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Bureau of Wildlife Diversity Conservation

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Mr. Frank Montalbano  
Florida Fish and Wildlife Conservation Commission  
Director Division of Wildlife  
620 South Meridian  
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DIRECTOR'S OFFICE  
DWM/WILDLIFE

RE: Petition to Delist the Bald Eagle (*Haliaeetus leucocephalus*) From the Threatened Species List

Dear Mr. Montalbano:

This petition requests that the Florida Fish and Wildlife Conservation Commission (FFWCC) formally delist the bald eagle (*Haliaeetus leucocephalus*) from the Threatened Species list (Rule 68A-27.004, F.A.C.), so that a Phase 2 Statewide Management Plan required under Rule 68A-27.0012(3), F.A.C. can be developed and implemented. The evidence provided below suggests that the bald eagle warrants delisting in Florida.

I have been a professional biologist practicing in Florida for 28 years and have served on the Bald Eagle Recovery Team for the Southeast Region (BERT) since 1997. I was a member of the Stakeholders Working Group that assisted the FFWCC in developing the Formal Listing Action Process that resulted in Rule 68A-27.0012, F.A.C. being adopted on 29 June 1999. I currently am assisting the FFWCC and US Fish and Wildlife Service (USFWS) in developing a statewide Bald Eagle Monitoring Protocol to provide agency personnel and environmental consultants with a scientific basis for evaluating human disturbance that may result in the "incidental take" of an active bald eagle nest or its contents. As the President of Biological Research Associates (BRA) since 1992, I oversee a staff of 39 biologists who have censused, monitored and developed management plans for numerous bald eagle territories throughout Florida for both private and public sector clients. I also have followed closely the USFWS proposed rule to delist the bald eagle in the lower 48 States (6 July 1999 Federal Register, pp. 36453-36464), and the potential consequences that this pending federal action may have on bald eagle conservation and management in Florida and elsewhere.

It is from this perspective and the technical discussions that follow, that I believe it is in the best interest of bald eagle conservation to proactively reclassify and develop a Phase 2 Statewide Management Plan for the species in Florida now. Florida currently supports the largest bald eagle population in the lower 48 States and will be the most directly affected by a federal delisting decision under the Endangered Species Act (ESA). Although predecisional documents will not be released by the USFWS in Washington, it seems likely that the final rule will require modifications to the Bald and Golden Eagle Protection Act (BGEPA), 16 U.S.C. 668 *et. seq* (see Gidiere 1998 for a summary of the federal issues). If the FFWCC proposes to delist and develop a comprehensive management plan for bald eagles in

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Florida prior to final federal action, the State will be in a much stronger position to influence federal rule-making and assume responsibility for the management of Florida's eagle population. If we delay, our efforts will be largely reactionary.

### Biological Information

The 6 July 1999 Federal Register Notice summarized the biological justification for federal delisting of the bald eagle in the lower 48 States. It identified those historic factors responsible for the species' decline; summarized previous federal and state actions taken to recover the species; quantified the current (1998) biological status of the species in the 5 Recovery Regions; considered the adequacy of other federal and state regulations to protect and sustain a recovered bald eagle population; and provided for a monitoring plan with a 5-year post-delisting assessment period to determine if relisting should be considered. The USFWS (1999, p. 36462) stated:

"We have reviewed the best available scientific and commercial data and conclude the following:

1. A widespread reduction in use of persistent pesticides and their adverse effects on the bald eagle is evident.
2. Other threats are not currently of sufficient magnitude individually or collectively, to place the species at risk of extinction.
3. Sufficient knowledge has been gained through the recovery process to properly manage the bald eagle in the future.
4. Widespread trends in the population indicate that the bald eagle has recovered and no longer in danger of extinction nor is it likely to become in danger of extinction within the foreseeable future throughout all or a significant portion of its range.

For these reasons we propose to remove the bald eagle from the List of Endangered and Threatened Wildlife."

The USFWS (1999) determined that the bald eagle exceeded the BERT delisting goals of 1,500 occupied breeding territories and more than 0.9 young produced per occupied territory (nest productivity has averaged 1.17 young per occupied territory since 1991) within the Southeastern States Recovery Region (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and eastern Texas).

