

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Threatened Status for the Florida Population of Audubon's Crested Caracara

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: Audubon's crested caracara (*Polyborus plancus audubonii*) is a hawk that occurs from Florida, southern Texas and Arizona, and northern Baja California, south to Panama, and also on Cuba and the Isle of Pines. The Service hereby determines that the Florida population is a threatened species under the Endangered Species Act of 1973 (Act), as amended. Habitat loss appears to be the principal threat to this bird. This rule implements the protection and recovery provisions of the Act for the Florida population of Audubon's crested caracara.

EFFECTIVE DATE: August 5, 1987.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Endangered Species Field Station, 2747 Art Museum Drive, Jacksonville, Florida 32207.

FOR FURTHER INFORMATION CONTACT: Mr. David J. Wesley, Field Supervisor, at the above address (telephone 904/791-2580 or FTS 946-2580).

SUPPLEMENTARY INFORMATION:**Background**

John James Audubon (1834) discovered a crested caracara (*Polyborus plancus audubonii*) in Florida near St. Augustine (where it no longer occurs) on November 21, 1831, and published a full account of it under the name *Polyborus vulgaris*. Synonyms of the present scientific name are *Polyborus plancus cheriway*, *Polyborus cheriway audubonii* and *Caracara cheriway audubonii*. The Service follows the American Ornithologists' Union (1983) for usage of the generic and specific names *Polyborus plancus* and the American Ornithologists' Union (1957) in the use of the subspecific name *audubonii* for the Florida (and elsewhere) population of this caracara. In addition to the vernacular name Audubon's crested caracara, the bird is also known as Aududon's caracara, the caracara eagle, the Mexican eagle, the Mexican buzzard, and the king buzzard.

The crested caracara is about the size of an osprey, except for shorter wings, with a length of 535 to 585 millimeters (21 to 23 inches), wingspread of about 1220 millimeters (48 inches), and a tail length of 205 to 250 millimeters (8 to 10 inches). The caracara has yellow legs, which are very long for a hawk, and a massive bluish bill. Sexes are similarly plumaged; younger birds are browner than adults. A complete description can be found in the numerous and readily available bird identification books.

Polyborus plancus audubonii occurs primarily from northern Baja California, southwestern Arizona, southern Texas, and central Florida, south to Panama and also on Cuba and the Isle of Pines. It is also found, rarely, in southern New Mexico and southwestern Louisiana. Other subspecies range into South America as far as Tierra del Fuego and the Falkland Islands. The Florida population is isolated from the remainder of the subspecies' range in the southwestern U.S. and Central America. This isolated population was at one time a common resident in the prairie region of central Florida, from northern Brevard County in the north, south to Fort Pierce, Lake Okeechobee, Rocky Lake (Hendry County), the Okaloosa as far north as Nassau County, and from as far south as the lower Florida Keys (Monroe County). Available evidence indicates that the range of this subspecies in Florida has experienced a long-term continuing contraction, with birds now rarely found as far north as Orlando or on the east side of the St. Johns River. The region of greatest abundance is a five-county area (Glades, De Soto, Highlands, Okeechobee, and Osceola) north and west of Lake Okeechobee (Sprunt 1954, Layne *in* Kale 1978, Layne 1985). Birds can still be found in Charlotte, Hardee, and Polk Counties. There is no evidence available to support possible migration or exchange of the Florida birds with other populations. Florida birds appear to remain there, and no caracaras from elsewhere are entering Florida.

Audubon's crested caracara is a bird of open country. Dry prairies with wetter areas and scattered cabbage palm (*Sabal palmetto*) constitute the typical habitat, although it also occurs in improved pasture lands and even in lightly wooded areas with more limited stretches of open grassland (Layne *in* Kale 1978). It is an opportunistic feeder; its diet includes both carrion and living prey. The living prey is largely small turtles and turtle eggs. In addition to these items, caracaras are known to feed on insects, fish, frogs, lizards, snakes, birds, and small mammals. A pair will sometimes join forces to

subdue a larger animal such as a rabbit or egret (Layne 1985). Sprunt (1954) noted that caracaras are frequently seen with vultures feeding on carrion.

Adult caracaras maintain large territories, usually with their mates. Pair bonds are strong, apparently persisting until one of the mates dies, and the pair remain close throughout the year. As the breeding season approaches, the pair begins to spend more time at the nest site. The nest, a bulky structure of slender vines and sticks, is usually located in a cabbage palm. The breeding peak is from January to March, with the usual clutch being two or three eggs. Incubation lasts about 32 days, and the young leave the nest at about 8 weeks of age. The family group usually remains together for two or three months after the young fledge (Layne 1985).

Based on early naturalists' notes, published accounts, and museum specimens it appears that caracaras in Florida have undergone a severe decline in numbers and distribution since the early 1930's. The major cause of this decline has been habitat loss. Habitat available to caracaras has decreased greatly, and continues to decrease, as native prairies and pasturelands are lost to real estate developments or intensive agricultural uses (Layne 1985).

