



“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

The Real Significance If Polar Bear Are Listed

The petition to list the polar bear is far more significant than our right to continue importing trophies of those bears. The harder we at Conservation Force have worked to contend with the listing petition, the more that has come to light about some of the important underlying issues. This is the first time global warming is being put at issue under the US Endangered Species Act (ESA). If global warming is threatening the bear's habitat (summer ice) and prey base (seals), then it is also threatening thousands of other species - perhaps more species than all those currently listed and certainly more species than those that are currently being saved by the ESA.

We are at the threshold of an unprecedented expansion of the ESA footprint on our lives. The petition to list the polar bear may truly be a doorway into the Pandora's Box of the ESA. The ESA may come to have a far greater impact on the average US citizen than it ever has because of the many links between global warming and our everyday lives.

Everything that the US Govern-

ment does or permits to be done that may effect "Greenhouse gases" may have to be subjected to a "Section 7 Consultation" to determine its indirect impact on the Arctic and Antarctic species that become listed. Before a coal mine or oil well drilling permit is issued anywhere in the US, there may



have to be a laborious Section 7 Consultation, mitigation and related litigation. Be forewarned that all activities that may contribute to global warming, not just the primary cause, are subject to regulation under the existing judicial interpretation of the ESA.

There are mountains of building

evidence that global warming is real, that it is causing an enormous meltdown of the Arctic and Antarctic and that the melting is accelerating. It is frightening because of its potential effects if it continues. The polar bear listing petition is forcing a determination of the global warming issue from the best available information under one of America's most demanding national laws. The problem is about more than importing bear trophies; it may soon be about the vehicles in our driveways, the electric lighting in our homes and hundreds of carbon-dioxide-producing activities that determine the quality of our lives.

From our review, polar bears have only been measurably impacted to date at the southern limit of their range, i.e., in western Hudson Bay. That separate population of bears is documented to have decreased and experts believe that decrease is due to the Arctic meltdown. The bear numbers have decreased, their body weight has decreased, and their rate of reproduction has lowered. It is reported that the bear can't feed as long as before because the feeding grounds melt sooner or no long exist

at all, and the prey population is declining and is not as accessible.

An important issue is whether Arctic warming has reached a theorized critical point at which it precipitously accelerates much like the flash point of fire. Those of us trying to save tourist hunting in the Arctic north have to contend with these theories and concerns, but the reader should by now realize that more than trophy imports is at stake.

The 170-page petition to list the polar bear summarizes the global warming debate. Conservation Force will furnish it and other related documents at cost upon request. A new must-read book on the subject is *The Weather Makers*, by Tom Flannery, published by Grove/Atlantic. Twelve pages of that book can be found in the March issue of *Playboy Magazine* under the heading, “What’s Going On Here?” Of course, I hesitate to cite *Playboy Magazine* but it is so readily available and the article could not explain the issue better. Its subtitles are telling: “The Last of The Polar Bear,” “Disappearing Ice” and “Mass Extinction”. It’s time to understand the issue because growing reactions to the warming trend are real. The public and government reactions will affect you even if the melting ice does not. It’s now unavoidable in our face because of the listing petition. Activist environmental groups have been fast to capitalize and react with the developing scientific evidence, but it is more than activist spin. It is real. As I write this, Canada’s environmental agency has issued a report that the winter of 2005-2006 was the warmest on record. The United Nations Meteorological Agency also reported that some carbon dioxide/greenhouse gases reached their highest ever-recorded levels in 2004.

New Developments In Polar Bear Litigation

■ Conservation Force is also closely following the suit filed by the Center for Biological Diversity (CBD) to compel the US Fish and Wildlife Service to timely process the CBD’s petition to list the polar bear. The case is proceeding as expected but has enlight-

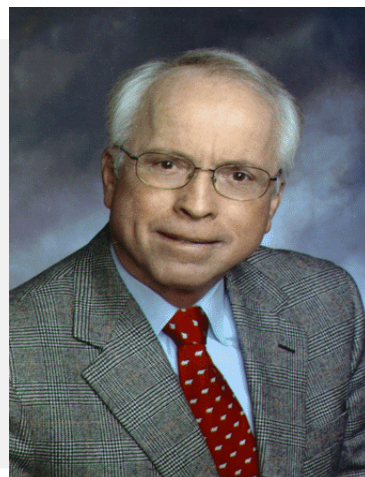
ening evidence.

In February, the plaintiffs filed a motion for Summary Judgment to rush the case to judgment in their favor. Their suggested order attached to the motion asked the court to order a “90-day” finding on their listing petition and for the court to “retain jurisdiction.” The latter request is the more important. The Service has already noticed a 90-day finding that the review is warranted, so only attorney fees remain an issue. The request that the court “retain jurisdiction” is more serious. That may provide the plaintiffs increased leverage against the Service throughout the listing process through judicial oversight.

