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PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS
Determination of Critical Habitat for Six Endangered Species

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 Florida Everglade kite (*Rostrhamus sociabilis plumbeus*), American peregrine falcon (*Falco peregrinus anatum*), palila (*Psittirostra bairdii*), dusky seaside sparrow (*Ammodramus maritimus nigrescens*), Cape Sable sparrow (*Ammodramus maritimus mirabilis*), and Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*). 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 these Critical Habitats.

EFFECTIVE DATE: Immediately.

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.

SUPPLEMENTARY INFORMATION:

BACKGROUND

In the FEDERAL REGISTER of July 14, 1976 (41 FR 28978-28979), the Service proposed the determination of Critical

Habitat for the Endangered Cape Sable sparrow, a small bird of southern Florida. In the FEDERAL REGISTER of August 30, 1976 (41 FR 35618-35618), the Service proposed the determination of Critical Habitat for the Endangered American peregrine falcon, in a portion of its range in northern California, and for the Endangered Morro Bay kangaroo rat, a small rodent found along part of the California coast. In the FEDERAL REGISTER of December 3, 1976 (41 FR 53074-53075), the Service proposed the determination of Critical Habitat for two Endangered Florida birds, the Florida Everglade kite and dusky seaside sparrow. In the FEDERAL REGISTER of December 22, 1976 (41 FR 55729-55732), the Service proposed the determination of Critical Habitat for the Endangered palila, a small bird of the Hawaiian Honeycreeper Family.

SUMMARY OF COMMENTS

The Critical Habitat proposal for the peregrine falcon was supported in its entirety by the California Department of Fish and Game, Napa County Board of Supervisors, Sierra Club, Southwest Regional Representative of the Wilderness Society, Ecology Center of Southern California, and two private citizens. The Federal Power Commission said that its responsibilities would not be significantly affected by the proposal.

The Area Geothermal Supervisor of the U.S. Geological Survey at Menlo Park, California suggested that closely supervised geothermal operations would cause minimal disturbance to the peregrine in the areas involved. AMAX, Inc. of Denver indicated that it would not be necessary to have such large zones restricted to human utilization. These comments may reflect an incomplete understanding of the proposal. No particular activity is automatically prohibited in the Critical Habitat areas. Each individual action that may be of concern would be evaluated on its own merits with respect to the welfare of the peregrine.

The U.S. Energy Research and Development Administration, California State Lands Commission, Aminoil USA, Magma Power Company, Pacific Gas and Electric Company, and Dr. Kenneth E. Stager of the Los Angeles County Museum of Natural History wrote in opposition to designation of one of the proposed Critical Habitat areas, the Cobb Mountain Zone. Extensive research by Dr. Stager and other workers indicates that there is only one report of nesting in this zone. This report was made in 1936 and now is considered questionable. Therefore, determination of the Cobb Mountain Zone as Critical Habitat is not being made at this time, but the Service would be prepared to make such a determination at any time it is warranted by appropriate data.

On the basis of field studies, the California State Director of the U.S. Bureau of Land Management recommended that the proposed Palisades-Table Rock Critical Habitat zone be enlarged by adding the following areas: T9N R6W S $\frac{1}{2}$ Sec. 3, S $\frac{1}{2}$ Sec. 4, Sec. 10, S $\frac{1}{2}$ Sec. 11, N $\frac{1}{2}$ Sec. 14, N $\frac{1}{2}$ Sec. 15. The Service now has this recommendation under consideration.

The Critical Habitat proposal for the Cape Sable sparrow was supported in writing by three private citizens. The Environmental Defense Fund, New York Zoological Society, and Smithsonian Institution also supported the proposal, but suggested that it might be too restrictive or that other measures also would be needed for the conservation of the species. The Florida Audubon Society called for the addition of the following areas as Critical Habitat: T57S R37E Sec. 9, 10, 15-18. As acknowledged by the Audubon Society, however, these areas are not now known to be used by the sparrow, and the Service is not including them in the present rulemaking. The U.S. Army Corps of Engineers noted that the proposal could affect portions of the

Central and Southern Florida Flood Control Project, but did not indicate opposition.

The National Park Service recommended that the following areas be added to the proposed designation: T57S R36 $\frac{1}{2}$ E, T58 $\frac{1}{2}$ S R35E, and T58 $\frac{1}{2}$ S R36 $\frac{1}{2}$ E in Everglades National Park; and T56S R37E Sec. 25, 26, T58S R38E Sec. 27, and T59S R38E Sec. 4 outside of the Park. The Park Service also recommended deletion of the following areas from the proposal: T55S R37E Sec. 25, T55S R38E Sec. 19, 20, 29, 30. The Service has evaluated these recommendations and is making the additions and deletions in this rulemaking.

The Critical Habitat proposal for the Morro Bay kangaroo rat was supported by the California Department of Fish and Game and the Ecology Center of Southern California. No comments expressing opposition were received.

