



**Susan Jacobsen/RO/R2/FWS/DOI**  
04/28/2005 09:06 AM

To Kurt Johnson/ARL/R9/FWS/DOI@FWS  
cc Douglas Krofta/ARL/R9/FWS/DOI@FWS  
bcc  
Subject Re: bald eagle petition

Hi Kurt, Here's the email chain that we discussed regarding the funding to work on the petition finding. Appreciate you looking into this.

sj

----- Forwarded by Susan Jacobsen/RO/R2/FWS/DOI on 04/28/2005 10:04 AM -----

**Martin Miller**  
04/13/2005 12:28 PM

To: Susan Jacobsen/RO/R2/FWS/DOI@FWS  
cc: Debra Bills/R2/FWS/DOI@FWS, Greg Beatty/R2/FWS/DOI@FWS, Mary Klee/ARL/R9/FWS/DOI@FWS, Mary Richardson/R2/FWS/DOI@FWS, Michelle Morgan/ARL/R9/FWS/DOI@FWS, Steve Spangle/R2/FWS/DOI@FWS, Stuart Leon/RO/R2/FWS/DOI@FWS, TJ Miller/R3/FWS/DOI@FWS, Wendy Brown/RO/R2/FWS/DOI@FWS, Diane Lynch/R5/FWS/DOI@FWS  
Subject: Re: bald eagle petition 📎

I remember having some serious concerns about the DPS analysis that was in the draft that came to the WO. Also, I don't know that R2 ever concurred on that draft. I can't remember exactly why the analysis was dropped in the current notice - maybe Diane can answer that when she gets back tomorrow.

We did address the distinctness issue in the reclassification rule, so any new analysis that leads to a different conclusion would need to explain why the Service has changed its position.

Susan Jacobsen/RO/R2/FWS/DOI



**Susan Jacobsen/RO/R2/FWS/DOI**  
04/13/2005 01:23 PM

To Michelle Morgan/ARL/R9/FWS/DOI@FWS  
Debra Bills/R2/FWS/DOI@FWS, Greg Beatty/R2/FWS/DOI@FWS, Martin Miller/R5/FWS/DOI@FWS, Mary Klee/ARL/R9/FWS/DOI@FWS, Mary Richardson/R2/FWS/DOI@FWS, Steve Spangle/R2/FWS/DOI@FWS, Stuart Leon/RO/R2/FWS/DOI@FWS, TJ Miller/R3/FWS/DOI@FWS, Wendy Brown/RO/R2/FWS/DOI@FWS  
cc  
Subject Re: bald eagle petition 📎

I only know that Jody did some sort of dps analysis and we have a copy of that. I believe that's in the record.

sj

Michelle Morgan



**Michelle Morgan**  
04/13/2005 11:20 AM

To: Susan Jacobsen/RO/R2/FWS/DOI@FWS  
cc: Debra Bills/R2/FWS/DOI@FWS, Greg Beatty/R2/FWS/DOI@FWS, Martin Miller/R5/FWS/DOI@FWS, Mary Klee/ARL/R9/FWS/DOI@FWS,



Mary Richardson/R2/FWS/DOI@FWS, Steve  
 Spangle/R2/FWS/DOI@FWS, Stuart Leon/RO/R2/FWS/DOI@FWS, TJ  
 Miller/R3/FWS/DOI@FWS, Wendy Brown/RO/R2/FWS/DOI@FWS  
 Subject: Re: bald eagle petition 📧

So I guess the question is - How much of the analysis is in the Admin record - we may not have necessarily discussed it in the FR Notice but have it in the Admin record?

