

Delisting the Bald Eagle in Maine



An Amazing success Story!

Dave Menke—USFWS

July 31, 2008

Charlie Todd and George J. Matula, Jr.
Wildlife Division
Maine Department of Inland Fisheries and Wildlife

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Introduction

In January 2009, the Commissioner of the Maine Department of Inland Fisheries and Wildlife (MDIFW) will be recommending removal of the Bald Eagle (*Haliaeetus leucocephalus*) from Maine's list of Endangered and Threatened Species. State and federal law first recognized the Bald Eagle as an Endangered Species in Maine and 42 other states in 1978. Subsequent recovery of eagle populations led to reclassification as a Threatened Species in 1995. Further improvements prompted the federal government to remove Bald Eagles from its list of Endangered and Threatened species in 2007. However, the Bald Eagle remains listed as a Threatened species under Maine's Endangered Species Act (MESA), because federal delisting does not automatically trigger state delisting in Maine. To remove the Bald Eagle from Maine's list, the Commissioner of MDIFW must recommend its removal to Maine's Legislature, who has the final authority for listing and delisting, but only upon the recommendation of the Commissioner.

This document is an overview of Bald Eagle recovery in Maine and our current recommendation to remove its Threatened Species designation under MESA. Efforts to restore Bald Eagles have been ongoing for more than 30 years, and have involved an array of agencies, institutions, conservation organizations, landowners of eagle habitat, and Maine citizens. We gratefully acknowledge these partnerships and welcome your input to this proposal.

Historical Overview

We cannot precisely gauge Maine's historical eagle population, but it likely once numbered in the thousands. Inventories of Maine eagles began in 1962, when initial efforts revealed low numbers, reduced range, poor reproductive rates, and an uncertain future for the Bald Eagle. By the late-1970s, a remnant of 30 - 60 nesting pairs in Maine and one in New York were the only breeding eagles left in the Northeast between the Chesapeake Bay and Canada. At that time, Maine was one of only five population centers for eagles nesting in the lower 48 states.

Scientists blamed a variety of human-related factors for the decline, including widespread use of the insecticide DDT, which started in the late-1940s. The federal government banned DDT use in 1972, but by then, biologists could account for only 29 pairs of nesting bald eagles and 8 young eaglets throughout Maine.

Eagle numbers gradually increased following listing and implementation of intensive management practices, including working with willing landowners to conserve eagle-nesting sites. In 1989, the Department formally developed a Bald Eagle Management