The Florida Game and Fresh Water Fish Commission, the National Audubon Society, the Tropical Audubon Society, the Audubon Society of the Everglades, the Florida Audubon Society, and two private citizens wrote in support of the proposed Critical Habitat for both the Florida Everglade kite and dusky seaside sparrow. The National Park Service recommended no designation of Critical Habitat in Everglades National Park, because the area was not now regularly utilized by the kite. Fish and Wildlife Service biologists, however, consider that even the limited use of this area is of importance to such a scarce bird, and that the Park is of potential great value to an expanding kite population. The Central and Southern Florida Flood Control District suggested that the Critical Habitat designation be expanded to include those portions of Water Conservation Area 3 bounded by Florida State Highway 84 on the south, U.S. Highway 27 on the east, Levees L-5 and L-4 on the north, and L-28 on the west; and Conservation Area 3B bounded by L-30 on the east, L-29 on the south, L-67C on the northwest, and the Miami Canal on the northeast. The Service now has these recommendations under consideration. Two other parties, the Royal Palm Audubon Society and the Palm Beach County Executive Committee of the Sierra Club, wrote to support Critical Habitat designation for the Florida Everglade kite. And two additional parties, the Indian River Audubon Society and the Conservation Alliance of St. Lucie County, wrote to support Critical Habitat designation for the dusky seaside sparrow.

Letters in support of the proposed designation of Critical Habitat for the palila were received from the Governor of Hawaii, the State Forester of Hawaii, the U.S. Forest Service, the Golden Gate Audubon Society, and three other parties. The New York Zoological Society also supported the designation, but suggested that the area in question be more precisely described. The International Council for Bird Preservation recommended that the Critical Habitat area be enlarged to include former portions of the range of the palila, where the

species might be restored under proper management. The Service would be prepared to propose designation of suitable areas when warranted by appropriate data. Professor Sheila Conant of the University of Hawaii recommended specification of an upper elevation limit for the Critical Habitat zone. Although the background section of the Service proposal did indicate that the Critical Habitat zone extended to 10,000 feet, as it was the Service's intention to delineate only the area below that elevation the legal designation contained no reference to such a limit. This problem has been dealt with in the final rulemaking.

BASIS FOR DETERMINATION

All of the areas delineated below are considered Critical Habitat because they contain constituent elements essential to the survival or recovery of one of the species in question. Specifically for the American peregrine falcon, the delineated areas have been utilized extensively by the species within the last few years and all contain many excellent nesting sites. These areas also have or are adjacent to high concentrations of passerine birds, taken as prey by the falcons. The named zones referred to below were designated for convenience by field personnel. It is emphasized that these areas represent only small segments of what may be the overall Critical Habitat for the American peregrine falcon in the United States, and that additional areas may be proposed for designation in the near future.

With regard to the Cape Sable sparrow, the areas delineated below contain the largest known concentration of the species in the United States, and are the only known areas that currently can be said to support a major viable population. The prairie vegetation of the areas appears necessary for the survival of the species. Additional information regarding the present or future distribution of the sparrow could lead to proposed modification of the Critical Habitat delineation.

With respect to the Morro Bay kangaroo rat, the area delineated below contains a significant population of the species within an overall biotic community that still exists in a relatively natural state. Studies by the California Department of Fish and Game have found that this area contains all the elements required for the survival of the Morro Bay kangaroo rat, and that those elements stand a good chance of being maintained if the area can be properly protected. Additions or modifications to the designated area may be proposed in the future.

With respect to the Florida Everglade kite, the areas delineated below contain the best and largest remaining stretch of suitable habitat for the species. The areas support substantial numbers of apple snails (*Pomacea paludosa*) upon which the kites depend for food. The snails, in turn, are dependent on maintenance of water levels in the marsh. The delineated areas have suitable water levels or have good potential for being managed for maximum snail production.

With respect to the dusky seaside sparrow, the areas delineated below contain the world's entire population of the species. These areas are covered predominantly by open expanses of moist cordgrass (*Spartina bakerii*) savannas, about 10 to 15 feet above mean sea level. The sparrow seems to be fully adapted to this restricted habitat with its high salinity aspects.

The palila depends on the area delineated below for food, shelter, and nesting sites; it cannot survive without the mamane and naio trees found therein. Moreover, the delineated area apparently contains the world's entire known population of palila, and supports most of the large and intermediate-sized mamane and naio trees on Mauna Kea. This area is large enough to allow space for the population to expand, and includes a full range of altitudinal and geographical sites needed by the palila for normal life cycle movement. Such movement is the response of the species to shifting seasonal and annual patterns of flowering, seed set, and ensuing pod development of the mamane vegetation.

