

Endangered earth

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Spring 2005

Polar Bears in Peril Center seeks to protect bears' Arctic ice from global warming

The Center has taken a critical step towards protecting one of the Arctic's most remarkable creatures. On February 16, 2005, the same day the Kyoto Protocol took effect without the participation of the U.S., the Center filed a formal petition requesting that the polar bear be added to the list of threatened species under the Endangered Species Act.

The 154-page petition, supported by Senator Joseph Lieberman, co-sponsor of the Climate Stewardship Act, cites global warming and the associated loss of sea ice as the primary threat to polar bears. Other threats cited in the petition include oil and gas development in the Arctic, high levels of contaminants such as PCBs in polar bear tissues, and

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overhunting of some populations in Canada, Greenland, and Russia.

Polar bears live only in the Arctic and are completely dependent upon sea ice for virtually all of their essential behaviors, including feeding, mating, and maternity denning. Classified as marine mammals, these magnificent hunters are the world's largest bears as well as the North's top predator, and feed primarily upon ringed seals, another ice-dependent species. But tragically, the polar bear's future may literally be melting away.

The permanent polar cap of Arctic sea ice is shrinking steadily due to warming temperatures, which are rising more rapidly in the Arctic than in the rest of the world. Seasonal sea ice is breaking up earlier each spring, and forming later in the autumn.

That could spell disaster for polar bears, because once the ice melts for the summer, they must fast on land until the sea ice returns. In Western Hudson Bay in Canada, at the southern edge of the

Polar Bears continued on back page...



The Big Chill ©Thomas D. Mangelsen/imagofuturestock.com

The petition to secure Endangered Species Act protection for the polar bear is the latest in a series of actions designed to protect species worldwide from global warming. In response to another Center petition, the National Marine Fisheries Service recently announced it will issue a proposal to list two Caribbean corals under the Act, due to global warming and a number of other threats (see Program News inside for more information). In addition, the Center petitioned the U.S. Fish and Wildlife Service to list the Kittlitz's murrelet, a small seabird whose life history is entwined with retreating tidewater glaciers. And in another move to cut future greenhouse gas emissions, the Center successfully sued the U.S. government for failing to comply with the Energy Policy Act, which sets requirements for government use of alternative fuels vehicles.



ADVOCACY SPOTLIGHT

Michael Robinson, *Carnivore Conservation Coordinator*

Returning Wolves to the Wild

Center fights to preserve federal protections for wolves across the United States

Through a quirk of history, on January 31, 2005 the Center won two significant court rulings for wolves in two separate cases. These victories have thwarted attempts by the Bush administration and livestock groups to undermine gray wolf recovery. For now at least, the wolves have once again been given a fighting chance to reclaim their place in America's wilderness.

A history of contradictions

The differences in these cases highlight the curious role played today by the U.S. Fish and Wildlife Service: in one case we challenged the agency's policy, and in another we defended its Mexican wolf recovery program from a challenge by the livestock industry. This is the same federal agency that once spent millions of dollars to poison, trap, dig out of dens and shoot wolves.

By the 1940s, the diminutive Mexican gray wolf—or *desert wolf* as pioneering ecologist Aldo Leopold called it—had been wiped out in the United States, and northern gray wolves were reduced to a small population in Minnesota. Starting in 1950, the Fish and Wildlife Service began sending American poisons and salaried personnel to the Republic of Mexico to organize the same meticulous district-by-district poisoning program that had proven so effective here. Even during the 1960s, when agency officials were telling Congress that the extermination program was ancient history, some of the last *lobos* were being poisoned by the Fish and Wildlife Service

(as well as the last grizzly bears in Mexico, the last red wolves in the southeastern U.S., the last black-footed ferrets on the Great Plains, and the last California condors on the West Coast).

After Nixon signed the Endangered Species Act into law in December of 1973, compelling the end of this policy, six Mexican wolves were trapped by the Fish and Wildlife Service for an emergency captive breeding program. One died in a trap; of the remaining five, four were male. No more have since been confirmed alive in Mexico. The Mexican gray wolf came within one wild-caught female of extinction. (The last few condors, ferrets and red wolves were also captured and bred in captivity and their progeny later reintroduced to the wild.)

