

Senator Ted Stevens  
Statement for Senate Environment and Public Works Committee  
“Examining Threats and Protections for the Polar Bear”  
January 30, 2008

As a Senator for the State of Alaska for the past 39 years, I possess a deep professional and personal interest in the status of our wildlife. Wildlife provides basic subsistence for many of the approximately 120,000 native Alaskans. Consequently, Alaskans take great pride in the sustainable management of our natural resources.

The U.S. Fish and Wildlife Service’s (USFWS) proposed listing of the polar bear as threatened under the Endangered Species Act (ESA) is unprecedented. None of the almost 1,900 previously listed species were occupying their entire geographic range at the time of listing, yet the polar bear is readily found throughout the Arctic.<sup>1</sup> None of the previously listed species had rising populations at the time of listing, yet the global population of polar bears has been steadily increasing for 40 years.<sup>2</sup> This proposed listing is unique because it is based on mathematical models as opposed to biological observations.

Although these models can be a useful scientific tool, I have deep concerns about how the USFWS used certain data in its decision making process. Most models assume that sea ice will continue to

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<sup>1</sup> Servheen C (1990) The Status and Conservation of the Bears of the World. International Conference on Bear Research and Management Monograph Series No. 2. 32 pages.

<sup>2</sup> Maksimov LA, Sololov VK (1965) Polar bear: distribution and status of stocks; problems of conservation and research. pp 39-43 In: Proceedings First International Meeting on Polar Bear. University of Alaska.

melt over the next 100 years, but there is vast uncertainty as to how polar bears will respond to a changing climate<sup>3</sup>. In September 2007 the U.S. Geological Survey (USGS) released 9 technical reports on habitat changes, including sea ice decline, which may impact the polar bear population. These reports did not study the size of polar bear populations but examined sea ice decline models and the impact of sea ice decline on polar bear populations.

The key mathematical models in the reports are based on only five years of data. Three of the years were “good”, meaning that sea ice coverage was normal and there was a high number of polar bear births, but USGS seized upon two bad years in 2004 and 2005, when the ice coverage declined slightly and birth rates were slightly lower, to create their pessimistic projections of polar bear numbers around the Arctic. The relatively small differences between the five years are not enough to make such drastic projections far into the future.

In the proposed rule, USFWS has favored one hypothesis and ignored contradictory data and theories. Polar bear experts at the Alaska Department of Fish and Game (ADFG) have shared with USFWS their observations of polar bears feeding on salmon, bearded seals, and other southerly-distributed species that have moved into areas where sea ice has receded. Considering the tremendous socio-economic impact of the proposed listing for the state of Alaska

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<sup>3</sup> Stempniewicz L (2006) Polar bear predatory behaviour toward molting barnacle geese and nesting glaucous gulls on Spitsbergen. *Arctic* 59: 247-251.

and our Nation, I am extremely concerned that USFWS failed to meaningfully consider other theories and information.

It appears that interest groups are clamoring for sea ice to be designated as critical habitat in order to end oil and gas exploration in the North Slope and curtail the use of fossil fuels throughout the country. This would only increase our reliance upon volatile, less environmentally sensitive foreign sources of oil and gas. Such a result would neither reduce greenhouse gas emissions, nor improve polar bear habitat. It is clear that the polar bear may be only the first in a long line of Arctic species to be the subject of a petition for listing under the ESA. My concern, as a Senator, is the crippling effect this will have on Alaskans, the national economy, as well as the ESA itself.

The polar bear is a vital resource for the 13,000 Alaskans who live on the North Slope. Polar bears are an important traditional food source for native Alaskans. Eskimo artisans may use polar bear body parts in handicrafts - further increasing the economic value of each polar bear. The polar bear harvest provides both sustenance and substantial economic benefits for these isolated northern communities. Unfortunately, listing the polar bear could provide the legal means for special interest groups to curtail subsistence hunting by native Alaskans, even though USFWS has stated that Alaskans are harvesting polar bears below the population's maximum sustainable yield.

