



“SERVING THE HUNTER WHO TRAVELS”

“Hunting provides the principal incentive and revenue for conservation. Hence it is a force for conservation.”

Special To The Hunting Report World Conservation Force Bulletin

by John J. Jackson, III

□ Our Polar Bear Comment: A Report

The comment deadline for the US Fish & Wildlife (USF&WS) Service proposal to list all polar bear as “threatened” was April 9, 2007. It proved to be one of the most challenging and demanding tasks we have ever undertaken. It was an enormous amount of work and expense, but the results are very promising. We think we’ve won. If we don’t, then we’ve established a solid legal and science-integrated record to win in court. Despite the enormous misinformation on the polar bear’s status and hyperbole about global warming, the facts and law don’t warrant listing.

Here is the shocker: There were 1.6 million comments filed! Half were postcards and the other 800,000 are still being categorized. Many are lined up to sacrifice the polar bear, not to save it. It’s a record.

Never have we witnessed so much misinformation in the media. Never have we seen so much baseless and misleading information broadcasted by so-called leading environmental organizations. The elephant wars of the late 80s pale in comparison. In one sense, it makes one ashamed to be a member

of society; in another sense, it is a fascinating phenomenon to witness as a participant. So far it’s been much more than a fight for what is right. The experience has been shocking because of all that we’ve witnessed and are learning. So many people are too casual with the truth because of their agendas. Too many organizations and people are ac-



cepting and using misinformation for their own purposes. It is hysteria that has taken on a life of its own with no end in sight. We can’t possibly express and explain it within the confines of this article, but want you to know that there is something going on here much bigger than the proposed listing of

polar bear. A hysteria that may change all of our lives, not just victimize our Inuit friends and threaten our hunting. The polar bear of the Arctic north has become the “poster child” or “panda bear” or “elephant” of the climate element of the environmental movement. There is no concern for the truth, and the hysteria is like a raging wind-blown fire soon to engulf everything in our lives. This is on a scale of its own.

This is about more than the birth of a psychotic phenomenon within society itself and the status of the polar bear. The reach of the issue is becoming pervasive. Some wild sheep and caribou hunting is already being questioned. Climate committees in IUCN, the Association of Fish & Wildlife Agencies, and other organizations and agencies are taking on an unexpected importance. Organizations like the National Wildlife Federation are adamantly supporting the listing of polar bear regardless of the fact that the Endangered Species Act does not provide benefits to foreign listed species and listing would forever end tourist hunting for Americans. Well, we are here to

see that the polar bear is not the first casualty of the hysteria. Read on and compare the facts with what you’ve heard and read in the media and from organizations that are far too casual about what is important to us.

The polar bear is healthy and secure today. Unlike other species in the world, it continues to occupy virtually all of its historical range simply because of the forsaken places it exists. Its population numbers are also at or near record highs - approximately 24,000. That is two and one-half times the estimate when it became of concern in the early 1970s (10,000). There are few species in the world that are so intensively managed and faring so well. Even in its proposal the USF&WS states that the Canadian population is generally healthy and well-managed at this time. In contrast, the USF&WS has just downlisted the Yellowstone area grizzly subpopulation when that species today occupies less than a fraction of one percent of its original range and is at less than a fraction of one percent of its original numbers. No forecast projects the polar bear of the high Arctic north to ever decline to one-half of one percent or less. Its overall population is on the increase. So much so that if it were not for the global warming scare, it would be thought to be overpopulating and in need of reduction for management purposes.

Of course, subpopulations rise and fall in the normal course. Only two subpopulations are alleged to be affected by global warming: the Western Hudson Bay and the Southern Beaufort Sea subpopulations on the northeast coast of Alaska. Their status is definitely not what has been represented. No decline has been shown in the Southern Beaufort Sea as hard as some try. The alleged decline in Western Hudson Bay is not as certain as represented. The 22 percent (265 bear) decline in the Western Hudson Bay is in serious dispute. The estimate is based only upon a partial survey that entirely excluded a substantial part of that subpopulation’s range. The Inuits and the Nunavut government adamantly deny there is a decline there, and protest that such a conclusion has

been drawn from a survey with a large area left out. So who can you believe? The local people or an incomplete survey? With the help of Cabela’s Safari Outfitters, who book hunts in the very area that was left out of the survey, and hunt reports from *Hunting Report* subscribers who hunted that same area this November (just a month before the listing proposal was published), we submitted independent information. Two hundred bear were seen in three weeks by the hunters and outfitter within the very area left out of the survey. Of course, those observations were made a full month or so after the survey was done south of there, but that is to be corrected this September. There are other reasons to believe there is an error. The bear taken in the un-surveyed area had heavy fat layers and were healthy. Why shouldn’t they have moved northward up the coast, since the Churchill area of the survey is the most harassed and pressured bear subpopulation in the world? The clincher is the fact that when the number of bear in the entire southern range area are added together, the overall number has been increasing in recent years – despite the possible reduction of 256 bear in the one subpopulation (Western Hudson Bay).

