

8. ENDANGERED SPECIES: Lawsuit aimed at forcing seal listing (03/31/2009)

Patrick Reis, E&E reporter

An advocacy group filed its intent to sue NOAA today for denying an endangered species listing for ribbon seals.

The Center for Biological Diversity argues that the Bush administration's decision not to list the seal in December ignored clear threats to the species from global warming and proposed offshore drilling.

Brendan Cummings, an attorney for the center, said NOAA's response to the notice offers a "litmus test" for the agency's new chief, Jane Lubchenco, who has pledged to make decisions based on science.

Sheela McLane, a spokeswoman for NOAA's National Marine Fisheries Service office in Alaska, said the agency's lawyers had seen the notice and had no comment.

NOAA estimates that about 200,000 ribbon seals live in the Bering, Chukchi and Okhotsk seas off Alaska and Russia. They spend spring on broken sea ice, where they raise their pups during the summer.

In deciding against the listing, NOAA said its models show sea ice lasting for the next 100 years, a claim that the center's biologists dispute.

The seals are also tied up in the conflict over offshore drilling, as seal habitat overlaps with areas leased for drilling last February by the Minerals Management Service.

The center says an Endangered Species Act listing for the seal could slow or halt offshore energy development, since sea ice would likely be declared critical habitat and would thus get federal protection. But MMS says a critical-habitat designation would not stop the drilling.

NOAA's decision on the ribbon seal could have implications for three other Arctic seals -- the ringed, bearded and spotted seals -- that also depend on sea ice. The center has petitioned NOAA to protect all three species; the Endangered Species Act requires the agency to release a finding by the end of May.