

Congress of the United States
Washington, DC 20515

June 15, 2006

Dr. Scott Schliebe
Supervisor
U.S. Fish and Wildlife Service
Marine Mammals Management Office
1011 East Tudor Road
Anchorage, Alaska 99503

**Re: Comments on Polar Bear 90-day Petition Finding and Initiation of
Status Review**

Dear Dr. Schliebe:

Since the initial filing to list the polar bear as a threatened species under the Endangered Species Act (ESA) on February 2, 2005, additional scientific evidence and commercial data warrants your attention as the U.S. Fish and Wildlife Service (FWS) continues to review the status of the polar bear pursuant to section 4 of the Act, 16 U.S.C. § 1533. We urge you to consider the newest research and data concerning dangers to polar bear habitat and health. We also call your attention to the lack of regulatory mechanisms that address the root causes of these dangers. We believe that a review of this evidence strongly favors listing the polar bear as a “threatened” species under the ESA.

The polar bear (*Ursus maritimus*) is the largest of the world’s bears. Over the last 100,000 years, the polar bear has evolved into a predator finely adapted to hunting in the Arctic’s ice-covered waters. Polar bears are particularly dependant on ringed seals and bearded seals, which they specialize in hunting (Stirling 1998; Derocher, *et al.*, 2004). Ringed seals and bearded seals themselves are ice-dependent species. In addition to locating prey, polar bears also employ sea ice to migrate, to locate mates and, in some cases, as maternity denning habitat. Indeed, the polar bear’s dependence on sea ice is so complete that populations are not found where sea ice is not present for a substantial portion of the year (Polar Bear Specialist Group (“PBSG”) 2005; Stirling & Derocher 1993). In addition, essential polar bear habitat includes sea ice—particularly areas adjacent to leads and polynyas—and terrestrial maternity denning areas.

Polar bears have a circumpolar distribution and are found throughout the Arctic, including in Russia, Alaska, Canada, Greenland and Norway, including Spitzbergen. Polar bear distribution is not uniform, as polar bears show a strong preference for ice floe edges, fast ice with drifts, and moving ice (Stirling 1998; Stirling & Derocher 1993). There currently are 20 recognized populations of polar bears worldwide. In the United States, the FWS has already recognized Important Habitat Areas for the polar bear as part of its polar bear conservation strategy (Fish and Wildlife Service 1995).

As set forth below, the scientific evidence is now clear that the loss of sea ice habitat threatens the world's polar bear populations with extinction. Studies have revealed the lowest summer sea ice extent ever recorded in the Arctic, as well as alarming evidence that winter sea ice recovery rates are declining significantly (eg, Laxon, *et al.* 2003). Other studies have shown that accumulating organochlorines in the polar bear's adipose tissue affect the bear's immune system, hormone regulation, growth patterns, reproduction and survival rates. Finally, current U.S. law does not provide adequate regulatory mechanisms to grapple with the problems confronting the global polar bear populations, whether those problems stem from warming, toxic contamination, or unlawful and illegal harvests.

Various conservation organizations have petitioned the FWS to list the polar bear as a "threatened" species. [See Petition to List the Polar Bear as Threatened; Notice of 90-day petition finding and initiation of status review, 71 Fed. Reg. 6745 (Feb. 9, 2006)]. The ESA defines a threatened species as one that is likely to become an endangered species within the foreseeable future [16 U.S.C. § 1532(20)]. FWS must base its listing decision *solely* on the basis of the "best scientific and commercial data available" [16 U.S.C. § 1533(b)(1)(A)]. A species may be listed because of any combination 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)].

In the case of the polar bear, multiple factors support listing.

Most importantly, polar bear sea ice habitat is threatened with destruction, modification, and curtailment due to global warming. There is consensus within the scientific community that increasing concentrations of carbon dioxide and other "greenhouse" gases in the atmosphere are causing global average temperatures to increase. Indeed, the ten warmest years on record all have occurred since 1990 and early this year, National Aeronautics and Space Administration confirmed that 2005 was tied with 1998 for the hottest year on record (Hansen, *et al.* 2006). Nowhere is this trend more pronounced than in the Arctic. The National Snow and Ice Data Center reported a new record minimum for Arctic sea ice extent in September 2005 (NSIDC, 2005) and the loss of mass of the Greenland ice sheet has doubled since 1996 (Rignot & Kanagaratnam 2006). Most recently, the Center released data showing significant continued declines in winter sea ice extent—the lowest Arctic winter sea ice extent since the beginning of the satellite record in 1979 (NSIDC, 2006). Many climate models now predict a 10 to 50 percent decrease in annual average sea ice extent by 2100 and some models show a complete disappearance of summer sea ice extent in as little as 40 years. Polar bears simply cannot survive such a dramatic reduction—or complete elimination—of their habitat.

