

The Daily Green

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A Victory in Court for Polar Bears

Environmental Groups Win Latest Round in Court

As many as two-thirds of the world's polar bears may disappear within the next 50 years, as Arctic sea ice melts due to global warming.

Photo: Ansgar Walk/Wikimedia Commons

By Dan Shapley

A federal judge has ruled against the Bush Administration, finding that the Department of the Interior violated the Endangered Species Act and forcing it to finally decide whether to list the polar bear as a threatened species by May 15.

The lawsuit – the latest in a three-year legal and bureaucratic saga with potentially big implications for climate change policy – was brought by the Center for Biological Diversity, the Natural Resources Defense Council and Greenpeace.

The Fish and Wildlife Service has proposed listing the polar bear as threatened, which would trigger a range of conservation efforts under the Endangered Species Act, including possibly protecting Arctic territory coveted by oil and gas companies. The Bush Administration was in violation of the law because it has so far delayed its final decision by nearly four months. The administration recently asked for an additional delay, to June 30.

The judge rejected that request: “Defendants offer no specific facts that would justify the existing delay, much less further delay. To allow Defendants more time would violate the mandated listing deadlines under the ESA and congressional intent that time is of the essence in listing threatened species.”

“Today's decision is a huge victory for the polar bear,” said Kassie Siegel, climate program director at the Center for Biological Diversity and lead author of the 2005 petition seeking the Endangered Species Act listing. “By May 15th the polar bear should receive the protections it deserves under the Endangered Species Act, which is the first step toward saving the polar bear and the entire Arctic ecosystem from global warming.”

Last week, Canada declared that it has a [special concern](#) for the icon of the Arctic, but that polar bears are not threatened with extinction.

About two-thirds of the world's polar bears reside in Canada. Coincidentally, the U.S. Geologic Survey has warned that melting Arctic sea ice threatens two-thirds of the world's polar bears with extinction by mid-century.

The decision to protect, or not protect, the polar bear has huge policy implications for both countries. Not only does acknowledging the plight of the polar bear formally mean acknowledging the fact of global warming, but it would presumably require governments to do something about curtailing the pollution causing global warming. President Bush

expressly ruled out making such broad policy decisions based on the Endangered Species Act (or the Clean Air Act, for that matter).

More directly, an "endangered" declaration would also curtail development of polar bear habitat in the Arctic by oil and gas companies. Ironically, global warming will open up some new territory to oil and gas exploration (at the same time that oil and gas machinery will have trouble getting around on some formerly frozen tundra).

Already, the Bush Administration has been accused of delaying its decision on polar bears long enough to sign new leases covering vast swaths of Arctic lands where polar bears, for now, still roam.