



Congress of the United States

House of Representatives

Washington, DC 20515

April 9, 2007

Ms. Rosa Meehan
Supervisor
U.S. Fish and Wildlife Service
Polar Bear Project Leader
Marine Mammals Management Office
U.S. Fish and Wildlife Service
1011 East Tudor Road
Anchorage, Alaska 99503

RE: Comments on the Proposal to List the Polar Bear as a Threatened Species (72 Fed. Reg. 1064-1099)

Dear Ms. Meehan:

We write in support of the Proposal to List the Polar Bear as a Threatened Species under the Endangered Species Act (ESA). The scientific evidence overwhelmingly supports listing the polar bear under ESA to prevent its further endangerment and possible extinction. The predominant threat to the polar bear is the significant loss of essential Arctic sea ice habitat it needs to survive. This marked decline in sea ice habitat is directly linked to effects of global climate change. We urge the Fish and Wildlife Service (FWS) to adopt a final rule to extend ESA protections to the polar bear based on this factor.

We appreciate the thoroughness with which FWS has examined scientific information about the polar bear and its vanishing habitat in the proposed rule. Under ESA, FWS must base listing decisions solely on the basis of the "best scientific and commercial data available" [16 U.S.C. § 1533(b)(1)(A)]. The best available polar bear science signals the clear duty to list the polar bear.

Under ESA, a species may be listed based on one or more of the following factors: (1) the present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial or recreational purposes; (3) disease or predation; (4) the inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors [16 U.S.C. § 1533(a)(1)].

The polar bear merits listing based on multiple factors. Primary among these are the observed and predicted destruction, modification, and curtailment of its sea ice habitat

due to global warming. There is broad scientific consensus that rising concentrations of carbon dioxide and other greenhouse gases in the atmosphere are causing global average temperatures to increase, particularly in high latitude regions. In the Arctic, rising temperatures have already resulted in decreasing sea ice extent, with 2005 setting the record for the lowest recorded summer sea ice extent.¹ Most recently, leading scientists projected that the Arctic may be completely free of sea-ice in the summer as early as 2040.² Polar bears rely entirely on the sea ice for hunting, breeding and rearing their young. Without sea ice, they will be unable to survive.

In addition, as the Arctic's top predator, polar bears are threatened by the buildup of toxic contaminants such as chlorinated hydrocarbon contaminants (CHCs), perfluorochemicals, mercury, and organochlorines in their bodies.³ Finally, although polar bear hunting is managed responsibly in the United States and Norway, overharvest remains a potential threat to polar bear populations in other countries.⁴

There is scientific consensus that global warming is happening—the recently released Arctic Survey Report and Intergovernmental Panel on Climate Change reports show that global warming is happening and human activities are contributing to it.⁵ As such, while we applaud the proposal overall, we urge the service to improve the final rule by including a discussion, omitted from the proposed rule, of the adequacy or inadequacy of existing regulatory mechanisms to address global warming. We are aware such a discussion was contained in the FWS status review that provided analyses of the effect of greenhouse-gas pollution on global warming and the retreat of sea ice, and the lack of existing mechanisms to regulate climate change and reduce the loss of sea ice.⁶

We understand that the congressional intent of the ESA was to identify threats to species and then eliminate or ameliorate those factors. Therefore, we believe that when FWS lists the polar bear, the final rule should address the adequacy of existing regulatory mechanisms of anthropogenic greenhouse gas emissions, the primary threat to the polar bear, with the same level of detail that the proposed rule addressed the retreat of the sea ice and other ecological changes in the Arctic. Further, we urge FWS to publish a meaningful recovery plan within 12 months of the rule. Because FWS' proposed rule identified melting sea ice as the primary threat to the polar bear, any recovery plan should

¹ National Snow and Ice Data Center. Sea Ice Decline Intensifies, available at: http://nsidc.org/news/press/20050928_trendscontinue.html. September 2005.

² Holland, Marika M., Cecilia M. Bitz, and Bruno Tremblay. 2006. Future Abrupt Reductions in the Summer Arctic Sea Ice. *Geophysical Research Letters*, December 12, 2006.

³ Schliebe, S. et al. 2006. Range-wide Status review of the Polar Bear (*Ursus maritimus*). U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska. 152-170.

⁴ *Ibid.*, 126-127.

⁵ Alley, Richard et al. 2007. *Climate Change 2007: The Physical Science Basis (Summary for Policymakers)*. IPCC Secretariat, c/o WMO, 7bis, Avenue de la Paix, C.P. N° 2300, 1211 Geneva 2, Switzerland. Available at <http://www.ipcc.ch>.

⁶ Schliebe, S. et al. 2006. Range-wide Status review of the Polar Bear (*Ursus maritimus*). U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska.

include specific corrective actions to address that threat, which likely would necessitate reductions of greenhouse gases.

In conclusion, we support the proposed rule to list the polar bear as threatened under ESA and hope that you will seriously consider incorporating our suggestions to improve the final rule and protect the polar bear for generations to come. Thank you for the opportunity to comment on this important matter.