---

Michelle Morgan  
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 Endangered Species Program  
 Chief, Branch of Recovery and Delisting  
 Arlington, Virginia  
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Susan Jacobsen



**Susan Jacobsen**  
 04/13/2005 01:04 PM

To: Michelle Morgan/ARL/R9/FWS/DOI@FWS  
 cc: Debra Bills/R2/FWS/DOI@FWS, Greg Beatty/R2/FWS/DOI@FWS,  
 Martin Miller/R5/FWS/DOI@FWS, Mary Klee/ARL/R9/FWS/DOI@FWS,  
 Mary Richardson/R2/FWS/DOI@FWS, Steve  
 Spangle/R2/FWS/DOI@FWS, Stuart Leon/RO/R2/FWS/DOI@FWS, TJ  
 Miller/R3/FWS/DOI@FWS, Wendy Brown/RO/R2/FWS/DOI@FWS  
 Subject: Re: bald eagle petition 📧

Michelle, In the version of the notice that I looked (I've pasted in pertinent portions of the text from the notice dealing with the SW below) I didn't see any dps analysis or analysis of this new data.

Debra/Greg/Mary: Please confirm this.

### Southwestern Recovery Region

**Delisting Goals:** Although the 1982 recovery plan does not have delisting goals for the Southwestern Recovery Region, it does outline goals for reclassifying the bald eagle from endangered to threatened. The recovery plan states that when the reproductive effort has been effectively doubled to 10 – 12 young per year over a 5-year period, and the population range has expanded to include one or more river drainages in addition to the Salt and Verde River Systems, the southwestern bald eagle should be reclassified to threatened. The 1982 recovery plan indicated that Arizona was the only State in the recovery region containing nesting bald eagles, with 42 unverified historic nesting territories in the State, 12 occupied territories in the Salt and Verde River Systems, and 1 occupied territory along the Colorado River.

**Achievements:** The goal established in the recovery plan has been exceeded. In 2003, 46 occupied breeding areas were reported in New Mexico and Arizona alone. In 2004, the State of Arizona had 41 occupied breeding areas, and productivity was estimated at 0.75 young per occupied breeding area (Terry Johnson, pers. comm.). The number of occupied breeding areas has more than doubled in the past 15 years.

The information from the five recovery regions demonstrates that bald eagle numbers

have greatly increased and productivity has substantially improved during the past two decades. The increases have continued throughout the species range since publication of the original July 6, 1999, proposed delisting rule, and several States, notably Wisconsin and Minnesota have changed the status to a species of special concern. Currently the Service estimates that more than 7,066 occupied breeding areas occur in the lower 48 States.

Issue 10: Several commenters recommended retaining threatened or endangered status for bald eagles in the Southwest and Chesapeake Bay recovery regions, possibly by designation as distinct population segments.

Our response: Listing under the ESA in taxonomic terms is limited to species, but the term “species” is defined by the ESA to include any subspecies and any distinct vertebrate population segment. To facilitate meeting the intent of the law, we and the National Marine Fisheries Service jointly developed a “Policy Regarding the Recognition of Distinct Vertebrate Population Segments under the Endangered Species Act” (DPS Policy) (61 FR 4722; February 7, 1996). Three elements are considered regarding the potential recognition of a DPS as endangered or threatened. These elements include: Discreteness, defined as being markedly separated from other populations or separated by international boundaries; significance, defined in terms of the population segments importance to its species; and status, defined as the population’s classification as endangered or threatened.

We are not aware of threats specific to any part of the eagle’s range, including the Southwest and Chesapeake Bay recovery region, that suggest that the bald eagle is likely to become endangered in any particular geographic area. As discussed above, the bald eagle’s recovery is widespread. Even in the Southwest region, where there has historically and is currently limited available habitat, the bald eagle has significantly exceeded the reclassification goals outlined in the recovery plan. Therefore, we need not at this time analyze whether any particular geographic area would constitute a DPS pursuant to our DPS policy.

Michelle Morgan



**Michelle Morgan**

04/13/2005 10:59 AM

To: Susan Jacobsen/RO/R2/FWS/DOI@FWS, Mary Klee/ARL/R9/FWS/DOI@FWS, TJ Miller, Martin Miller/R5/FWS/DOI@FWS

cc: Debra Bills/R2/FWS/DOI@FWS, Greg Beatty/R2/FWS/DOI@FWS, Mary Richardson/R2/FWS/DOI@FWS, Steve Spangle/R2/FWS/DOI@FWS, Stuart Leon/RO/R2/FWS/DOI@FWS, Wendy Brown/RO/R2/FWS/DOI@FWS

Subject: Re: bald eagle petition 📧

Susan, do you know how much of this analysis was already completed by R3 and R5 as part of the reopening of the comment period? We shouldn't need to duplicate efforts.

