



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

March 5, 2005

Mr. Dale Hall
Regional Director
U.S. Fish and Wildlife Service
P.O. Box 1306
Albuquerque, New Mexico 87103

Mr. Steve Spangle
Arizona State Director
Arizona Ecological Services Field Office
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021-4915

Dear Messrs. Hall and Spangle,

RE: ADDENDUM to the Petition to (1) Recognize the biologically, behaviorally and ecologically Isolated Southwestern Desert Nesting Bald Eagle (*Haliaeetus leucocephalus*) population as a Distinct Population Segment, (2) to List this population as Endangered, (3) and to Designate Critical Habitat for this population

On October 6, 2004, the Center for Biological Diversity, with Maricopa Audubon Society and the Arizona Audubon Council, filed the Petition to (1) Recognize the biologically, behaviorally and ecologically Isolated Southwestern Desert Nesting Bald Eagle (*Haliaeetus leucocephalus*) population as a Distinct Population Segment, (2) to List this population as Endangered, (3) and to Designate Critical Habitat for this population. In correspondence, dated February 11, 2005, the U.S. Fish and Wildlife Service (USFWS) requests "additional clarification on the geographic extent of the southwestern desert nesting bald eagle population."

We respond to your question with our observation that the data documented and cited in our Petition supports listing as Endangered with Critical Habitat of the Distinct Population Segment of Southwestern Desert Nesting Bald Eagle consistent with the geographical boundaries including the Sonoran Desert riparian areas of central Arizona and northwestern Mexico. These areas are mapped as (1) as "Sonoran Desert Scrub" in Brown (1973) [The Natural Vegetative Communities of Arizona, David E. Brown, Arizona Game and Fish Department, 1973 "Based on Arizona Natural Communities by C.H. Lowe, 1964"; citing Shreve (1951); and (2) Brown (1994) [Brown, DE (ed.). 1994. Biotic Communities,

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Southwestern United States and Mexico. The University of Utah Press. Salt Lake City.] cited in Canaca *et al.* (2004) [Arizona Bald Eagle 2003 Nest Survey, Jorge S. Canaca, Bald Eagle Biologist; Kenneth V. Jacobson, Bald Eagle Field Projects Coordinator; James T. Driscoll, Bald Eagle Management Coordinator; Nongame Branch, Wildlife Management Division, Arizona Game and Fish Department; Technical Report 229, Nongame and Endangered Wildlife Program, Program Chief: Terry B. Johnson, Arizona Game and Fish Department; March 2004.]

Canaca *et al.* states:

“Most of Arizona’s bald eagle breeding habitat exists between 329 and 1719 m (1080 and 5640 ft) elevation in central Arizona. These BAs occur within the Upper and Lower Sonoran Life Zones and transition areas (Brown 1994).”

In addition, please include the following new information in your evaluation process:

- Three more adult members of the closed population of Southwestern Desert Nesting Bald Eagle were poisoned to death in 2004.¹
- Prescott and Prescott Valley have committed to close the Big Chino Valley real estate purchase that will lead to the dewatering of the upper Verde River.²
- Newly published U.S. Geological Survey study confirms the peril to the upper Verde River by the newly committed Big Chino Valley groundwater pumping.³
- Species recovery is twice as likely to occur with designated Critical Habitat.⁴
- Global warming and prolonged Southwest drought evidence continues to accumulate.⁵
- Endangered Species’ protection against harm by toxins has been significantly weakened by new pesticide regulations allowing the Environmental Protection Agency (EPA) to not consult with USFWS before deciding whether pesticides are likely to harm Threatened and Endangered Species and their habitat, and whether any steps should be taken to limit the harm.⁶ EPA’s record in protecting Endangered Species is abysmal.⁷
- The Southwestern Desert Nesting Bald Eagle was historically more plentiful than previously thought owing to the results of our new ethnographic review with Native Peoples of the Southwest.⁸

¹ Arizona Republic 2005; Personal communication AGFD February 2005

² Prescott Daily Courier 2004

³ USGS 2005

⁴ CBD 2003; Nature 2003

⁵ Arizona Daily Star 2004b; Arizona Daily Sun 2004; Arizona Republic 2004a, 2004b; CNN 2004, 2005; Cook, *et al.* 2004; High Country News 2005; National Geographic 2004; NOAA 2005; Observer/UK 2004; Sierra Vista Herald 2003a; SWRAG 2000; Tucson Citizen 2004; USFWS 1990c, 2003b; Washington Post 2005

⁶ National Wildlife Federation 2004

⁷ Arizona Daily Star 2004; CBD 2004

⁸ Personal communication with traditional members and representatives of the Fort McDowell Apache, White Mountain Apache, San Carlos Apache, Yavapai Apache Tribes.

If you have any questions, please contact, Robin Silver, M.D., Board Chair, CBD, P.O. Box 39629, Phoenix, AZ 85069-9382; Phone: 602 246 4170; FAX: 602 249 2576; or Email: rsilver@biologicaldiversity.org.

Sincerely,



Robin Silver, M.D.
Board Chair

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