Rocky road to recovery

Institutional change isn't easy, and old habits die hard. The Fish and Wildlife Service's 1998 Mexican wolf reintroduction program in southeastern Arizona and southwestern New Mexico authorizes trapping, aerial pursuit and shooting of wolves who prey on domestic animals or who leave the boundaries of the Gila and Apache National Forests, their official recovery area, even if they're on other public lands. In many cases, so-called depredating wolves became habituated to livestock as a result

of scavenging on dead cows and horses—animals determined to have died of other causes. A December 2004 agency review of the reintroduction program revealed that 91 percent of wolves that scavenged on livestock carcasses were also involved in depredations. The result has been a vigorous control program that has kept the wolf population below



Mexican wolf

Photo courtesy of Arizona Game and Fish Department

projected goals and has been roundly criticized by scientists.

There are currently thought to be only around 50 Mexican wolves in the wild. But that is 50 too many for the livestock industry. In 2003, a coalition of ranching groups sued the Fish and Wildlife Service to require removal or killing of all Mexican wolves in the wild. Concerned that the current administration might settle this suit rather than fight it, the Center intervened on the side of the government—the second time we had done so, since the same plaintiffs had filed a

similar suit previously. But just as the first time, on January 31 a federal court reaffirmed the legality of the reintroduction program.

The Center continues to work to provide Mexican wolves greater protection. Last spring, thanks to broad public demand and the support of Governor Bill Richardson, the New Mexico Game Commission unanimously passed a motion requesting the federal government to allow wolves to roam outside the



Gray wolf

Photo courtesy of USFWS



Mexican wolf pup

Photo courtesy of California Wolf Center

arbitrary political boundaries of their recovery area. The Center has also filed an Administrative Procedures Act petition requesting this and other reforms. But the Fish and Wildlife Service has not begun the necessary process to change its regulations.

Rewriting the rules

Fortunately, our second court victory in January helped lay the foundation for future legal efforts to strengthen the reintroduction

program. In this case, we sought to overturn a 2003 Federal Register rule in which the Fish and Wildlife Service had drawn up an ambitious template for removing all gray wolves from the endangered species list—even while wolves would only occupy slivers of their former range. The agency divided most of the contiguous U.S. into three so-called “distinct population segments” for recovery planning purposes, in effect doing away with the agency’s commitment to conserve and recover gray wolf subspecies, such as the Mexican gray wolf.

The rule also downlisted wolves in the eastern and western population segments from endangered to threatened. It gave ranchers new rights to shoot wolves on sight if they were harassing livestock (with no proof necessary), and allowed ranchers to draw wolves in with carcasses to guarantee their subsequent removal—a practice already taking place in the Southwest.

The southwestern population segment, like the eastern and western, was drawn to cover an enormous region—so that a few wolves in a relatively small area could stand in for vast wolfless areas of their original range and enable the administration to de-list wolves throughout. And because the agency abandoned its previous goal of recovering subspecies, it would no longer make the Mexican wolf the subject of conservation planning.

When a new recovery team was convened to draw up a replacement for the 1982 Mexican Wolf Recovery Plan, it concluded that the sparse borderlands habitat (the “Sky Islands”) in which Mexican wolves evolved was inferior to wetter areas in the Rocky Mountains, rather than a unique and important ecosystem in its own right. The Endangered Species Act’s stated intent to conserve “the ecosystems upon which endangered species and threatened species depend,” was turned on its head, and Leopold’s desert wolf was never to be permitted to occupy its desert home.

But thankfully, the federal judge in this case handed another victory to the wolf by overturning the 2003 rule. This means that wolves throughout the lower 48 states are back to endangered status (except for in Minnesota, where they were listed as threatened from the start), and the protections that had been stripped from them are back as well.

More broadly, because the ruling was based on the Endangered Species Act’s definition of an endangered species as one *in danger of extinction throughout all or a significant portion of its range*, the ruling will compel the Fish and Wildlife Service to identify what parts of the gray wolf’s historic range are significant, and plan recovery there. Under current law, the government cannot downgrade protections for gray wolves without first completing that process—except in the limited areas where they are not in danger of extinction. And the Act ensures that decisions about what constitutes significant wolf range must be based on biology—not on the politically-motivated science of the Bush administration.

Michael J. Robinson works on carnivore conservation for the Center. He is a member of the (former) Southwest Gray Wolf Distinct Population Segment Recovery Team and is on the steering committees of the Southern Rockies Wolf Restoration Project and the Grand Canyon Wolf Recovery Project. His book, Ecosystem and Empire: The Extermination of Wolves, Building of Bureaucracy, and Taming of the West, will be published by the University Press of Colorado in Fall 2005.