In the early 1950's, the total Florida population of Audubon's crested caracara was estimated to be about 250 birds (Chandler *in* Sprunt 1954). In the late 1960's, Funderberg and Heinzman (1967) voiced concern over the decline of the Florida population. Heinzman (1970) published results of a 4 year survey (1967-1970) indicating fewer than 100 individuals in about 58 localities remained in the State. Stevenson (1975) assumed a similar population size for 1974. However, Layne (*in* Kale 1978), in a preliminary analysis of records from 1973 to 1975, arrived at a minimum estimate of 350 individuals. A more refined estimate, based on data gathered from 1973 to 1978, indicated the existence of about 150 active territories (300 adults), and about 100 immatures, giving a total population in Florida of between 400 and 500 individuals (Layne 1985).

Most caracaras occur on privately owned lands in the prairie region of central Florida. A few transient birds may wander east to the Merritt Island National Wildlife Refuge, Cape Canaveral Air Force Station, Patrick Air Force Base, and Kennedy Space Center, or north to Ocala National Forest. The only Federal land, however, on which the bird may be permanently resident is the Air Force's Avon Park Bombing Range in Polk and Highlands County.

However, bombing range personnel have informed the Service that, although caracaras are occasionally seen in the area, to the best of their knowledge none have nested there in recent years (Paul Ebersbach, pers. comm., December 5, 1985).

Audubon's crested caracara is classified as a threatened species by the Florida Committee on Rare and Endangered Plants and Animals (Kale 1978), and by the Florida Game and Fresh Water Fish Commission (Wood 1985). It was proposed under the Act for Federal listing as a threatened species on June 23, 1986 (51 FR 22838).

Summary of Comments and Recommendations

In the June 23, 1986, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices were published in the *Orlando Sentinel*, the *Sebring News*, and the *Polk County Democrat*, which invited general comment. Eighteen comments were received, none of which opposed the listing. Most of the comments reported recent observations or suggested possible future management techniques. The observations have been incorporated into the above summary of the species' status. The Service intends to prepare a recovery plan as soon as feasible and will review all suggestions on possible management options at that time. Other significant comments are abstracted below.

Dr. James N. Layne, of the Archbold Biological Station in Lake Placid, who was responsible for much of the biological data used in the June 23, 1986 proposal, feels that his estimate of about 300 adults and at least 100 or more immatures may be out of date. Limited field study by Dr. Layne since 1978, when he derived these estimates, leads him to believe that the species is on a slow decline. Within the past few years, there has been a dramatic acceleration of caracara habitat loss resulting from extensive development of citrus groves in former native prairie or improved pasture habitat.

Dr. Michael Brothers of the Daytona Museum of Arts and Sciences noted that Audubon's crested caracara is not presently a resident of Volusia County. He reported that the last, and only, record of this bird from Volusia County was from Enterprise (or Lake Monroe) taken 130 years ago in 1856. However,

the Volusia County Council in its comments on the proposed rule, noted that Volusia County still contains habitat suitable for the birds' survival.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the Florida population of Audubon's crested caracara should be classified as a threatened species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the Florida population of Audubon's crested caracara (*Polyborus plancus audubonii*) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

The crested caracara in Florida is a bird of the open prairie country and nearby wetter areas, having scattered cabbage palms for nesting. Large areas of this type of habitat have been lost to citrus groves, tree plantations, improved pastures, other agricultural uses, and real estate development. As the growth rate of Florida's human population has increased and habitat loss has accelerated, the main portion of the caracara's range has contracted. Now the birds are rarely seen as far north as Orlando or on the east side of the St. Johns River.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Not applicable.

C. Disease or Predation

Not applicable.

D. The Inadequacy of Existing Regulatory Mechanisms

Both Federal (Migratory Bird Treaty Act, 16 U.S.C. 703-711) and State (Chapter 39-37, Florida Administrative Code) laws offer protection for the caracara, but they do not protect its habitat. Despite these laws, caracaras are still being killed in the erroneous belief that they are predators on newborn calves or because their large size and conspicuousness make them tempting targets for vandals (Layne *in* Kale 1978, Layne 1985). Large numbers of caracaras were apparently destroyed

in vulture trapping operations in earlier years, and some are probably still being taken in illegal vulture traps (Layne *in* Kale 1978). Federal listing will strengthen existing protection and will add habitat protection through Section 7 and the recovery process.

E. Other Natural or Manmade Factors Affecting its Continued Existence

Population growth in south-central Florida has resulted in increased numbers of roads and greater traffic. This, coupled with the caracara's predilection for feeding along roads has probably increased mortality (Layne *in* Kale 1978).

