
San Francisco Chronicle

October 5, 2007

NORTHERN CALIFORNIA'S LARGEST NEWSPAPER

Lawsuit claims Interior Dept. behind on assessing peril to animals

by JANE KAY

Chronicle Environment Writer

The Interior Department fails to consider how global warming and other factors affect sea otters, polar bears, walruses and manatees when the agency makes decisions on oil exploration and commercial fishing, a lawsuit says.

Two environmental groups with offices in the Bay Area filed the suit Thursday charging that the agency is behind schedule in counting and assessing threats to the animals as required by the Marine Mammal Protection Act.

Government agencies use such information when they consider granting permits for oil and gas development and fishing and, in some regions, military exercises, construction and boating.

Up until now, environmentalists have used the Endangered Species Act to urge the federal government to protect the polar bear and Kittlitz's murrelet against the loss of habitat as seasonal sea ice and glaciers shrink due to global warming. Protection from climate change has also been sought for the mountainous rabbitlike American pika, penguins in Antarctica and two corals from Florida.

Lawyers for the Turtle Island Restoration Network in Tocaloma in Marin County and the Center for Biological Diversity sued Interior Secretary Dirk Kempthorne and the U.S. Fish and Wildlife Service in U.S. District Court in San Francisco.

Interior Department spokeswoman Tina Kreisher told the Associated Press the agency could not comment directly on the lawsuit. But she noted that the department has proposed listing the polar bear under the Endangered Species Act, and that Kempthorne has formed a task force of 90 experts to study the impact of climate change on wildlife and federal land.

Current law requires assessing the number and health of marine mammal populations every three years. If a species is imperiled, the assessment should occur annually.

Yet, the California sea otter, which is listed as a threatened species, hasn't been assessed under the law since 1995, and in that time the animal has been subject to outbreaks of disease, according to the lawsuit.

The Florida and Antillean manatees, which have been victims of boat strikes, haven't been assessed since 1995.

The populations of polar bears in the Bering and Beaufort seas haven't been assessed since 2002, and in the five years since there have been crucial changes in the Arctic environment, said Miyoko Sakashita, a staff attorney with the Center for Biological Diversity. The outdated assessment put the Beaufort Sea population at 2,000 when it actually stands at 1,500, she said.

A U.S. Geological Survey study concluded in September that two-thirds of the polar bears would disappear by midcentury and the Beaufort Sea population would become extinct unless greenhouse gases were drastically reduced.

Yet the Interior Department last year adopted regulations under the Marine Mammal Protection Act that for five years could result in harassing or killing Beaufort Sea polar bears because of seismic testing, helicopter operations and drilling related to petroleum exploration. No limits were set on how many animals might be killed. The Center for Biological Diversity filed a separate lawsuit against these regulations in February.