The Center worked in coalition with Defenders of Wildlife and other conservation organizations in these cases, and was represented by Matt Bishop of the Western Environmental Law Center and by the law firm of Faegre and Benson.

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Center moves to protect Verde River

Another river in Arizona is facing the grave threat of going dry due to groundwater pumping. Like the Santa Cruz and Salt Rivers of central Arizona, and the San Pedro River of southern Arizona, the Verde has suffered as groundwater pumping along its course intercepts water intended for the river.



Verde River

Now the cities of Prescott and Prescott Valley intend to multiply those impacts by pumping close to 9,000 acre-feet per year from the aquifer that feeds the river. Hydrologists calculate that more than 80 percent of the waters in the Upper Verde River come from the Big Chino aquifer, the target of Prescott and Prescott Valley pumping.

In December 2004, the cities purchased the JWK Ranch for \$23 million with the intent of transporting its groundwater. The Center notified the cities of our intent to sue for violation of the Endangered Species Act the next day. As of February, the cities had declined to enter into any formal plans to head off or mitigate

potential impacts to the sensitive river ecosystem.

Many of the most productive nests of the southwestern desert-nesting bald eagle survive along the Verde River. The endangered southwestern willow flycatcher also uses the riverside habitat. The federally listed or highly imperiled native fish of the Verde—razorback sucker, Colorado pike-minnow, loach minnow, spikedace, and roundtail chub—have suffered dramatic population declines in recent years, with some of them now virtually nonexistent in the river. Further loss of habitat would be devastating to these and other native species.

Center seeks protection for Tucson snake

In December 2004, the Center and the Coalition for Sonoran Desert Protection filed a petition with the U.S. Fish and Wildlife Service to protect the Tucson shovel-nosed snake as a threatened or endangered species. Once a common species of northeastern Pima County and southern Pinal and Maricopa Counties, the colorful snake is now rarely seen.

Like other shovel-nosed snakes, the Tucson snake is uniquely adapted to swim through sandy soils using its spade-shaped snout. It is limited to soils found on level terrain of valley floors—the exact areas most desirable for agriculture and development. Working with Dr. Phil Rosen of the University of Arizona, the Center modeled potential habitat within the snake's range and estimates that 72 percent of the snake's core range has been lost to agriculture or urbanization.

The snake is considered a "priority vulnerable species" in the draft Sonoran Desert Conservation Plan. Although the Plan could eventually provide some protection for the snake, it is unlikely to be sufficient because a majority of the snake's habitat is outside of Pima County's jurisdiction. A Town of Marana habitat conservation plan is also unlikely to provide adequate protection for the species.

Protection under the Endangered Species Act will provide much needed funding for surveys to determine where the species still survives, and immediate protection for remaining populations.

Off-road vehicles banned from tortoise habitat

In a big win for desert tortoise and other endangered species in the California Desert Conservation Area (CDCA), a federal court in San Francisco has ordered the Bush administration to stop off-road vehicle damage on over half a million acres of desert washes and critical habitat in Riverside, Imperial, and San Bernardino Counties.

Desert washes on U.S. Bureau of Land Management (BLM) public lands in the Northern and Eastern Colorado Desert Planning Area, which are critical for tortoise survival and recovery, are now off-limits to off-road vehicles until the U.S. Fish and Wildlife Service (FWS) completes new biological opinions that protect critical habitat and promote tortoise recovery.

There are thousands of desert washes weaving



Desert tortoise

across the landscape in this part of the CDCA, and BLM's "washes open" policy allowed driving in all of them. Off-road vehicles crush tortoises and their burrows, produce unhealthy pollution and dust, and damage and kill desert vegetation tortoises need to survive, reproduce and recover. Vehicle damage to desert habitat can take decades to repair itself.

Last August, the court struck down permits issued by FWS that authorized off-road vehicle use on critical desert tortoise habitat. The court found that FWS failed to consider the negative affects of the BLM plans on endangered species' recovery, instead looking only at survival. Despite this ruling, the Bush administration refused to make any on-the-ground management changes to protect the tortoise, forcing conservation groups to return to court for relief.

Developers attempt to silence environmentalists

The Center's efforts to protect bald eagle habitat in southern California were thrown a curveball last November when developers filed a longshot lawsuit against our partners under the Racketeer Influenced and Organized Crime statute (RICO). The developers' suit was filed against three Forest Service workers and

one local environmentalist for supposedly conspiring to derail a large condominium and marina project on the shore of Big Bear Lake.