The current number of breeding caracaras (300 birds) is low relative to most other large raptors in Florida. In addition, these birds are long lived, have low reproductive rates, and have large, widely dispersed territories. These factors make the species very susceptible to natural or human caused catastrophes such as hurricanes and poisoning (pesticides, herbicides, etc.). In addition, the low number of caracaras in Florida may reduce the genetic viability of the population and make it more vulnerable to these stresses than would otherwise be the case. Finally, the scarcity of the birds, combined with their scattered territories, makes it difficult to detect changes in numbers. Thus, the caracara could experience a significant decline that might jeopardize the population before evidence of the decline became apparent. The caracara is highly vulnerable, and the Florida population should be closely monitored to ensure its continued health and survival.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list the Florida population of Audubon's crested caracara as a threatened species. Because this bird is still widespread in distribution, and appears to be reproducing satisfactorily, it is not in danger of extinction at the present time throughout all or a significant portion of its range. However, its habitat is rapidly being altered, its numbers (300 adult birds) are low for a raptor species, and it has a low reproductive rate. Thus, the bird is likely to become an endangered species in the foreseeable future.

For these reasons, the Florida population of Audubon's crested caracara is being listed as threatened rather than endangered. If the Service were to take no listing action for this

bird, it would not acknowledge the best scientific data available concerning the threats the caracara faces and would be contrary to the purposes of the Act. Critical habitat is not being determined for the Florida population of Audubon's crested caracara for the reasons discussed below.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. Adult caracaras are spread very thinly over a wide area of southcentral Florida, and each pair maintains a large territory. A determination of critical habitat would necessitate delineating the precise boundaries occupied by each pair of birds. Not only are data lacking for these delineations, but they might actually be detrimental to the survival of the species in Florida. The caracara is a large and highly visible bird. To publish precise locality data and maps showing where birds occur (as would be required for a determination of critical habitat) might draw large numbers of people (including some vandals) to view them, who could inadvertently, or deliberately, interfere with the normal activities of the birds. This could pose an additional threat to the survival of the species in Florida.

Based on the above, the Service feels that a determination of critical habitat would not benefit the species, and might pose an additional threat to its survival. Therefore, a determination of critical habitat is not prudent for the conservation of the Florida population of the crested caracara.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

The caracara is a wide ranging bird that could wander occasionally onto lands administered by the Fish and Wildlife Service (Merritt Island National Wildlife Refuge), National Aeronautics and Space Administration (Kennedy Space Center), Air Force (Cape Canaveral Air Force Station and Patrick Air Force Base), and the Forest Service (Ocala National Forest). At such times, these agencies will need to take reasonable and prudent measures to assure the protection and health of the birds. However, these Federal lands are outside the present primary range of the caracara; the birds would only be transient on them and would not be expected to nest or remain for any significant period of time. Therefore, there would be little or no effect on the above lands under Federal jurisdiction. It is possible that some future recovery actions (e.g., releasing birds) might occur on some Federal lands that have good habitat and long term management activities conducive to caracaras.

The Air Force's Avon Park Bombing Range in Polk and Highlands Counties is, however, within primary caracara range. Although Bombing Range personnel (Paul Ebersbach, pers. comm., December 5, 1985) report no nesting pairs on the Bombing Range at present, it is possible that caracaras might take up residence there at any time. With the publication of this final rule, the Air Force is now required to formally consult with the Service on any of its activities at the Range that are likely to jeopardize the continued existence of the caracara.

There would be no effect on the activities of private landowners as a result of listing this bird unless Federal funds or permits were involved in the activities. In such cases, the funding or permitting Federal agency must ensure that the activities would not jeopardize

the continued existence of Audubon's crested caracara before providing the funds or issuing the permits to the private landowner. However, the Service is not aware of any cases at the present time where activities of private landowners would be affected by the listing.

The Act and implementing regulations found at 50 CFR 17.21 and 17.31 set forth a series of general prohibitions and exceptions that apply to all threatened wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving threatened wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22, 17.23, and 17.32. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, for incidental take in connection with otherwise lawful activities, for zoological exhibition, educational purposes, and/or special purposes consistent with the purposes of the Act. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available. Since the caracara is not in trade and is already protected under 50 CFR Part 10 (migratory bird regulations), such permits for economic hardship are not expected.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the *Federal Register* on October 25, 1983 (48 FR 49244).

References Cited

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Wood, D.A. (compiler). 1985. Official lists of endangered and potentially endangered fauna and flora in Florida. Florida Game and Fresh Water Fish Comm., 24 pp.

Author

The primary author of this final rule is John L. Paradiso, Endangered Species Field Station, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207 (904/791-2580 or FTS 946/2580).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of

Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Amend § 17.11(h) by adding the following, in alphabetical order under BIRDS, to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

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(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
BIRDS							
Caracara, Audubon's crested	<i>Polyborus plancus auduboni</i>	U.S.A. (AZ, FL, LA, TX, NM) south to Panama, Cuba.	U.S.A. (FL)	T	280	NA	NA

Dated: June 19, 1987.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

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