EFFECTS OF THE RULEMAKING

The effects of Critical Habitat determination involve primarily Federal agencies. In accordance with Section 7 of the Act, such agencies, and only such agencies, are required to insure that actions authorized, funded, or carried out by them do not adversely affect the Critical Habitat of Endangered or Threatened species. The designation of Critical Habitat for the Florida Everglade kite, American peregrine falcon, palila, dusky seaside sparrow, Cape Sable sparrow, and Morro Bay kangaroo rat, as delineated below, points out areas where this responsibility will apply. This designation does not automatically prohibit any particular action, and it is likely that many kinds of Federal actions involving the areas in question would not be expected to be detrimental to these species.

REORGANIZATION OF REGULATIONS

It was also proposed in the FEDERAL REGISTER of December 22, 1976 (41 FR 55730) to reorganize the location of the list of Critical Habitat designations. Until now, each Critical Habitat determination has been assigned a separate section number in Subpart F of Part 17. Starting with the Critical Habitat designation for the snail darter at § 17.61, sequential numbers have been assigned for the Critical Habitats of the American crocodile (§ 17.62), the California condor (§ 17.64), the Indiana bat (§ 17.65) and the Florida manatee (§ 17.66). In addition, the Critical Habitat designation of the yellow-shouldered blackbird was assigned § 17.87. This procedural method has been inefficient because of the rapid consumption of available section numbers in Subpart F. Therefore, this rulemaking deletes the present Subpart F, "Critical Habitat," and adds a new Subpart I, "Interagency Cooperation." Within the new Subpart I, all Critical Habitat designations for fish and wildlife will be listed under § 17.95. The proposed use of

§§ 17.91 through 17.94 was set forth in the FEDERAL REGISTER of January 26, 1977 (42 FR 4868-4872). The following sequence will be utilized in § 17.95: § 17.95(a)—mammals; § 17.95(b)—birds; § 17.95(c)—reptiles; § 17.95(d)—amphibians (reserved); § 17.95(e)—fishes; § 17.95(f)—clams (reserved); § 17.95(g)—snails (reserved); § 17.95(h)—crustaceans (reserved); § 17.95(i)—insects (reserved); § 17.95(j)—other (reserved). Critical Habitat designations for plants will be located at § 17.96.

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 Florida Everglade kite, American peregrine falcon, palila, dusky seaside sparrow, Cape Sable sparrow, and Morro Bay kangaroo rat. The Director also has considered other information received by the Service, both prior to and subsequent to the publication of the proposed Critical Habitat determinations in the FEDERAL REGISTERS of July 14, 1976; August 30, 1976; December 3, 1976; and December 22, 1976. Based on this review, the areas delineated below are determined to be Critical Habitat for the species indicated.

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: August 3, 1977.

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

Accordingly, 50 CFR Part 17 is hereby amended:

1. By deleting the old title of subpart F of Part 17, "critical habitat", and all parts of subpart F not covered by the final rulemaking of June 24, 1977 (42 FR 32373); by adding a new Table of Sections for Subpart I; and by adding a new Subpart I of Part 17 to read as follows:

Subpart F—Critical Habitat

- Sec. 17.60-17.66 [Deleted]
- Subpart I—Interagency Cooperation
- 17.90-17.94 [Reserved]
- 17.95 Critical habitat—fish and wildlife.
- 17.96 Critical habitat—plants. [Reserved]

AUTHORITY: Sec. 7, Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 884).

Subpart F—Critical Habitat

§§ 17.60-17.66 [Deleted]

Subpart I—Interagency Cooperation

§§ 17.90-17.94 [Reserved]

§ 17.95 Critical habitat—fish and wildlife.

The following areas (exclusive of those existing manmade structures or settlements which are not necessary to the normal needs or survival of the species) are Critical Habitat for the species indicated. Pursuant to Section 7 of the Act, all Federal agencies must insure that actions authorized, funded, or carried out by them do not result in the destruction or adverse modification of these areas:

(a) Mammals.

INDIANA BAT (*Myotis sodalis*)

Illinois. The Blackball Mine, La Salle County.

Indiana. Big Wyandotte Cave, Crawford County; Ray's Cave, Greene County.

Kentucky. Bat Cave, Carter County; Coach Cave, Edmonson County.

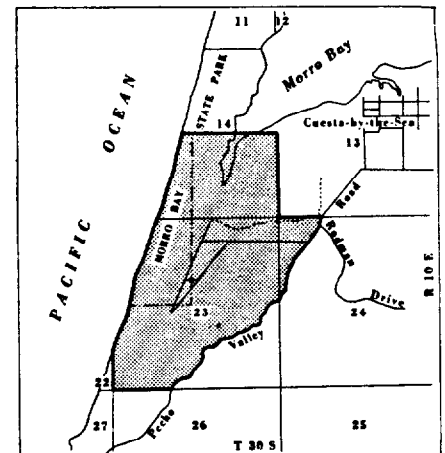
Missouri. Cave 021, Crawford County; Cave 009, Franklin County; Cave 017, Franklin County; Pilot Knob Mine, Iron County; Bat Cave, Shannon County; Cave 029, Washington County (numbers assigned by Division of Ecological Services, U.S. Fish and Wildlife Service, Region 6).