The plaintiffs wholly ignore the US Fish and Wildlife Service’s statement in its Federal Register Notice that the time started running anew when the listing petitioners filed new information in December 2005. That argument is one of first impression and its resolution, though interesting in itself, will determine when the 12-month finding is due. It has not yet been put in issue in the case. Regardless, the opposition comment deadline to the listing petition is still April 10, about three weeks from the time this is written.

The US Fish and Wildlife Service had not yet filed an answer, a response to the motion for summary judgment or other substantive pleadings. The hearing on the motion for summary judgment is set for May the 5th in San Francisco. No other parties have intervened in the suit that at this time concerns technical deadlines and not the underlying merits of the listing petition. We are watching it carefully should intervention be necessary, but Conservation Force is focusing its resources at this time primarily on opposing the listing petition itself.

The plaintiffs’ motion for summary judgment is over 200 pages in length with exhibits. Those exhibits are insightful. One is a declaration under penalty of perjury by Jack W. Lentfer. He is an Alaskan who has personally served on the Marine Mammal Commission, on the Polar Bear Specialist Group of IUCN, was Alaska’s Polar Bear Project Leader and much more.



JOHN J. JACKSON, III
Conservation Force



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Editor/Writer

John J. Jackson, III

Publisher

Don Causey

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Conservation Force
One Lakeway Center, Suite 1045
Metairie, LA 70002
Tel. 504-837-1233. Fax 504-837-1145.
www.ConservationForce.org

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The Hunting Report
9300 S. Dadeland Blvd., Suite 605
Miami, FL 33156-2721.
Tel. 305-670-1361. Fax 305-670-1376.

He states that he “wholeheartedly” agrees with the listing petition of the Center for Biological Diversity, Greenpeace and the National Resources Defense Council after carefully reviewing it and that the “conclusions are also validated by the PBSG,” Polar Bear Specialist Group. He believes “that an immediate listing of polar bears as threatened under the ESA would help protect them and their survival.” He did not state how the listing would help.

The exhibits also include relevant resolutions adopted by the IUCN Polar Bear Specialist Group at its 14th meeting in June 2005 and the related press release of that Group. According to their press release “[r]esearch in several geographic areas indicates the greatest challenge to conservation of polar bear may be large-scale ecological change resulting from climatic warming, if the trend documented in recent years continues as projected.... Future challenges for conserving polar bears and their Arctic habitat will be greater than of any time in the past because of the rapid rate at which change appears to be occurring.” The group’s resolutions recognize that “sea ice is critical to the continued survival of polar bear” and that “the sea ice in the Arctic has declined significantly as a response to climate warming and that ice break-up in more areas is occurring earlier and freeze-up later.” The resolutions note that the apparent increase in bear numbers in some areas may in fact be due to migration of bear and prey caused by loss of ice habitat in other areas of their range. That is proving to be a difficult opinion to contend with.

One exhibit was a poster that had been displayed at the last meeting of the Polar Bear Specialist Group entitled “Potential effects of diminished sea ice on open-water swimming, mortality, and distribution of polar bears during fall in Alaskan Beaufort Sea.” It was authored by individuals with

both the Environmental Studies Section and the Environmental Assessment Section of the Mineral Management Service in Alaska’s OCS Region. The data and conclusions are actually incidental information gathered while doing the ongoing Bowhead Whale Aerial Survey under the Minerals Management Service. The three authors conclude that the average sightings of polar bear have moved towards land since 1992. “The average latitude of sightings is 62 km further south (towards coastal land) and the average longitude is 130 km further east (also toward land) than” previous to 1992. The “proportions of observations associated with ice has declined, whereas proportions of observations associated



with land and open water has increased.”

This is the source of the rumored reports that polar bear are drowning. We cite it here in full because it is the source of those rumors. “In early September, 2004, an unusually large number of polar bears were seen swimming more than two km offshore near Kaktovik. Subsequently, polar bear carcasses were seen floating offshore (four carcasses). Extrapolations of survey transect data suggests that on the order of 40 bears may have been swimming and that many of those probably drowned as a result of rough seas caused by high winds. We speculate that mortalities due to offshore swimming during late-ice (or mild ice) years

may be a relatively important and unaccounted source of natural mortality given energetic demands placed on individual bears engaged in long-distance swimming. We suggest that drowning-related deaths of polar bears may increase in the future if the observed trend of regression of pack ice and/or longer open water periods continues.” In another section the poster provides that “following an abrupt windstorm... four dead bears were seen floating far offshore (versus 0 in all previous years). Those bears are believed to have drowned as a result of the storm. The survey has about 10 percent coverage so it is likely that many other bears also drowned but were not seen.”