Delisting the Bald Eagle in Maine - July 31, 2008

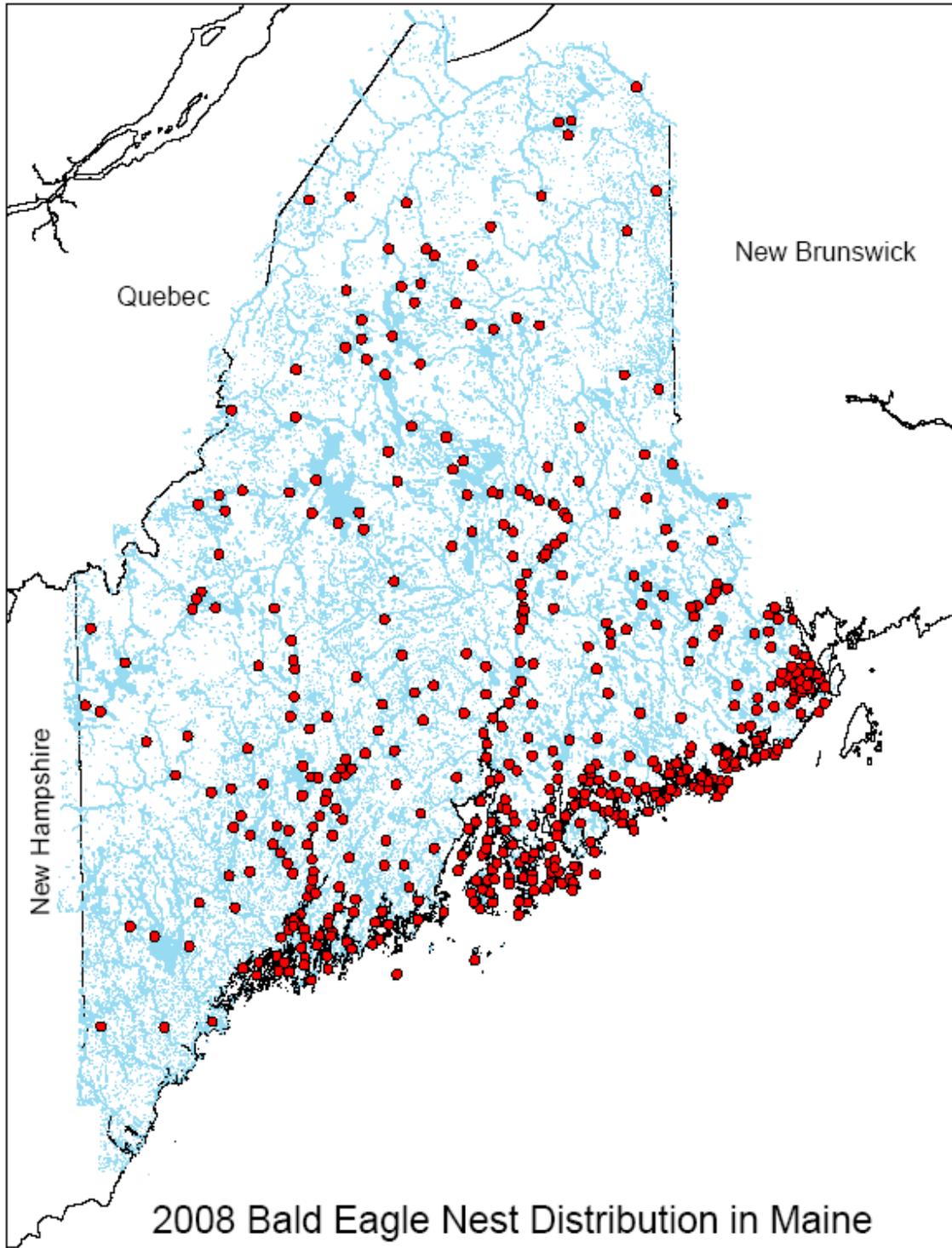
System, which established criteria for implementing management actions and for delisting Bald Eagles. Criteria for delisting include:

1. A breeding population >150 nesting pairs for 3 consecutive years (achieved in 1996), and
2. Eaglet production >150 fledglings for 3 consecutive years (achieved in 1999), and
3. Population declines <5% for 3 consecutive years (achieved in 2000), and
4. Removal of the Bald Eagle from federal listing (achieved in 2007), and
5. A habitat "safety net" that includes both of the following components:
 - a. > 50 nesting areas in secure conservation ownership or easements (achieved in 2004), and
 - b. > 100 additional nesting areas in secure conservation ownership, appropriate easements, or cooperative management agreements (pending).

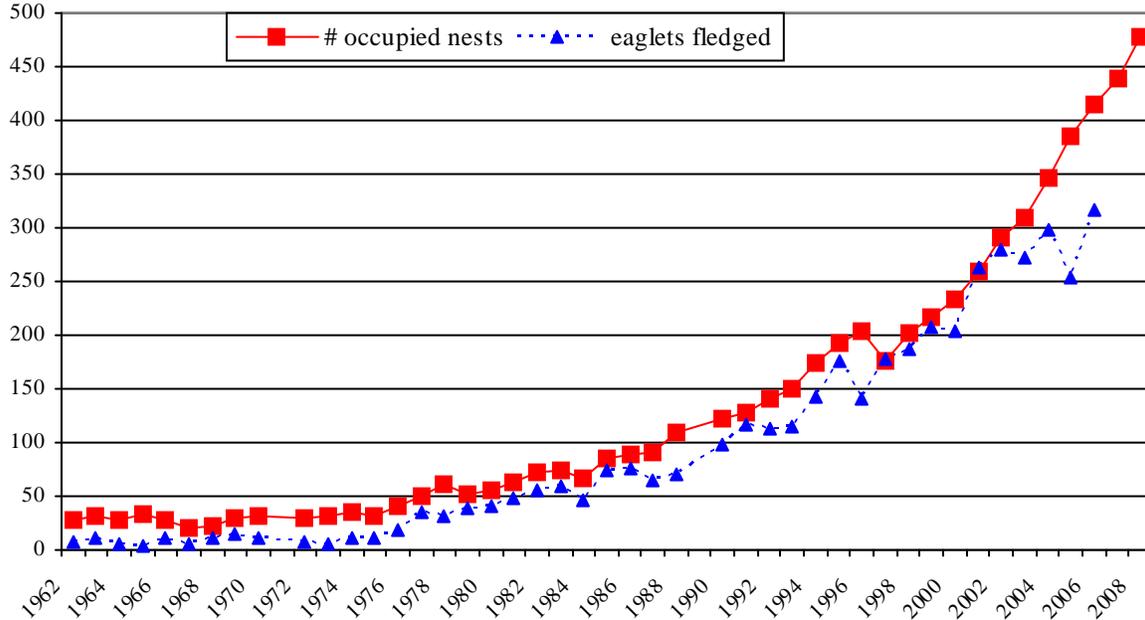
There are currently at least 477 nesting pairs of Bald Eagles in Maine; there are more than 300 fledglings produced annually; there have been no population declines greater than 5% since 1997; and 97 nesting areas are now in secure conservation ownership or easement. We have not met criterion 5b, but there are now more than 220 partially protected nesting areas in Maine. Ongoing efforts by conservation partners, and an effort to enroll key parcels in management agreements via the federal Landowner Incentive Program (LIP), should resolve this criterion in the near future. We have exceeded all criteria by at least a factor of two, except 5b. Biologically, we have greatly surpassed the criteria established for safeguarding eagle recovery; consequently, we are recommending removal of the Bald Eagle from the list of Endangered and Threatened species in Maine.



