Towns, L. et al. 2009. Spatial and temporal patterns of problem polar bears in Churchill, Manitoba. *Polar Biology* 321:1529-1537.

¹³ Regehr, E.V. et al. 2010. Survival and breeding of polar bears in the southern Beaufort Sea in relation to sea ice. *Journal of Animal Ecology* 79:117-127.

¹⁴ Stirling, I. et al. 2011. Polar bear population status in the northern Beaufort Sea, Canada, 1971–2006. *Ecological Applications* 21:859-876.

Additionally, new studies have also confirmed and forecast significant declines and high extinction risk for polar bear populations under scenarios of continuing loss of sea-ice habitat.¹⁵ For example, in 2010, the pivotal Amstrup study, which underlies the Service's listing determination, was published as the cover story in the journal *Nature*.¹⁶ The study's publication in one of the world's premier scientific journals confirms both the study's robustness and its dire predictions that two-thirds of the world's polar bears will be extinct by mid-century. Also in 2010, the Polar Bear Specialist Group determined that eight of 19 of the world's polar bear populations are declining, the status of seven populations is unknown, three are stable, and one is increasing.¹⁷ Hunter et al. (2010) predicted a high extinction probability for the Southern Beaufort Sea population within this century under a mid-level emissions scenario. Molnar et al. (2011) predicted that climate-warming-induced declines in litter size would jeopardize population viability in the western Hudson Bay population. And in 2013, leading polar bear experts warned of the likelihood of "sudden negative population level effects" from climate change, and outlined management actions in anticipation of rapid ecosystem shifts that could send some polar bear populations into abrupt decline.¹⁸

Second, in addition to polar bear-specific studies, new evidence further demonstrates that climate change continues to rapidly degrade the polar bear's sea-ice habitat. In September 2012, Arctic summer sea ice reached a new record minimum, falling to half the average size of that between 1979 and 2000,¹⁹ and shattering the previous record low set in September 2007. The record sea-ice melt in 2012 occurred without the unusual weather conditions that contributed to the extreme melt of 2007.²⁰ Overall, the loss of September sea ice is accelerating, and September sea-ice extent between 1979 and 2012 declined at a rate of -13% per decade relative to the 1979 to 2000 average.²¹ Arctic summer sea ice thickness is also shrinking as the older, thicker ice disappears, and now is only half as thick as it was just a few decades ago.²² Importantly, a review of recent modeling approaches projecting future sea-ice loss found that all three approaches

¹⁵ Hunter, C.M. et al. 2010. Climate change threatens polar bear populations: a stochastic demographic analysis. *Ecology* 9: 2883-2897; Molnar, P.K. et al. 2010. Predicting survival, reproduction and abundance of polar bears under climate change. *Biological Conservation* 143: 1612-1622; Molnar, P.K. et al. 2011. Predicting climate change impacts on polar bear litter size. *Nature Communications* 2:186.

¹⁶ Amstrup, S.C., et al. 2010. Greenhouse gas mitigation can reduce sea ice loss and increase polar bear persistence. *Nature* 468:955-960.

¹⁷ Obbard, M.E. et al. 2010. *Polar Bears: Proceedings of the 15th Working Meeting of the IUCN/SSC Polar Bear Specialist Group*, Copenhagen, Denmark, 29 June–3 July 2009. Gland, Switzerland and Cambridge, UK: IUCN. vii + 235 pp.

¹⁸ Derocher, A.E. et al. 2013. Rapid ecosystem change and polar bear conservation. *Conservation Letters*. DOI: 10.1111/conl.12009.

¹⁹ NSIDC 2012a. Arctic sea ice settles at new record seasonal minimum. September 19, 2012. National Snow and Ice Data Center. Available at <http://nsidc.org/arcticseaicenews>.

²⁰ *Id.*

²¹ NSIDC 2012b. Poles apart: a record-breaking summer and winter. October 2, 2012. National Snow and Ice Data Center. Available at <http://nsidc.org/arcticseaicenews>.

²² Kwok, R., and D. A. Rothrock. 2009. Decline in Arctic sea ice thickness from submarine and ICESat records: 1958-2008. *Geophysical Research Letters* 36:L15501, doi:15510.11029/12009GL039035.

forecast a nearly ice-free Arctic in summer by mid-century or before: by 2020 or earlier, by 2030 on average, and 2040 or later.²³

Further, due to U.S. and international failures to address climate change, global greenhouse gas emissions are rapidly increasing and climate change continues unabated.²⁴ Current emissions are tracking slightly above the most fossil-fuel intensive of the new IPCC emissions scenarios, RCP 8.5,²⁵ which would lead to a median temperature increase of 4.9 degrees Celsius above preindustrial by 2100.²⁶ In 2012, global CO₂ emissions rose by the second-highest amount on record,²⁷ and atmospheric CO₂ is on the verge of hitting 400 parts per million.²⁸ The current CO₂ concentration has likely not been exceeded likely not during the past 15 to 20 million years.²⁹

