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## U.S. adds polar bear to 'threatened' list

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**But government takes no action to reduce warming that melts their Arctic habitat**

**By Oren Dorell**  
**USA TODAY**

The Bush administration listed the polar bear as a threatened species Wednesday, agreeing with conservationists that the bear's Arctic habitat is melting because of global warming.

That is where the agreement with conservationists ends.

"This listing will not stop global climate change or prevent any sea ice from melting," Interior Secretary Dirk Kempthorne said while announcing the decision. The Endangered Species Act should not be "abused to make global warming policies," he said.

Kassie Siegel, a lawyer with the Center for Biological Diversity, said the group does not accept Kempthorne's view.

The act requires federal agencies to take steps to reduce or eliminate those impacts on threatened species, she said. "There is no exemption for greenhouse gas emissions."

If the government fails to address global warming, "we can and will go to court to enforce the law," she said.

The decision comes three years after environmental groups petitioned to have the polar bear listed under the Endangered Species Act.

The listing of "threatened" means a species is at risk of becoming endangered within the foreseeable future. A species is listed as "endangered" when it is at risk of becoming extinct, according to the act.

"Although the population of polar bears has grown from 10,000 in the 1960s to 25,000 today, our scientists tell me that polar bears could become an endangered species in the next 30 years," Kempthorne said.

In an interview, Kempthorne said the next step is for the U.S. Fish and Wildlife Service, which administers the act, to designate "critical habitat" for the bear, which will likely happen under the next administration. After that, a recovery plan will be developed, but he said he couldn't provide

specifics.

He said the decision to list the animals as threatened was "forced" by science and the Endangered Species Act, which he called "inflexible."

Kempthorne pointed to satellite images showing dramatic reductions in sea ice over the past decade and climate projections by the U.S. Geological Survey that the sea ice on which polar bears depend is likely to shrink more than 30% by 2050 and could all but disappear by the end of the 21st century.

Kempthorne said there is little that can be done under the Endangered Species Act that isn't already being done. The polar bear has been protected under the Marine Mammals Protection Act, which has a higher standard of protection.

The Department of Interior will issue a rule stating that anything allowed under the Marine Mammals Protection Act, including Arctic oil and gas production and exploration, will be allowed under the new listing. The only exception: Polar bear hides collected in sport hunts in Canada can no longer be imported into the USA.

Reed Hopper, an attorney with the Pacific Legal Foundation, which defends property rights, says the decision "is exactly what the environmentalists have been looking for."

"It opened the door to them to create a hook to bring legal challenges to virtually any carbon-emitting activities," including livestock and energy production, and manufacturing, he said.

Kempthorne said the decision precludes such an argument. "It's not going to be up to the agency," Hopper said. "It's going to be up to the courts."

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