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1. **ENDANGERED SPECIES: Settlement requires U.S. to designate 'critical habitat' for polar bears** (10/06/2008)

Allison Winter, *E&ENews PM* reporter

The Fish and Wildlife Service agreed today to designate critical habitat for polar bears under a settlement with environmental groups.

The settlement, filed in federal court in California, requires the agency to finalize habitat protections for the polar bear in the next two years and write guidelines for non-lethal methods for repelling bears that approach Alaskan towns.

The agreement settles part of the environmentalists' lawsuit aimed at greater protection for the bear. Still unresolved are two of the larger complaints in the lawsuit from the Center for Biological Diversity, the Natural Resources Defense Council and Greenpeace.

The groups expect that the rest of their lawsuit will be heard by a federal judge in Oakland, Calif., early next year. Judge Claudia Wilken of the U.S. District Court for the Northern District of California is presiding over the case.

Industry groups that have sued to remove protections for the polar bear are petitioning to have the environmentalists' lawsuit consolidated with their complaints in federal court in Washington, D.C. The state of Alaska, industry and property-rights and hunting groups have filed five other lawsuits over the listing. The environmental groups, some of which are based in California, want to stay in court there.

The Interior Department gave the polar bear "threatened" species status last May because of threats to its polar ice habitat.

The U.S. Geological Survey has said shrinking sea ice could eliminate two-thirds of the world's polar bears -- and all Alaskan bears -- in the next 50 years. Polar bears rely on sea ice to hunt, mate and make dens for their young. There are currently 20,000 to 25,000 polar bears.

The Endangered Species Act requires wildlife officials to designate critical habitat at the same time as a species is listed. But in practice, the Bush administration says, little benefit comes from the designations, and the administration rarely completes them unless ordered to by a court.

The polar bear listing did not include any habitat protections. Under the new legal settlement, FWS agreed to finalize critical habitat by June 30, 2010. The proposed designation would come out next year and be open to public comment.

Once habitat is designated, federal agencies cannot conduct any activities on the habitat that could "adversely modify" the habitat or the species recovery.

"Designation of critical habitat for the polar bear is an essential step toward saving this increasingly imperiled species," said Andrew Wetzler of NRDC.

The settlement also requires federal wildlife managers to create guidelines by March 2010 for non-lethal deterrence of bears that pose a threat to public safety, one of the management options in the Marine Mammal Protection Act. The U.S. government currently provides no such guidance, and environmentalists say it may become increasingly important as more bears search for food on land if sea ice habitat is lost.

"It's important because we may have more bears coming to town because of global warming. ... [W]e want those bears to not be shot," said Kassie Siegel of the Center for Biological Diversity.

The city of Churchill, Canada, developed an elaborate non-lethal deterrence program that included clamping down trash cans and Dumpsters that attract bears. The town also has wildlife managers to dart bears and place them in a short-

term "jail" until a helicopter can take them back out to better habitat.

"There is no reason why we couldn't have a similar program in the U.S.," Siegel said.

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