Tennessee. White Oak Blowhole Cave, Blount County.

West Virginia. Hellhole Cave, Pendleton County.

MORRO BAY KANGAROO RAT (*Dipodomys heermanni morroensis*)

California. An area of land, water, and airspace in San Luis Obispo County, with the following components (Mt. Diablo Meridian): T30S R10E S½ Sec. 14, those portions of Sec. 23-24 west of Pecho Valley Road.



CRITICAL HABITAT FOR THE MORRO BAY KANGAROO RAT

FLORIDA MANATEE (*Trichechus manatus*)

Florida. Crystal River and its headwaters known as King's Bay, Citrus County; the Little Manatee River downstream from the U.S. Highway 301 bridge, Hillsborough County; the Manatee River downstream from the Lake Manatee Dam, Manatee County; the Myakka River downstream from Myakka River State Park, Sarasota and Charlotte Counties; the Peace River downstream from the Florida State Highway 760 bridge, De

Soto and Charlotte Counties; Charlotte Harbor north of the Charlotte-Lee county line, Charlotte County; Caloosahatchee River downstream from the Florida State Highway 31 bridge, Lee County; all U.S. territorial waters adjoining the coast and islands of Lee County; all U.S. territorial waters adjoining the coast and islands and all connected bays, estuaries, and rivers from Gordon's Pass, near Naples, Collier County, southward to and including Whitewater Bay, Monroe County; all waters of Card, Barnes, Blackwater, Little Blackwater, Manatee, and Buttonwood sounds between Key Largo, Monroe County, and the mainland of Dade County; Biscayne Bay, and all adjoining and connected lakes, rivers, canals, and waterways from the southern tip of Key Biscayne northward to and including Maule Lake, Dade County; all of Lake Worth, from its northernmost point immediately south of the intersection of U.S. Highway 1 and Florida State Highway A1A southward to its southernmost point immediately north of the town of Boynton Beach, Palm Beach County; the Loxahatchee River and its headwaters, Martin and West Palm Beach Counties; that section of the intracoastal waterway from the town of Sewalls Point, Martin County to Jupiter Inlet, Palm Beach County; the entire inland section of water known as the Indian River, from its northernmost point immediately south of the intersection of U.S. Highway 1 and Florida State Highway 3, Volusia County, southward to its southernmost point near the town of Sewalls Point, Martin County, and the entire inland section of water known as the Banana River and all waterways between Indian and Banana rivers, Brevard County; the St. Johns River including Lake George, and including Blue Springs and Silver Glen Springs from their points of origin to their confluences with the St. Johns River; that section of the Intracoastal Waterway from its confluence with the St. Marys River on the Georgia-Florida border to the Florida State Highway A1A bridge south of Coastal City, Nassau and Duval Counties.

(b) *Birds.*

CALIFORNIA CONDOR
(*Gymnogyps californianus*)

California. Sespe-Plu Condor Area: an area of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain, in Ventura and Los Angeles Counties, with the following components (San Bernardino Meridian): Sespe Condor Sanctuary, as delineated by Public Land Order 696 (January 1951); T4N R20W Sec. 2, 5-10, N $\frac{1}{2}$ Sec. 11; T4N R21W Sec. 1-3, 10-12, N $\frac{1}{2}$ Sec. 13, N $\frac{1}{2}$ Sec. 14, N $\frac{1}{2}$ Sec. 15; T6N R18W Sec. 4-9, 18, 19, 30, 31, N $\frac{1}{2}$ Sec. 3, N $\frac{1}{2}$ Sec. 17; T6N R21W Sec. 1-4, 9-16, 21-28, 33-36; T6N R18W Sec. 7-11, 14-23, 28-35; T6N R19W Sec. 7-36; T6N R20W Sec. 8-36; T6N R21W Sec. 13-36; T6N R22W Sec. 3-26, 35, 36; T6N R23W Sec. 1-3, 10-14, 24, N $\frac{1}{2}$ Sec. 23; T7N R22W Sec. 31; T7N R23W Sec. 34-36.

Matilija Condor Area: An area of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain, in Ventura and Santa Barbara Counties, with the following components (San Bernardino Meridian): T6N R24W W $\frac{1}{2}$ Sec. 3, Sec. 4-11, 14, 15, N $\frac{1}{2}$ Sec. 16, N $\frac{1}{2}$ Sec. 17; T6N R25W E $\frac{1}{2}$ Sec. 1, NE $\frac{1}{4}$ Sec. 12; T6 $\frac{1}{2}$ N R24W Sec. 31-34; T6N R24W S $\frac{1}{2}$ Sec. 32, S $\frac{1}{2}$ Sec. 33, S $\frac{1}{4}$ Sec. 34.