In addition to habitat threats, hunting pressure on several declining polar bear populations has risen since 2008. In 2011, the Canadian Territory of Nunavut tripled the number of polar bears that could be hunted from the declining Western Hudson Bay population, despite opposition from the Polar Bear Specialist Group and the Canadian Wildlife Service.³⁰ And in 2012, after exceeding its previous year's quota, Nunavut *again* increased its quota to 24 animals.³¹ The media has also reported that, in 2011, hunters in Quebec may have killed 70 polar bears – more than 12 times the number usually killed in southern Hudson Bay.³² The relevant jurisdictions eventually agreed to a voluntary hunting quota of 60 bears, but many polar bear scientists believe this level is unsustainable.³³

The market demand for polar bear skins has risen dramatically in recent years. Polar bear hide prices at Canadian auctions reached a record high in 2012, exceeding the previous year's record high and doubling their 2006 price.³⁴ While the U.S. has long been aware that controlling

²³ Overland, J.E. and M. Wang. 2013. When will the summer Arctic be nearly sea ice free? *Geophysical Research Letters*. DOI: 10.1002/grl.50316.

²⁴ Peters, G.P. et al. 2012. The challenge to keep global warming below 2C. *Nature Climate Change* 3: 4-6.

²⁵ *Id.*

²⁶ Rogelj, J. et al. 2012. Global warming under old and new scenarios using IPCC climate sensitivity range estimates. *Nature Climate Change* 2: 248-253.

²⁷ <http://www.esrl.noaa.gov/gmd/ccgg/trends/>

²⁸ <http://www.esrl.noaa.gov/gmd/ccgg/trends/weekly.html>

²⁹ Tripathi, A.K. et al. 2009. Coupling of CO₂ and ice sheet stability over major climate transitions of the last 20 million years. *Science* 326:1394–7.

³⁰ Letter from Minister Shewchuk to Mikidjuk Akavak (Oct. 26, 2011); Letter from Dag Vongraven, Chair of the IUCN/Polar Bear Specialist Group to Nunavut Wildlife Management Board (Sept. 29, 2011); Letter from Virginia Potter of the Canadian Wildlife Service to Nunavut Wildlife Management Board (Oct. 7, 2011).

³¹ Letter from Minister James Arreak to Chairperson Peter Kusugak (Aug. 29, 2012).

³² See CBC News. Quebec hunters kill 12 times more polar bears. April 1, 2011. Available at: <http://www.cbc.ca/news/canada/north/story/2011/04/01/ HUDSON-BAY-POLAR-BEAR-HUNT.html>; Letter from Timothy Ragen of the Marine Mammal Commission to Rosemarie Gnam (June 2012).

³³ *Id.*

³⁴ See CBC News. Demand for polar bear hides soars: auction house. April 11, 2011. Available at: <http://www.cbc.ca/news/canada/north/story/2011/04/11/polar-bear-hides-prices.html>;

polar bear trade is critical to saving the species, the high demand polar bear parts may be driving increased hunting in some areas.

Finally, new oil and gas development and shipping in the polar bear's Arctic habitat threatens the species. While the Service acknowledged the potential for these impacts in its listing rule, the pace and extent of development has become more clearly defined over the past five years.³⁵ 73 Fed. Reg. at 28,265. In U.S. waters, Shell began drilling its first top-holes in 2012 in the Beaufort and Chukchi Seas, and both Statoil and Conoco intend to drill in the next few years. Drilling in Russia's Pechora Sea moves forward, Greenland has offered numerous license blocks, and Norway has finalized several exploration deals. At the same time, these drilling projects have been plagued with unexpected obstacles, mistakes, safety concerns, and cost overruns, demonstrating a lack of preparedness and unmitigatable risk.³⁶

Legal Violations

A. Failure to Conduct a Five-Year Status Review

As described above, the ESA clearly required the Service to conduct a polar bear status review within five years of the species' listing. 16 U.S.C. § 1533(c)(2). The polar bear was listed on May 15, 2008, and despite the passage of five years, the agency has not publicly initiated, much less completed, this required review. 73 Fed. Reg. at 28,212. The agency's failure to timely comply with this "mandatory and non-discretionary" duty violates the ESA. *See Fla. Home Builders Ass'n*, 496 F. Supp. 2d at 1333.

In addition to the Service's clear legal mandate to complete this review, recent scientific evidence demonstrates that the species may now be "in danger of extinction throughout all or a significant portion of its range" – not just at risk in the foreseeable future – and an endangered listing is warranted.³⁷ *See* 16 U.S.C. §§ 1533(c)(2) (status review must determine whether the species' status should "be changed . . . from a threatened species to an endangered species" applying the five ESA listing criteria); 1532(6), (20).

