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**Title 50—Wildlife and Fisheries**

**CHAPTER I—UNITED STATES FISH AND  
WILDLIFE SERVICE, DEPARTMENT OF  
THE INTERIOR**

**Subchapter B—Taking, Possession, Transporta-  
tion, Sale, Purchase, Barter, Exportation and  
Importation of Wildlife**

**PART 17—ENDANGERED AND  
THREATENED WILDLIFE AND PLANTS**

**Determination of Critical Habitat for  
Mississippi Sandhill Crane**

**AGENCY:** U.S. Fish and Wildlife Service.

**ACTION:** Final rulemaking.

**SUMMARY:** The Director, U.S. Fish and Wildlife Service (hereinafter, the Director and the Service, respectively) hereby issues a rulemaking which determines Critical Habitat for the Mississippi sandhill crane (*Grus canadensis*

*pulla*). This rulemaking is issued pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 884; hereinafter the Act). In accordance with Section 7, all Federal agencies will be required to insure that actions authorized, funded, or carried out by them do not adversely affect this Critical Habitat.

**EFFECTIVE DATE:** September 7, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Keith M. Schreiner, Associate Director, Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (202-343-4646).

**SUPPLEMENTARY INFORMATION:**

#### BACKGROUND

In the FEDERAL REGISTER of September 3, 1975 (40 FR 40521-40522), the Fish and Wildlife Service published a proposed determination of Critical Habitat for the Mississippi sandhill crane (*Grus canadensis pulla*). This Critical Habitat was described as being 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.

#### SUMMARY OF COMMENTS

The Governor of Mississippi expressed opposition to the designation of the entire proposed area as Critical Habitat, though he indicated that a smaller area might be acceptable. Also opposing the designation as proposed were 15 local governmental and commercial organizations, and approximately 477 private citizens, most of whom had signed petitions on the matter.

The Mississippi Game and Fish Commission responded favorably to a determination of Critical Habitat which would assist in the preservation of the Mississippi sandhill crane, but did not comment on the necessity of including the entire proposed area. Also favoring the proposal in general were eight major National and local conservation organizations, including Monitor, Inc., which expressed the views of 14 additional organizations; and 26 private citizens. The U.S. Forest Service concurred that the approximately 150 acres of land administered by it within the designated area should be included as Critical Habitat. The Mississippi Wildlife Federation favored the designation of a smaller area as Critical Habitat. Approximately ten other parties wrote to provide or request information, without indicating a position on the matter.

#### BASIS FOR DETERMINATION

The proposal of September 3, 1975, involved a relatively large area which corresponded roughly to the overall range of the Mississippi sandhill crane. The same area had been determined to be Critical Habitat in an emergency rulemaking published on June 30, 1975 (40 FR 27501-27502). The area delineated below in the final determination of Critical Habitat represents a considerable reduction. The decision to make this reduction was based on a more thorough assessment of available biological data, particularly that provided by the Mississippi Sandhill Crane Recovery Team. After reviewing this information, it became apparent that much of the land area in the original proposal is of little or no known use to the crane. There are winter feeding sites in farmland to the north of the Critical Habitat zones delineated below, but these sites are scattered over a large area, and their use by the cranes varies with the crops and other factors. Nonetheless, all Federal agencies should be aware of the presence of the feeding sites and other areas of sporadic, but possibly important use within the overall zone originally proposed in the FEDERAL REGISTER of September 3, 1975, as described above 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. Federal agencies are required by Section 7 of the Endangered Species Act of 1973 to insure that their actions do not jeopardize the continued existence of Endangered species, and this requirement should be considered with respect to any actions within or near the area delineated above.

The Critical Habitat areas delineated below include all known breeding, summer feeding, and roosting sites of the Mississippi sandhill crane. Also included are the flight paths connecting the more important sites. At present these areas are the only ones that can be said with certainty to be necessary for the survival and recovery of the crane, and that can be specifically delineated as Critical Habitat. Should more precise information become available regarding other sites within the originally proposed zone, or should range expansions or reintroductions of the crane occur, the recognized Critical Habitat could be increased.

