

Environmentalists Sue Over Polar Bear Ruling Delay (Update3)

By Adam Satariano

March 10 (Bloomberg) -- Environmental groups sued the Bush administration today for delaying a decision on whether to make the polar bear the first animal to be declared a threatened species because of climate change.

The lawsuit filed today in San Francisco federal court by the Center for Biological Diversity, Natural Resources Defense Council and Greenpeace follows a two-month delay by the [U.S. Fish and Wildlife Service](#) on deciding whether to give polar bears new protections under the Endangered Species Act.

Conservation organizations argue the government has enough scientific evidence to list the animal as threatened, pointing to a [U.S. Geological Survey](#) report in September that said two-thirds of the polar bear population could be lost by mid-century because of melting Arctic sea ice.

"The bottom line is the Fish and Wildlife Service has been twiddling its thumbs as the polar bear habitat has been melting," said [Andrew Wetzler](#), director of the [Natural Resources Defense Council](#)'s endangered species program. "They have repeatedly missed deadlines they are more than capable of meeting."

The Fish and Wildlife Service, an agency within the Interior Department, said on Jan. 7 that after a yearlong review of research it needed more time. The agency, which said it received about 670,000 public comments about the designation, has now missed a 60-day window that kept outside groups from filing suit to force a decision.

'Active Discussions'

Valerie Fellows, a spokeswoman for the Fish and Wildlife Service, said the agency and the Interior Department are in "active discussions regarding this decision."

"Since we were put on notice about 60 days ago that certain organizations intended to file a lawsuit, and we've obviously not published a decision in the federal register, a lawsuit is not a surprise to us," Fellows said.

The Interior Department's inspector general also has started a preliminary investigation into the postponement.

The polar bear population is estimated to be 22,000 to 25,000, with about 60 percent living in Canada. The average male is 8 to 9 feet tall (2.4 to 2.6 meters) and about 1,760 pounds (800 kilograms).

Granting the polar bear threatened status would bring new habitat protections and more scrutiny of projects that could affect its population.

Drilling Rights

Environmental groups and Democrats in Congress have alleged the delay was intended to allow the Interior Department to conduct a sale last month of drilling rights in the Chukchi Sea off the coast of Alaska. One of the tracks for sale included a 29-acre area in waters that are home to polar bears.

"The Bush administration seems intent on slamming shut the narrow window of opportunity we have to save polar bears," said Kassie [Siegel](#), climate program director at the Center for Biological Diversity and lead author of the 2005 petition seeking the Endangered Species Act listing.

The Fish and Wildlife Service, an agency within the Interior Department, said the delay isn't politically motivated.

The oil and gas industry has opposed designating the polar bear a threatened species, arguing the population is at historically healthy levels and that a decision shouldn't be based on future projections.

“The Endangered Species Act is not the appropriate regulatory tool to address climate change or whatever policies that could be used to respond to perceptions on climate change,” said Richard Ranger, a senior policy adviser for the [American Petroleum Institute](#), an oil industry group in Washington.

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Last Updated: March 10, 2008 13:47 EDT