

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

U.S. Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Determination of Critical Habitat for Snail Darter, American Crocodile, Whooping Crane, California Condor, Indiana Bat and Florida Manatee

The Director, United States Fish and Wildlife Service, hereby issues a proposed rulemaking which would determine critical habitat for six endangered species, pursuant to section 7 of the Endangered Species Act of 1973 [16 U.S.C. 1531-1543]. An interpretation of the term critical habitat was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of April 22, 1975 [40 FR 17764-17765], and a notice of intent to determine critical habitat for five of the six species named below was published by the Fish and Wildlife Service in the FEDERAL REGISTER of May 16, 1975 [40 FR 21499-21500].

The areas delineated below do not necessarily include the entire critical habitat of any of the name species, and modifications to critical habitat descriptions may be proposed in the future. In accordance with section 7 of the Endangered Species Act of 1973, all Federal departments and agencies would be required to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the critical habitat of the six named species found within the areas delineated below.

It is recognized that some of the delineated areas are large and may contain man-made structures, settlements, and other localities that are not of primary use to the species involved. It should be stressed, however, that this is only a proposed rulemaking that is setting forth the outer parameters of the critical habitat areas in question, and that based upon the comments received and additional studies conducted by the Fish and Wildlife Service, the final rulemaking will exclude those settlements and structures devoid of critical habitat significance.

Until the issuance of additional guidelines, all Federal departments and agencies should, in accordance with section 7 of the Endangered Species Act, consult with the Secretary of the Interior with respect to any actions which might reasonably be expected to affect critical habitat within the delineated areas.

BASIS FOR DETERMINATION

SNAIL DARTER (*Percina (Imostoma) sp.*)

Tennessee. Critical habitat for the snail darter extends from river mile 0.5 to river mile 17 of the Little Tennessee River, Loudon County, Tennessee. River miles 0.5 through 17 are shown on a map entitled "Tellico Project," prepared by the Tennessee Valley Authority (TVA), Bureau of Water Control Planning, August 1965 (map 65-MS-453 K 501). River mile 17 is two river miles below the U.S. Highway 411 bridge over the Little Tennessee River, and is near Rose Island; river mile 0.5 on the Little Tennessee River is one half mile upstream from its confluence with the Tennessee River. Presently, this section of river is the only known existing habitat of the snail darter. In portions of this area, certain conditions exist which are required by the species, and the disruption of these conditions would lead to decline or extinction of the snail darter.

AMERICAN CROCODILE (*Crocodylus acutus*)

Florida. All land and water within the following boundary: beginning at the easternmost tip of Turkey Point, Dade County, on the coast of Biscayne Bay; thence southeastward along a straight line to Christmas Point at the southernmost tip of Elliot Key; thence southwestward along a line following the shores of the Atlantic Ocean side of Old Rhodes Key, Palo Alto Key, Angelfish 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 termination of the main Everglades National Park road at Flamingo; thence to a point ten road miles northeastward along the main Everglades National Park road; thence northeastward along a straight line to the point of beginning. The delineated area must be considered an absolute minimum amount of critical habitat for the American crocodile in Florida. The current population of the State, with only 200 to 300 individuals, is concentrated in this area and is dependent upon the included habitat of Florida Bay and associated brackish marshes, swamps, creeks, and canals. All known breeding females, of which there are less than ten in Florida, inhabit and nest in the delineated area.

Whooping Crane (*Grus americana*)

Texas. An area of land, water, and airspace with a boundary as follows: beginning at a point where Texas State

Highway 35 crosses the Refugio-Aransas county line; thence eastward along the Refugio-Aransas county line to the point at which this line reaches San Antonio Bay; thence northeastward across San Antonio Bay to the western-most tip of Swan Point, Calhoun County; thence southeastward along a straight line drawn through the westernmost tip of Vanderveer Island on the south side of Espiritu Santo Bay and through Matagorda Island to the point at which the line reaches the coast of the Gulf of Mexico; thence southwestward along the outer shores of Matagorda and St. Joseph Islands to a point five statute miles southwest of Cedar Bayou; thence northward to the point at which the Texas State Highway 35 bridge over Aransas Bay reaches the Lamar Peninsula; thence northward along Texas State Highway 35 to the point of beginning. This area is the only wintering site of the last surviving wild population of whooping cranes. The population is entirely dependent on this area and on the food supplies, cover and isolation that it provides.