Delisting the Bald Eagle in Maine - July 31, 2008



Delisting the Bald Eagle in Maine - July 31, 2008



Biological Issues

Bald Eagles have potentially long lives (20 years), delayed maturity (4 - 5 years), and limited recruitment (0 - 3 offspring per year). Eagles are very selective of suitable habitats and are extremely loyal to chosen sites. Food supplies (quantity and quality) typically limit top-level predators such as eagles; thus, the local abundance of bald eagles is self-limiting and in balance with resources in their environment. These factors influence the rate of eagle population growth. Maine's population recovery rate of 8% average annual growth since 1990 is moderate, compared to some other states.

The range of Bald Eagles has gradually expanded from easternmost Washington County, which was the only stronghold 30 years ago. Eagles now reside in all sixteen Maine counties, but 58% of the population still nests in three Downeast counties: Hancock, Penobscot, and Washington. This forecast assumes no impacts from diminished legal protection or reduced habitat availability. Overall, the statewide picture is a continuing, steady recovery for at least 25 years.

Bald Eagle Conservation

Eagle numbers should continue to rise in Maine after delisting. Ample habitats exist for nearly twice as many nesting pairs as we currently have. If recent growth rates persist, more than 740 pairs could be present by the year 2014.

Several laws protect eagles and their nests from direct harm, but short-term population setbacks are possible. We will continue to monitor and evaluate any setbacks after

Delisting the Bald Eagle in Maine - July 31, 2008

delisting as well as more gradual population shifts, reduced productivity, increased death rates, etc. into the future.

Nesting eagles need mature trees and wooded buffers along shorelands – a niche that will always be at risk to land development and recreational pressures. The high fidelity of eagles to their nests makes site-specific management efforts very effective, which is why it has been the cornerstone strategy of Maine's eagle management program since 1972, and it will continue to be a key strategy for ensuring a lasting recovery of eagles well into the future.

Since 1990, eligible nests have been designated "essential habitats" under Maine's Endangered Species Act. At present, there are 521 such locations, but this protection will end after state delisting of the Bald Eagle. However, concerns for nesting eagles will not cease at that time! We have developed other strategies to maintain suitable Bald Eagle habitat, including cooperative efforts with landowners, conservation partners, and municipal planners.

To minimize setbacks in continued Bald Eagle recovery, we have developed a "safety net" approach in Maine that includes at least 50 nesting areas under complete fee ownership or suitable conservation easements, and an additional 100 territories under similar conservation and/or cooperative agreements with private landowners. We are trying to balance this across the spectrum of habitats and watersheds in proportion to the nesting distribution of bald eagles. For nearly 30 years, private landowners have championed stewardship of eagle habitats in Maine, but we need appropriate incentives to help stabilize and reward these voluntary arrangements over the long term.

What are the Future Strategies for Bald Eagle Management in Maine after Delisting?

MDIFW and partners will not end Bald Eagle monitoring, research, and management because of delisting. Strategies are already in place, and they will evolve further as necessary.

