

Federal judge orders polar bear decision by May 15

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ANCHORAGE, Alaska – It's been more than three years since a California conservation group asked the federal government to protect polar bear habitat threatened by global warming.

The Center for Biological Diversity and other groups pushing for federal action to climate change could get an answer in about two weeks.

U.S. District Court Judge Claudia Wilken of Oakland, Calif., late Monday ordered the Bush administration to decide by May 15 whether polar bears should be listed as threatened under the Endangered Species Act. The decision was due Jan. 9 and Wilken rejected a government request for further delay until June 30.

“Defendants have been in violation of the law requiring them to publish the listing determination for nearly 120 days,” Wilken wrote in a decision released late Monday. “Other than the general complexity of finalizing the rule, Defendants offer no specific facts that would justify the delay, much less further delay.”

A spokesman for the Interior Department said Tuesday the decision was being reviewed.

“We will evaluate the legal options and will decide the appropriate course of action,” said Shane Wolfe in an e-mail statement.

Conservation groups hailed the decision, made more than a week ahead of a scheduled court hearing.

Kassie Siegel of the Center for Biological Diversity, lead author of the listing petition submitted in 2005, said the judge's order short-circuits political interference to a decision.

“The politicians and the bureaucrats in Washington, D.C., are going to have to stop interfering with the decision and get it out the door,” she said.

Andrew Wetzler of the Natural Resources Defense Council blamed the delay on Bush administration politics – an aversion to any animal listing and a nod to petroleum producers – because climate and wildlife science support the listing.

“The only factor that the Fish and Wildlife Service can take into account is science,” Wetzler said. “If the science says it's endangered, it must be listed.”

A delay, he said, likely has been motivated by an administration desire to see offshore lease sales continue as far as possible without additional polar bear protections. The Minerals Management Service, like the Fish and Wildlife Service, a branch of the Interior Department, in February auctioned off nearly 4,310 square miles of ocean bottom in the Chukchi Sea off Alaska's northwest coast and is transferring leases to petroleum companies.

The Chukchi Sea is home to one of two U.S. polar bear populations. The other is in the Beaufort Sea off Alaska's north coast.

Polar bears rely on sea ice for hunting ringed seals and other marine mammals. In recent years, summer sea ice has receded far beyond the relatively shallow, biologically rich waters of the outer continental shelf, giving polar bears less time in prime feeding areas and a longer swim if they leave ice for the mainland in the fall.

A decision to list polar bears due to global warming could trigger a recovery plan with consequences beyond Alaska. Opponents fear it would subject new power plants and other development projects to federal review if they generate greenhouse gasses that add to Arctic warming.

Opponents say a listing is premature because wildlife biologists have presented no conclusive evidence that Alaska polar bear populations have dropped. They also say climate models predicting additional ice loss are unreliable and that not all melting can be pinned on human causes.

