

2010 Lawyers Who Helped to Shape a Decade: Queen of the Ice

By Fiona Smith

Frustrated by the Bush administration's refusal to tackle climate change as scientific evidence pointing to a deepening crisis stacked up, Kassie Siegel made it her mission to force global warming onto the government's agenda.

She turned to a law that never contemplated the problem of a warming planet - the 1973 Endangered Species Act. Her goal was to use the law's science-based standards to compel federal officials to admit climate change is real and to bring cuts in heat-trapping greenhouse gas emissions.

All she needed was a good candidate to petition for protection under the act. The Arctic seemed like the natural place to start looking, as some of the most rapid and obvious environmental changes resulting from warming were already happening there. She also needed a species that had been studied enough by scientists so she could build a strong case. Her first try was in 2001, when she sought to protect a rare Arctic sea bird called the Kittlitz's murrelet. The bird is yet to be listed and the issue is mired in litigation. Undaunted, Siegel scoured scientific literature and in 2004 turned to the polar bear, feeling that several new studies on the animal built an iron clad case that global warming was decimating the ice it uses to hunt and mate.

"One of the major purposes of the petition was to force the Bush administration to confront the science under the legal standards of the Endangered Species Act because it says the decision has to be made only on the basis of the best available science," Siegel said. "This administration could deny and downplay the science - they couldn't do that in the context of an Endangered Species Act listing."

After a three-year court fight, the Bush administration agreed to protect the bear in 2008. The charismatic polar bear not only became the first animal listed under the act primarily because of the impacts of climate change, it became an icon of the anti-global warming movement.

The listing also brought a backlash from industry that feared it would hamper oil and gas activities in Alaska and act as a back-door attempt to regulate greenhouse gas emissions nationwide. While the Bush administration, and now the Obama administration, has tried to minimize that possibility, the bear's listing will bring some cuts in greenhouse gases, according to Siegel.

"Federal agencies should be looking at their greenhouse gas emissions, just as they look at any other impact in Endangered Species Act reviews, and looking for ways to mini-



mize those impacts, just like they do with pesticides, logging, mercury," Siegel said. "It's one way to roll up your sleeves and get going addressing the problem."

And as legislators have failed to

craft a comprehensive federal climate change policy, the leverage of the Endangered Species Act to pressure federal agencies reviewing major projects - such as oil production facilities and power plants - to seek emissions cuts is only likely to grow. Siegel, and the Center for Biological Diversity's Climate Law Institute that she heads, are seeking protections from global warming for a growing parade of creatures including: more than 80 species of corals, the Pacific walrus, several species of arctic seals and Sierra Nevada's American Pika.

"Prior to Kassie bringing the whole issue forward, the government's position was, 'When we think of Endangered Species Act listings, we think of the immediate vicinity of a project,'" said Deborah Sivas, a professor at Stanford Law School who sits on the Center for Biological Diversity's Climate Law Institute advisory board.

Now there is the idea that faraway projects also have an impact on species, Sivas said. "It's changed agency thinking on the issue."

It was while living in Alaska that Siegel first decided to go to law school to help protect the wild beauty she fell in love with there. The 37-year-old grew up in suburban New Jersey, but always pined to be closer to nature. After graduating from



Top photo from U.S. Fish & Wildlife Service, Alaska Region; (bottom) Kassie Siegel.

college in Virginia, Siegel moved to Alaska and worked as a river raft guide and then went onto the UC Berkeley School of Law. Nowadays, she works from a solar-panel topped house in the quiet and open desert outside of Joshua Tree National Park.

From that isolated spot, Siegel has successfully pioneered

other major efforts to force the government to tackle climate change. She pushed the idea that environmental reviews under the state's California Environmental Quality Act should address global warming and brought the seminal case that made the same finding for a similar federal law, called the National Environmental Policy Act.