#### EFFECTS OF THE RULEMAKING

Most of the persons who commented on the proposal apparently were confused regarding the meaning and implications of a Critical Habitat designation. For example, many persons expressed concern that the designation would automatically halt or greatly restrict all human activities and development within the entire designated area. Many

seemed to think that Section 7 provisions would apply to the actions of all parties, not just Federal agencies. Perhaps most unfortunately, many persons apparently thought that the Fish and Wildlife Service could arbitrarily determine or not determine, enlarge or reduce a Critical Habitat area based on non-biological factors.

It should be realized that Critical Habitat is not created by a government agency; it already exists in nature, and in most cases has existed for countless centuries. All species of wildlife have their own Critical Habitat, a term which has been interpreted (40 FR 17764 as meaning habitat necessary to the normal needs or survival of a species. Although such habitat does exist, its precise location and perimeters are not generally known to the public and government agencies. The function of the Fish and Wildlife Service is to biologically delineate such habitat, with easily identified boundaries, so that other Federal agencies may conveniently refer to this information in following their responsibilities under Section 7. Although disagreements may arise regarding what habitat is actually necessary for a species, or how to most accurately delineate an area, the final determination must express a consensus of the best biological information that is available.

A Critical Habitat designation points out specific areas within the United States where Federal agencies may have to assess their actions relative to possible effects on Endangered species. This requirement itself is the only direct meaning of a Critical Habitat determination. No specific kinds of actions would be affected, regardless of the extent of the Critical Habitat, unless such actions actually could be considered detrimental to the species involved. For more information, please contact the "Proposed Provisions for Interagency Cooperation" in the FEDERAL REGISTER of January 26, 1977.

**NATIONAL ENVIRONMENTAL POLICY ACT**

An environmental assessment has been prepared and is on file in the Service's Office of Endangered Species in Washington, D.C. The assessment is the basis for a decision that the determinations of this rulemaking are not major Federal actions that would significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

**FINAL RULEMAKING**

The Director has considered all comments and data submitted in response

to the proposed determination of Critical Habitat for the Mississippi sandhill crane. The Director also has considered other information received by the Service, both prior to and subsequent to the publication of the proposed Critical Habitat determination in the FEDERAL REGISTER of September 3, 1975. Based on this review, the areas delineated below are determined to be Critical Habitat for the Mississippi sandhill crane.

This rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 884), and was prepared by Dr. Ronald M. Nowak, Office of Endangered Species.

NOTE.—The Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: July 29, 1977.

LYNN A. GREENWALT,  
Director,  
Fish and Wildlife Service.

Accordingly, § 17.95(b), Part 17, Subpart I, Title 50 of the Code of Federal Regulations is amended by adding the following Critical Habitat description after the Critical Habitat description for the American peregrine falcon.