Although the number of bald eagles nesting historically in Florida is unknown, Robertson (1978, p. 27) suggested that the original population "...must have been well in excess of 1,000 breeding pairs", and Curnutt (1996, p. 181) concluded it "...was probably in excess of 1,000 pairs." Nesbitt (2001)

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summarized statewide bald eagle nesting surveys conducted in Florida for the period 1973-2001. The number of active nests has grown from a known total of 274 in 1972-75 to 1,102 in 2001, and the number of Florida counties with nesting bald eagles has increased from 30 to 56 counties (Robertson 1978, Nesbitt 2001). The number of nesting pairs of eagles in Florida has increased about 13% annually for the last 15 years with no apparent sign of a population asymptote (Figure 1, adapted from Nesbitt 2001). Recently, Millsap et al. (2001) evaluated the comparative fecundity and survival of bald eagles fledged from suburban and rural nest sites in west central Florida. They found no significant differences in nest occupancy rates or productivity. Although first year survival of suburban eagles was lower than their rural counterparts, Vortex modeling suggests that both populations are experiencing positive growth rates and likely are limited only by the carrying capacity of their respective environments. The model also predicted no extinctions for populations in any simulation, and that all populations would remain stable at carrying capacity.

I have used the listing criteria referenced in Rule 68A-27.0012 F.A.C. and defined in Rule 68A-1.004 F.A.C. to evaluate the current biological status of the species. It is my conclusion that the bald eagle does not qualify as a Species of Special Concern (Rule 68A-27.005 F.A.C.), based on the following listing criteria:

- A. The population in the lower 48 States has not decreased by at least 20% over the last 10 years or three generations, whichever is longer. In fact, the bald eagle population in the conterminous US has essentially doubled every 7 to 8 years over the past 30 years (USFWS 1999, p. 36457) and the Florida nesting population has shown a 2.82-fold increase in the past 15 years (Figure 1), which is approximately 3 generations (Palmer et al. 1988, Buehler 2000, Millsap et al. 2001).
- B. The extent of occurrence exceeds 7,700 square miles, the area of occupancy exceeds 770 square miles, and the population is not fragmented, continuing to decline, or fluctuating. At least 5,748 active breeding pairs were documented in 1998 within the lower 48 States, and all but 2 of these States supported nesting pairs (USFWS 1999, p. 36457). Alaska had a breeding population estimated at 8,250 pairs in 1997 (Buehler 2000). A similar population probably exists in Canada, although many territories have not been censused (Buehler 2000). A few pairs also occupy Baja, Mexico. It is likely that the current bald eagle population in North America exceeds 20,000 pairs.
- C. As noted in B above, the bald eagle population exceeds 10,000 mature individuals by a factor of at least 2, with no estimated or predicted decline in the number of mature individuals or population structure. Although the bald eagle population in the lower 48 States was considered a Distinct Population Segment (DPS) when reclassified from endangered to threatened (USFWS 1995), the biological basis for subspecific recognition is doubtful (Buehler 2000).


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- D. The bald eagle population is neither small nor restricted in its area of occupancy or the number of locations.
- E. No quantitative analysis or data suggest that the probability of extinction in the wild is at least 10% within the next 100 years. Vortex modeling reported by Millsap et al. (2001) revealed no predictions of population extinction for any simulation.

It is for these reasons that I petition the FFWCC to delist the bald eagle in the State of Florida and to develop a statewide management plan for the species in accordance with Rule 68A-27.0012, F.A.C. I would be pleased to serve in this effort on any independent scientific panel to review the Biological Status Report developed by the Commission staff, or assist in preparing the Final Management Plan for the species. I may be reached by mail (3910 US Highway 301 North, Suite 180, Tampa, Florida 33619), telephone at (813) 664-4500 or e-mail (sgodley@biologicalresearch.com).