Polar bears and energy development have co-existed in Alaska since oil was discovered in the Arctic in 1967. Under the Marine Mammal Protection Act, industry's activities have been closely monitored and permits have been issued to allow for incidental take. Existing regulations have been extremely effective - no polar bears have been killed by industry since the permitting process began.<sup>4</sup> Indeed, in *Range-wide Status Review of the Polar Bear*,<sup>5</sup> USFWS found there to be a negligible impact of oil and gas activities on the polar bear. Nonetheless, the proposed listing could subject oil and gas development in the North Slope to onerous, if not devastating regulatory oversight. *Center for Biological Diversity v. Kempthorne*<sup>6</sup> clearly illustrated the consequences that Alaskan industry can expect from the listing of the polar bear. Activities such as seismic exploration; sub-sea sediment sampling; construction and use of drilling structures; construction and use of roads, pipelines, runways and camps; well drilling; transportation of materials; and oil production and transportation could all be *presumed* to have harmful ecological consequences; and, therefore, the vast majority of industrial activities could require separate reviews with respect to the ecological consequences for polar bear denning, hunting, migration, and contaminant load, in addition to the consequences for species fed upon by the polar bear.

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<sup>4</sup> Schliebe S, Evans T, Johnson K, Roy M, Miller S, Hamilton C, Meehan R, Jahrsdoerfer S (2006) Range-wide status review of the polar bear (*Ursus maritimus*). US Fish and Wildlife Service Anchorage, AK.

<sup>5</sup> *Id.*

<sup>6</sup> *Center for Biological Diversity v. Kempthorne*, (filed Feb 13, 2006, N.D. California.).

Heightened regulatory burden on industry will depress oil and gas development. The State of Alaska receives well over \$1 billion per year in the form of oil and gas revenue, which contribute to more than 50 percent to the State's annual operating budget. It is clear that an ESA listing could place Alaska's fiscal health in jeopardy.

Perhaps the most ironic aspect of the proposed listing is the potential for it to undermine the ESA - our nation's most celebrated tool for species conservation. Models of climate change predict that global biodiversity may decline by 35 percent by 2050.<sup>7</sup> Does this mean that we should list, in addition to the polar bear, the multitude of species that are currently abundant but may decline as a result of a changing climate? This is an unwarranted expansion in the interpretation of the ESA which could open the door for potential abuse of this law, to the detriment of species that would be affected by a weakened ESA and deviates from my original intent when I voted for this Act. The ESA, when used properly, is a tool to assist in the recovery of a species, but with the listing of the polar bear as threatened, the ESA would be used as a tool to curtail or eliminate the use of fossil fuels – not a goal of the ESA.

Even if the population of polar bears were to decline in response to melting sea ice, an ESA listing would not halt the loss of the bears' critical habitat. Arctic sea ice has been declined for the past 200

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<sup>7</sup> Thomas CD, Cameron AC, Green RE, Bakkenes M, Beaumont LJ, Collingham YC, Erasmus BF, De Siqueria MF, Grainger A, Hannah L, Hughes L, Huntley B, Van Jaarsveld AS, Midgley GF, Miles L, Ortega-Huerta MA, Peterson AT, Phillips OL, Williams SE (2004) Extinction risk from climate change. *Nature* 427: 145-148.

years - well before modern industrial activity.<sup>8</sup> Moreover, Dr. Syun-ichi Akasofu of the International Arctic Research Center has found that the rate of melting has not changed despite recent increases in the concentration of carbon dioxide in the atmosphere.<sup>9</sup> Even if one were to accept the premise that Greenhouse Gases (GHG) are the main contributor to melting sea ice, the ESA cannot control the worldwide emission of GHGs. Regardless of whether the polar bear is listed as threatened, industrialization and deforestation in other nations will continue to add carbon dioxide to the atmosphere. Listing the polar bear as threatened in order to slow the melting of sea ice is a misguided effort and abuse of the ESA. Furthermore, it ignores the need to gain international support and coordination to address our changing climate. In the meantime, Alaskans would be needlessly subjected to severe economic and cultural consequences by agenda and publicity-driven special interest groups.

The ESA was created to provide the means to restore depleted species and their habitat. Not only does the proposed listing fail to address the fundamental problems causing a potential loss of polar bear sea ice habitat, but it threatens the rights and livelihoods of Alaskans. We must look for a better approach to protect Arctic wildlife.

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<sup>8</sup> Vinje (2001) Anomalies and trends of sea-ice extent and atmospheric circulation in the Nordic Seas during the period 1864-1998. *Journal of Climate*, 14:255-267.

<sup>9</sup> Akasofu SI (2006) Is the Earth still Recovering from the "Little Ice Age"? International Arctic Research Center University of Alaska Fairbanks.