



# News Release

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## **U.S. Fish and Wildlife Lists the Desert Bald Eagle As Threatened Under the Endangered Species Act**

Due to a recent court order, bald eagles in the Sonoran Desert of central Arizona are again protected as “threatened” under the Endangered Species Act. The U.S. Fish and Wildlife Service will soon publish an emergency interim rule in the Federal Register to comply with the court order.

On October 6, 2004, the Service received a petition to reclassify the Sonoran Desert population of bald eagles in central Arizona and northwestern Mexico as a distinct population segment, to list that DPS as an endangered species, and designate critical habitat. A distinct population segment (DPS) must be geographically discrete from other populations and also be significant to the survival of the species. Discrete refers to the isolation of a population from other members of the species and is evaluated based on specific criteria. On August 30, 2006, the Service announced a 90-day finding stating that the petition did not present substantial scientific or commercial information indicating the petitioned action may be warranted. On January 5, 2007, the petitioners filed a legal challenge against the Service’s 90-day finding decision.

As a result of that lawsuit, on March 6, 2008, the U.S. District Court for the District of Arizona ordered the Service to: 1) conduct a status review of the “bald eagle population of the Sonoran Desert region of the American Southwest” (Desert bald eagle) to determine whether recognizing the Desert bald eagle population as a DPS is warranted, and if so, whether listing the DPS as threatened or endangered pursuant to the Endangered Species Act is warranted; and 2) issue a 12-month finding on whether recognizing the Desert bald eagle population as a DPS is warranted, and if so, whether listing the DPS as threatened or endangered is warranted. The court ordered the Service to issue this finding by December 5, 2008.

Based on the court order and the description of the bald eagle population in the original petition, the Desert bald eagle population is defined as those eagles in the Sonoran Desert residing in central Arizona and northwestern Mexico. Since bald eagles in northwestern Mexico were never protected under the Endangered Species Act, only those bald eagles found in the Sonoran Desert of central Arizona are reinstated to federal protection under the Endangered Species Act. The remainder of formerly listed bald eagles will not be placed back on the list of threatened and endangered species.

The Service first listed the bald eagle as endangered in 43 States and threatened in 5 others on February 14, 1978. Bald eagles were never listed in Alaska where they are abundant and are not found in Hawaii. On July 12, 1995, the Service reclassified the bald eagle from endangered to threatened in the lower or contiguous 48 States. The Service published the final rule to delist the bald eagle in the lower 48 states on July 9, 2007. This action was based on a thorough review of the best available data, which indicated that the threats to the species have been eliminated or reduced to the point at which the species had recovered and no longer met the definition of threatened or endangered.

In order to ensure the public is notified of the effects of the recent court order, the Service will soon publish an emergency interim rule amending the regulations for the Federal List of Endangered and Threatened species at 50 CFR 17.11 to designate the Desert bald eagle as threatened in accordance with the Endangered Species Act. The emergency interim rule will be effective until the Service makes a new final determination as to the appropriate status of the Sonoran Desert bald eagle, or until the March 6, 2008, court order is either stayed or reversed in any subsequent judicial proceedings. No decision has been made as to whether the government will appeal that order.

The map below illustrates the area within which the Desert bald eagle is identified as a threatened species under the Endangered Species Act.

For more information on this court order and bald eagle recovery in the U.S. please visit <http://www.fws.gov/migratorybirds/baldeagle.htm> for further information.

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people. We are both a leader and trusted partner in fish and wildlife conservation, known for our scientific excellence, stewardship of lands and natural resources, dedicated professionals and commitment to public service. For more information on our work and the people who make it happen, visit **[www.fws.gov](http://www.fws.gov)**.