Sincerely,

BIOLOGICAL RESEARCH ASSOCIATES - TAMPA

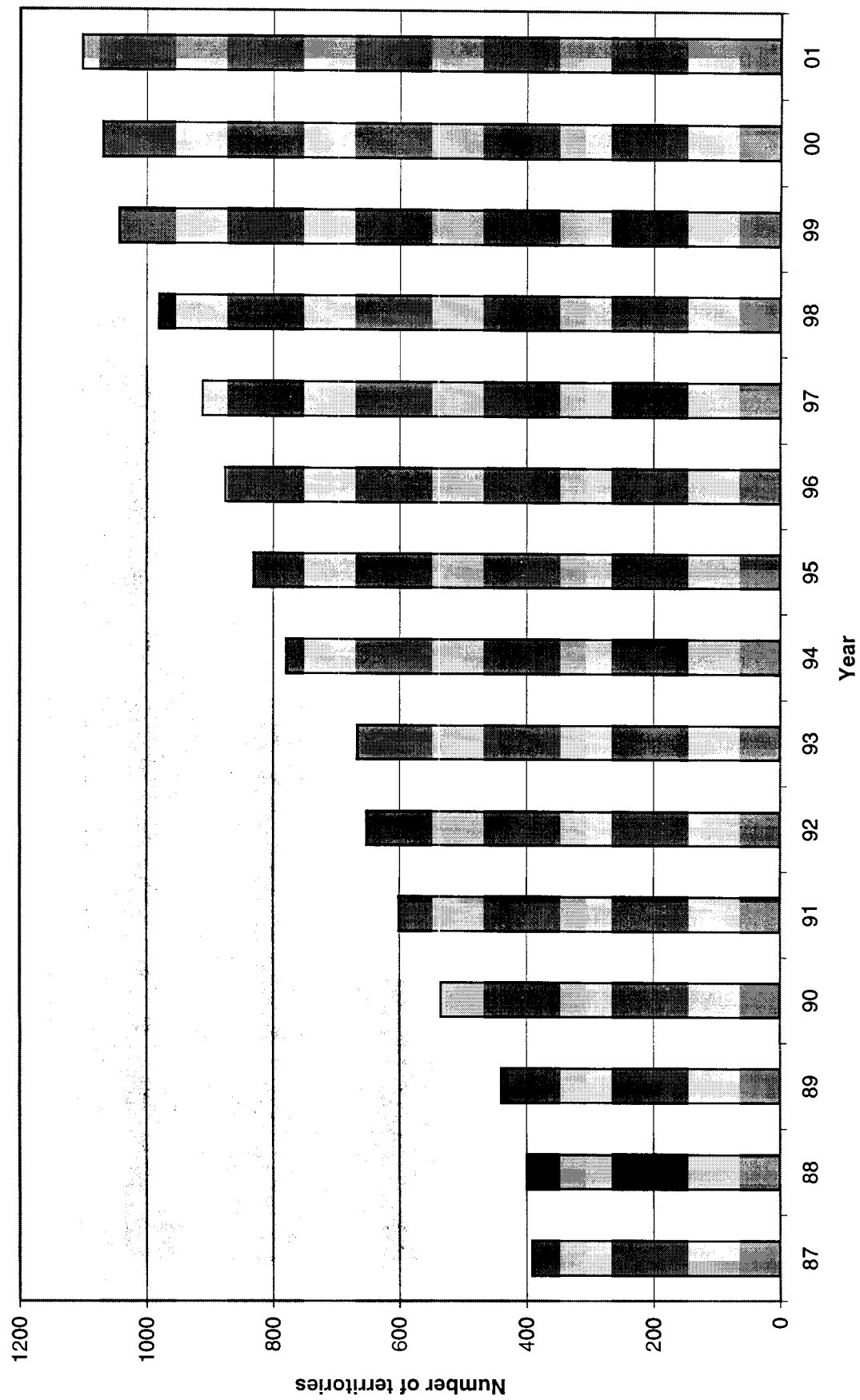
  
J. Steve Godley  
President

JSG/nnc/kea

Enclosures: 1) Figure 1  
2) Literature Cited

cc: Mr. Kenneth D. Haddad/FFWCC: with enclosures  
Mr. Rodney Barreto/FFWCC: with enclosures  
Mr. Quinton L. Hedgepeth, DDS/FFWCC: with enclosures  
Mr. H.A. Huffman/FFWCC: with enclosures  
Ms. Sandra T. Kaupe/FFWCC: with enclosures  
Mr. David K. Meehan/FFWCC: with enclosures  
Mr. Edwin P. Roberts, DC/FFWCC: with enclosures  
Mr. John H. Rood/FFWCC: with enclosures

Figure 1. Active Bald Eagle Territories by Year (Adapted from Nesbitt 2001)



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