

Congress of the United States
Washington, DC 20515

April 29, 2009

The Honorable Ken Salazar
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Salazar:

Thank you for your continued leadership protecting our nation's endangered species.


One of the most imminent environmental actions needed to protect endangered species is to provide full protections to the highly imperiled polar bear under the Endangered Species Act (ESA). As a result of melting arctic sea ice, the U.S. Geological Survey has projected that two-thirds of the world's polar bears will disappear by mid-century. The USGS team also asserted that based on recent observations, its projections may be conservative.

After numerous lawsuits and court orders, former Secretary of Interior Dirk Kempthorne listed this iconic species as "threatened" under the Endangered Species Act in May 2008. However, Secretary Kempthorne concurrently promulgated a "special rule" under Section 4(d) of the ESA, denying the polar bear important protections.

We are writing to ask that you exercise the authority granted by the FY 09 Omnibus Appropriations Act and withdraw the polar bear special rule promulgated by the Bush administration. The polar bear 4(d) rulemaking, which allowed public input only after an interim final regulation had already been put in place, ignores the law's mandate to adopt all measures necessary for the conservation of threatened species and denies protections that normally are afforded to species listed as threatened. Withdrawing this regulation would allow a new rule to be issued that addresses legitimate issues such as human-bear conflicts and interactions. Withdrawal of the 4(d) rule would also allow consideration of the harm caused by activities such as offshore oil and gas drilling in key polar bear habitat in the Beaufort and Chukchi Seas.

We urge you to utilize the authority Congress has provided to fully protect this iconic animal under the Endangered Species Act.

Sincerely,



JAY INSLEE
Member of Congress



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Member of Congress

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