That explains the authors speculative extrapolation that “40 bears may have drowned,” i.e., 10 percent multiplied times those observed that were thought to have drowned, four. The poster also cites the fact that 20 percent of all bears observed in September 2004 were seen “swimming offshore” while only four percent of the bears observed from 1986 to 2003 were swimming offshore when observed.

Conservation Force welcomes any timely input about the poster information and its conjecture. We will make the poster available to everyone who contacts Conservation Force at 504-837-1233. E-mail: jjw-no@att.net

Conservation Force and its allies are working very hard to oppose the listing of the polar bear because the ESA benefits to a foreign species that are listed are so few and because of the resultant negative impact on the sustainable use of polar bear if it is listed that can hinder its survival.

There has been no time to do a fundraiser for this crisis, but Conservation Force needs all the help that it can get. Please send tax-deductible contributions to Conservation Force at 3240 S. I-10 Service Rd. W., Suite 200, Metairie, LA 70001-6911. Visa and MasterCard are accepted.

Briefly Noted

Alberta Closes Grizzly Bear Hunting:

On March 3 Alberta’s Provincial Min-

ister of Sustainable Resource Devel-

opment, Minister David Coult “suspended” all grizzly bear hunting in that province for three years. The uncertainty of the grizzly population estimate of 700 bears and the overharvest of females are the two cited reasons. Females were four of the 10 bears taken last season.

Only residents have been allowed to hunt grizzly in the province of Alberta so the suspension will not directly affect hunters who travel. If the best estimate of the Grizzly Recovery Team is correct, there are 700 bears in the province, which is more than enough to sustain a harvest quota of 10 even if they were all reproducing female and even if the population were half of that estimate.

Our hearts go out to the Alberta hunting community for their loss of this important hunting opportunity. Though the 73 Alberta hunters who won lottery licenses last season only paid \$50 (Canadian) each for their licenses, that hunting opportunity, of course, is very important to Alberta hunters.

The decision is one all too familiar to Conservation Force’s leadership. It is claimed that not enough is known about the status of the species even though it is one of the most studied species within the jurisdiction. The best population estimates are just not believed to be good enough and never are. The costs of further population estimates normally exceeds the resources and appetite of the local government authorities, though in this instance the government has pledged to complete the DNA-based population studies.

If it holds true to form, there may be lower rather than heightened conservation and management of the grizzly in the long term. It may be hard to ever reopen the hunting. If the harvest of four females from a population of 700 bears is considered significant, the quota should have been reduced, not suspended, for three seasons without any predetermined goal or population estimate for reopening. In our view, eliminating its treatment as a trophy will reduce its value and place in man’s world. It’s bad policy if the min-

istry really intends to save the bear rather than wanting to make the protectionists go away.

□

Secretary of Interior Resigns: Gale Norton, the Secretary of the Department of Interior has resigned effective 1 April, 2006. Apparently she has resigned to get her life back “closer to the mountains we love in the West.” She has certainly achieved most of what the Bush administration had in



mind.

Secretary Norton has been a friend to hunting and fishing interests while in office. Her office was always open to Conservation Force, the American Wildlife Conservation Partners (AWCP) and others. Conservation Force meet with her within weeks of her taking office, she hosted a number of cooperative meetings and confer-

ences with the hunting community and we even spent the eve of Hurricane Katrina together at the epic *White House Conference on Cooperative Conservation*. Under her leadership, the ESA Enhancement Policy proposal cleared the Interior Department for publication, though it still awaits clearance from the Bush Administration. This lovely lady and friend of the hunting community will be missed and not forgotten.

Secretary Norton has held office for more than five years, which is longer than all but six of her 47 predecessors, and is the first woman to have served in that Cabinet level position.

Some did not care for her leadership. The Center for Biological Diversity (CBD) issued a press release applauding the Secretary’s resignation. “It’s a good day for wildlife, wilderness and anyone who cares about America’s National Heritage.... Norton exemplifies the corruption-inducing revolving door between the Bush administration and industry... the fox wasn’t just guarding the henhouse, she burned it down.” The ugly press release of the CBD provides more insight into the nature of that organization than into the Interior Secretary. The CBD has filed nearly two hundred suits against the Interior Department and was doing so long before Gale Norton took office. Contradictorily, they have recently published an extensive document celebrating the success of the ESA of 1973, which law incidentally was originally enacted under Republican President Richard Nixon. Our own analysis is that Secretary Norton will be hard to replace because of her uncommon achievements while in position.

In her resignation letter to President George Bush, she stated that “one aspect of Washington I will not miss is the divisiveness that too often prevails.” For us at Conservation Force it is difficult to think back on many important meetings over the past five years without memory of her pleasant face and smile offering encouragement and leadership. We will miss Interior Secretary Gale Norton. - *John J. Jackson, III.*

Conservation Force Sponsor

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