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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**RIN 1018-AB85**

**Endangered and Threatened Wildlife  
and Plants; Proposal To Establish an  
Experimental Nonessential Population  
of Whooping Cranes in Florida**

**AGENCY:** Fish and Wildlife Service,  
Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Service proposes to  
reintroduce whooping cranes (*Grus  
americana*) in central Florida in the  
Kissimmee Prairie area. The

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would be authorized to salvage or dispose of dead whooping cranes.

#### 6. Coordination With Landowners and Land Management Agencies

The proposed action is being coordinated with potentially affected State and Federal agencies, private landowners, and the general public. As previously noted, the Kissimmee Prairie includes 82,200 ha in private ownership and 104,953 ha in public lands. The primary proposed release area is 22,400 ha of public land. Private land managers were contacted and concur with or do not oppose the proposed action provided it does not interfere with existing lifestyles and current and potential income (Bishop, pers. comm.). The Commission manages wildlife management areas in the Prairie, has been actively involved as a cooperator in pre-release studies, and has actively endorsed the project. The Commission has stated whooping cranes will receive priority management decisions on Three Lakes WMA. The Director General of the Canadian Wildlife Service, a partner with the U.S. Fish and Wildlife Service as noted in the Memorandum of Understanding, has approved the proposed project. Florida Department of Natural Resources (Division of State Parks), National Audubon Society (Kissimmee Prairie Sanctuary), the Department of Defense (Avon Park Bombing Range), St. Johns Water Management District, and other entities have been informed of the proposed release and are aware of the possibility that whooping cranes may be introduced on or move to their project area.

#### 7. Potential Conflicts

Conflicts have resulted when migratory birds have been hunted in areas utilized by whooping cranes. These have resulted from the hunting of sandhill cranes and snow geese (*Chen cerulescens*) which to novice hunters may appear similar to whooping cranes. At least two whooping cranes have been killed when they were mistaken for snow geese, and other whooping cranes have been wounded or shot at in areas where snow geese and sandhill cranes were being hunted. Sandhill cranes and snow geese are not hunted in this area of Florida. No conflicts with migratory bird hunting activities are anticipated.

Traditional hunting in the release area has been for deer (*Odocoileus virginianus*), turkey (*Meleagris gallopavo*), and small game. Conflict with traditional hunting in the release area is not anticipated. Access to some areas where whooping cranes might be particularly vulnerable to human

disturbance (i.e., occupied nesting areas, conditioning pens, and critical feeding areas) will be prohibited at times, but such closures will be of short duration and they are not viewed as a source of conflict.

The principal activities on the private property adjacent to the release area are grazing and sod production. Use of these private properties by whooping cranes should not preclude such uses. Coordination with land managers may be necessary to accommodate certain land use activities (i.e., pesticide applications) and use by whooping cranes.

Requests by the public for an opportunity to view whooping cranes, a high profile endangered species, might create conflict on private land when whooping cranes are present. Commission personnel assigned to the Kissimmee Prairie area will be alert to activities of the public attempting to observe whooping cranes on private lands. If such activities begin to infringe on or become a nuisance to the rights of private property owners, the Commission and Service will take action to correct the situation. Commission plans to provide opportunity for the public to view whooping cranes on public property, away from sensitive areas, should reduce or eliminate this potential source of conflict.

Released whooping cranes might wander or migrate from the release site, moving into other states or other locations within Florida. The Service believes such movements are unlikely to occur outside Florida for the reasons mentioned below, but if they do the bird(s) will be recaptured and returned to the release site or to captivity. Likewise, any whooping cranes that wander to locations not conducive to the bird's health or safety will also be captured and moved. Studies of whooping cranes and greater sandhill cranes have shown that migration in these cranes is learned rather than innate behavior.