Additionally, from their perch at the top of the Arctic food chain, toxic contaminants concentrated in arctic wildlife and prey rapidly accumulate in the polar bear's adipose tissue. Thus, polar bear populations also continue to be stressed by toxic

pollution, including chlorinated hydrocarbon contaminants (CHCs), perfluorochemicals, mercury, and organochlorines. Most recently, researchers concluded that organochlorines impair the polar bear's immune system and already could be having population-level impacts on polar bears in Canada and Norway (Fisk *et al.* 2005). Another study on polar bears in eastern Greenland has correlated liver inflammation with long-term exposure to organohalogens, such as polybrominated diphenyl ethers (PBDEs) (Somme, *et al.* 2005). Further, a recent look at the combination of the affects of toxic contaminants and climate change may be a worst-case scenario for Arctic mammals and seabirds (Jenssen, 2006).

Finally, although polar bear hunting is responsibly managed in the United States and Norway, polar bear populations in other countries continue to suffer from likely overharvest, particularly in Canada and Greenland, or poaching, such as in Russia (Lunn, *et al.* 2002; Angliss & Lodge 2004).

Even more troubling is the near complete absence of regulatory mechanisms in the United States that could help address the threat of global warming to polar bear habitat. There also is a need for the U.S. House of Representatives to consider legislation, recently passed by the U.S. Senate, to enable and implement the agreement between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population, which was signed at Washington, D.C., on October 16, 2000.

Listing the polar bear under the ESA would provide clear benefits to the species, including protection of its essential habitat and the mandatory preparation of a polar bear recovery plan. The ESA is one of the United States' most successful environmental laws. More than 98 percent of the species listed under the ESA still are alive today due in no small part to its protections.

Thank you for providing us with the opportunity to comment on the status of the polar bear. We argue that there is ever-increasing evidence that the continued existence of the polar bear is threatened. We strongly urge you in this review to adhere to the ESA's mandate to consider *solely* the best available scientific evidence and not to allow politics to enter this process. We appreciate your serious attention to this important matter.

Sincerely,



JAY INSLEE
Member of Congress

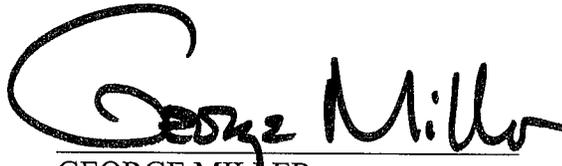


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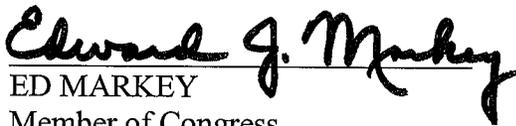
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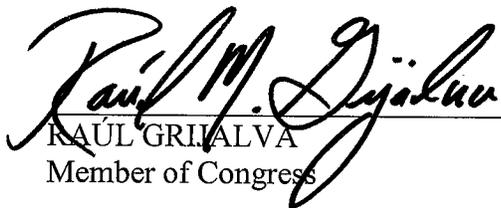
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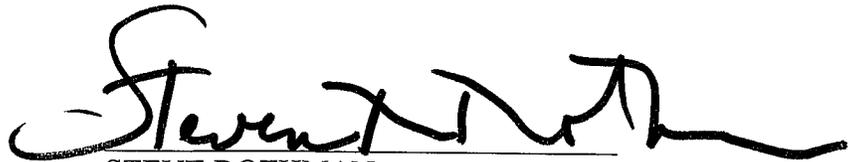
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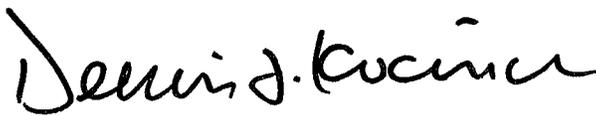
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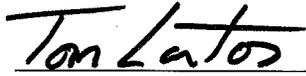
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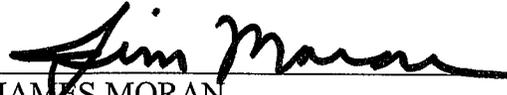
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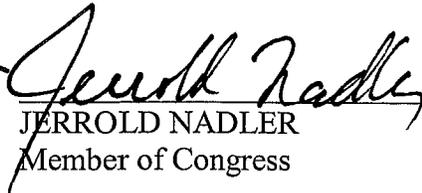
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Member of Congress

cc: The Honorable Dirk Kempthorne
Secretary of Department of the Interior

cc: The Honorable Dale Hall
Director of Fish and Wildlife Services

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