As detailed above, the "best scientific and commercial data available" now, five years after the polar bear's listing, confirms predictions of future habitat modification and population decline and documents that these declines are likely to exceed initial projections. *Id.* § 1533(b), (a)(1). "[O]verutilization" through polar bear hunting and trade is a growing threat. *Id.* Plans for Arctic development, including both oil and gas drilling and shipping, have crystallized and demonstrated risks even beyond those originally anticipated. *Id.* "[E]xisting regulatory mechanisms" have proven "inadequate" as the polar bear ESA listing has not stemmed the

Fur Harvesters Auction, Inc. 2012. January Auction Results; Macleans. Feb. 16, 2012. We're shooting polar bears? <http://www2.macleans.ca/2012/02/16/were-shooting-polar-bears/>.

³⁵ *See e.g.*, Office of the President. May 2013. National Strategy for the Arctic Region.

³⁶ *See* U.S. Department of Interior. March 2013. Review of Shell's 2012 Alaska Offshore Oil and Gas Exploration Program.

³⁷ The Center continues to believe that the Service's original listing of the polar bear as "threatened" instead of "endangered" was unlawful and contrary to the best available evidence even in 2008.

species' decline and greenhouse gas emissions continue largely unabated.³⁸ *Id.* By promptly conducting a full review of the species' status, the agency can evaluate this new evidence and judge afresh the polar bear's very real and growing extinction risk.

B. Failure to Complete a Recovery Plan

In addition to mandating a status review, the ESA also clearly requires the Service to “develop and implement” a recovery plan for each threatened species.³⁹ 16 U.S.C. § 1533(f)(1). The polar bear has now been listed for a full five years, yet the Service has not issued a recovery plan for the species, much less implemented the recovery actions identified therein. The agency's failure to timely develop and implement a recovery plan for the polar bear violates the ESA. *Id.*

We acknowledge that the Service has initiated a recovery plan process for the polar bear, holding its initial recovery team meeting in October 2010 and its most recent meeting in August 2011.⁴⁰ The agency anticipated publishing a draft recovery plan in January 2012, yet a year and a half later, the agency has failed to propose any plan.⁴¹ The agency's current progress remains unclear. Further, the ESA requires that the Service “shall, to the maximum extent practicable give priority to those . . . species . . . that are . . . in conflict with . . . development projects or other forms of economic activity.” 16 U.S.C. § 1533(f)(1)(A). The polar bear's Arctic habitat is the focus of growing offshore oil and gas development, as well as greatly increased shipping activity as access to northern waters expands. The species is clearly “in conflict” with habitat-altering development activities, making the polar bear recovery plan a particularly high priority. *Id.*

In sum, the development and implementation of a recovery plan is critically important for the polar bear. As the threat of climate change accelerates, Arctic oil and gas development expands, and demand for polar bear products rises, identifying “site-specific management actions” and “objective, measurable criteria” for recovery will prompt conservation, coordinate international and domestic activities, and direct research priorities. *Id.* § 1533(f)(1)(B). The Service must immediately issue a polar bear recovery plan to comply with the ESA's mandate and to provide the species a chance for survival.

³⁸ Additionally, international trade prohibitions were recently rejected, Canada failed to extend protections under its Species at Risk Act to the polar bear, and domestic and international regulation of oil and gas development and Arctic shipping remain grossly inadequate. 16 U.S.C. § 1533(a)(1).

³⁹ The ESA requires a recovery plan “unless [the agency] finds that such a plan will not promote the conservation of the species.” *Id.* § 1533(f)(1). The Service has clearly expressed its intent to develop a recovery plan for the polar bear, indicating the agency rightfully believes a plan will promote the species' conservation. 73 Fed. Reg. at 28,252 (final listing rule committing the Service “will . . . develop a recovery plan and a rangewide conservation strategy”).

⁴⁰ See USFWS, Alaska Region, Marine Mammal Management: Polar Bear. Available at: <http://alaska.fws.gov/fisheries/mmm/polarbear/esa.htm>.

⁴¹ See USFWS, Polar Bear Conservation/Recovery Planning Meeting Minutes (Oct. 29, 2010) (noting that, following review by recovery team, “[i]n January, 2012, the U.S. portion [of the Recovery Plan] will be published in the federal register for broader public review”).

Party Providing Notice

The Center for Biological Diversity is a nonprofit conservation organization with more than 450,000 members and online activists dedicated to the protection of threatened and endangered species and wild places both domestically and abroad. The Center and its members are deeply concerned about the conservation of imperiled species and has long-advocated for species threatened by climate change, including the polar bear.

Conclusion

The polar bear's decline has continued, despite its 2008 threatened listing. The ESA requires the Service to issue both a status review to fully evaluate the species' continued and increasing extinction risk and a recovery plan to provide a roadmap for conservation actions. 16 U.S.C. § 1533(c)(2), (f). Within 60 days, if the Service does not correct the violations described in this letter, the Center intends to pursue litigation against the agency. Please contact us anytime if you have questions or would like to discuss this issue.

Sincerely,



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