

Tribes support resuming protections for eagles

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While Arizona's 45 pairs of bald eagles attempt to breed this winter near the state's overdeveloped rivers, legal efforts to put them back on the federal Endangered Species List has received a boost from three Apache tribes.

U.S. Interior Department de-listed all North American bald eagles Aug. 8, despite an appeal by Gov. Janet Napolitano and a petition by Arizona conservationists to re-examine the case for protecting Arizona's birds.

The San Carlos Apache Tribe, Yavapai-Apache Nation and Tonto Apache Tribe on Tuesday filed a brief in U.S. District Court. The brief supports a federal lawsuit brought by conservation groups that calls on the U.S. Fish and Wildlife Service to reconsider the desert-nesting bald eagle as a distinct population and resume endangered species protections.

The Apache tribes filed a "friend of the court" brief saying federal authorities failed to consult with tribes appropriately before the de-listing or to notify them when the de-listing decision was made.

The filing includes rare information on the religious significance of bald eagles as well as scientific evidence supported by the Apache Tribes' work with the eagles.

Tribes back conservation

Tribal lawyers said the tribes agree with scientific arguments presented in the lawsuit brought in January 2007 by the Center for Biological Diversity and Maricopa Audubon. The suit claims federal authorities ignored significant scientific evidence that supports continuing to list the Arizona eagles.

"The science was adequately presented in the lawsuit, but there's another valuable insight into this, an ancient insight. The Interior secretary was required by law to consult with the tribes and by failing to do so did not have all available information, including information that goes to the science, that could only and uniquely be provided by these Apache tribes," said attorney Joe Sparks, whose Scottsdale law firm represents the tribes.

Sparks said other Arizona tribes have ancient and religious records of the eagle, but the Apache tribes are the first whose tribal elders have authorized them to disclose the information, which can be made public only with the approval of spiritual leaders.

Eagles once prominent

One belief tribes hope to dispel is the idea that eagles didn't exist in the Southwest in great numbers before the U.S. started keeping records. Apache and other Arizona tribes say eagles have been at the center of their religions as long as they have existed.

In legal terms, the brief serves as a courtesy to provide the judge with information otherwise unavailable, in this case supporting the plaintiffs.

"We're elated the Apache are being more expressive of their knowledge of the desert nesting bald eagle. After all, they've known of the eagle much longer than the rest of us. And they too have been ignored by the Fish and Wildlife Service," said Robin Silver, of the Center for Biological Diversity.

The case is scheduled to be heard at 3 p.m. Tuesday before U.S. District Court Judge Mary Murguia at 401 W. Washington St., in Phoenix.