

Jeff Humphrey/R2/FWS/DOI  
03/28/2006 02:04 PM

To Mary Richardson/R2/FWS/DOI@FWS, Debra  
Bills/R2/FWS/DOI@FWS, Steve  
Spangle/R2/FWS/DOI@FWS  
cc Greg Beatty/R2/FWS/DOI@FWS  
bcc  
Subject Fw: Bush Administration Sued to Protect Arizona Bald  
Eagles (News release and complaint)

----- Forwarded by Jeff Humphrey/R2/FWS/DOI on 03/28/2006 02:02 PM -----

Jeff Humphrey/R2/FWS/DOI  
03/28/2006 02:02 PM

To Nicholas Throckmorton/ARL/R9/FWS/DOI  
cc Megan Durham/ARL/R9/FWS/DOI@FWS, Chris  
Tollefson/ARL/R9/FWS/DOI@FWS, Craig  
Rieben/ARL/R9/FWS/DOI@FWS, Valerie  
Fellows/ARL/R9/FWS/DOI@FWS, Larry  
Bell/RO/R2/FWS/DOI@FWS  
Subject Re: Fw: Bush Administration Sued to Protect Arizona Bald  
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Nicholas,

I spoke with April Reese (Land Letter) regarding this.

Here's what I provided:

- a) Summary (general) of how a DPS is determined
  - 1) Discreteness of the population in relation to the remainder of the species to which it belongs;
  - 2) The significance of the population segment to the species to which it belongs; and
  - 3) The population segment's conservation status in relation to the ESA's standards for listing.
- b) We (FWS) sought clarification of the petition in early 2005 and began field office level evaluation of the petition in November '05 once FY06 funding was provided (explained listing priority guidance and funding).
- c) She asked if, since we were working on the DPS evaluation, the suit was moot? I told her I wouldn't comment on that.
- d) She asked if any research on uniqueness (discreteness) of the SW nesting BE had been conducted: Yes, and the petition references much of it. The task of discerning what that research means in light of our DPS policy is the task before us.

Jeff Humphrey  
Public Outreach Specialist  
Fish and Wildlife Service  
2321 West Royal Palm Road, Suite 103  
Phoenix, Arizona 85021  
602-242-0210 ext. 222

We live on a planet that has a more or less infinite capacity to surprise.  
What reasoning person could possibly want it any other way?  
Bill Bryson (2003)

Nicholas Throckmorton/ARL/R9/FWS/DOI



**Nicholas  
Throckmorton/ARL/R9/FWS  
/DOI**

03/28/2006 12:30 PM

To Jeff Humphrey/R2/FWS/DOI@FWS, Megan  
Durham/ARL/R9/FWS/DOI@FWS, Chris  
Tollefson/ARL/R9/FWS/DOI@FWS, Craig  
Rieben/ARL/R9/FWS/DOI@FWS, Valerie  
Fellows/ARL/R9/FWS/DOI@FWS

cc

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Who is taking media calls on this?

Nicholas Throckmorton  
U.S. Fish and Wildlife Service, Public Affairs  
Room 3357  
1849 C. Street, NW  
Washington D.C. 20240

202/208-5636 - phone  
202/219-2428 - fax

Please do NOT mail disks or photos via the U.S. Post Office. The irradiation process melts them.

----- Forwarded by Nicholas Throckmorton/ARL/R9/FWS/DOI on 03/28/2006 02:30 PM -----



**Mary  
Klee/ARL/R9/FWS/DOI**

03/28/2006 01:06 PM

To Michelle Morgan/ARL/R9/FWS/DOI@FWS, Rick  
Sayers/ARL/R9/FWS/DOI@FWS, Eliza  
Savage/AMBS/R9/FWS/DOI@FWS, George T  
Allen/AMBS/R9/FWS/DOI@FWS, Brian A  
Millsap/AMBS/R9/FWS/DOI@FWS, Valerie  
Fellows/ARL/R9/FWS/DOI@FWS, Michael  
Gale/ARL/R9/FWS/DOI@FWS, Nicholas  
Throckmorton/ARL/R9/FWS/DOI@FWS

cc

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FYI and heads up . . .

----- Forwarded by Mary Klee/ARL/R9/FWS/DOI on 03/28/2006 01:04 PM -----

**Greg Beatty/R2/FWS/DOI**

03/28/2006 11:31 AM

To Wendy Brown/RO/R2/FWS/DOI@FWS, Jeff  
Whitney/R2/FWS/DOI@FWS, Jody G  
Millar/R3/FWS/DOI@FWS, Mary

Klee/ARL/R9/FWS/DOI@FWS  
 cc jdriscoll@azgfd.gov, bbroscheid@azgfd.gov, Mary  
 Richardson/R2/FWS/DOI@FWS, Debra  
 Bills/R2/FWS/DOI@FWS, Nancy  
 Baczek/R2/FWS/DOI@FWS, Edith  
 Erfling/R2/FWS/DOI@FWS, Kevin  
 Stubbs/R2/FWS/DOI@FWS  
 Subject Fw: Bush Administration Sued to Protect Arizona Bald  
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Greg Beatty  
 US Fish and Wildlife Service  
 2321 West Royal Palm Road, Suite 103  
 Phoenix, Arizona 85021  
 602-242-0210

