

Kempthorne affirms 'special rule' for polar bears

By DAN JOLING Associated Press

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As Interior Secretary Dirk Kempthorne announced new rules to reduce the influence of federal scientists on endangered species decisions, he also made permanent a "special rule" that will block steps that could protect threatened polar bears.

Kempthorne today made permanent a rule that says the listing of polar bears will not be used to limit greenhouse gas emissions, a leading cause of global warming, and the primary reason for the loss of Arctic sea ice, the main habitat of polar bears.

Summer sea ice this year shrank to 1.74 million square miles, the second lowest level on record and 860,000 square miles below the average between 1979 and 2000.

Kempthorne's rule also declares that decisions on petroleum management off Alaska's coast will continue to be governed by the Marine Mammal Protection Act, a law that conservation groups say has been interpreted too loosely to afford adequate protection for whales, polar bears, walrus and seals that depend on ice.

Kempthorne in May listed polar bears as threatened but said the Endangered Species Act would not be used to set backdoor climate policy. He affirmed that interpretation Thursday.

"This rule will protect polar bear populations, while ensuring the safety of communities living in close contact with the bears and allowing for continued environmentally sound development of our natural resources in the arctic region," he said in a statement.

Conservation groups have long criticized the Interior Department for granting offshore exploration permits in the Arctic and concluding that petroleum activity has minimal harmful effect on marine mammals such as whales and polar bears.

The Minerals Management Service in February sold drilling rights to more than 4,200 square miles of ocean bottom in the Chukchi Sea off Alaska's northwest coast, home to one of Alaska's two polar bear populations.

Opponents say marine mammals are harmed by seismic surveys with loud air guns, as well as industry support vessels, aircraft and drilling platforms that add to animals' stress. They also claim the oil industry has not demonstrated it can clean up a spill in broken ice, especially given the darkness, cold and wind that could interrupt a response.

Kempthorne on Thursday repeated the logic that led him to propose the special rule in May. There's no proof, he said, that activities outside Alaska "show a causal connection impacting individual polar bears."

"Therefore, no consultation is warranted at this time for any such activities and actions," he said. "This provision ensures that the ESA is not used inappropriately to regulate greenhouse gas emissions."

Representatives of conservation groups said Kempthorne's rule excludes any possible action against the two biggest threats to polar bears. They vowed to see the rule overturned in court.

Kassie Siegel, an attorney for the Center for Biological Diversity and the primary author of the polar bear listing petition, said the Bush administration was handing its friends in the oil industry a huge gift.

"These regulations seem designed to drive the polar bear extinct," she said.

Melanie Duchin of Greenpeace USA said exempting global warming and oil development from the list of threats facing polar bears guts the protections of the Endangered Species Act.

"With just 40 days left until the Bush administration is finally out of office, the Interior Department is trying to put one last nail in the polar bear's coffin," she said.

On the Net:

Polar bear special rule: <http://alaska.fws.gov/pdf/pb4d.pdf>.