The one small decline that is the example cited to list all the polar bear in the world may be a fiction. Regardless, when have we ever listed an entire world population of a species because one of its many subpopulations on the extreme outer limit of its range may have declined 22 percent when compared to its highest recorded number in history?

The loss of habitat and prey due to global warming is the basis of the proposal. The Western Hudson Bay polar bear population is geographically twice as far south of the North Pole as it is north of Miami. There are 2,000 miles of ice and habitat north of Churchill, which is the distance to the North Pole from there. It is undisputed by the experts that much of that will become better habitat for bear and seal, and prey/food, if the climate should warm.

The first and primary reason for the



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proposal is global warming. Not the consensus estimates, rather the most extreme speculation. Everyone was so ready to assume that global warming was the cause of the one suspected decline, that no one checked the weather records. The Easter holidays fell one day before the comment deadline and the temperatures across the entire continent were at record lows. The media ignored this because it was incongruous with the popular spin and hysteria. This year, Alaska and Western Hudson Bay have been extremely cold. Those are not the only incongruous climate events. In all the hysteria, no one had bothered to consult the official temperature records of Western Hudson Bay and Southern Beaufort Sea. The temperature has declined in both Western Hudson Bay and in Southern Beaufort Sea over the past decade and is getting colder as I write this. (See the graphs and figures on Conservation Force’s website at <http://www.conservationforce.org> in the Alerts and News section following Conservation Force’s comment.) From 2000 through 2006, the temperature declined at a rate of 3.95 degrees Celsius per decade in the Western Hudson Bay region and 6.86 degrees Celsius per decade in the Southern Beaufort Sea region. So far this year it is even colder, continuing the overall temperature decline that has been taking place in those regions over the past decade.

It is not yet as cold as it was in the 1970’s and 1980’s, which was thought to be the beginning of a new ice age and was popularly called the “Little Ice Age”. Our investigation has disclosed that the very same polar bear experts who are now claiming that the polar bear population characteristics of reduced body weight, reduction in number of offspring and survival of cubs is due to global warming, were claiming these same characteristics were due to it being too cold in the 1980’s. Really, they were doing formal documented studies of those same problems 25 years ago when the polar bear subpopulations first started to reach the substantial numbers they are at today. There are many possible explanations, like the bear reaching or

nearing carrying capacity and having to share the prey/food base. The point still remains that one of the most probable causes in the 1980’s was that it was too cold and there was too much ice, while now the assumption is that it is too warm. Our investigation disclosed that it was warmer during the period of 1930-1950 than it is today. It was warmer than today and warmer for a longer period of time according to the records and experts. The bear survived. You don’t have to go back to when Greenland was green and the Vikings were farming crops there for the four hundred years that were blistering hot.

A *TIME Magazine* article was found and reproduced from 1975. It cited the leading climate experts. They



claimed that the world was on the verge of another ice age and *TIME* suggested covering the Arctic ice with black soot to warm it up to save the planet. It seems that man’s fear of the weather, hot and cold, is as common and old as weather fluctuations. The behavior appears to be almost instinctive and irrational. It says more about us than the weather. Society used to sacrifice virgins; in this case we are sacrificing Inuits.

The expert climatologists and meteorologists that we consulted explained that climate cannot be validly projected. The models don’t even work backwards to explain the weather we’ve already had. It is absolute hype and spin to misrepresent that climate has been or can be projected 45 years in advance. Regardless, most of the projections don’t predict the loss of ice over most of the range of polar bear. It’s hyperbole and speculation.

The science concerning CO₂ is also not advanced. Recent studies show that the assumption that CO₂ levels are significantly higher today than in the past is not true. Recent core samples of ice demonstrate that comparable CO₂ levels were the norm for ages long before industrialization. Also, much of the CO₂ being produced today disappears, i.e., it’s somehow absorbed in wholly unaccountable ways. It is a good gas that plants and the world depends on.

That is not to say that there is not a gradual, long-term increase in temperature. There has been a one-half degree increase in the past one-hundred years. The trend has been gradual and consistent, but wholly within normal range variations or cycles. I repeat: it is normal.

The experts we consulted explain that it is beyond the state of science to forecast or project climate decades in advance, but the most reliable indicator to reasonably predict weather cycles are solar cycles or sunspots. Rest easy: sunspots have demonstratively died down and the next solar cycle should prove to be very cold by 2030. When solar cycles are added to most models, cold weather is predicted, not the mild warming experienced during the last century (one half of one degree).

