

## NOTICES

Fish and Wildlife Service  
THREATENED OR ENDANGERED FAUNA  
OR FLORA

Emergency Determination of Critical Habitat  
for the Mississippi Sandhill Crane

**Background.** Under authority of section 4(f), 16 U.S.C. 1533(f), of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the Director, United States Fish and Wildlife Service, hereby issues an emergency regulation, effective June 30, 1975, which determines critical habitat for the Mississippi sandhill crane (*Grus canadensis pulla*), an endangered species (published in the FEDERAL REGISTER 4 June 1973, Vol. 38 (106): 14678).

Conservation of habitat is an important factor in the survival of all Endangered and Threatened species, section 7, 16 U.S.C. 1536, of the Endangered Species Act of 1973 recognizes this principle by requiring all Federal agencies and departments to do what is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of habitat of an endangered or threatened species which is determined to be critical.

In the FEDERAL REGISTER of April 22, 1975, 40 FR 17764-17765, the Fish and Wildlife Service and the National Marine Fisheries Service published the following interpretation:

The term "habitat" could be considered to consist of a spatial environment in which a species lives and all elements of that environment including, but not limited to, land and water area, physical structure and topography, flora, fauna, climate, human activity, and the quality and chemical content of soil, water and air.

"Critical habitat" for any Endangered or Threatened species could be the entire habitat or any portion thereof, if, and only if, any constituent element is necessary to the normal needs or survival of that species.

Also, in the FEDERAL REGISTER of April 22, 1975, the Fish and Wildlife Service and the National Marine Fisheries Service published the following statement:

Actions by a Federal agency which result in the destruction or modification of a habitat considered "critical habitat" for a given Endangered or Threatened species would not conform with Section 7 of the Endangered Species Act of 1973, if such action might be expected to result in a reduction in the numbers or distribution of that species of sufficient magnitude to place the species in further jeopardy, or restrict the potential and reasonable expansion or recovery of that species. It must be emphasized that because of the primary intention of the Fish and Wildlife Service and the National Marine Fisheries Service under that Act is to protect, maintain, and restore presently Endangered and Threatened species, application of the term "critical habitat" may not be restricted to the habitat necessary for a minimum viable population.

**Emergency determination.** The Director has determined based upon the information given below that the following spatial area is critical habitat for the Mississippi sandhill crane (*Grus canadensis pulla*):

A five-sided area of land, water and airspace in Jackson County, Mississippi, between the West Pascagoula River and the Jackson-Harrison County line, and bounded by the following coordinates—30°33'N 88°37'W, 30°25'N 88°37'W, 30°22'N 88°44'W, 30°29'N 88°51'W, 30°33'N 88°51'W.

**Findings.** This critical habitat is the last remaining area containing the only known population of the Mississippi sandhill crane. This bird is non-migratory and confines its movements largely within the boundaries indicated, though there may be some wandering outside of the area. The population probably survived here because the land occupied was long considered unmanageable for agriculture, timber, or residential purposes, and consequently received little development or disturbance. The area in recent years has been increasingly subjected to various competing land uses, including silviculture, residential development and highways, thus resulting in reduction of its habitat and further jeopardy to the sandhill crane. Nesting occurs in seven known places which together comprise approximately ten percent of the total area delineated. The nesting grounds are mostly in the vicinity of the right-of-way of Interstate Highway 10, portions of which are nearing completion and other segments on which construction is expected to begin in the near future. It is the wet, open character of the land, plus the relative lack of disturbance, that makes the area suitable for the crane. In addition to the nesting grounds, there is a large winter roosting site in Pascagoula Marsh in the eastern part of the delineated area. Also, during winter, the cranes utilize farmland in the northern part of the area for feeding. At other times of the year, the birds may feed and roost in the vicinity of the breeding grounds. There is, of course, regular movement between the various nesting, roosting, and feeding sites.

**Reasons for emergency determination.** Under the authority conferred by Section 4(f) of the Endangered Species Act this determination of critical habitat for the Mississippi sandhill crane shall take effect immediately June 30, 1975. An emergency exists which poses a significant risk to the well-being of the Mississippi sandhill crane. Current estimates indicate that only 38-40 Mississippi sandhill cranes remain in the wild and that they survive only in this critical habitat. The maintenance of significant portions of this habitat and the well-being of the crane are threatened by construction of a new segment of Interstate Highway I-10 between Mississippi State Highway 57 and the Pascagoula River.

This project is a joint undertaking of the Federal Highway Administration and the Mississippi State Highway Department. Contracts have been let by the Mississippi State Highway Department for construction of this portion of I-10 through the critical habitat. Such construction will begin upon approval by the Federal Highway Administration of the contracts already let by the State. The construction activities, destruction of habitat, incidental intrusions, and subsequent related commercial and residential development of the area all constitute a significant risk to the well-being of the crane. The final environmental impact statement on I-10 issued by the Federal Highway Administration on March 10, 1975, states on page 28: "At the present time, the greatest threats to the existence of the Mississippi Sandhill Crane are private development and the construction of Interstate Route No. 10." Because some of these activities are likely to take place before this habitat could be assessed and determined to be critical under the regular rule-making procedures set out in section 4, the emergency rule-making authority of the Act is invoked.

Regulations promulgated under the emergency provisions of the Endangered Species Act remain effective for only 120 days following publication in the FEDERAL REGISTER. Therefore, the Director is issuing in the FEDERAL REGISTER a notice of proposed rulemaking to determine critical habitat for the Mississippi sandhill crane. Comments will be requested on the proposed rule-making from the public and other concerned Federal and State agencies and private interests, as more fully set out in that notice.

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U.S. Fish and Wildlife Service.

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