



FOR IMMEDIATE RELEASE

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State Files Suit over Unprecedented Critical Habitat Designation

March 9, 2011, Juneau, Alaska – The State of Alaska today filed suit against the U.S. Fish and Wildlife Service (USFWS) over its unprecedented, expansive designation of critical habitat for polar bears, which have been listed as “threatened” under the Endangered Species Act (ESA). In a separate suit, the state is challenging the decision to list these bears as threatened.

The designation of 187,157 square miles of critical habitat for the polar bear, an area larger than 48 of the 50 states, is unnecessary in that the agency itself acknowledges that the designation will not provide substantial protection for the animals.

“We already have a comprehensive slate of state laws, the federal Marine Mammal Protection Act and international agreements that provide strong conservation measures for polar bears,” Governor Sean Parnell said. “The additional regulations, consultations, and likely litigation that would be triggered by this habitat designation would simply delay jobs, and increase the costs of, or even prevent, resource development projects that are crucial for the state. All this with no material improvement in polar bear habitat.”

In its lawsuit, the state also contends that the USFWS disregarded federal law by including geographical areas in the designation in which there is little or no evidence of physical or biological features that are essential to conservation of polar bears. For example, Norton Sound is included as critical sea ice habitat even though the mapping does not show the area even within the range of polar bears.

The state is also concerned with the apparent motive to designate the entire geographical area that could be occupied by the polar bear, rather than only those areas which are critical to its survival.

Fish and Game Commissioner Cora Campbell said, “This would be akin to designating the entire migratory pathway for a listed migratory bird species, including the air it might occupy. Such an approach is unprecedented and unwarranted.”

The state is also challenging the lack of consideration given to state comments submitted on the proposed rule and for failing to exclude areas with significant economic value.

“Federal officials disregarded comments submitted by the state and failed to fully consider the economic impact and national security implications of the critical habitat designation,” Attorney General John Burns said. “Once again, we are faced with federal overreach that threatens our collective prosperity. We don’t intend to let this stand.”

A copy of the complaint is available at:

http://gov.alaska.gov/parnell_media/resources_files/criticalhabitatcomplaint_03092011.pdf

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