
The Washington Post

SUNDAY, AUGUST 31, 2008

Oil Group Joins Alaska in Suing To Overtake Polar Bear Protection

By Kari Lydersen
Washington Post Staff Writer

CHICAGO -- The American Petroleum Institute and four other business groups filed suit Thursday against Interior Secretary Dirk Kempthorne and U.S. Fish and Wildlife Service Director H. Dale Hall, joining Alaska Gov. Sarah Palin's administration in trying to reverse the listing of the polar bear as a threatened species.

On Aug. 4, the state of Alaska filed a lawsuit opposing the polar bear's listing, arguing that populations as a whole are stable and that melting sea ice does not pose an imminent threat to their survival. The suit says polar bears have survived warming periods in the past. The federal government has 60 days from the filing date to respond.

One of the plaintiff in Thursday's lawsuit, the National Association of Manufacturers (NAM), lauded the choice of Palin as the Republican vice presidential nominee for reasons including her advocacy of Alaskan oil and gas exploration, which many fear could be affected by the bear's protected status.

NAM and the petroleum institute were joined in the lawsuit by the U.S. Chamber of Commerce, the National Mining Association and the American Iron and Steel Institute. They object to what they call the "Alaska Gap" in relation to the special rule the federal government issued in May



A polar bear swims recently in open water off the coast of Alaska. The shrinking sea ice increases the pressure on polar bears, who usually hunt on the ice. (By Geoff York -- World Wildlife Fund)

in conjunction with the polar bear's protected status. The rule, meant to prevent the polar bear's status from being used as a tool for imposing greenhouse gas limits, exempts projects in all states except Alaska from undergoing review in relation to emissions.

NAM Vice President Keith McCoy said the group sees the rule as unfairly subjecting Alaskan industry to greenhouse gas controls and also opening a back door for greenhouse gas regulation nationwide.

"This could significantly curtail oil and gas exploration," especially on

Alaska's North Slope, he said. "It's discrimination against the state of Alaska. During a time when gas prices are high and we need to look at all options, to issue something that shuts off a viable resource" is ill-advised, he said.

The lawsuit, filed in U.S. District Court for the D.C. Circuit, notes that greenhouse gas emissions worldwide contribute to global warming. It says projects in Alaska should not be subject to special scrutiny because of the polar bear's status.

Kassie Siegel, climate program director for the Center for Biological Diversity,

which originally petitioned to list the polar bear as an endangered species in 2005, decried the assertion in the Alaska suit that science does not prove polar bear populations are declining. The center is also suing the federal government, seeking to change the polar bear's official status from "threatened" to "endangered."

"The amazing thing about this litigation is that the governor of Alaska is so anti-environmental that she is suing the Bush administration over a claimed overabundance of protections for the polar bear," Siegel said. "It's just amazing."

Palin chose the grizzly bear over the polar bear and other candidates for the state's commemorative quarter, which was released into circulation Tuesday.

There are now at least four federal lawsuits challenging aspects of the polar bear listing. In addition to the suits filed by Alaska, the industry groups and the Center for Biological Diversity, the trophy-hunting group Safari Club International filed suit opposing a federal ban on importing skins or other "trophies" of polar bears killed in Canada.

Siegel said the Alaska and industry lawsuits opposing the listing mean they are worried that the special rule meant to prevent action on greenhouse gases won't hold up in the long run.

"I think it shows the strength of our legal theory," she said. "Basically we said, 'List the polar bear, and when you list the polar bear, you're going to have to do something about greenhouse gas emissions.' The fact all these other

parties are suing over it shows the Bush administration doesn't have a legal leg to stand on -- they know the administration has to do something about greenhouse gas emissions."

The lawsuit is *American Petroleum Institute et al v. Kempthorne et al.*