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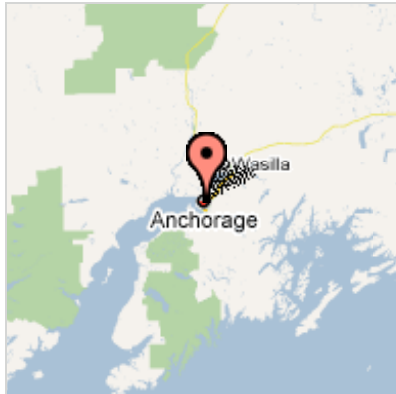
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Deadlines set for designating polar bear habitat

By DAN JOLING – Oct 6, 2008

ANCHORAGE, Alaska (AP) — The federal government will designate "critical habitat" for polar bears off Alaska's coast, a decision that could add restrictions to future offshore petroleum exploration or drilling.

Federal law prohibits agencies from taking actions that may adversely modify critical habitat and interfere with polar bear recovery. That likely will affect oil and gas activity, said Kassie Siegel of the Center for Biological Diversity, one of three groups that sued to force the critical habitat designation.

"Other than global warming, the worst thing that's going on in polar bear habitat right now is oil development and the potential for oil spills," Siegel said.

Bruce Woods, a spokesman for the U.S. Fish and Wildlife Service in Anchorage, said it's not known what area in the Chukchi Sea off Alaska's northwest coast might be designated for polar bears, especially given that sea ice conditions are changing and areas now covered by ice might in the future be open water.

The agreement to designate critical habitat was filed Monday as part of a partial settlement of a lawsuit brought by Greenpeace, the Natural Resources Defense Council and Siegel's group.

They filed the lawsuit in March after Interior Secretary Dirk Kempthorne missed a January deadline for declaring polar bears threatened or endangered.

Kempthorne on May 14 declared polar bears "threatened," or likely to become endangered, citing polar bears' need for sea ice, the dramatic loss of sea ice in recent decades and computer models that suggest sea ice is likely to further recede in the future.

Polar bears use sea ice to hunt seals. Summer 2007 set a record low for sea ice in the Arctic. The ice melt this summer was the second lowest on record, according to the National Snow and Ice Data Center at the University of Colorado.

Oil and gas development was not seen as a major factor in the listing decision.

Siegel said in most cases, critical habitat must be designated at the same time a species is listed as threatened or endangered.

Under the settlement filed in U.S. District Court in Oakland, Calif., a proposed critical habitat rule will be issued next year, and will be subject to public comment and public hearings, Siegel said.

The settlement sets a deadline of June 30, 2010, for a final rule designating critical habitat for the polar bear.

Environmental groups monitoring the Arctic have long complained that federal regulators routinely grant permits for petroleum exploration without adequately considering consequences for whales, polar bears, walrus and other marine mammals.

Seismic surveys involve firing off loud air guns and critics contend that safety zones and other measures are inadequate. They say boats, drilling platforms and aircraft will add to bears' stress by causing them to flee and expend more energy.

Conservation groups also say oil companies have not demonstrated they can clean up an oil spill in broken ice. Ice jams skimmers, tears up containment boom, clogs pumps and impedes access to floating crude, and a cleanup off Alaska's coast could be slowed by

extreme cold, moving ice, high wind and low visibility,

Andrew Wetzler of the Natural Resource Defense Council said designation of critical habitat is one of the most powerful and important protections offered by the Endangered Species Act to animals and plants on the brink of extinction.

The settlement Monday also requires the Interior secretary to issue guidelines for non-lethal deterrence of polar bears that pose a threat to public safety in villages or other populated areas.

According to the groups, the settlement Monday does not address their claim that Kempthorne should have listed polar bears as endangered instead of threatened.

They also claim Kempthorne violated the law by issuing a special rule exempting polar bears from protections otherwise provided by the Endangered Species Act.

The groups said the case is expected to be heard early next year.

Five lawsuits have been filed in Washington, D.C., to overturn this listing of polar bears as threatened.

One was filed by the state of Alaska on orders of Gov. Sarah Palin, the GOP nominee for vice president.