The cross-fostered whooping cranes in Idaho learned the migration route and wintering site preferences from their parents. An experiment in Florida tested whether captive-reared cranes, with an innate tendency to migrate, would migrate or remain sedentary when released in association with cranes that migrate. Greater sandhill cranes that nest in the Great Lakes States migrate to Florida for the winter. Eggs removed from this wild population were hatched and reared in captivity. The birds were released in Florida where they associated with wild nonmigratory

Florida sandhill cranes and with wintering, migratory, greater sandhill cranes. The released birds noticeably expanded their localized movements during subsequent migration periods but remained year-round in the Florida release area. Captive-reared whooping cranes released in Florida are expected to develop a sedentary population.

#### 8. Protection

Recently released whooping cranes will need protection from natural sources of mortality (predators, disease, inadequate foods, etc.) and from human-caused sources of mortality. Natural mortality will be reduced through pre-release conditioning, gentle release, vaccination, predator control, etc. Human-caused mortality will be minimized by placing whooping cranes in an area with low human population density and relatively low development; by working with and educating landowners, land managers, developers, and recreationists to develop means for conducting their existing and planned activities in a manner that is compatible with whooping crane recovery; and by conferring with developers on proposed actions and providing recommendations that will reduce any likely adverse impacts to the cranes.

Before releases are made within Florida, whooping cranes will be added to the list of endangered species provided protection by State law. Florida Wildlife Code, Title 39-27.002 General Prohibitions relative to endangered species states "No person shall pursue, molest, harm, harass, capture, possess, or sell any endangered species or parts thereof or their nests or eggs except as authorized by specific permit. . ."

A draft biological opinion, prepared on the proposed action to reintroduce whooping cranes into the Kissimmee Prairie, concluded that the proposed action will not jeopardize the species. A final biological opinion will be prepared on the final rulemaking.

#### 9. Public Awareness and Cooperation

An extensive sharing of information about the program and the species, via educational efforts targeted toward the public in the region and nationally, will enhance public awareness of this species and its reintroduction. The public will be encouraged to cooperate with the Service and the Commission in attempts to maintain whooping cranes in the release area.

#### Public Comments Solicited

Comments or recommendations concerning any aspect of this proposed

rule are hereby invited (see "ADDRESSES" section) from State, public, and government agencies, the scientific community, industry, or any other interested party. Comments should be as specific as possible. Final promulgation of a rule to implement this proposed action will take into consideration the comments and any additional information received by the Service. Such communications may lead to a final rule that differs from this proposal.

#### National Environmental Policy Act

A draft environmental assessment as defined under the authority of the National Environmental Policy Act of 1969 has been prepared and is available to the public at the Service Office identified in the "ADDRESSES" section. This assessment will form the basis for deciding whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969. The decision will be made before the final rule is published.

#### Required Determinations

The Service has determined that this is not a major rule as defined by Executive Order 12291 and that it would not have a significant economic effect on a substantial number of small entities as described in the Regulatory Flexibility Act (Pub. L. 96-354). The rule as proposed does not contain any information collection or record keeping requirements as defined in the Paperwork Reduction Act of 1980 (Pub. L. 96-511). The Service has also determined that this action would not involve any taking of constitutionally protected property rights that require preparation of a takings implication assessment under Executive Order 12630. The rule does not require a Federalism assessment under Executive Order 12812 since it would not have any significant federalism effects as described in the order.

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#### Authors

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#### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

#### Proposed Regulation Promulgation

#### PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend part 17, subchapter B of Chapter I, title 50 of the U.S. Code of Federal Regulations, as set forth below:

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

Authority: 16 U.S.C. 1531-1537; 16 U.S.C. 1538-1544; 16 U.S.C. 4201-4242; Public Law 99-625, 109 Stat. 3500; unless otherwise noted.

2. It is proposed to amend § 17.11(h) by revising the entry for "Crane, whooping" under BIRDS to read as follows:

§ 17.11 Endangered and threatened wildlife.