Three of the RICO defendants are members of a local environmental group Friends of Fawnskin (FOF). The Center and FOF sued the developer early last year to halt construction that would disrupt habitat of wintering bald eagles, winning an injunction against the project on grounds that it would likely harm the eagles in violation of the Endangered Species Act.



Big Bear Lake

Photo by Erv Nichols

The intent of the RICO suit was apparently to chill opposition to the project and other future development, and to scare government employees who may be required to make decisions on this project in the future. Such suits are known as SLAPPs, or Strategic Lawsuits Against Public Participation. The developers' suit directly challenged the right to petition the government to ensure that environmental laws are followed. The Center has led a broad coalition of environmental and civil liberties groups in vigorously opposing this tactic.

Fortunately, several legal groups rushed to the RICO defendants' defense, and the California Attorney General argued for dismissal. Justice has prevailed, and on March 21st the suit was thrown out as a violation of the First Amendment.

The Center will not be dissuaded from continuing its work to protect bald eagle habitat in southern California. Our environmental cases are proceeding against the developer, with a trial expected in May.



Center fights for old-forest protection in Sierra Nevada

The 400-mile long Sierra Nevada mountain range is one of our nation's ecological crown jewels, home to the highest peak, deepest valley, and longest wilderness in the lower 48 states. It is a hotbed of biological diversity, supporting half of all plant and amphibian and two-thirds of all bird and mammal species found in California, as well as the largest living species on Earth—the giant sequoia.

In 2001, the U.S. Forest Service introduced the Sierra Nevada Framework for Conservation and Collaboration, a culmination of nearly a decade of participation including some of the best forest ecologists and biologists. One of the Framework's key goals was to conserve old-forest species by increasing the density of large trees and the diversity of vegetation, as well as improving the continuity of old forests across national forest lands. While not perfect, the Clinton-era Framework provided important protections for old forests and the species that depend upon them for survival.

Unfortunately, the Bush administration recently revised the Framework, dismantling

these hard-won protections. The 2004 revisions permit removal of trees up to 30 inches in diameter throughout the Sierra Nevada, including in old forest reserves, and allow logging within areas protected for the California spotted owl and Pacific fisher.

Despite massive public outcry, the Chief of the Forest Service approved these revisions in November 2004. In January, the Center joined with a coalition of other groups and California Attorney General Bill Lockyer to file suit against the 2004 revisions.



Victory for Yellowstone trout

The Yellowstone cutthroat trout may finally get long-needed protection because of a recent Center victory.

Symbolic of the nation's first national park, the Yellowstone cutthroat has disappeared from much of its historic range due to habitat degradation and introduction of non-native trout species.



Yellowstone cutthroat trout

Photo by Ernest R. Keeley

In 1994, lake trout, a voracious, nonnative predator of cutthroat trout, were discovered in Yellowstone Lake, home of the largest remnant populations of Yellowstone cutthroat. And in 2003, whirling disease, an exotic trout parasite, decimated Yellowstone cutthroat trout in Pelican Creek, one of

the principal spawning tributaries of Yellowstone Lake. Pelican Creek once supported as many as 30,000 spawning fish, but in recent years fewer than 100 can be found. Clearly, the Yellowstone cutthroat needs the safety net of the Endangered Species Act.

A coalition of groups petitioned to have the cutthroat protected as a threatened or endangered species in 1998, but the U.S. Fish and Wildlife Service refused to provide protection. Responding to a suit brought by the Center and a coalition of other groups, Colorado District Judge Figa overturned this refusal and ordered the agency to reconsider protection for the trout. The court determined that the agency failed to consider whether the trout was threatened or endangered in "all or a significant portion of its range," as required by the Endangered Species Act.



Puget Sound orcas to receive protections

In late December, the National Marine Fisheries Service announced a proposal to protect the Puget Sound killer whales under the federal Endangered Species Act.

Also known as "southern residents," the Puget Sound killer whales are an extended family that has stayed together for many years. They use a unique language to communicate, and tend to stick together close to shore.

Instead of hunting seals and other whales at sea, they eat mostly salmon, herring, and other fish. Among the most intelligent animals in

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the world, these orcas hunt as a team and take turns babysitting their young. Unfortunately they are also one of the most imperiled, having declined by 20 percent over five years during the 1990s.



Orca

The Center petitioned the Bush administration to protect the whales in 2001. However, the administration claimed that the admittedly endangered population was not "significant" enough to protect. The Center challenged this decision in court and won. The Fisheries Service will now

take public comment and put final protections in place for the whales within one year.

