

Notification letters were sent to all commentors on the proposed rule, State resource agencies, major Federal agencies, and major public conservation organizations. In addition, a public information meeting was held on April 3, 1995, in Phoenix, Arizona.

Summaries of Public Hearings, Comments, and Recommendations

The first public hearing was held from 7:00 p.m. to 9:00 p.m. on Tuesday, October 18, 1994, at the Somerset County Park Commission Environmental Education Center, 190 Lord Stirling Road, Basking Ridge, New Jersey. This hearing was held in response to requests from citizens living in Delaware and Rhode Island. The location was deemed to be centrally located for interested parties in both States. Notice of the public hearing was announced in local and regional newspapers. Four people attended this hearing and all provided comments. Major issues discussed included contaminants, particularly those associated with Delaware Bay, concern for low bald eagle breeding numbers in certain areas, recovery region boundaries, and scientific take permits.

The second public hearing was held from 6:30 p.m. to 9:30 p.m. on Tuesday, October 25, 1994, at St. Michael's Chapter House, Window Rock, Arizona. The hearing was held in response to requests from the Navajo Nation and representatives of Apache County, Arizona. Notice of the public hearing was published in local and regional newspapers. Five people attended this hearing and three people provided comments. Major issues discussed included take permits, Southwestern Recovery Region boundaries, and support for retaining the endangered status in the Southwestern Recovery Region.

Comments on the proposed rule were received from 72 parties including those attending the public hearings. Twenty-two State resource agencies responded to the proposed rule, of which 14 supported reclassification, three recommended the Southwestern Recovery Region be reclassified to threatened, one recommended bald eagles in its State be delisted, two did not object to reclassification but stated that they would retain State endangered status, and one provided comments, but gave no position.

Eighteen commentors represented organizations. Of these, ten stated support for the proposal, four recommended against the proposed rule, and two requested additional information.

Nineteen individuals provided comments, two of which provided surveys covering 157 people. Most individuals recommended against reclassification and several provided comments.

In response to the reopened comment period beginning March 23, 1995, the Service received 18 additional comments. Six State resource agencies responded with five of them supporting reclassification of the Southwestern Recovery Region and one requested delisting for a northern State. Four Federal entities responded. Three did not object to the reclassification, but two of those provided comments. One Federal entity requested the bald eagles of Mexico be listed as endangered. Two organizations opposed reclassification of the Southwestern bald eagles, as did two individuals. A third individual expressed opposition to any reduction of eagle protection. Three parties requested additional information but provided no comments.

Written comments received during the comment periods and oral statements presented at the public hearing are discussed in the following summary. Comments of a similar nature are grouped into general issues. These issues and the Service's response to each are discussed below.

Issue 1: The bald eagles of the Southwestern Recovery Region should be reclassified to threatened because recovery goals were met, genetic evidence does not indicate this population segment to be unique, and there is recent evidence of immigration.

Service Response: The Service has reviewed this issue, and due to the new evidence of immigration, reopened the comment period to alert the public to the new data and to reconsider whether or not this population segment is distinct and if it should also be reclassified to threatened. In considering the comments and information received, the Service has determined the Southwestern Recovery Region to be part of the same bald eagle population as that of the remaining lower 48 States. Therefore, the Service has included it in the reclassification. In 1994, a new pair of nesting bald eagles was discovered in the White Mountains at Luna Lake near Alpine, Arizona, bordering New Mexico. The male of this pair was trapped, and its band revealed that it had hatched in 1988 in southeastern Texas, south of Houston. This is the first known bald eagle to breed within Arizona's boundaries that originated in a different State and in a different recovery region (Southeastern).

Mabie et al. (1994) provides additional evidence of inter-population

movements. Based on sight records, the authors believe that bald eagles fledged in Texas may enter breeding populations throughout the southern United States. Emigration of Texas-fledged eagles may also extend into Mexico (Driscoll, et al. 1993).

Though Hunt et al. (1992) suggested that the central Arizona population may be reproductively isolated, that publication also stated that, "neither enzyme electrophoresis nor DNA fingerprinting resolved any specific genetic markers from which Arizona eagles could be differentiated from those of other populations * * *; Both techniques showed higher levels of genetic heterozygosity in the Arizona samples than the other populations tested * * *, [and] * * * these healthy levels of variation imply that the Arizona eagles are not currently experiencing inbreeding problems and may be capable of adapting to future environmental change. This, together with the occupancy and reproductive data, suggests that the population may be viable over the long term * * *" and that, in spite of the smaller size of the Arizona eagles, "We were unable to show a quality of uniqueness among the Arizona eagles that implies the existence of adaptations to the desert environment * * *".

Thus, based on new information on immigration and previously known genetic data, the Service believes this population is not reproductively isolated and should be included with the reclassification of the lower 48 States population.

Issue 2: Delisting goals have been met or exceeded in many cases. The bald eagle should be delisted in States where it has fully recovered.

Response: In 1978, the Service recognized separate population segments of this species primarily on the basis of State boundaries, with bald eagles in five northern and Pacific States listed as threatened, and those in the remainder of the lower 48 States listed as endangered. The distinctiveness of these population segments is questionable, given the dispersal capabilities of the species across state lines. For the purposes of this rule, the Service recognizes only one population in the lower 48 States, although the five recovery regions remain valid for management purposes. Thus, delisting will only be considered for the listed bald eagle population as a whole and not on a State by State or recovery region basis. Delisting goals have only been met for the Northern States Recovery Region and these goals were developed and approved as "tentative." Two recovery plans, those for the