----- Forwarded by Greg Beatty/R2/FWS/DOI on 03/28/2006 09:29 AM -----

Jeff  
 Humphrey/R2/FWS/DOI  
 03/28/2006 08:34 AM

To Debra Bills/R2/FWS/DOI@FWS, Mary  
 Richardson/R2/FWS/DOI@FWS, Susan  
 Jacobsen/RO/R2/FWS/DOI@FWS, Sarah  
 Quamme/RO/R2/FWS/DOI@FWS, Steve  
 Spangle/R2/FWS/DOI@FWS  
 cc Greg Beatty/R2/FWS/DOI@FWS, Larry  
 Bell/RO/R2/FWS/DOI@FWS, Elizabeth  
 Slown/RO/R2/FWS/DOI@FWS  
 Subject Bush Administration Sued to Protect Arizona Bald Eagles  
 (News release and complaint)

April Reese, writing for Land Letter, has already called here.

link to complaint: [http://www.sw-center.org/swcbd/SPECIES/eagle/SWE\\_Complaint.pdf](http://www.sw-center.org/swcbd/SPECIES/eagle/SWE_Complaint.pdf)



## Center for Biological Diversity

**BECAUSE LIFE IS GOOD**

*Protecting endangered species and wild places through  
 science, policy, education, and environmental law.*

For Immediate Release: March 27, 2006

Contact:

Robin Silver, M.D., Board Chair, Center for Biological Diversity, 602-246-4170

Bob Witzeman, Conservation Chair, Maricopa Audubon Society, 602-840-0052

## **Bush Administration Sued to Protect Arizona Bald Eagles**

Phoenix, Ariz.—The Center for Biological Diversity and Maricopa Audubon Society filed a lawsuit today against the U.S. Department of the Interior and U.S. Fish and Wildlife Service. The agencies failed to respond to a petition to list the Southwestern desert nesting bald eagle as an endangered Distinct Population Segment under the Endangered Species Act. The agencies are required by law to respond to petitions within 90 days and to provide a final determination within one year. The Center and Maricopa Audubon submitted the petition on October 6, 2004.

The desert nesting bald eagle is a non-migrating resident of the Southwest. They have a limited range. Most live in Arizona. They are isolated behaviorally, biologically and ecologically from other bald eagles. They breed earlier in the season and do not interbreed with bald eagles that nest elsewhere.

“The administration has chosen not to protect this distinct population,” said Dr. Robin Silver, Board Chair of the Center for Biological Diversity.

The bald eagle is America's national symbol. It is also heralded as a symbol of the success of the Endangered Species Act. The eagle was listed as endangered under the Act in 1978 which invoked special management and protections for the species. Since listing, populations have rebounded nationwide, and the administration has called for removal of all bald eagles from the list.

“Arizona desert nesting bald eagles are an important part of our heritage. Yet they continue to face increasing risks. They will not survive without Endangered Species Act protection. This suit will force the administration to do more to protect Arizona's bald eagles, not less,” said Maricopa Audubon Conservation Chair Bob Witzeman.

In the Southwest, stream dewatering, habitat destruction, and human population encroachment and harassment still threaten the bald eagle. Mortality of fledglings and adults remain uncharacteristically high here. Since 1983, 16 percent of all fledglings have survived owing to human intervention. In some years up to 60 percent are saved.

In the 2004 petition, the Center and Maricopa Audubon presented evidence that desert nesting bald eagles face a high risk of extinction within 57 to 82 years. Review of the 2004 and 2005 data yields essentially the same results.

Silver said, “The protections currently in place with listing are not enough to sustain the Southwestern population in the long-term. Losing Endangered Species Act protection dooms the bald eagles in Arizona to certain extinction.”

Federal actions continue to threaten desert nesting bald eagles. Low-flying aircraft commonly harass and flush incubating eagles from their nests, interrupting their breeding and nesting cycles. Other federal actions approved by the Fish and Wildlife Service are responsible for at least 29 southwestern desert nesting bald eagle deaths in the last decade. Federal actions are projected to cumulatively result in the death of 491 eagles over the next 50 years. Approximately 30 percent of occupied nesting territories in Arizona may be impacted by planned federal projects.

“Removal of the bald eagle from the endangered species list will allow federal actions to take place without analysis or mitigation. Commitments by the Arizona Game and Fish Department to continue a Nestwatch program will not address federal actions, continued habitat degradation, or declines in population over time,” said Silver.

The Center and Maricopa Audubon are represented by Center staff attorney Erik Ryberg in this suit.

# # #

The Center for Biological Diversity is a non-profit conservation organization with over 18,000 members dedicated to the protection of imperiled species and their habitats.

Maricopa Audubon Society is an organization of volunteers dedicated to the enjoyment of birds and other wildlife with a primary focus on the protection and restoration of the habitat of the Southwest through fellowship, education, and community involvement.

(end)



*more press releases. . .*