Oklahoma. Salt Plains National Wildlife Refuge, Alfalfa County. This area provides an important stopping site on the migration route of the whooping crane. A number of the birds are known to have utilized the site during most years of the last decade.

Kansas. Quivira National Wildlife Refuge, Stafford, Reno, and Rice Counties; and Cheyenne Bottoms State Waterfowl Management Area, Barton County. These areas provide important stopping sites on the migration route of the whooping crane. A number of the birds are known to have utilized each of the sites during most years of the last decade.

Nebraska. An area of land, water, and airspace with a boundary as follows: beginning at the junction of U.S. Highway 283 and U.S. Highway 30 at Lexington, Dawson County; thence eastward along U.S. Highway 30 to its junction with U.S. Highway 281 near Grand Island, Hall County; thence southward along U.S. Highway 281 to its junction with U.S. Highway 136 at Red Cloud, Webster County; thence westward along U.S. Highway 136 to its junction with U.S. Highway 183 at Alma, Harlan County; thence northward along U.S. Highway 183 to its junction with U.S. Highway 34 at Holrege, Phelps County; thence westward along U.S. Highway 34 to its junction with Nebraska State Highway 23; thence northwestward along Nebraska State Highway 23 to its junction with U.S. Highway 283 at Elwood, Gosper

County; thence northward along U.S. Highway 283 to the point of beginning. This area of the Platte River Valley and wet prairie to the south forms the most important stopping site on the migration route of the whooping crane. Historical data show that this area, sometimes called the "Big Bend" area of the Platte River, was a focal point through which the whooping cranes passed before spreading out to their wintering grounds to the south and their breeding grounds to the north. There are more old records of the presence of the species here than in any other part of the migration route, and recent confirmed records indicate continued heavy use within the last few years. Available information indicates that the combination of the Platte River channel, and adjacent wet meadows, rainwater basins, and farmlands form a unique association of habitats that is the most valuable part of the entire migration route of the species. Reduction in the quality or size of this habitat association, especially in the water level of the area, could be expected to have an adverse effect on the surviving population of the species.

Idaho. Grays Lake National Wildlife Refuge, and all land and water within one mile of the boundaries of this refuge, Bonneville and Caribou Counties. This area is the site of an experimental project in which whooping crane eggs, taken from nests in Canada, were placed in the nests of sandhill cranes (*Grus canadensis*) at Grays Lake. It is hoped that the sandhill cranes will raise the whooping crane hatchlings to maturity, thereby establishing a new flock of whooping cranes in the wild.

Colorado. Monte Vista National Wildlife Refuge, Alamosa and Rio Grande Counties, and Alamosa National Wildlife Refuge, Alamosa and Conejos Counties. These areas are the most important stopping sites on the migration route of the sandhill cranes that are serving as "foster parents" of the whooping cranes hatched in the Grays Lake experiment.

New Mexico. All areas at or below 4,600 feet in elevation of Bosque del Apache National Wildlife Refuge, Socorro County. This area is the primary wintering ground of the sandhill cranes that are serving as "foster parents" of the whooping cranes hatched in the Grays Lake Experiment.