Sisquoc-San Rafael Condor Area: An area of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain, Santa Barbara County, with the following components (San Bernardino Meridian): T6N R26W Sec. 5, 6; T6N R27W Sec. 1, 2; T7N R26W Sec. 5-8, 17-20, 29-32; T7N R27W Sec. 1-14, 23-26, 35, 36; T7N R28W Sec. 1, 2,

11, 12; T8N R26W Sec. 19-22, 27-34; T8N R27W Sec. 19-36.

H1 Mountain-Beartrap Condor Areas: Areas of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain in San Luis Obispo County, with the following components (Mt. Diablo Meridian): T30S R16E Sec. 18, 14, 23-26, SE $\frac{1}{4}$ Sec. 11, S $\frac{1}{2}$ Sec. 12; T30S R17E Sec. 17-20, 29, 30; T31S R14E Sec. 1, 2, 11, 12, E $\frac{1}{2}$ Sec. 3, E $\frac{1}{2}$ Sec. 10, N $\frac{1}{2}$ Sec. 14, N $\frac{1}{2}$ Sec. 13; T31S R15E W $\frac{1}{2}$ Sec. 6, W $\frac{1}{2}$ Sec. 7, NW $\frac{1}{4}$ Sec. 18.

Mt. Pinos Condor Area: An area of land, water, and airspace in Ventura and Kern Counties, with the following components (San Bernardino Meridian): T8N R21W W $\frac{1}{2}$ Sec. 5, Sec. 6 N $\frac{1}{2}$ Sec. 7, NW $\frac{1}{4}$ Sec. 8; T8N R22W Sec. 1, 2, E $\frac{1}{2}$ Sec. 3, NE $\frac{1}{4}$ Sec. 10, N $\frac{1}{2}$ Sec. 11, N $\frac{1}{2}$ Sec. 12; T9N R21W Sec. 31, 32, W $\frac{1}{2}$ Sec. 33; T9N R22W E $\frac{1}{2}$ Sec. 35, Sec. 36.

Blue Ridge Condor Area: An area of land, water, and airspace in Tulare County, with the following components (Mt. Diablo Meridian): T19S R29E Sec. 5-9, 15-22, 27-30.

Tejon Ranch: An area of land, water, and airspace in Kern County, with the following components (San Bernardino Meridian): R16W T10N, R17W T10N, R17W T11N, R18W T9N, R18W T10N, R19W T10N.

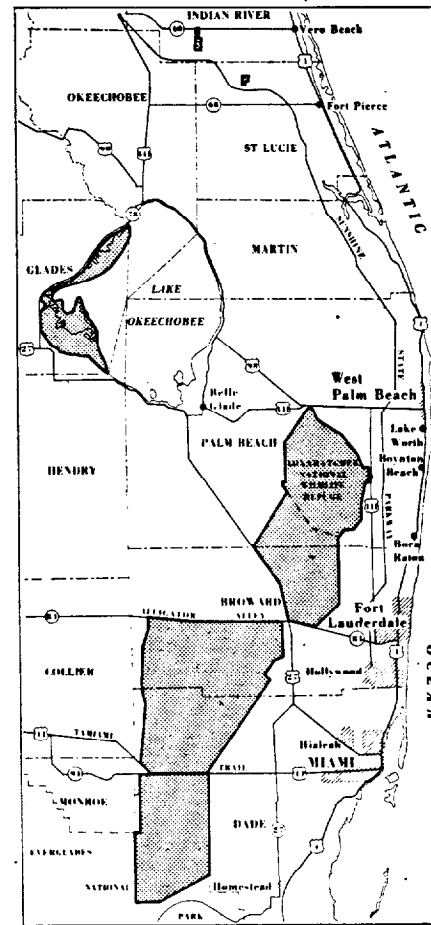
Kern County rangelands: An area of land, water, and airspace in Kern County between California State Highway 65 and the western boundary of Sequoia National Forest, with the following components (Mt. Diablo Meridian): R29E T25S, R29E T26S, R30E T25S, R30E T26S.

Tulare County rangelands: An area of land, water, and airspace in Tulare County between California State Highway 65, State Highway 196, and the western boundary of Sequoia National Forest, with the following components (Mt. Diablo Meridian): R28E T18S (all sections); R28E T19S (all sections); R28E T20S (all sections); R28E T21S Sec. 1-18; R28E T20S (all sections); R29E T21S Sec. 1-18.