In 2004, the Department convened a group of representatives from the public to develop Bald Eagle management goals and objectives to the year 2019. The Commissioner and Advisory Council adopted these goals and objectives on September 23, 2004, and they are now the Department's marching orders.

Management goals and objectives for Bald Eagles include:

Population Goal

Increase the population and expand the range of breeding bald eagles in Maine.

- **Population Objective:** By 2019, increase the bald eagle population to at least 600 nesting pairs, and allow the population to naturally expand statewide.
- **Productivity Objective:** Maintain a statewide minimum productivity of 9 fledged eaglets per 10 occupied breeding areas through 2019.

Habitat Goal

Identify, maintain, and enhance bald eagle breeding, foraging, and wintering habitat to allow for future expansion of the bald eagle population in Maine.

- **Habitat Objective 1:** By 2019, ensure long-term protection of viable bald eagle nesting habitat through fee ownership, easements, and landowner agreements for a minimum of 300 nest sites, proportionately distributed throughout occupied range.
- **Habitat Objective 2:** By 2019, promote private stewardship of 300 additional viable bald eagle nest sites through landowner agreements, outreach, tax credits, or other means.
- **Habitat Objective 3:** By 2008, determine the amount and distribution of shoreline habitat that is currently protected for feeding, wintering, and future nesting sites for bald eagles, and determine the amount of additional shoreline that needs to be protected to ensure the viability of 600 nesting pairs of eagles in Maine.

To see all of the Bald Eagle goals and objectives, visit the Department's website

- <http://www.maine.gov/ifw/wildlife/species/plans/birds/index.htm>

The Department is committed to meeting these goals and objectives by working with willing landowners to increase the number of bald eagle nesting sites that are secure, and to encourage landowners to consider timing of activities that may disrupt nesting success.

Will Bald Eagles Continue to Receive Regulatory Protection After Delisting?

Federal regulatory protection

Although the Bald Eagle no longer receives protection under the Endangered Species Act (ESA), it will continue to receive protection under the Bald and Golden Eagle Protection

Delisting the Bald Eagle in Maine - July 31, 2008

Act, the Migratory Bird Treaty Act, and the Lacey Act. All prohibit “take,” which is defined as possession, transport, export, import, purchase, sale, trade, or offer to exchange eagles, parts thereof, eggs, or nests. The Clean Water Act, Clean Air Act, National Environmental Policy Act, and Pesticides Control Act address contaminant issues that have plagued eagles, other raptors, and fish-eating birds.

The Bald and Golden Eagle Protection Act is the primary protection tool now that the Bald Eagle is federally delisted. For details of how this act is applied, go the following USFWS website

<http://www.fws.gov/migratorybirds/issues/BaldEagle/OtherLawsProtection.htm>

The USFWS recently developed national management guidelines to help landowners accommodate the special needs of nesting eagles; see

<http://www.fws.gov/migratorybirds/issues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>

Maine regulatory protection

Under Maine statute, protection for wild birds ensures perpetually closed seasons on Bald Eagles, and prohibits hunting, possession, and destruction of nests or eggs of Bald Eagles. We will list the Bald Eagle as a Special Concern Species after delisting, which enables review under Maine’s Site Location of Development Act. MDIFW will provide technical assistance to other agencies, municipalities, and landowners, when requested.

Future Eagle Monitoring

Nationwide trends

USFWS has developed a technique to periodically assess eagle population trends across the continental U.S., especially in high priority Bald Eagle population centers such as Maine. This provides independent verification every 5 years (starting in 2009 and continuing at least until the year 2024) of eagle numbers. Maine partnered with federal agencies in the initial test of this protocol in 2004. For full details on nationwide eagle monitoring, see

<http://www.fws.gov/migratorybirds/issues/BaldEagle/PostDelistingMonPlan.pdf>

Maine trends

MDIFW will conduct traditional, statewide inventories in 2008, 2013, 2018, and 2023 to get a statewide minimum tally of nesting eagles comparable to methods and results during the years 1962 – 2007. We will measure nest occupancy and productivity indices for eagle habitats to evaluate differences based on conservation status, cooperative management, and other eagle habitats managed only by applicable regulations. With this strategy, we should be able to detect emerging problems and seek remedies before significant population setbacks arise. Our intention is to ensure a lasting recovery of the Bald Eagle in Maine and to provide a secure stronghold for the species in the northeastern U.S.

NOTES