

# SANTA BARBARA NEWS-PRESS



## Group to fight polar bear's "threatened" status

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EDs: ADDS comment from Center for Biological Diversity and calls attempted to state law dept.; SUBS 4th graf to CLARIFY harvesting sted burning trees; CORRECTS typo in 10th graf.

Associated Press Writer

ANCHORAGE, Alaska (AP) - A conservative legal advocacy group said Wednesday it plans to sue the federal government over its recent decision to list the polar bear as a threatened species.

The group, the Pacific Legal Foundation, contends that the listing paves the way for lawsuits against any industry responsible for large-scale carbon emissions that could be connected to the steady warming of the bear's Arctic habitat.

"It allows activists to file lawsuits more easily based on claims that industrial activity will harm the species," Reed Hopper, lead attorney in the case, said from the group's office in Sacramento, Calif. "Clearly, efforts need to be made to protect species, but the methods under which that is done shouldn't put species before people."

One of his clients, the California Cattlemen's Association, is a major source of greenhouse gas emissions. Another, the California Forestry Association, could also attract environmental lawsuits, he says, because harvesting trees contributes to global warming.

Pacific Legal said it also intends to show that protecting the polar bear will hurt poor people and minorities, who will be represented in the lawsuit by the Congress of Racial Equality.

Hopper couldn't point to any specific studies or articles showing such a cause-and-effect relationship, saying only that the poor are "disproportionately affected" by environmental regulation.

"When we file suit, we'll have to provide more information on the impact of the polar bear listing on the clients," Hopper said. "We're going to need to establish the link between our claim and the actual impacts."

Although their grounds for opposition differ somewhat, Pacific Legal hopes to team up with the state of Alaska to fight the listing, which was announced in mid-May by Interior Secretary Dirk Kempthorne.

The state has already announced it would battle the listing in court. Gov. Sarah Palin and other elected officials fear federal protection will hinder oil and gas development in polar bear habitat off the state's northern and northwestern coasts.

"One of the reasons we felt we needed to be involved in this suit is because the Alaska suit does not cover

all the objections," Hopper said.

A message left on Wednesday at the state's Department of Law was not immediately returned.

Kemphorne had cited conclusions by department scientists that sea ice loss will likely result in two-thirds of the polar bears disappearing by mid-century. The bear population across the Arctic from Alaska to Greenland doubled from about 12,000 to 25,000 since 1960, but he noted that scientists now predict a significant population decline.

Kemphorne said melting sea ice poses the greatest threat to polar bears.

In a letter last week to the U.S. Fish and Wildlife Service, Pacific Legal argued that the government estimates are mere "speculation" and not based on sound data.

An attorney at the Center for Biological Diversity, which had fought the federal government to gain threatened status for the bears, called the pending lawsuits "a waste of the court's time."

"The science is clear. The polar bear is highly endangered," said Brendan Cummings. "If anything, the Secretary of Interior underestimated the threat to the polar bear by only listing it as 'threatened' rather than 'endangered.'"

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