



CALIFORNIA AND PACIFIC OFFICE

Because Life is Good

July 5, 2005

VIA FEDERAL EXPRESS OVERNIGHT DELIVERY

Ms. Gale Norton
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Mr. Rowan Gould, Regional Director
U.S. Fish & Wildlife Service
Alaska Regional Office
1011 East Tudor
Anchorage, AK 99503

RE: Addition of Parties to Petition to List the Polar Bear (*Ursus maritimus*) as a Threatened Species under the Endangered Species Act

Dear Ms. Norton and Mr. Gould:

On February 16, 2005, the Center for Biological Diversity submitted a formal Petition to List the Polar Bear (*Ursus maritimus*) as a threatened species under the Endangered Species Act ("Petition"). By this letter, additional parties the Natural Resources Defense Council (NRDC), and Greenpeace, Inc. join as Petitioners.

NRDC is a national, non-profit conservation organization with 500,000 members. Through law, science, public education, and advocacy, NRDC works to safeguard the Earth: its people, its plants and animals, and the natural system on which all life depends. Among other things NRDC seeks to protect marine mammals, endangered species, and other wildlife populations around the world. NRDC also works to combat global warming, which poses a pervasive threat to all of the Earth's natural systems. NRDC also has a long history of advocating for the protection of the Arctic and its unique and irreplaceable environment.

Greenpeace, Inc. is a California non-profit Corporation with over 156,000 members in the United States that uses peaceful protest and creative communication to expose global environmental problems and promote solutions for the future.

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Kassie Siegel, Director, Climate, Air and Energy Program
P.O. BOX 549 • Joshua Tree, CA 92252
PHONE: (760) 366-2232 x302 • FAX: (760) 366-2669
ksiegel@biologicaldiversity.org • <http://www.biologicaldiversity.org>

As detailed in the Petition, polar bears are threatened primarily by the melting of their sea-ice habitat due to global warming caused by society's emissions of carbon dioxide and other greenhouse gases. The United States has renounced the Kyoto Protocol and has yet to adopt any meaningful plan for reducing greenhouse gas emissions. As a result, the United States is responsible for fully 25% of the world's total greenhouse gas emissions and United States emissions continue to grow. Atmospheric carbon dioxide concentrations now stand at approximately 380 parts per million ("ppm"), up from a pre-industrial revolution concentration of 280 ppm, and are rising at more than 2 ppm per year. Thus, the threat to polar bears from global warming has increased since the filing of the petition, and will continue to do so.

This growing threat was very recently acknowledged by the IUCN Polar Bear Specialist Group ("PBSG"), the world's preeminent scientific body for the study, conservation, and management of polar bears, which upgraded the polar bear to the "Vulnerable" category on the IUCN Red List. This action was taken at the June 20-24, 2005 PBSG Meeting in response to the PBSG's projection of a more than 30% decline in the worldwide polar bear population over the next 35-50 years due to the impacts of global warming (PBSG 2005). "Vulnerable" is one of three designations under the "Threatened" category in the IUCN classification system, which also includes "Critically Endangered" and "Endangered." A species listed as Vulnerable is facing a "high risk of extinction in the wild" (IUCN 2001). The Vulnerable designation for polar bears clearly demonstrates that an immediate positive 90-Day Finding on the Petition should be issued and that further delay is unjustified.

Since the filing of the Petition the substantial literature documenting the impacts of global warming has also continued to grow. See, e.g., Henson et al. 2005 (confirming that heat-trapping pollution has already altered the energy balance of the earth and that the oceans are accumulating heat); Stroeve et al. 2005 (documenting another record minimum in September sea ice extent in 2004). Please consider these and all additional attached references in your review of the Petition.

Polar bears are threatened by a number of other factors, many of which will interact with global warming in a synergistic and cumulative fashion. Threats in addition to global warming include but are not limited to oil and gas development, pollutants such as PCBs, overhunting in some areas, and increasing human activity in the Arctic. Since the petition was filed, these threats have not abated, and in some instances have increased. For example, the Alaska Oil and Gas Association has petitioned the Service to authorize an exemption, for an additional five years, to the Marine Mammal Protection Act's prohibition on the taking of marine mammals for take of polar bears occurring as the result of oil and gas exploration, development, and production operations and all associated activities on the Alaskan arctic plain (Alaska Oil and Gas Association 2004a, 2004b, 2002).