Endangered Species Act protection will result in many new safeguards for the orcas, including the creation of a recovery plan, protection for the whales' critical habitat, and assurances that federal projects will protect the whales before proceeding. These safeguards could lead to improvements in oil spill prevention, vessel traffic control, toxic pollution, and activities that harm fish eaten by the orcas.

Fisheries Service confirms proposal to protect corals

In response to a formal petition filed by the Center one year ago, the National

Marine Fisheries Service will propose to protect two coral species native to Florida and the Caribbean as "threatened" under the federal Endangered Species Act. The two species, elkhorn and staghorn coral, have suffered 80 to 98 percent declines throughout significant portions of their range.

These corals are critical components of the marine ecosystem's web of life. They are being harmed by a variety of threats, including disease, poor water quality, and perhaps most menacingly, global warming. As global warming advances, sea levels rise making it more difficult for corals to photosynthesize; warmer sea temperatures induce coral bleaching and increase the species' susceptibility to disease; and damaging storms increase in frequency to the point



Elkhorn coral

where corals cannot recover between storm events.

Once listed, these coral species will have a variety of protections put in place to address these threats. A recovery plan specific to these corals will help direct research into threats we currently do not understand (such as coral disease), and serve as a binding blueprint for stopping threats we do understand (such as water pollution). The corals' critical habitat will be protected so that these areas can serve as a continuing basis for research and as a reservoir for recovery. ■

Administration's weird science is bad news for wildlife in need of legal protections

For the past four years, the Bush administration has worked every angle to undermine protections for endangered species and their habitat. Perhaps its most effective—and secretive—tactic has been political manipulation of the scientific decision-making process within federal agencies charged with protecting wildlife. In particular, Assistant Secretary of Interior Craig Manson, the political appointee who oversees the U.S. Fish and Wildlife Service, and his deputy Julie MacDonald have used their political positions to change FWS reports and scientific decisions about endangered species protections.

In one well-documented case, Manson and MacDonald changed an economic report on critical habitat for 15 endangered species in California to grossly overestimate the economic costs of habitat protections, allowing them to claim that

protections for vernal pool habitat are not economically viable. The last-minute alterations were so inaccurate that MacDonald later had to publicly apologize and FWS had to settle the case in court, but not until after many of the pools had been bulldozed.

In another case, they took aim at the greater sage grouse—a bird imperiled due to habitat loss in the western United States. Playing scientist, MacDonald wrote to FWS biologists insisting that they change their report to claim that sage habitat is not crucial to the grouse because "they will eat other stuff if it is available." The sage grouse was later denied protection as an endangered species.

These incidents are far from isolated. Last month, the Union of Concerned Scientists and Public Employees for Environmental Responsibility released the results of an extensive survey of FWS biologists.

Biologists reported being directed, for non-scientific reasons, to change scientific findings that call for stronger endangered species protections, or to exclude or alter technical information. Many spoke of a climate of fear of political backlash within the agency, and some biologists specifically named Manson and MacDonald as sources of political manipulation and pressure.

Unfortunately, political interference and bullying have become the standard within FWS. The Center for Biological Diversity is working nationally to expose political manipulation and call for sound science in decisions impacting endangered species. It is imperative that these decisions are made by biologists who understand the complexities of these issues, and not by political appointees with no expertise in wildlife protection.

Endangered Earth is the quarterly newsletter of the Center for Biological Diversity, a 501(c)3 nonprofit organization dedicated to protecting endangered species and wild places through science, advocacy, education and environmental law. Contributions are tax-deductible.

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CENTER FOR BIOLOGICAL DIVERSITY

BECAUSE LIFE IS GOOD.

New books inspire next generation to care about conservation

The Center has been invited by children's book authors Matthew Henry Hall and Marisa De Jesus Paolicelli to help promote awareness of endangered animals through their new books.

Hall's book, *Phoebe and Chub*, is about the power of friendship between the title characters, a tree frog and a fish. The story takes place in a southwestern river canyon, and chronicles Chub's efforts to help Phoebe realize her dream of flying. In the book's epilogue, Hall explains to his young readers how many of its characters—including a bighorn sheep, a California condor, and a humpback chub—are endangered, or "close to disappearing forever," and "need friends too" to help them survive.

