

COMMITTEE ON ARMED SERVICES

COMMITTEE ON
COMMERCE, SCIENCE AND TRANSPORTATION

COMMITTEE ON VETERANS' AFFAIRS

United States Senate

WASHINGTON, DC 20510

May 1, 2009

The Honorable Ken Salazar
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington DC 20240
Fax: (202) 208-6956

Dear Secretary Salazar:

As the May 9 deadline for re-considering the Endangered Species Act (ESA) polar bear rule approaches, I write to strongly encourage you to retain the rule and maintain the balance it struck between protecting polar bears and ensuring continued development of oil and gas development on the North Slope of Alaska.

In particular, I am concerned steps to overturn the ESA rule would open the door to additional lawsuits attempting to regulate greenhouse gas emissions using ESA. While I am a strong supporter of aggressive action to reduce greenhouse gas emissions, I do not believe ESA should be used as a back-door regulatory tool to achieve this goal. Instead, regulation of greenhouse gases should occur through comprehensive climate change legislation.

I also urge you to maintain the ESA section 4(d) rule adopted under the polar bear listing. Under the 4(d) rule, management decisions on oil and gas activities on the North Slope would continue to be governed by the Marine Mammal Protection Act (MMPA). MMPA already provides stricter polar bear protection than ESA and ensures oil and gas development does not harm polar bears in the region. In fact, in its January 2007 proposed listing, the U.S. Fish and Wildlife Service specifically stated that oil and gas activities "do not threaten polar bears throughout all or a significant portion of its range."

Continuing the 4(d) rule will also ensure Alaska Native subsistence hunters will not be adversely affected by the polar bear listing. Subsistence polar bear hunting by Alaska Natives is highly regulated and the Fish and Wildlife Service has determined it does not threaten polar bears. The 4(d) rule needs to be maintained to protect the subsistence hunting rights of Alaska Natives.

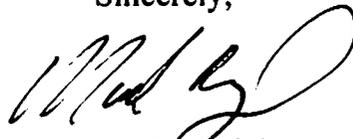
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I also strongly believe any reconsideration of the 4(d) rule must include ample opportunity for public comment and review by scientific experts. Any other course of action would break from the review process used under ESA and the Administrative Procedures Act. I was disappointed Congress rushed through a rider to the Fiscal Year 2009 Omnibus Appropriations Act allowing the Interior Department to reverse the polar bear rule with no public comment. As part of the Administration's efforts to increase transparency and public participation, I hope you will not act on this misguided provision.

Again, you and I both believe we can balance resource development with environmental protection. Last year's polar bear rule did that. I hope to work with you and your department to ensure Alaska oil and gas development remains a key part of our national energy portfolio and helps our country reduce its dependence on foreign oil. Retaining the polar bear rule would be a good first step in that direction.

If you have any questions, please do not hesitate to contact me directly or have your staff contact David Ramseur in my office at (202) 224-3004.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Begich', written in a cursive style.

Mark Begich
United States Senator