

As Bush admin delays polar bear decision, groups threaten lawsuit

BY Allison Winter

The Fish and Wildlife Service said today it will delay a final decision on whether to grant Endangered Species Act protection to the polar bear.

The service said it was "working diligently" to decide on the matter but needed more time to analyze information submitted during an extended comment period last fall and will miss the Wednesday deadline for a final listing decision.

The decision did not sit well with environmental groups that have sought protection for the bears.

The Center for Biological Diversity, Greenpeace and the Natural Resources Defense Council said today that they will sue the government to enforce the listing deadline.

"We certainly hope the polar bear will be listed within the next month," Kassie Siegel of the Center for Biological Diversity said in a statement this morning. "But this is an administration of broken promises. ... We'll begin the enforcement process Wednesday."

At issue in the Bush administration's upcoming decision on extending ESA protection to the polar bear is whether the United States might use the species law as a weapon against global warming.

Environmentalists hope a polar bear listing would force the government to use the law to reduce U.S. emissions of heat-trapping greenhouse gases in addition to tightening Alaskan land management, limiting offshore oil and gas leasing and restricting Canadian trophy hunts.

But the administration has indicated that a listing would be more limited in scope. The Fish and Wildlife Service proposed listing the polar bear as "threatened" because its ice habitat is declining in the face of rising global temperatures. The bear would be the first mammal listed because of climate change.

Part of the difficulty in deciding on a species listing for the bear, FWS officials say, is that its current population levels are not in steep decline. There are currently about 25,000 to 30,000 wild polar bears in five countries, conservationists say.

But biologists worry about what could happen if global warming ravages the bears' polar habitat. Climate models have predicted the bears could be in steep declines by mid-century. And the U.S. Geological Survey has said that shrinking sea ice could eliminate two-thirds of the world's polar bears -- and all of Alaska's bears -- in the next 50 years. Polar bears rely on sea ice to hunt, mate and make dens for their young.

Critics of the proposed listing say climate predictions do not provide enough justification for action. Alaska officials, including Gov. Sarah Palin (R), oppose the listing because they say it could cause undue economic hardship to their state without increasing the polar bear's numbers. Palin's biggest worry is potential restrictions on oil and gas projects.

But environmentalists say the dire predictions from a growing number of climate models point to a need for government protection for the bear and to reduce further stresses on its population.

"The evidence is almost unbelievably dramatic that the polar bear needs protection," Siegel said.

Oil and gas development

Unlike protections for other species that feature government efforts to protect dwindling habitat, a polar bear listing would raise a question of how to protect polar ice from a global threat.

"It's a tough thing because you are not talking about whether or not to build a highway or where to put a wildlife overpass," said Paul Todd of the International Fund for Animal Welfare.

The biggest development threat to the polar bear is oil and gas leasing.

Approvals of oil and gas leases such as those announced by the Minerals Management Service last week for the Chukchi

Sea are what environmentalists hope can be blocked by an ESA listing. The species law could require consultations with FWS biologists before projects are approved. The Beaufort and Chukchi seas support about a fifth of the world's polar bears.

Environmentalists are concerned that offshore petroleum development, even if far from polar bears themselves, could lead to accidental oil spills that would be difficult to clean in the broken ice. Siegel said leases would have a "double whammy impact" of potentially harming bear habitat and spurring more greenhouse gas emissions.

The Center for Biological Diversity and other groups want the listing to pressure the government to impose curbs on greenhouse gas emissions.

And some trade groups are worried that might happen. The American Farm Bureau Federation, for example, asked FWS not to list the bear out of concern it could force farmers to consult with government biologists over methane emissions from their cows.

But Interior Department officials have said that greenhouse gas emissions are a broader question that would not be addressed by the species law ([Greenwire](#), March 6). However, that does not mean that advocacy groups wouldn't use the listing to take the government to court over emission curbs.

"We can challenge anything if it is not legal or undercuts protection for species," the Center for Biological Diversity's Siegel said.

Other groups think ESA's scope not extend to emissions consultations, but that a polar bear listing could provide the basis to pressure Congress to act.

"The listing is sort of a call to action for global warming, not the solution to it," said Mike Daulton of the National Audubon Society.

Listing's scope

"Threatened" and "endangered" species get essentially the same protection under the law. The major difference between the two is that a "threatened" listing could allow the government to include exemptions to some of the protections that are usually required.

Some environmentalists are concerned the administration might side-step some protections against greenhouse gas emissions, oil and gas leasing and Canadian polar bear hunts.

"The listing would be meaningful in that it is a positive acknowledgment of the administration of the global impacts of global warming, but it could be relatively meaningless for polar bears on the ground," said Paul Todd of the International Fund for Animal Welfare. "If those different things [greenhouse gases and the polar bear hunt] are exempted or excluded, it would be pretty meaningless for polar bears."

A chief concern for Todd is whether the government would include a special rule under a "threatened" listing that would allow the FWS to continue to issue permits for hunters to bring in polar bear trophies from managed hunts in Canada.

Canadian and Alaskan wildlife officials say the hunts are managed so that they do not threaten the survival of overall bear populations, and that hunters pay fees that provide revenue for research and conservation. Groups like the International Fund for Animal Welfare say the hunt puts unnecessary stress on the polar bear population. In the past ten years, American hunters have imported about 950 polar bear carcasses.

'Moral choice'

Regardless of what the administration decides, the polar bear proposal already has made a splash.

Photographs of polar bears on shrinking ice caps have been used by environmental groups to promote public consciousness of climate change and spur debate on Capitol Hill. Congressional panels held several hearings on the polar bear and climate change last year, and the Select Committee on Global Warming has scheduled a hearing on the bear for next week.

"The polar bear connects the story of global warming in a very real way to the American people and sets up a moral choice of whether to let an iconic species go extinct in our lifetimes," Audubon's Daulton said.

Said Siegel: "Just the proposed listing itself has already had a huge positive impact, raising the profile of the issue and leading to information we would not have had otherwise."

Reporter Lauren Morello contributed to this report.