CALIFORNIA CONDOR (GYMNOGYPUS CALIFORNICUS)

California. *Sespe-piru 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 695 (January 1951); T4N R20W sec. 2, 5-10, N $\frac{1}{2}$ sec. 11; T4N R21W Sec. 1-3, 10-12 N $\frac{1}{4}$ Sec. 13, N $\frac{1}{4}$ Sec. 14, N $\frac{1}{4}$ Sec. 15; T5N R18W Sec. 4-9, 18, 19, 30, 31, N $\frac{1}{2}$ Sec. 3, N $\frac{1}{2}$ Sec. 17; T5N R21W Sec. 1-4, 9-16, 21-28, 33-36; T6N R18W Sec. 7-11, 14-23, 26-35; 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): T5N R24W W $\frac{1}{2}$ Sec. 3, Sec. 4-11, 14, 15, N $\frac{1}{2}$ Sec. 16, N $\frac{1}{4}$ Sec. 17; T5N R25W E $\frac{1}{2}$ Sec. 1, NE $\frac{1}{4}$ Sec. 12; T5 $\frac{1}{2}$ N R24W Sec. 31-34; T6N R24W S $\frac{1}{2}$ Sec. 32, S $\frac{1}{2}$ Sec. 33, S $\frac{1}{2}$ 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, in 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. *Hi 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. 13, 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. *Sespe-Piru, Matilija, Sisquoc-San Rafael, and Hi Mountain-Beartrap condor areas,* as described above, are considered critical for nesting and related year long activity.

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. The Mt. Pinos and Blue Ridge Condor areas, as described above, are considered critical for roosting.

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 198, 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; R29E T20S (all sections); R29E T21S Sec. 1-18. The Tejon Ranch, Kern County rangelands, and Tulare County rangelands, as described above, are considered critical for feeding and related activities. The Tejon Ranch is very important because it contains the only significant feeding habitat remaining in close proximity to the Sespe-Piru condor nesting area. In most cases condor feeding habitat is not so restricted as nesting and roosting sites, and only certain portions of the areas described above are needed at any one time. Because, however, the location of food is directly related to both condor distribution and reproductive success, substantial areas of open range, with adequate food, and limited development and disturbance, would have to be preserved in each delineated area in order to maintain the species.

INDIANA BAT (*Myotis sodalis*)

Illinois. 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.

The precise localities of these caves and mines are on file with the U.S. Fish and Wildlife Service. Approximately 94 percent of the known Indiana bat population hibernates at these sites. The bats are entirely dependent on the shelter provided by these caves and mines during the winter. Their loss or subjection to excessive disturbance or modification would lead to the near or total extinction of the species. Riparian habitat is also believed to be essential to the bat for feeding and reproduction. These habitats are currently being evaluated and may be proposed in the future as critical habitat.

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, and all connected bays and 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 Seawalls 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 Seawalls Point, and the entire inland section of water known as the Banana River and all waterways between the Indian and Banana rivers, Orange and Brevard Counties; 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.

The delineated areas contain the largest concentrations of manatees in the United States, and are the only areas that presently can be defined as having major dependent populations. The Crystal River and its King's Bay headwaters form one of the largest natural warm water resources for manatees. Up to 60 manatees possibly representing six to ten percent of the total population of the species in the United States, utilize this refugium during cold weather periods. The Little Manatee, Manatee, Myakka, and Peace rivers, and Charlotte Harbor all support large manatee concentrations. Manatees also utilize the Caloosahatchee River and associated coastal areas. The warm water discharge of the Florida Power and Light Company Ft. Meyers power plant into the Orange River, on the south bank of the Caloosahatchee River at Tice, is known to attract as many as 75 manatees during cold periods. The area off the coast of Collier and Monroe Counties, southwestern Florida, is the center of a large, but uncounted manatee population. This population is at least partially resident and is dependent on the extensive local growths

of *Thalassia* and *Diplanthera* as a primary food resource. Concentrations of as many as 75 manatees are observed in Whitewater Bay. The waterway formed by Card, Barnes, Blackwater, and Buttonwood sounds may constitute the manatee's essential thoroughfare between Miami-Biscayne Bay and the lower Keys and Florida Bay.

