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## Bald eagle may fly on its own

Delisting could extol federal species act but hurt protection

by: JANE KAY

*Chronicle Environment Writer*

Federal wildlife officials proposed on Monday removing the bald eagle from under the wing of the Endangered Species Act, calling the resurgence of the majestic raptor and national symbol a conservation success.

Nesting pairs of bald eagles have risen nationwide to 7,066 -- up from a low of 417 in 1963 when high levels of the insecticide DDT were damaging their eggs.

"If you look at the growth, it's phenomenal," said Chris Tollefson, a spokesman for the U.S. Fish and Wildlife Service in Washington, D.C. "The eagle is a huge success story under the Endangered Species Act."

The agency will publish its proposal on Thursday to remove the bald eagle from the protected list along with a set of voluntary guidelines to protect it. A comment period ends May 17, after which the agency will make its final decision.

Representatives of national environmental groups -- Defenders of Wildlife, National Wildlife Federation and Environmental Defense -- applauded the proposal to eliminate the eagle from the list, saying the population's rebound showed that the act is working.

"If the eagle has recovered to a stable population, then it's important

to take it off the list so that other species that are in greater need can use the resources of the act to recover as well," said Cindy Hoffman, a spokeswoman for the Defenders of Wildlife in Washington, D.C.

But the groups cautioned that this week they will closely review how other existing laws will protect the eagle's habitat from logging and development, which has been a crucial benefit of the act.

Two of the laws, the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act, prohibit killing, transporting, selling or otherwise harming eagles, nests and eggs. The laws don't directly protect habitat, a safeguard in the Endangered Species Act.

Doug Inkley, senior science adviser at the National Wildlife Federation in Washington, D.C., said his group will specifically examine how the federal government intends to define "disturb," an important word in the Bald and Golden Eagle Protection Act.

Inkley said the National Wildlife Federation believes that "no activity should be allowed near the bald eagles that would cause them to abandon their nests or leave winter roosting sites."

In California, Peter Galvin, a spokesman for the Center for Biological Diversity in San Francisco,

disagreed with the big groups and said it was premature to end the act's protections.

The eagles in California and the Southwest, in particular, "have not recovered to the point where delisting is appropriate," Galvin said. Wildlife officials have found 160 nesting pairs in California, two in Nevada, four in Utah and 43 in Arizona compared with 1,133 in Florida.

Even if their numbers are growing, eagles are in trouble nationwide as the birds continue to lose habitat and fresh water as the human population increases, he said.

"It's a huge concern if the bald eagle is delisted that some of the best habitat would be lost very quickly to logging and other development," Galvin said.

By using the act, the environmental group was successful in winning a preliminary injunction two years ago against a developer who had started a condominium development near bald eagle habitat without a permit on private land in the San Bernardino National Forest.

On Monday, Galvin's group filed a lawsuit against the federal agency in San Francisco, seeking to protect another bird, the tricolored blackbird. The group has also petitioned the federal government to add the yellow-billed cuckoo and the California spotted owl to the threatened list, all

of them victims of lost habitat.

Scientists estimate that there were as many as 500,000 bald eagles in North America when Europeans arrived. The eagles were declared the nation's symbol in 1782. They were first protected by Congress in 1940, and then classified as endangered in 1967 under a law that preceded the 1973 act. As their numbers plummeted, scientists linked DDT contamination

of the prey of many raptor species, including the eagles, to causing thinning and breaking of eggshells. The chemical was banned nationwide in 1972.