FLORIDA EVERGLADE KITE (*Rostrhamus sociabilis plumbeus*)

Florida. Areas of land (predominantly marsh), water, and airspace, with the following components (Tallahassee Meridian): (1) St. Johns Reservoir, Indian River County: T33S R37E SW $\frac{1}{2}$ Sec. 6, W $\frac{1}{2}$ Sec. 7, Sec. 18, Sec. 19; (2) Cloud Lake Reservoir, St. Lucie County: T34S R38E S $\frac{1}{2}$ Sec. 16, N $\frac{1}{2}$ Sec. 21; (3) Strazzulla Reservoir, St. Lucie County: T34S R38E SW $\frac{1}{4}$ Sec. 21; (4) western parts of Lake Okeechobee, Glades and Hendry Counties, extending along the western shore to the east of the levee system and the undiked high ground at Fisheating Creek, and from the Hurricane Gate at Clewiston northward to the mouth of the Kissimmee River, including all the *Eleocharis* flats of Moonshine Bay, Monkey Box, and Observation Shoal, but excluding the open water north and west of the northern tip of Observation Shoal, north of Monkey Box, and east of Fisheating Bay; (5) Loxahatchee National Wildlife Refuge (Central and Southern Florida Flood Control District Water Conservation Area 1), Palm Beach County, including Refuge Management Compartments A, B, C, and D, and all of the main portion of the Refuge as bounded by Levees L-7, L-39, and L-40; (6) Central and Southern Florida Flood Control District Water Conservation Area 2A, Palm Beach and Broward Counties, as bounded by Levees L-6, L-35B, L-36, L-38, and L-39; (7) Central and Southern Florida Flood Control District Water Conservation Area 2B, Broward County, as bounded by Levees L-35, L-35B, L-36, and L-38; (8) Central and Southern Florida Flood Control District Water Conservation Area 3A, Broward and Dade Counties, as bounded by Florida Highway 84, Levees L-68A, L-67A (north of Miami Canal),

L-67C (south of Miami Canal), L-39, an L-28, and a line along the undiked northwestern portion of the Area; (9) that portion of Everglades National Park, Dade County, within the following boundary: beginning at the point where the Park boundary meets Florida Highway 94 in T54S R35E Sec. 20, thence eastward and southward along the Park boundary to the southwest corner of Sec. 31 in T7S R37E, thence southward along a straight line to the southwest corner of Sec. 2 in T58S R35E, thence westward along the south sides of Sec. 3, 4, 5, and 6 in T58S R35E to the Dade-Monroe county line, thence northward along the Dade-Monroe county line to the Park boundary, thence eastward and northward along the Park boundary to the point of beginning.



CRITICAL HABITAT FOR THE FLORIDA EVERGLADE KITE

AMERICAN PEREGRINE FALCON
(*Falco peregrinus anatum*)

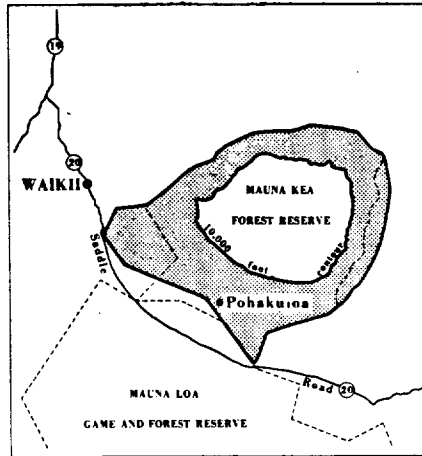
California. Dry Creek Zone: areas of land, water, and airspace in Sonoma County, with the following components (Mt. Diablo Meridian): (1) T10N R11W W $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec. 6, W $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 6, NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 7; T10N R12W Sec. 1, E $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 2; SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 2, SE $\frac{1}{4}$ Sec. 2, E $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec. 2, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 2, N $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 11, NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 11, N $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 1; N $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 12; T11N R11W SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 31, S $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec. 31; T11N R12W SE $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 36, SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 36; (2) T10N R11W NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 1, W $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 1, N $\frac{1}{2}$ Sec. 2, N $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 1; N $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec. 2, N $\frac{1}{2}$ Sec. 3, N $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 3, N $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec. 3, NE $\frac{1}{4}$ Sec. 4, N $\frac{1}{2}$ of

SE $\frac{1}{4}$ Sec. 4, NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 4, E $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 4; T11N R11W E $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 33, S $\frac{1}{2}$ Sec. 34, S $\frac{1}{2}$ Sec. 35, W $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 36, SW $\frac{1}{4}$ Sec. 36; (3) T11N R12W S $\frac{1}{2}$ Sec. 19, Sec. 30; T11N R13W SE $\frac{1}{4}$ Sec. 24, E $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec. 24, E $\frac{1}{2}$ Sec. 25, E $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec. 25, E $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 26.

