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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

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February 1, 2008

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

Dear Secretary Kempthorne,

We write to request that you immediately list the polar bear as threatened under the Endangered Species Act (ESA). As you know, under the statutory requirements of the ESA, the U.S. Fish and Wildlife Service (FWS) was required to finalize its decision to list the polar bear as a "threatened" species by no later than January 9, 2008. Unfortunately, the FWS failed to meet that legal requirement.

There is no excuse for the delay—legally or scientifically. Further, we find it very disturbing that while FWS is ignoring its legal deadlines to protect the polar bear, the Mineral Management Service (MMS) is moving quickly to hold a lease-sale on February 6, 2008 in nearly 30 million acres of the Chukchi Sea, one of the polar bears' most important habitats.

FWS Director Dale Hall stated in a hearing on January 30, 2008 before the U.S. Senate Committee on Environment and Public Works that he was not offering any legal excuse to delay the final decision. Further, he indicated that based on his own projections, his agency estimated finishing the listing decision around the time frame we are requesting.

Scientific evidence, including empirical observations of significant sea ice decline and peer-reviewed modeling, indicates that the polar bear is rapidly losing its habitat. Indeed, another agency in your Department, the U.S. Geological Survey, found that by mid 21st century, two-thirds of the world's polar bear population could be lost, mainly due to loss of sea ice.

Given what is at stake for this magnificent species, it is critical that the polar bear be listed before the lease-sale proceeds. Immediate action will remove doubts about your Department's process and help restore confidence in your abilities to protect and balance the natural resources of our country. The lease sale should not proceed until your Department and its agencies have taken the steps needed to make a sound decision about these critical natural resources.

Your own words of December 27, 2006 hit upon the urgency of this issue: "we are concerned the polar bears' habitat may literally be melting." As this matter is extremely time-sensitive, we would appreciate a prompt response.

Sincerely,



Ben Caud

Frank R. Lautenberg

Kemphorne

Ben Sanders