

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

BETTINA POIRIER, STAFF DIRECTOR
ANDREW WHEELER, MINORITY STAFF DIRECTOR

March 20, 2008

Secretary Dirk Kempthorne
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear Secretary Kempthorne,

Early this week, we discussed the status of your Department's actions regarding the listing of the polar bear under the Endangered Species Act. Given your Department's considerable delays in taking final action and a recent lawsuit filed by conservation groups to compel a final decision on this matter, I have asked you to appear before the Committee as soon as possible for an oversight hearing. I am disappointed that you have not agreed to appear and request your cooperation in this matter.

As you are aware, the U.S. Fish and Wildlife Service (FWS) was required under the Endangered Species Act to finalize its decision to list the polar bear as a "threatened" species by no later than January 9, 2008. I would also note that the Department did not respond to the initial petition to protect the polar bear under the Endangered Species Act until it was compelled to do so by a lawsuit filed by conservation groups.

In a hearing before the Committee on January 30, 2008, FWS Director Dale Hall admitted the agency's failure to comply with the Endangered Species Act. He accepted responsibility for this failure and stated that making the final determination would take around thirty days. We are long past the timeframe that even Director Hall discussed at the hearing.

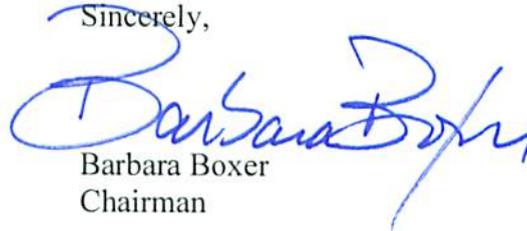
As Secretary of Interior, you are charged with following and carrying-out the law and making decisions based upon science. It is now nearly three months since your Department was required by law to make a final decision regarding listing the polar bear. At the same time, I question why your Department did not delay approval of a major oil and gas lease sale in the Chukchi Sea, where about 20% of the world's polar bears live.

I am concerned about the potential impacts of these oil and gas related activities in the Chukchi Sea on the polar bear. Listing the polar bear under the Endangered Species Act will provide for important additional protections before further actions are taken that would affect these magnificent creatures.

In light of the serious concerns for the future of the polar bear and the Department's failure to comply with the Endangered Species Act, it is critically important that you appear before the Committee to explain in a public forum the actions and plans

of the Department. We will convene a hearing shortly and ask that you make yourself available to testify. We have offered numerous dates to accommodate your schedule and plan the hearing for April 2 or 8. Please confirm your appearance at the hearing on one of these two dates by March 21, 2008.

Sincerely,

A handwritten signature in blue ink, appearing to read "Barbara Boxer", with a large, stylized initial "B" and a long, sweeping underline.

Barbara Boxer
Chairman