**Subpart I—Interagency Cooperation**

**§ 17.95 Critical Habitat—Fish and Wildlife.**

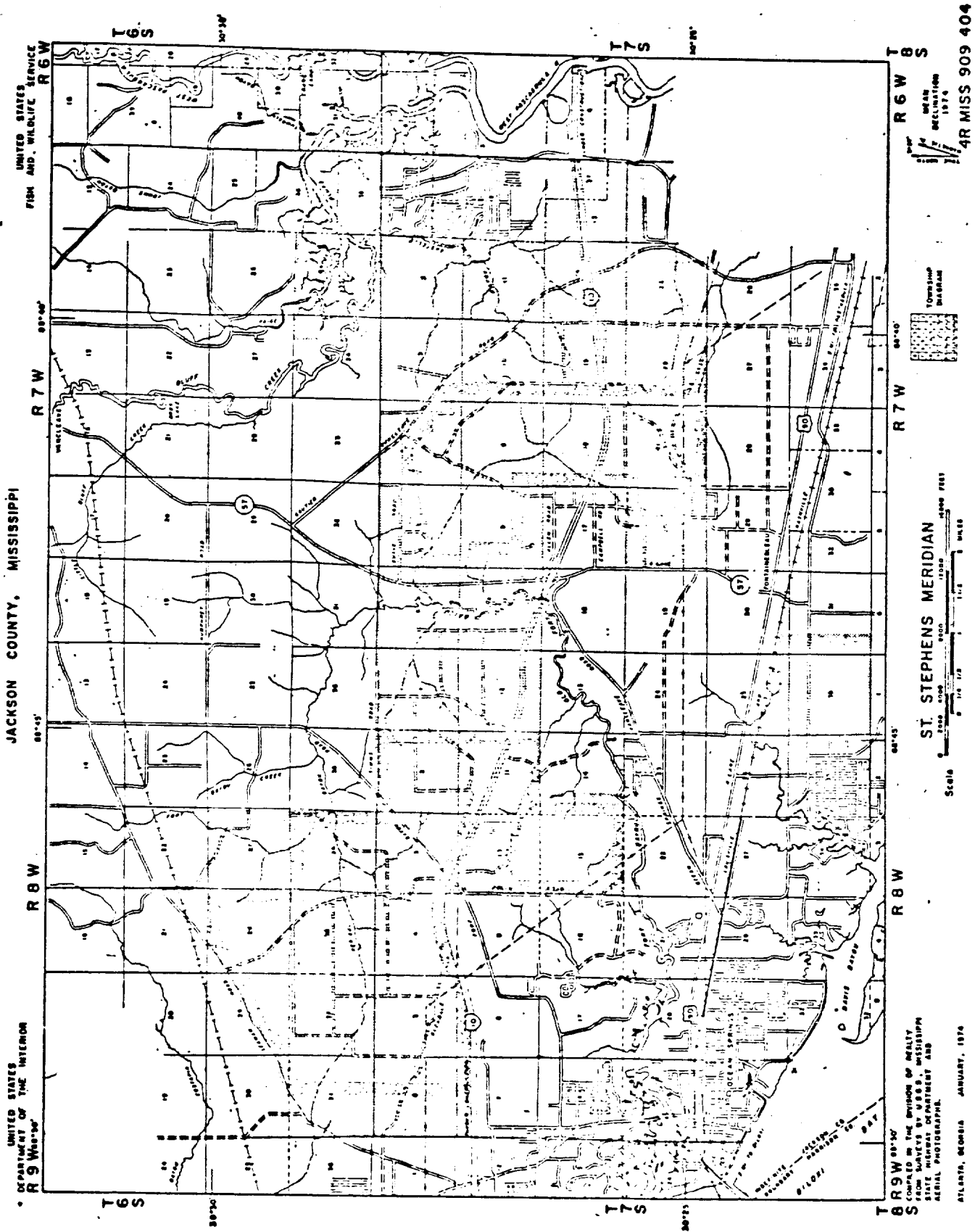
(b) Birds.

**Mississippi Sandhill Crane (*Grus canadensis pulla*).**

MISSISSIPPI. Areas of land, water, and airspace in Jackson County, with the following components (St. Stephens Base Meridian): T6S R6W Sec. 31; T6S R7W E $\frac{1}{2}$  of E $\frac{1}{2}$  Sec. 34, Sec. 35-36, S $\frac{1}{2}$  Sec. 38; T6S R8W Sec. 27, those portions of Sec. 28-31 south of Seaman Road, Sec. 32-34; T7S R6W N $\frac{1}{2}$  of N $\frac{1}{2}$  Sec. 3, Sec. 6; T7S R7W Sec. 2-11, Sec. 13-16, Sec. 20-22, W $\frac{1}{2}$  Sec. 23, W $\frac{1}{2}$  of E $\frac{1}{2}$  Sec. 23, NE $\frac{1}{4}$  of NE $\frac{1}{4}$  Sec. 23, N $\frac{1}{2}$  of N $\frac{1}{2}$  Sec. 24, that portion of the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  Sec. 30 south of the Louisville and Nashville Railroad, W $\frac{1}{2}$  of W $\frac{1}{2}$  Sec. 31, W $\frac{1}{2}$  Sec. 37, that portion of the E $\frac{1}{2}$  Sec. 37 north of U.S. Interstate Highway 10; T7S R8W Sec. 1-3, that portion of Sec. 4 north of U.S. Interstate Highway 10, Sec. 5-6, those portions of Sec. 7-8 north of U.S. Interstate Highway 10, Sec. 10-12, W $\frac{1}{2}$  of W $\frac{1}{2}$  Sec. 14, Sec. 15, that portion of Sec. 25 south of the Louisville and Nashville Railroad, that portion of the SE $\frac{1}{4}$  of Sec. 26 south of the Louisville and Nashville Railroad and southeast of Davis Bayou, N $\frac{1}{2}$  of NE $\frac{1}{4}$  Sec. 35, Sec. 36.

RULES AND REGULATIONS

CRITICAL HABITAT (SHADED AREA) FOR MISSISSIPPI SANDHILL CRANE



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