As you know, the Service must determine whether the Petition "presents substantial scientific or commercial information indicating that the petitioned action may be warranted...[t]o the maximum extent practicable, within 90 days after receiving the petition." 16 U.S.C. §1533(b)(3)(A). Over four months have now passed since the Petition was filed, and the Service has yet to issue the required 90-Day Finding. The protection of polar bears from global warming and other threats is of urgent importance. Polar bears, the petitioning organizations and their members, and the public are entitled to timely processing of the Petition

within the deadlines set by Congress. Petitioners urge the Service to issue the 90-Day Finding in the immediate future.

Thank you for your consideration of this information. If you have any questions or concerns, please call me at (760) 366-2232 x.302.

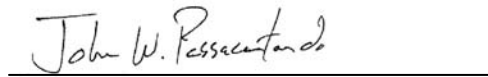
Sincerely,



Kassie R. Siegel
Center for Biological Diversity



Andrew E. Wetzler
Natural Resources Defense Council



John W. Passacantando, Executive Director
Greenpeace

Enc: Compact Disk containing Literature Cited.

Note on Literature Cited: the following articles are included on the enclosed compact disk. They should be considered by the Service and included in the Administrative Record for the 90-Day Finding on the Petition.

Alaska Oil and Gas Association ("AOGA"). 2004a. Petition for promulgation of regulations pursuant to Section 101(a)(5) of the Marine Mammal Protection Act. July 19, 2002. Anchorage, AK.

AOGA. 2004b. Addendum to August 23, 2002 Petition to U.S. Fish and Wildlife Service Requesting Renewal of Regulations Pursuant to Section 101(a)(5) of the Marine Mammal Protection Act. August 3, 2004.

AOGA. 2002. Petition for promulgation of regulations pursuant to Section 101(a)(5) of the Marine Mammal Protection Act. July 19, 2002. Anchorage, Alaska.

Carmichael, L.E., P.Krizan, S. Polikshuk Blum, and C. Strobeck. 2005. Genotyping of pseudohermaphrodite polar bears in Nunavut and advances in DNA sexing techniques. *Journal of Mammalogy*, 86(1):160-169.

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Hansen, J., L. Nazarenko, R. Ruedy, M. Sato, J. Willis, A. Del Genio, D. Koch, A. Lacis, K. Lo, S. Menon, T. Novakov, J. Perlwitz, G. Russell, G.A. Schmidt, and N. Tausnev. 2005. "Earth's Energy Imbalance: Confirmation and Implications" *Science* 308: 1431-1435.

Mote, P.W. 2003. Trends in snow water equivalent in the Pacific Northwest and their climatic causes. *Geophysical Research Letters* 30:1601-1605.

National Research Council. 2001. Climate Change Science: An Analysis of Some Key Questions. ISBN: 0-309-07574-2. Available online at <http://www.nap.edu/catalog/10139.html>.

Polar Bear Specialist Group ("PBSG"). 2005. PRESS RELEASE. 14th Meeting of the IUCN/SSC Polar Bear Specialist Group. Seattle, Washington, USA.

Stroeve, J.C., M.C. Serreze, F. Fetterer, T. Arbetter, W. Meier, J. Maslanik, and K. Knowles. Tracking the Arctic's shrinking ice cover: Another extreme September minimum in 2004. *Geophysical Research Letters* 32 (published February 25, 2005).

Thomas, C.D., A. Cameron, R.E. Green, M. Bakkenes, L.J. Beaumont, Y.C. Collingham, B.F.N. Erasmus, M.F. de Siqueira, A. Grainger, L. Hannah, L. Hughes, B. Huntley, A.S. van Jaarsveld, G.F. Midgely, L. Miles, M.A. Ortega-Huerta, A. T. Peterson, O.L. Philips, and S.E. Williams. 2004. Extinction risk from climate change. *Nature* 427:145-148.

Weatherly. 2003. Decreasing Arctic sea ice: greenhouse gases versus variability and natural forcing. Presented at the American Meteorological Society's Symposium on Global Climate Change and Variations in 2003.