PROCEDURES

The rule proposed in this notice will be followed by a more complete rulemaking on the entire subject of critical habitat. That rulemaking will codify, among other things, the criteria for determining critical habitat and general rules for Federal agencies. At the time that this future rulemaking is adopted, the specific determinations proposed here for these six species will become part of that rulemaking. In the interim, this special designation of critical habitat, upon final rulemaking, will be found in new §§ 17.81 through 17.86, under Subpart F—Critical Habitats, 50 CFR Part 17. This Subpart was proposed to be added to Part 17 by the proposed regulation for determining critical habitat for the Mississippi sandhill crane (40 FR 40521-40522, September 3, 1975).

PUBLIC COMMENTS SOLICITED

The Director intends that finally adopted rules be as responsive as possible to the conservation of the critical habitat of endangered and threatened species. The Director therefore desires to obtain the comments and suggestions of the public, other concerned government agencies, and private interests on these proposed rules.

Final promulgation of critical habitat regulations will take into consideration the comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this proposal.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Director (FWS LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments received no later than February 20, 1976, will be considered. The Service will attempt to acknowledge receipt of comments, but substantive responses to individual comments may not be provided. Comments received will be available for public inspection during normal business hours at the Service's Office in Suite 600, 1612 K Street NW., Washington, D.C.

Accordingly, it is hereby proposed to amend 50 CFR Part 17 to determine critical habitat for the following endangered species, as shown below.

Dated: November 12, 1975.

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

1. Amend the proposed Subpart F, 50 CFR Part 17, by adding the following new §§ 17.81 through 17.86.

Subpart F—Critical Habitat

Sec.	
17.81	Snail darter.
17.82	American crocodile.
17.83	Whooping crane.
17.84	California condor.
17.85	Indiana bat.
17.86	Florida manatee.

Subpart F—Critical Habitat

§ 17.81 Snail darter.

(a) The following area is critical habitat for the snail darter (*Percina (Imostoma) sp.*): From river mile 0.5 to river mile 17 of the Little Tennessee River, Loudon County, Tennessee, 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).

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of this critical habitat area.

§ 17.82 American crocodile.

(a) The following area is critical habitat for the American crocodile (*Crocodilus acutus*): All land and water within the following boundary in Florida: beginning at the easternmost tip of Turkey Point, Dade County, on the coast of Biscayne Bay; thence southeastward along a straight line to Christians 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, Angelfish 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 termination of the main Everglades National Park road at Flamingo; thence to a point ten road miles northeastward along the main Everglades National Park road; thence northeastward along a straight line to the point of beginning.

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of this critical habitat area.

§ 17.83 Whooping crane.

(a) The following areas are critical habitat for the whooping crane (*Grus americana*):

(i) Texas. An area of land, water, and airspace within Texas with a boundary as follows: beginning at a point where Texas State Highway 35 crosses the Refugio-Aransas County line; thence eastward along the Refugio-Aransas county line to the point at which this line reaches San Antonio Bay; thence north-eastward across San Antonio Bay to the

westernmost tip of Swan Point, Calhoun County; thence southeastward along a straight line drawn through the westernmost tip of Vanderveer Island on the south side of Espiritu Santo Bay and through Matagorda Island to the point at which the line reaches the coast of the Gulf of Mexico; thence southwestward along the outer shores of Matagorda and St. Joseph Islands to a point five statute miles southwest of Cedar Bayou; thence northwestward to the point at which the Texas State Highway 35 bridge over Aransas Bay reaches the Lamar Peninsula; thence northward along Texas State Highway 35 to the point of beginning.

(ii) *Oklahoma*. Salt Plains National Wildlife Refuge, Alfalfa County.

(iii) *Kansas*. Quivira National Wildlife Refuge, Stafford, Reno and Rice Counties; and Cheyenne Bottoms State Waterfowl Management Area, Barton County.