Palisades-Table Rock Zone: an area of land, water, and airspace in Napa County, with the following components (Mt. Diablo Base Meridian): T9N R6W S $\frac{1}{2}$ Sec. 5, S $\frac{1}{2}$ Sec. 6, Sec. 7, Sec. 8, Sec. 9, Sec. 16, Sec. 17, Sec. 18, Sec. 19, Sec. 20; T9N R7W E $\frac{1}{2}$ Sec. 12, E $\frac{1}{2}$ Sec. 13, NE $\frac{1}{4}$ Sec. 24, E $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 24.

Mount St. Helena Zone: An area of land, water, and airspace in Lake, Napa, and Sonoma counties, with the following components (Mt. Diablo Base Meridian): T9N R7W W $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 3, W $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 3, W $\frac{1}{2}$ Sec. 3, Sec. 4, E $\frac{1}{2}$ Sec. 5, E $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec. 5, E $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 5; T10N R7W that portion of Sec. 20 east of Ida Clayton Road, Sec. 21, W $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 22, W $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 22, W $\frac{1}{2}$ Sec. 22, W $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 27, W $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 27, W $\frac{1}{2}$ Sec. 27, Sec. 28, that portion of Sec. 29 east of Ida Clayton Road, that portion of the NE $\frac{1}{4}$ Sec. 32 east and south of Ida Clayton Road, SE $\frac{1}{4}$ Sec. 32, E $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec. 32, that portion of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 32 south of the Ida Clayton Road, Sec. 33, W $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 34, W $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 34, W $\frac{1}{2}$ Sec. 34.

Forest Reserve fence (portions of Parcels 2, 3, and 7, State of Hawaii Tax Map Key 3-8-1, Third Division) which are included in the State conservation district.

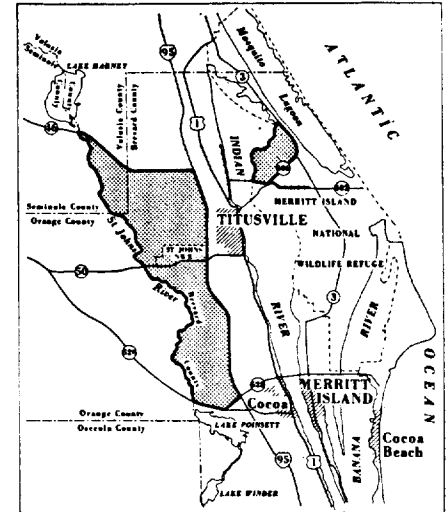


CRITICAL HABITAT FOR THE PALILA
YELLOW-SHOULDERED BLACKBIRD (*Agelaius xanthomus*)

Puerto Rico. Areas of land, water, and airspace with the following components: (1) All of Mona Island; (2) that portion of the main island of Puerto Rico within the following boundary: Beginning at a point where the Quebrada Boqueron joins the Bahía de Boqueron, thence proceeding southwesterly along the coast to Cabo Rojo, thence eastward along the coast, including offshore cays, to the point where Highway 332 meets the Bahía de Guanica, thence northward on Highway 332 to its junction with Highway 116, thence westward on Highway 116 to its junction with Highway 305, thence westward on Highway 305 to its junction with Highway 303, thence northward on Highway 303 to its junction with Highway 101, thence westward on Highway 101 to the point where it crosses Quebrada Boqueron, thence along the Quebrada Boqueron to the point where it joins the Bahía de Boqueron; (3) a circular portion of the main island of Puerto Rico with a one mile radius, the center being the junction of Highways 330 and 102 in the town of San German; (4) Roosevelt Roads Naval Station, southeast of Ceiba.

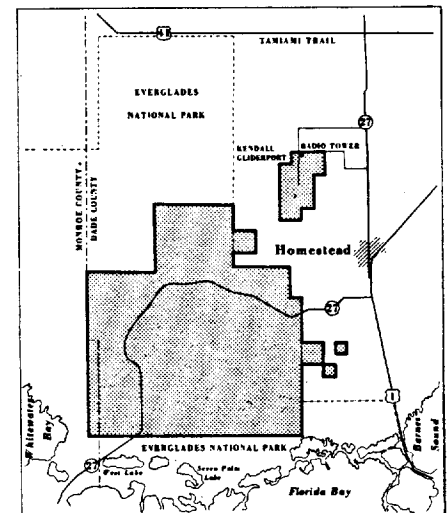
DUSKY SEASIDE SPARROW (*Ammospiza maritima nigrescens*)

Florida. Cordgrass (*Spartina bakerii*) savannas and associated land, water, and airspace within the following boundary, Brevard County: Beginning at the point where Florida Highway 528 intersects Interstate Highway 95; thence westward along Florida Highways 528 and 520 to the main channel of the St. Johns River; thence northward along said channel to Florida Highway 46; thence eastward along Florida Highway 46 to Interstate Highway 95; thence southward along Interstate Highway 95 to the point of beginning. Marshes and associated airspace within the mosquito control impoundments designated by the Brevard County Mosquito Control District as T-10-J and T-10-K, northwest of Florida Highway 406 on the Merritt Island National Wildlife Refuge, Brevard County.



