# DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 17

## Endangered and Threatened Wildlife and Plants; Advance Notice of a Proposal To Remove the American Peregrine Falcon From the List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

**ACTION:** Advance notice of a proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) is reviewing the status of the American peregrine falcon (Falco peregrinus anatum), currently classified as endangered under the U.S. Endangered Species Act. Data currently on file with the Service indicate that this subspecies has recovered following restrictions on the use of organochlorine pesticides in the United States and Canada and because of management activities including the reintroduction of captive-bred peregrine falcons. Therefore, the Service intends to propose removal of the subspecies from the list of endangered and threatened wildlife and the critical habitat designation. The Service will also propose to remove the similarity of appearance provision that currently exists for all free-flying Falco peregrinus within the 48 conterminous States. Protection provided to American peregrine falcons by the Migratory Bird Treaty Act will not be affected. To ensure that the Service's proposal is based on the best available scientific information, the Service seeks data and comments from the public. DATES: Comments from all interested

parties must be received by August 29, 1995 to ensure consideration in the proposed rule.

ADDRESSES: Comments and other materials concerning this notice should be sent to Judy Hohman, Acting Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services, Ventura Field Office, 2493 Portola Road, Suite B, Ventura, California 93003. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Robert Mesta at the above address (Phone: 805/644–1766).

### SUPPLEMENTARY INFORMATION:

### Background

The American peregrine falcon (*Falco peregrinus anatum*) occurs throughout

much of North America, from the subarctic boreal forests of Canada and Alaska south to Mexico. It nests from central Alaska, central Yukon Territory, and northern Alberta and Saskatchewan, east to the Maritimes and south (excluding coastal areas north of the Columbia River in Washington and British Columbia) throughout Canada and the United States to Baja California, Sonora, and the highlands of central Mexico. The central Canadian provinces of Saskatchewan and Manitoba, and the central United States, including North and South Dakota, Nebraska, Kansas, Oklahoma, and Texas outside of Trans-Pecos, have historically contained relatively few nesting American peregrine falcons. Thus, the plains area of the continent effectively separates the more suitable nesting habitat and historically dense nesting areas of temperate eastern and western North America. Birds that nest in subarctic areas generally winter in South America, while those that nest at lower latitudes exhibit variable migratory behavior or are nonmigratory (Yates et al. 1988).

Peregrine falcons declined precipitously in North America following World War II (U.S. Fish and Wildlife, 1993). Research implicated organochlorine pesticides, particularly the pesticide DDT (dichloro diphenyl trichloroethane) applied in the United States and Canada during this same period as causing the decline (for a review, see Risebrough and Peakall 1988). Use of these chemicals peaked in the 1950's and early 1960's and continued through the early 1970's. Organochlorines can affect peregrine falcons either by causing direct mortality or by adversely affecting reproduction by causing egg breakage, addling, hatching failure, and abnormal reproductive behavior by the parent birds (Risebrough and Peakall 1988). DDE, a metabolite of DDT, prevents normal calcium deposition during eggshell formation, resulting in thinshelled eggs that are susceptible to breakage during incubation.

During the period of DDT use in North America, shell thinning and nesting failures were widespread in peregrine falcons, and in some areas successful reproduction virtually ceased (Hickey 1969). As a result, there was a rapid and significant decline in the number of peregrine falcons in many areas of North America. The degree of exposure to these pesticides varied by region, and peregrine falcon numbers in more contaminated areas suffered greater declines. Those that nested outside of agricultural and forested areas where DDT was heavily used were affected less, although some individuals wintered in areas of pesticide use and presumably all individuals ate some migratory prey containing organochlorines (for reviews, see Hickey 1969; Kiff 1988). Peregrine falcons nesting in the agricultural and forested areas east of the Mississippi River in the United States and in eastern Canada south of the boreal forest were the most heavily contaminated and were essentially extirpated by the mid-1960's (Berger et al. 1969).

Due to population declines of American peregrine falcons, the Service, in 1970, listed this subspecies as endangered under the Endangered Species Conservation Act of 1969 (P.L. 91-135, 83 Stat. 275). American peregrine falcons were included in the list of threatened and endangered foreign species on June 2, 1970 (35 FR 8495), and were included in the United States list of endangered and threatened species on October 13, 1970 (35 FR 16047). The subspecies was subsequently listed under the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

#### **Recovery Implementation**

The most significant event in the recovery of the peregrine falcon was the restriction placed on the use of organochlorine pesticides. Use of DDT was restricted in Canada in 1970 and in the United States in 1972 (37 FR 13369, July 7, 1972). Restrictions that controlled the use of aldrin and dieldrin were imposed in the United States in 1974 (39 FR 37246, October 18, 1974). Since implementation of these restrictions, residues of the pesticides have significantly decreased in many regions where they were formerly used. Consequently, reproductive rates in most surviving peregrine falcon populations in North America improved, and numbers began to increase (Kiff 1988).

Section 4(f) of the Act directs the Service to develop and implement recovery plans for listed species. Recovery teams produced four regional recovery plans for the American peregrine falcon in the United States. In addition, the Canadian Wildlife Service published an *Anatum* Peregrine Falcon Recovery Plan (Erickson et. al. 1988) for American peregrine falcons in Canada. No recovery plan or recovery objectives were established for Mexico.

Several of the recovery plans called for captive-rearing and release of falcons in several regions of North America. In the eastern United States, where American peregrines were extirpated, the initial objective was to reestablish the peregrine through the release of