(h) \* \* \*

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
BIRDS:							
Crane, whooping.....	<i>Grus americana</i> .....	Canada, U.S.A. (Rocky Mountains east to Carolinas) Mexico.	Entire, except where listed as an experimental population.	E	1,3	17.95(b)	NA
Do .....	do .....	do .....	U.S.A. Florida.....	XN		NA	17.84(h)

3. It is proposed to amend 50 CFR 17.84 by adding a new paragraph (h) as follows:

§ 17.84 Special rules—vertebrates.

(h) Whooping crane (*Grus americana*).

(1) The whooping crane population identified in paragraph (h)(8) of this section is a nonessential experimental population.

(2) No person may intentionally take this species in the wild in the experimental population area, except as provided in paragraphs (h) (3) and (4) of this section.

(3) Any person with a valid permit issued by the Service under § 17.32 may take whooping cranes in the wild in the experimental population area for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, and other conservation purposes consistent with the Endangered Species Act and in accordance with applicable State fish and wildlife conservation laws and regulations.

(4) Any employee or agent of the Service or State wildlife agency who is designated for such purposes, when acting in the course of official duties, may take a whooping crane in the wild in the experimental population area if such action is necessary to:

(i) Relocate a whooping crane to avoid conflict with human activities;

(ii) Relocate a whooping crane that has moved outside the Kissimmee Prairie when removal is necessary or requested;

(iii) Relocate whooping cranes within the experimental population area to improve survival and recovery prospects;

(iv) Relocate whooping cranes from the experimental population area into captivity;

(v) Aid a sick, injured, or orphaned specimen; or

(vi) Dispose of a dead specimen, or salvage a dead specimen which may be useful for scientific study.

(5) Any taking pursuant to paragraphs (h) (3) and (4) must be immediately reported to the National Whooping

Crane Coordinator, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103 (Phone: 505/766-2904), who, in conjunction with his counterpart in the Canadian Wildlife Service, will determine the disposition of any live or dead specimens.

(6) No person shall possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any such species from the experimental population taken in violation of these regulations or in violation of applicable State fish and wildlife laws or regulations or the Endangered Species Act.

(7) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (h)(2) through (6) of this section.

(8) The geographic area that the nonessential experimental population may inhabit will include the entire State of Florida. The reintroduction site will be the Kissimmee Prairie portions of Polk, Osceola, Highlands, and Okeechobee counties. Current information indicates that the Kissimmee Prairie is within the historic range of the whooping crane in Florida. There are no other extant populations of whooping cranes that could come into contact with the experimental population. There are no other extant populations of whooping cranes that could come into contact with the experimental population. The only two extant populations occur well west of the Mississippi River. The Aransas/Wood Buffalo National Park population nests in the Northwest Territories and adjacent areas of Alberta, Canada, primarily within the boundaries of the Wood Buffalo National Park, and winters along the Central Texas Gulf of Mexico coast at Aransas National Wildlife Refuge. The other population, which was cross-fostered by wild sandhill cranes but has failed to reproduce, summers in Idaho, western Wyoming and southwestern Montana and winters in New Mexico. Whooping cranes adhere to ancestral breeding areas, migratory routes, and wintering

grounds leaving little possibility that individuals from the two extant populations will stray into Florida. Studies of whooping cranes have shown that migration is learned rather than innate behavior. The experimental population proposed for release at Kissimmee Prairie is expected to remain within the prairie region of central Florida.

(9) The reintroduced population will be closely monitored during the duration of the projects by the use of radio telemetry. Any animal which is determined to be sick, injured, or otherwise in need of special care would be immediately recaptured by Fish and Wildlife Service and/or State wildlife personnel and given appropriate care. Such animals will be released back to the wild as soon as possible, unless physical or behavioral problems make it necessary to return them to a captive breeding facility.

(10) The status of the experimental population will be reevaluated periodically to determine future management needs. This review will take into account the reproductive success and movement patterns of the individuals released on the area.

Dated: August 29, 1992.

John F. Turner,

Director, Fish and Wildlife Service.

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