We don’t take issue with the fact that cows produce methane and people produce CO₂, or any of that. The ESA requires the threat to a species to be (1) “likely” to threaten the species with (2) extinction within the (3) “foreseeable” future in a (4) “significant portion of its range.” Global warming projections fail all four tests. No hypothetical projection can be said to be “likely”. Climate change is not “foreseeable” that far into the future. Ask your local weatherman. In fact, the further in time the projection, the less likely it is to be true. The bear has survived all climate changes in the past, so it has been empirically demonstrated not to be threatened by this lesser warming trend. And finally, it is highly speculative and not likely that a “biologically significant portion” of the bear’s habitat and numbers will not

survive in all of its truly vast range.

The second reason the USF&WS proposed the listing was related. It was the failure to have adequate regulatory measures to control the hypothetically projected global warming expected due to excessive CO2 production. That is not something that the Inuit, with approximately 60 percent of the world’s polar bear population, are responsible for or can control. Their failure to control global warming, which is beyond their control and not their fault, is not the cause of the asserted problem. We are. Proof of causation is necessary. They should not be penalized or sanctioned for the CO2 we produce. It would be irrational to list their polar bear over their objection when it is not their failure to have adequate regulatory measures. It shows how twisted things can get, but arbitrary and irrational listings are not legal.

That brings us to the first and most important part of the Conservation Force comment opposing the listing. Under the ESA, a listing determination is not to be made until “after” the foreign range nation efforts and conservation programs are “taken into account”. In the case of the polar bear in Canada and Nunavut, the listing would seriously interfere and undermine its tourist hunting program which relies heavily upon US hunters. A “threatened” listing would trigger the prohibition in the Marine Mammal Protection Act that expressly provides that depleted marine mammal species can’t be imported and defines “depleted” as any marine mammal species that is listed as “threatened”. Some might argue that is an economic consideration that is not to be considered; that “solely” the best scientific data should be considered. Fortunately, that is not the law. The ESA’s section on listing determinations plainly states that the range nation’s programs “shall” be taken into account before getting into weighing the other factors. Congressional records make it clear that a foreign nation’s tourist hunting program is to first be taken into consideration. The polar bear listing proposal will put that “taking into account” clause to the ultimate test. If we are success-

ful on that basis it will serve the hunting community long into the future. We’ve waited for the opportunity to make this argument for years. Now, we have no choice. The law is plain on its face, but there is no prior case on point. A foreign species should not be listed unless it is a net benefit to the species. Any other interpretation of the Endangered Species Act is nonsensical. The



proposal is proof in itself that this listing arises from an agenda unrelated to the Endangered Species Act or is legal error.

We’ve pointed out that the listing will not only undermine Canada and Nunavut’s conservation efforts and strategies, but it will also not benefit bear in foreign lands. Listing would cause a net loss or actually itself threaten the species. Generally, the only benefit provided foreign species

that are listed is the prohibition against imports. In this case, that is not related to the threat to the bear and would interfere with the programs in Canada and Nunavut. Unlike provisions for domestic species, the Endangered Species Act does not provide designation of critical habitat, habitat acquisition, habitat conservation plans, mitigation, recovery plans, cooperative agreements, funding or little else.

The following organizations should be credited with joining in Conservation Force’s comment opposing the listing: North American Bear Foundation, Dallas Safari Club, Dallas Ecological Foundation, Houston Safari Club, the African Safari Club of Florida, Grand Slam/OVIS, the International Professional Hunters Association, the Sustainable Use Commission of the International Council for Game and Wildlife Conservation, the Foundation of North American Wild Sheep, the Guides and Outfitters Association of British Columbia, the Canadian Federation of Outfitter Associations (nine in total), and the National Taxidermist Association. We were proud to have them aboard for this important cause.

The USF&WS will make and publish its decision next January, 2008. We’ve already filed a supplement to our original comment before the deadline. Now we are building another draft comment in anticipation that the Service may reopen the comment period. We asked the Service to reopen and/or extend the comment period because of the misleading media hype that there would be a worldwide recovery program if the polar bear is listed and false suggestion that it will not necessarily terminate trophy imports. The ESA does not provide for recovery programs of foreign species, and the USF&WS can’t override the express Congressional language in the Marine Mammal Protection Act that defines “threatened” listed species to be “depleted”. At this time, the bear numbers remain at or near all-time high numbers and occupies virtually all of its historical habitat. The greatest threat to long-term continuity at present levels is the listing proposal itself. – John J. Jackson, III.

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