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## Groups says it will sue over polar bear habitat

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By DAN JOLING

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ANCHORAGE, Alaska -- An environmental group on Thursday gave formal notice that it intends to sue the federal government for what conservationists consider a failure to protect critical habitat for polar bears from harmful oil and gas development.

The Center for Biological Diversity sent the required notice to Interior Secretary Ken Salazar.

The Interior Department designated more than 187,000 square miles in and near the Beaufort and Chukchi seas as polar bear critical habitat, said the group's Alaska representative, attorney Rebecca Noblin.

But its agencies also have reaffirmed a Bush-era plan that authorized oil leasing in the newly designated polar bear critical habitat in the Chukchi Sea, and are considering a proposal to allow Shell Oil to drill next summer in polar bear critical habitat in the Beaufort Sea.

"Unfortunately, Interior seems profoundly confused about whether to actually protect polar bear critical habitat or sacrifice it to oil companies," Noblin said.

Former Interior Secretary Dirk Kempthorne, who served under President George W. Bush, declared polar bears threatened in 2008, eight months after summer sea ice levels melted to their lowest recorded level. Most climate modelers predict continued sea ice loss, possibly with an Arctic Ocean that is ice free during summer months by 2030 or sooner.

Noblin said the Endangered Species Act requires federal agencies to ensure that any actions they authorize do not damage or destroy critical habitat. Daily activity of the offshore oil industry - seismic testing, transit of vessels, flights to vessels and drill sites - will do that, she said.

The industry's greenhouse gas and particulate emissions add to climate warming and sea ice melt, the main threat to polar bears, she said. A worst case scenario would be a catastrophic spill.

"Given that it is impossible to clean up an oil spill in the icy waters of the Arctic, if Secretary Salazar ultimately approves drilling in polar bear critical habitat he will have demonstrated that all his promises of reform following the Gulf disaster ultimately amount to nothing," Noblin said.

Upward of 90 percent of the Alaska's general fund revenue comes from the oil industry and state officials are banking on Arctic offshore drilling to keep oil in the trans-Alaska pipeline as onshore reserves diminish.

The state has sued to overturn the polar bear listing, claiming that climate models are unreliable and that polar bear populations have not crashed.

The state last month gave notice it also will sue over the critical habitat designation, claiming it will increase costs or even kill resource development projects that are important to Alaska.

Gov. Sean Parnell has said repeatedly that state laws, international agreements and the federal Marine Mammal Protection Act already protects polar bears. His endangered species coordinator did not immediately return a phone call Thursday.