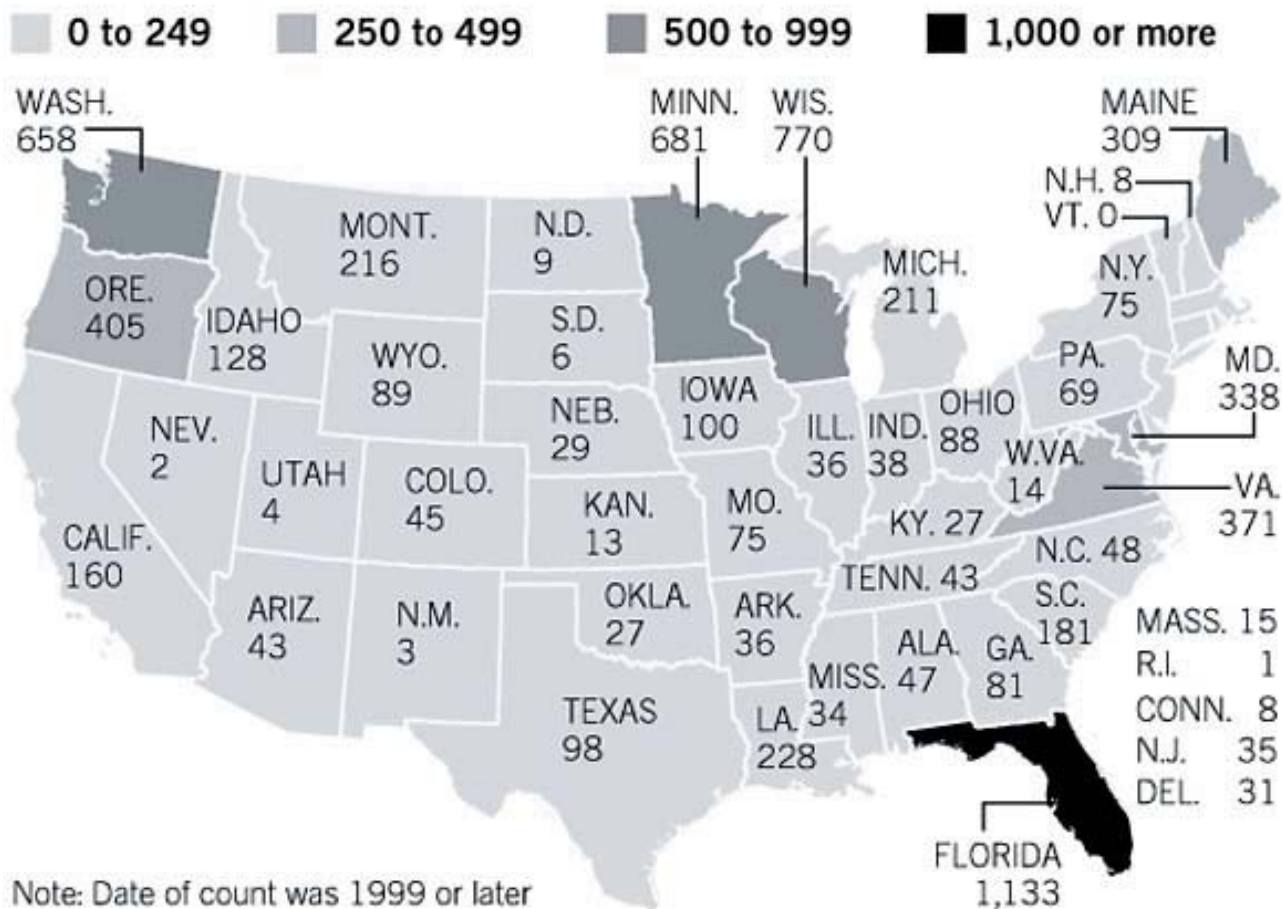
In 1995, the raptor's status was changed from endangered to threatened. In 1999, when breeding pairs reached 6,471, the Fish and Wildlife Service proposed removing the species from the list, just as it is

now. The attempt was dropped after public concerns that its habitat would go unprotected.

Over the past decade, Rep. Richard Pombo, R-Tracy, has spearheaded a move to change the law, saying that it is a failure and doesn't help enough species. Some environmental groups may be supporting the delisting of the eagle to show that the act is working, Galvin said.

## Bald eagle breeding pairs

Estimated number of breeding pairs by state



Note: Date of count was 1999 or later

Source: U.S. Fish and Wildlife Service

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