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Susan Jacobsen



**Susan Jacobsen**

04/13/2005 11:54 AM

To: Michelle Morgan/ARL/R9/FWS/DOI@FWS  
cc: Steve Spangle/R2/FWS/DOI@FWS, Stuart  
Leon/RO/R2/FWS/DOI@FWS, Wendy Brown/RO/R2/FWS/DOI@FWS,  
Debra Bills/R2/FWS/DOI@FWS, Mary Richardson/R2/FWS/DOI@FWS,  
Greg Beatty/R2/FWS/DOI@FWS

Subject: Re: bald eagle petition 📎

Hi Michelle, I heard back from the FO that they think it will cost approx 12K to complete the analysis (dps and status) for the 90-day finding. There's a lot of new data (about 10 years worth) in the petition that they need to review. Let me know if we should proceed and charge to 1111.

sj  
Michelle Morgan



**Michelle Morgan**

04/08/2005 05:45 AM

To: Susan Jacobsen/RO/R2/FWS/DOI@FWS  
cc: Steve Spangle/R2/FWS/DOI@FWS, Stuart  
Leon/RO/R2/FWS/DOI@FWS, Wendy Brown/RO/R2/FWS/DOI@FWS

Subject: Re: bald eagle petition 📎

Ok - since we started the discussion up here on this issue - folks have started backing off combining the findings if we decide that that 90-day is warranted. But everyone has agreed so far that we should first decide whether this is a listable entity first then we should decide how to proceed from there. Just let us know how we can help from here.

---

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Susan Jacobsen



**Susan Jacobsen**

04/07/2005 06:24 PM

To: Michelle Morgan/ARL/R9/FWS/DOI@FWS  
cc: Debra Bills/R2/FWS/DOI@FWS, Douglas  
Krofta/ARL/R9/FWS/DOI@FWS, Greg Beatty/R2/FWS/DOI@FWS,  
Martha BalisLarsen/ARL/R9/FWS/DOI@FWS, Mary  
Klee/ARL/R9/FWS/DOI@FWS, Mary Richardson/R2/FWS/DOI@FWS,  
Melanie Ruiz/RO/R2/FWS/DOI@FWS, Sarah  
Quamme/RO/R2/FWS/DOI@FWS, Steve Spangle/R2/FWS/DOI@FWS,  
Stuart Leon/RO/R2/FWS/DOI@FWS, Wendy  
Brown/RO/R2/FWS/DOI@FWS

Subject: Re: bald eagle petition 📎

Hi Michelle, I'm checking with the FO to see how much funding they need to complete the analysis versus rely on what has already been completed. I know Jody did a dps analysis and we may be able to start with that. I'll try and get back with you early next week.

sj  
Michelle Morgan



**Michelle Morgan**

04/05/2005 03:03 PM

To: Susan Jacobsen/RO/R2/FWS/DOI@FWS, Martha BalisLarsen/ARL/R9/FWS/DOI  
cc: Debra Bills/R2/FWS/DOI@FWS, Douglas Krofta/ARL/R9/FWS/DOI@FWS, Greg Beatty/R2/FWS/DOI@FWS, Mary Klee/ARL/R9/FWS/DOI@FWS, Mary Richardson/R2/FWS/DOI@FWS, Melanie Ruiz/RO/R2/FWS/DOI@FWS, Sarah Quamme/RO/R2/FWS/DOI@FWS, Steve Spangle/R2/FWS/DOI@FWS, Stuart Leon/RO/R2/FWS/DOI@FWS, Wendy Brown/RO/R2/FWS/DOI@FWS

Subject: Re: bald eagle petition 📎

Susan - I just talked to Ben - On the funding issue - Do we have most of the analysis already completed for the DPS due to the proposed delisting rule? - if so, I think a very small portion of the analysis would be truly listing analysis, and therefore most of it can be charged to 1113. We might need to discuss how much more analysis we would have to put into this, to then discuss how much (if any) should come from 1117.

