



ENDANGERED SPECIES:

Enviros prepare new lawsuit over polar bear listing

Laura Petersen
E&E reporter
Thursday, May 16, 2013

Environmentalists are suing the Fish and Wildlife Service to review the polar bear's status as a threatened species and adopt a recovery plan for the animal.

On the fifth anniversary of the bear's listing in 2008 as threatened under the Endangered Species Act, the Center for Biological Diversity today put the Interior Department and FWS on notice of its intent to sue over FWS's failure to review the bear's status once in the past five years as required by law.

While the case centers around missed deadlines, advocates said substantial evidence now exists that shows the polar bear's situation has deteriorated since 2008 to the point that its status should be changed to endangered. Such a move could have broader ramifications.

When listing the polar bear, the George W. Bush administration adopted a special rule exempting activities that contribute to global warming but occur outside Alaska from ESA

regulations. CBD sued, but the U.S. District Court agreed with the Bush administration that the ESA was not the "proper vehicle" to regulate greenhouse gases. The Obama administration reissued the rule earlier this year, to the disappointment of environmental groups (Greenwire, Feb. 19).

Special rules can be issued only for threatened species, not endangered ones, said Kassie Siegel, director of CBD's Climate Law Institute. "So if the polar bear is listed as endangered, it would take care of that problem," she said.

The center also plans to argue that FWS's failure to develop and implement a polar bear recovery plan in a timely fashion violates the ESA. The agency was expected to issue a draft plan last year but has yet to do so, Siegel said.

"We're trying to push the administration to actually take steps to help the bear," Siegel said. "There is still time to save the bear, but time is running out."

The Fish and Wildlife Service declined to comment.