Sincerely,



JAY INSLEE
Member of Congress



CHRISTOPHER SHAYS
Member of Congress



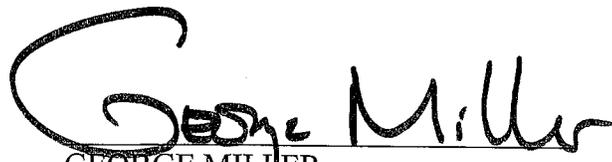
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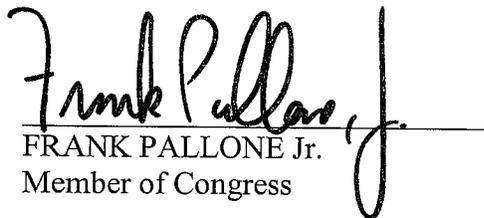
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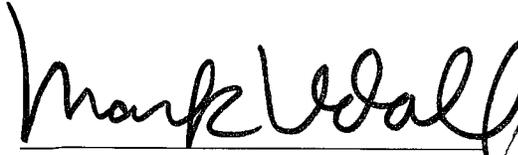
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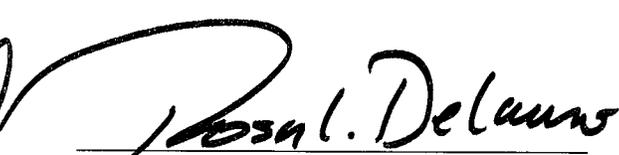


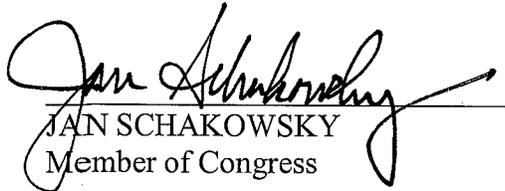
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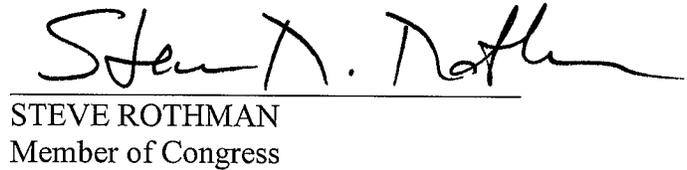


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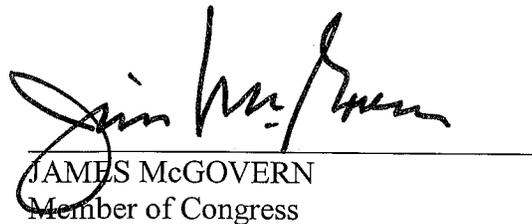

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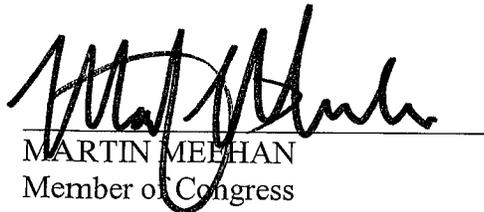

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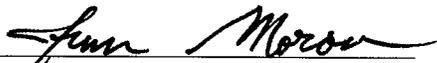

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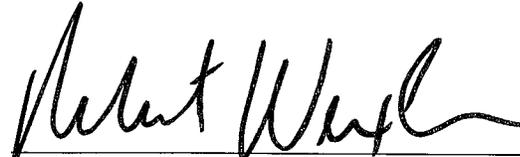

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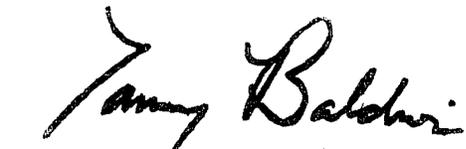
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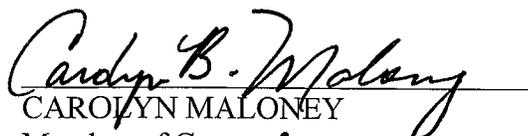
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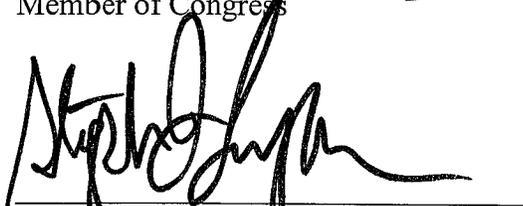
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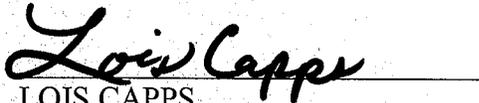
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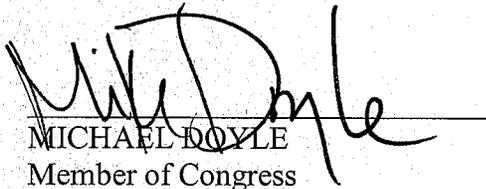
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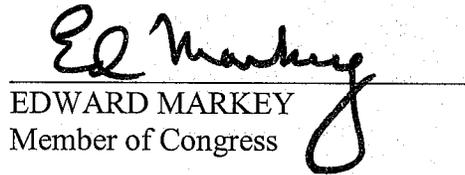
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JULIA CARSON
Member of Congress

- cc: The Honorable Dirk Kempthorne
Secretary of Department of the Interior
- cc: The Honorable Dale Hall
Director of Fish and Wildlife Service
- cc: The Honorable John F. Kerry
United States Senate