CRITICAL HABITAT FOR THE DUSKY SEASIDE SPARROW
CAPE SABLE SPARROW (*Ammospiza maritima mirabilis*)

Florida. Areas of land, water, and airspace in the Taylor Slough vicinity of Collier, Dade, and Monroe counties, with the following components (Tallahassee Meridian): Those portions of Everglades National Park within T57S R36E, T57S, R36 $\frac{1}{2}$ E, T57S R37E, T58S R35E, T58S R36E, T58S R37E, T58 $\frac{1}{2}$ S R35E, T58 $\frac{1}{2}$ S R36 $\frac{1}{2}$ E, T59S R35E, T59S, R36E, T59S R37E. Areas outside of Everglades National Park within T55S R37E Sec. 36; T55S R38E Sec. 31, 32; T56S R37E Sec. 1, 2, 11-14, 23-26; T56S R38E Sec. 5-7, 18, 19; T57S R37E Sec. 5-8, T58S R38E Sec. 27, 29-32; T59S R38E Sec. 4.

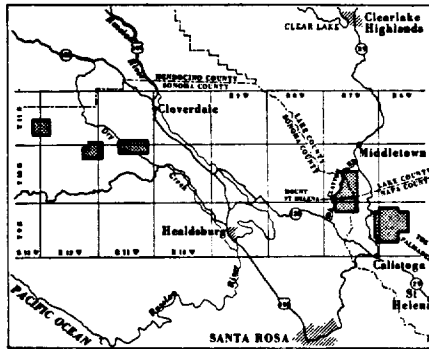


CRITICAL HABITAT FOR THE CAPE SABLE SPARROW

(c) Reptiles.

AMERICAN CROCODILE (*Crocodylus acutus*)

Florida. All land and water within the following boundary: Beginning at the easternmost tip of Turkey Point, Dade



CRITICAL HABITAT FOR THE AMERICAN PEREGRINE FALCON
PALILA (*Psittirostra baillouti*)

HAWAII. An area of land, water, and airspace on the Island of Hawaii, Hawaii County, with the following components: (1) The State of Hawaii Mauna Kea Forest Reserve, except (a) that portion above the 10,000 foot contour line, (b) that portion south of the Saddle Road (State Highway 20), (c) lands owned by the United States in the Pohakuloa Training Area north of the Saddle Road (State Highway 20) established by Executive Order 1719 (Parcel 6, State of Hawaii Tax Map Key 4-4-16, Third Division), (d) that portion (Parcel 10, Kaohae IV, State of Hawaii Tax Map Key 4-4-16, Third Division) lying north of the Saddle Road (State Highway 20) and south of the Power Line Road; (2) that portion of the State of Hawaii Kaohae Game Management Area (Parcel 4, State of Hawaii Tax Map Key 4-4-15, Third Division) to the north and east of the Saddle Road (State Highway 20); (3) that portion of the Upper Waikii Paddock (Parcel 2, State of Hawaii Tax Map Key 4-4-15, Third Division) northeast of the Saddle Road (State Highway 20); (4) that portion of the lands of Humuula between Puu Kahinahina and Kole lying southeast of the Mauna Kea

County, on the coast of Biscayne Bay; thence southeastward along a straight line to Christmas Point at the southernmost tip of Elliott Key; thence southwestward along a line following the shores of the Atlantic Ocean side of Old Rhodes Key, Palo Alto Key, Anglefish Key, Key Largo, Plantation Key, Windley Key, Upper Matecumbe Key, Lower Matecumbe Key, and Long Key, to the westernmost tip of Long Key; thence northward along a straight line to the westernmost tip of Middle Cape; thence northward along the shore of the Gulf of Mexico to the north side of the mouth of Little Sable Creek; thence eastward along a straight line to the northernmost point of Nine-Mile Pond; thence northeastward along a straight line to the point of beginning.

ST. CROIX GROUND LIZARD
(*Ameiva polops*)

U.S. Virgin Islands. Protestant Cay, roughly defined by the coordinates 64° 42'15" N. and 17°45'7.5" W.; and Green Cay, roughly defined by the coordinates 67°37'30" N. and 17°46'15" W.

- (d) [Reserved]
- (e) *Fishes*.

SNAIL DARTER (*Percina tanasi*)

Tennessee. From river mile 0.5 to river mile 17 of the Little Tennessee River, Loudon County, as shown on a map entitled "Tellico Project," prepared by Tennessee Valley Authority, Bureau of Water Control Planning, August 1965 (map 65-MS-453 K 501).

- (f)—(j) [Reserved]

§ 17.96 Critical habitat—plants [Reserved]

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