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Susan Jacobsen



**Susan Jacobsen**

04/05/2005 02:15 PM

To: Michelle Morgan/ARL/R9/FWS/DOI@FWS  
cc: Debra Bills/R2/FWS/DOI@FWS, Douglas Krofta/ARL/R9/FWS/DOI@FWS, Greg Beatty/R2/FWS/DOI@FWS, Mary Klee/ARL/R9/FWS/DOI@FWS, Mary Richardson/R2/FWS/DOI@FWS, Melanie Ruiz/RO/R2/FWS/DOI@FWS, Sarah Quamme/RO/R2/FWS/DOI@FWS, Stuart Leon/RO/R2/FWS/DOI@FWS, Wendy Brown/RO/R2/FWS/DOI@FWS, Steve Spangle/R2/FWS/DOI@FWS

Subject: Re: bald eagle petition 📎

Thanks Michelle! Sounds good to me. So we will wait until you hear from Ben on the 1117 issue before we begin the dps analysis.

sj  
Michelle Morgan



**Michelle Morgan**

To: Susan Jacobsen/RO/R2/FWS/DOI@FWS



04/05/2005 11:25 AM

cc: Debra Bills/R2/FWS/DOI@FWS, Douglas Krofta/ARL/R9/FWS/DOI@FWS, Greg Beatty/R2/FWS/DOI@FWS, Mary Klee/ARL/R9/FWS/DOI@FWS, Mary Richardson/R2/FWS/DOI@FWS, Melanie Ruiz/RO/R2/FWS/DOI@FWS, Sarah Quamme/RO/R2/FWS/DOI@FWS, Stuart Leon/RO/R2/FWS/DOI@FWS, Wendy Brown/RO/R2/FWS/DOI@FWS  
 Subject: Re: bald eagle petition

Hi everyone - Here is my suggestion for moving forward on this - I believe we can add a paragraph or so to the Re-opening of the comment period for the Bald Eagle, since it looks like we will have some time, likely a month or so. I agree with Spangle that 1st we need to address whether this a valid entity, then 2nd whether it meets the substantiality test. I have a call into Ben, but both Chris Nolin and I agree that I think we can use 1113 funds to address this petition since we are working on it as part of the larger delisting question.

Let me know what you think.

---

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Susan Jacobsen

**Susan Jacobsen**

03/31/2005 04:10 PM

To: Douglas Krofta/ARL/R9/FWS/DOI@FWS, Michelle Morgan/ARL/R9/FWS/DOI@FWS, Mary Klee/ARL/R9/FWS/DOI@FWS  
 cc: Debra Bills/R2/FWS/DOI@FWS, Greg Beatty/R2/FWS/DOI@FWS, Mary Richardson/R2/FWS/DOI@FWS, Melanie Ruiz/RO/R2/FWS/DOI@FWS, Stuart Leon/RO/R2/FWS/DOI@FWS, Sarah Quamme/RO/R2/FWS/DOI@FWS  
 Subject: bald eagle petition

Hi--I wanted to follow up to see if there had been a decision on what funding we can/should use to address the 90-day finding for the eagle petition (listing or recovery). Also, we may have some 1111 funding that we can use since we received 15K to address a 90-day finding for 2 chubs and we may only need about 10K. We estimate about 10K total to complete the 90-day finding for the eagle. The FO estimates that it can get the RO a finding in about 6 weeks (that is once we know we have funding to complete the work).

Also, Steve Spangle believes, as do I, that we need to 1st address whether the petition to list the desert nesting bald eagle qualifies as a listable entity (i.e., meets the criteria for a dps). Following that analysis we would address whether the petition presents substantial information to indicate that uplisting to E may be warranted.

It may be helpful for us to have a call on this issue sometime next week so we are all in agreement on what the next steps are and how this can be funded. Let me know what you think and I'll try and arrange a time for a call.

Thanks, sj

