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Judge says U.S. must decide whether polar bears are endangered species



Associated Press

Undated photo from the U.S. Fish and Wildlife Service's Alaska Image Library.

A federal judge, in setting a May 15 deadline for a decision, rejects the Bush administration's plea for additional time. The order is a victory for 3 environmental groups.

By Kenneth R. Weiss, Los Angeles Times Staff Writer
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A federal judge in Oakland has ordered the Interior Department to decide by May 15 if the polar bear should be protected as an endangered species because of melting sea ice due to global warming.

U.S. District Judge Claudia Wilken decided, in a ruling released today, that government failed to meet the deadline of Jan. 9, a legal requirement under the Endangered Species Act. She dismissed the Bush administration's plea to give it until June 30, saying officials offered "no specific facts that would justify the existing delay, much less further delay."



Graphic: On thin ice

- [Judge Wilken's decision \(PDF\)](#)
- [U.S. is close to listing polar bears as threatened](#)

To give the administration more time, the judge wrote, "would violate the mandated listing deadlines under the [Endangered Species Act] and congressional intent that time is of the essence in listing threatened species."

Wilken's decision is a victory for three conservation groups that petitioned the U.S. Fish and Wildlife Service, an agency of the Interior Department, to protect the polar bear as a species threatened with extinction because of receding sea ice.

The polar bear makes its living hunting arctic seals when ice covers the polar seas. As the ice has retreated for longer periods every spring and summer, the fasting period for the bears has grown longer, weakening them and disrupting their reproduction.

Scientists have documented bears that have resorted to cannibalism and drowned between large gaps in the ice. In addition, reproductive rates for females and survival rates for cubs have declined, according to studies. The U.S. Geological Survey predicts that two-thirds of the polar bears may vanish with their melting habitat by 2050.

The Interior Department today issued a statement, but declined to tip its hand. "We have received the court's decision and are reviewing it," said Shane Wolfe, the department's spokesman. "We will evaluate the legal options and will decide the appropriate course of action."

Regardless of what Interior decides, lawyers for conservation groups said they believe that mounting scientific evidence would make it easy to persuade a judge that an endangered species listing is warranted.

Kassie Siegel, who wrote the initial petition for the Center for Biological Diversity, called the upcoming decision "the first step toward saving the polar bear and the entire Arctic ecosystem from global warming."

The Center for Biological Diversity, Greenpeace and the Natural Resources Defense Council said

they sought the listing in part to force the Bush administration to take more serious steps toward combating global warming, such as imposing federal limits on greenhouse gas emissions.

When the department missed the January deadline, these groups sued to force action.

The polar bear listing comes as the Bush administration is moving to open to new oil and gas drilling prime polar bear habitat in the Chukchi Sea off Alaska's north coast. Under questioning from members of Congress, Interior Department officials have asserted that the delay on the polar bear listing and the movement toward new drilling are not connected.

Moreover, the Bush administration and global warming skeptics, such as Sen. James M. Inhofe (R- Oklahoma) have argued that the effort to list the polar bear as endangered is part of an agenda by environmentalists to thwart new coal-fired power plants needed to meet America's growing energy needs.

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