

# Boxed In by a Polar Bear

by Kelpie Wilson

Polar bears, those cute, cuddly, white furry animals of the north, are actually one of the world's most formidable predators. They are the only bear species known to stalk and kill human beings for food.

Native hunters of the north have a great respect for the hunting prowess of Nanuq, the polar bear, and recognize that Nanuq uses the same techniques for hunting the ringed seal that humans do. For centuries, Nanuq and humans have shared the hunting territory of the Arctic, but today as global warming melts the ice, both are threatened.

Inuit people have methods for dealing with a polar bear attack, but as one man said, the instructions he was taught did not fully prepare him for the experience: "You feel like you're in another world the moment the bear attacks and you jump to get out of its way." (Igloodik Oral History Project, 058)

Since making the decision to propose listing the polar bear under the Endangered Species Act (ESA), Bush administration officials may also be feeling that they have entered "another world." Listing the polar bear has placed the administration in a box it can't easily get out of, because under the ESA, it must consider the best available science in crafting a plan for the polar bear's recovery. Since the best available science indicates that global warming is at fault, the administration will be forced to confront its own inaction on global warming.

The Center for Biological Diversity filed a petition to list the polar bear under the ESA back in 2005. When the US Fish and Wildlife Service failed to act on its petition, the center brought suit. On December 27, 2006, Secretary of the Interior Dirk Kempthorne proposed that the polar bear be added to the endangered species list. The US Fish and Wildlife Service is accepting public comments until April 9, and the agency will make a final determination by January 9, 2008.

Given the staunch refusal by the Bush administration to take meaningful action against climate change, the Interior Department's decision to support listing the polar bear seems inexplicable. But Kieran Suckling, policy director of the Center for Biological Diversity, said that the listing is the result of a carefully constructed strategy by his organization to place the Bush administration in a box that it can't get out of - a box constructed by science.

Suckling said that by filing the petition to list the polar bear under the ESA, "We took the issue of global warming out of politics and into science. The ESA is very clear that only science can be considered in a listing decision." Suckling also said that while the Washington, DC, office of the US Fish and Wildlife Service did not want to support the listing, the Alaska office put together a very strong scientific analysis and "held firm," so that the agency had no choice but to go forward with the listing.

Also critical to the decision was intense public and media attention on the charismatic species, the largest bear on the planet. Kassie Siegel of the Center for Biological Diversity and author of the polar bear listing petition, said that she had submitted petitions for other species based on the threat of global warming - a seabird and some coral species - but these were not accepted. The difference, she says, was the "huge media coverage and throngs of reporters" who followed the polar bear petition. "In this case," she said, "the whole world really was watching."

Still, the actual language of the proposed listing rule is a little strange. Normally, an ESA listing requires three things: a description of the threat, the cause of the threat, and the solution. According to Suckling, the proposed rule is very clear on the primary threat, which is the melting of the sea ice that polar bears need to be able to hunt seals. But it is very unclear on the cause of the threat. It mentions rising temperatures, but never connects them to greenhouse gas emissions. The actual text of the proposed rule states that "the polar bear is threatened by habitat loss and inadequate regulatory mechanisms to address sea ice recession."

By invoking "inadequate regulatory mechanisms," the proposed rule seems to punt on the issue of whether the Endangered Species Act can stop developments that would harm the polar bear by emitting greenhouse gasses.

Authority to regulate greenhouse gasses is precisely the issue in a major climate-change litigation case that is before the Supreme Court. The EPA has declined to regulate carbon dioxide, saying it does not have the authority to do so. In Massachusetts v. EPA, several states and cities have sued to force the EPA to acknowledge that the Clean Air Act does

give it that authority.

But Alaska Governor Sarah Palin doesn't think that anyone has the authority to regulate greenhouse gasses. She opposes the proposed listing, saying in a letter, "When a species' habitat, in this case, sea ice, is declining due to climate change, but there are no discrete human activities that can be regulated or modified to effect change, what do you do?" She raises the specter of lawsuits filed to limit the emission of greenhouse gasses as a result of the listing.

**Kieran Suckling** scoffs at the idea that there are no "discrete human activities" that can be regulated. "Other countries regulate greenhouse gasses," he said, "that's what the Kyoto agreement is about and we are not doing that."

**Suckling** thinks that the Bush administration has lost control of the global warming issue and that it is leading them to take desperate measures, such as a recently revealed directive to muzzle Fish and Wildlife scientists on the topic of polar bears and climate change.

The agency is now requiring all scientists seeking travel funds to make a declaration that, "This traveler understands the administration's position on climate change, polar bears, and sea ice and will not be speaking on or responding to these issues."

**Suckling says** the restriction is unprecedented, and that normally a Fish and Wildlife scientist is free to discuss the science behind a listing rule: "The administration's position is so completely irrational and indefensible that the last thing they want is some scientist talking about it. You'll get a media story that says the Bush administration finally admits greenhouse emissions cause ice melting, and they don't want that. They are back-pedaling like crazy on this one."

At recent public hearings in Anchorage and Washington, DC, polar bear supporters were out in force, far outnumbering the handful of opponents from the oil and gas industry. People love the beautiful snow-white beast that hunts like a man, but they may also see that their own fate is ultimately tied to the polar bear's.

"If you want to know how climate change will affect the rest of the world in twenty years," **says Kassie Seigel**, "look at the arctic now."

#### **More Information:**

**Center for Biological Diversity**. <http://biologicaldiversity.org/swcbd/>

To submit comments on the polar bear listing by April 9, send an email to: Polar\_Bear\_Finding@fws.gov