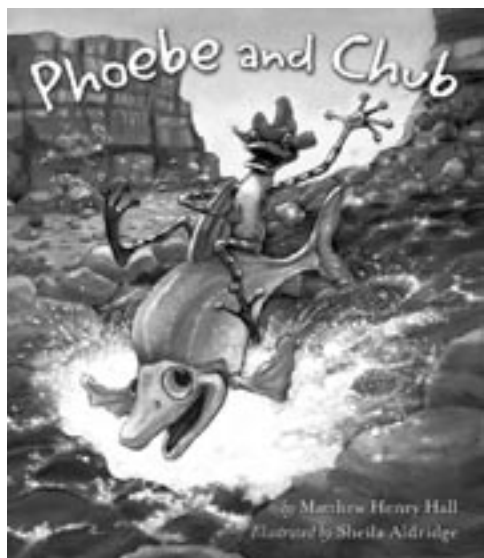


Illustration © 2005 by Sheila Aldridge from *Phoebe and Chub*

Hall has invited the Center to participate in the book's launch in Flagstaff, Arizona on May 6, and has also generously offered a share of proceeds from book sales at that event to support Center programs.

Paolicelli's story is also one of helping friends in need. In *There's a Coqui in My Shoe!*, a young boy named Armando helps Carlito the coqui frog find his way back to his home in the rainforest. The book captures Puerto Rico's vibrant colors, culture, flora and fauna, and highlights the plight of the coquis. The book has received endorsements from a variety of organizations and public figures in the

U.S. and Puerto Rico—including Center Conservation Director Peter Galvin.

There were originally 16 coqui frog species in Puerto Rico. Three are believed to be extinct and many of the remaining 13 are rare or declining. Last year, the Center reached a settlement in which the U.S. Fish and Wildlife Service agreed to develop a recovery plan and designate critical habitat for the endangered coqui guajon, which is featured in Paolicelli's book.

One scene depicts a U.S. Fish and Wildlife Service building in the background and shows the frogs asking for help. In another, a coqui is seen reading a copy of this newsletter—*Endangered Earth*!

The Center is grateful that these two talented authors have chosen to tell the stories of imperiled animals, and that they have invited us to be a part of their success. Both of these fantastic new books will do much to raise awareness among young readers of the threats facing some of their favorite creatures. The books provide us with a wonderful new way to reach out to the next generation of Earth's stewards, and we encourage all of our supporters to share both books with your families and friends. ■



Illustration by Tanja Baurle from *There's a Coqui in My Shoe!*. ©2004 Marisa de Jesus Paolicelli

Phoebe and Chub ~ Northland Publishing ~ www.northlandpub.com

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Polar bears *continued from front page*

polar bear's range, the sea-ice season has become more than two weeks shorter over the past several decades. Leading polar bear researchers have documented changes in the Western Hudson Bay population, and have observed declining health in adult bears and lower survival rates among cubs. Similar impacts and population declines can be expected in polar bear populations worldwide as global warming accelerates.

That global warming is occurring and accelerating due to human production of greenhouse gases, primarily from the burning of fossil fuels for energy, is no longer subject to credible debate. The Arctic Climate Impact Assessment Report, a peer-reviewed, intergovernmental collaboration of hundreds of leading scientists from around the world, projects that even under conservative estimates of future greenhouse gas

emissions, Arctic winter temperatures may rise by up to 18° Fahrenheit (10° C) over the next 100 years. Under these projections, it is estimated that summer sea ice will likely disappear entirely by the end of this century.

The U.S. needs to play a leading role in this effort. Listing polar bears under the Endangered Species Act will provide broad protection to the bears and provide a new way of addressing U.S. greenhouse gas emissions. The listing would require that any action carried out, authorized, or funded by the U.S. government not "jeopardize the continued existence" of the bears, or adversely modify their critical habitat.

The U.S. currently produces 24 percent of the world's greenhouse gases, and the U.S. Government Accounting Office projects that U.S. greenhouse gas emissions will grow by 44 percent through the year

2025. But the Bush administration has renounced the Kyoto Protocol, designed to reduce worldwide greenhouse gas emissions, and has instead adopted a "climate plan" that will allow emissions to rapidly increase. However, with protection for polar bears under the Endangered Species Act, U.S. government agencies that authorize, fund, or emit significant quantities of greenhouse gases will be required to evaluate the potential impacts of those emissions on the bears.

For more information on polar bears and what you can do to help, visit <http://www.biologicaldiversity.org/swcbd/species/polarbear/index.html>.

Cover story by Kassie Siegel, staff attorney and Air, Climate & Energy Program Director