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US Judge Sends Polar Bear Listing Back To Interior Dept.

BY SIOBHAN HUGHES
OF DOW JOWNES NEWSWIRES

WASHINGTON (Dow Jones)--A U.S. federal judge on Thursday sent a Bush administration decision to list the polar bear as a threatened species instead of an endangered species back to the Interior Department, ordering the federal government to explain the basis for its 2008 decision.

U.S. District of Columbia District Judge Emmet Sullivan sent the listing decision back to the Interior Department's Fish and Wildlife Service and gave the agency until Dec. 23 to explain the basis for its action. Interior spokeswoman Kendra Barkoff

declined to comment.

The judge's ruling was welcomed by environmental groups, who hope that the Obama administration will take another look at the treatment of the polar bear. Listing the polar bear as an endangered species would afford the bear an additional layer of protection, but some in industry fear it could lead to new restrictions on drilling for oil and gas exploration.

In his decision, Judge Sullivan said that the agency was wrong to conclude that a species had to be in imminent danger of extinction in order to qualify as an endangered species. He said that the Endangered Species Act was ambiguous as to whether a

species had to be on the brink of extinction in order to be considered endangered. He did not rule on the merits.

The Center for Biological Diversity, which had sued the agency in an effort to obtain greater protection for polar bears, hailed the judge's decision. "The judge has put the ball squarely in President Obama's court," said Kassie Siegel, director of the group's Climate Law Institute, in a statement. "We hope that rather than continue to defend the flawed policies of the Bush administration, Obama will do right by the polar bear."

The American Petroleum Institute had no immediate comment.



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