(iv) *Nebraska*. An area of land, water, and airspace within Nebraska with a boundary as follows: beginning at the junction of U.S. Highway 283 and U.S. Highway 30 at Lexington, Dawson County; thence eastward along U.S. Highway 30 to its junction with U.S. Highway 281 near Grand Island, Hall County; thence southward along U.S. Highway 281 to its junction with U.S. Highway 136 at Red Cloud, Webster County; thence westward along U.S. Highway 136 to its junction with U.S. Highway 183 at Alma, Harlan County; thence northward along U.S. Highway 183 to its junction with U.S. Highway 34 at Holrege, Phelps County; thence westward along U.S. Highway 34 to its junction with Nebraska State Highway 23; thence northward along Nebraska State Highway 23 to its junction with U.S. Highway 283 at Elwood, Gosper County; thence northward along U.S. Highway 283 to the point of beginning.

(v) *Idaho*. Grays Lake National Wildlife Refuge, and all land and water within one mile of the boundaries of this refuge, Bonneville and Caribou Counties.

(vi) *Colorado*. Monte Vista National Wildlife Refuge, Alamosa and Rio Grande Counties; and Alamosa National Wildlife Refuge, Alamosa and Conejos Counties.

(vii) *New Mexico*. All areas at or below 4,600 in elevation of Bosque del Apache National Wildlife Refuge, Socorro County.

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded or carried out by them do not result in the destruction or modification of these critical habitat areas.

§ 17.84 California condor.

(a) The following areas in California are critical habitat for the California condor (*Gymnogyps californicus*):

(i) *Sespe-Piru 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 695 (January 1951); T4N R20W Sec. 2, 5-10, N $\frac{1}{2}$ Sec. 11; T4N R21W Sec. 1-3, 10-12, N $\frac{1}{4}$ Sec. 13, N $\frac{1}{4}$ Sec. 14, N $\frac{1}{4}$ Sec. 15; T5N R18W Sec. 4-9, 18, 19, 30, 31, N $\frac{1}{2}$ Sec. 3, N $\frac{1}{2}$ Sec. 17; T5N R21W Sec. 1-4, 9-16, 21-28, 33-36; T6N R18W Sec. 7-11, 14-23, 26-35; 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.

(ii) *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): T5N R24W W $\frac{1}{2}$ Sec. 3, Sec. 4-11, 14, 15, N $\frac{1}{2}$ Sec. 16, N $\frac{1}{4}$ Sec. 17; T5N R25W E $\frac{1}{2}$ Sec. 1, NE $\frac{1}{4}$ Sec. 12; T5 $\frac{1}{2}$ N R24W Sec. 31-34; T6N R24W S $\frac{1}{2}$ Sec. 32, S $\frac{1}{2}$ Sec. 33, S $\frac{1}{2}$ Sec. 34.

(iii) *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.

(iv) *Hi 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. 13, 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.

(v) *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.

(vi) *Blue Ridge Condor Areas*: 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.

(vii) *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.

(viii) *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.

(ix) *Tulare County rangelands*: an area of land, water, and airspace in Tu-

lare County between California State Highway 65, State Highway 198, 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; R29E T20S (all sections); R29E T21S Sec. 1-18.

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these critical habitat areas.

§ 17.85 Indiana bat.

(a) The following areas are critical habitat for the Indiana bat (*Myotis sodalis*):

(i) *Illinois*. The Blackball Mine, La Salle County.

(ii) *Indiana*. Big Wyandotte Cave, Crawford County; Ray's Cave, Greene County.

(iii) *Kentucky*. Bat Cave, Carter County; Coach Cave, Edmonson County.

(iv) *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].

(v) *Tennessee*. White Oak Blowhole Cave, Blount County.

(vi) *West Virginia*. Hellhole Cave, Pendleton County.

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these critical habitat areas.

§ 17.86 Florida manatee.

(a) The following areas in Florida are critical habitat for the Florida manatee (*Trichechus manatus*): 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 the Indian and Banana rivers, Orange and Brevard Counties; 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) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the critical habitat area.

[FR Doc.75-33841 Filed 12-15-75;8:45 am]