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CODE OF FEDERAL REGULATIONS

Title 50
Wildlife and Fisheries

Part 17 (§§ 17.1 to 17.95(a))

Revised as of October 1, 2015

Containing a codification of documents
of general applicability and future effect

As of October 1, 2015

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Cite this Code: CFR

To cite the regulations in this volume use title, part and section number. Thus, 50 CFR 17.1 *refers to title 50, part 17, section 1.*

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Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows:

Title 1 through Title 16.....as of January 1
Title 17 through Title 27.....as of April 1
Title 28 through Title 41.....as of July 1
Title 42 through Title 50.....as of October 1

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OLIVER A. POTTS,
Director,
Office of the Federal Register.
October 1, 2015.

THIS TITLE

Title 50—FISH AND WILDLIFE is composed of thirteen volumes. The parts in these volumes are arranged in the following order: Parts 1–16; part 17 (17.1 to 17.95(a)), part 17 (17.95(b)), part (17.95(c) to (e)), part 17 (17.95(f) to end of 17.95), part 17 (17.96 to 17.98), part 17 (17.99(a) to 17.99(h)), part 17 (17.99(i) to end of part 17), parts 18–199, parts 200–227, parts 228–599, parts 600–659, and part 660 to end. The first nine volumes consist of parts 1–16, part 17 (17.1 to 17.95(a)), part 17 (17.95(b)), part 17 (17.95(c) to (e)), part 17 (17.95(f) to end of 17.95), part 17 (17.96 to 17.98), part 17 (17.99(a) to 17.99(h), part 17 (17.99(i) to end of part 17), and parts 18–199 and contain the current regulations issued under chapter I—United States Fish and Wildlife Service, Department of the Interior. The tenth volume (parts 200-227) contains the current regulations issued under chapter II--the National Marine Fisheries Service, National Oceanic and Atmospheric Administration. The eleventh volume (parts 228–599) contains the remaining current regulations issued under chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce; and the current regulations issued under chapter III—International Fishing and Related Activities, chapter IV—Joint Regulations (United States Fish and Wildlife Service, Department of the Interior and National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce); Endangered Species Committee regulations; and chapter V—Marine Mammal Commission. The twelfth and thirteenth volumes (parts 600–659 and part 660 to end) contain the current regulations issued under chapter VI—Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce. The contents of these volumes represent all current regulations codified under this title of the CFR as of October 1, 2015.

Alphabetical listings of endangered and threatened wildlife and plants appear in §§ 17.11 and 17.12.

The OMB control numbers for the National Oceanic and Atmospheric Administration appear in 15 CFR 902.1.

For this volume, Cheryl E. Sirofchuck was Chief Editor. The Code of Federal Regulations publication program is under the direction of John Hyrum Martinez, assisted by Stephen J. Frattini.

Title 50—Wildlife and Fisheries

(This book contains part 17, §§ 17.1 to 17.95(a))

Part

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AUTHORITY: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

SOURCE: 40 FR 44415, Sept. 26, 1975, unless otherwise noted.

Subpart A—Introduction and General Provisions

§ 17.1 Purpose of regulations.

(a) The regulations in this part implement the Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531–1543, except for those provisions in the Act concerning the Convention on International Trade in Endangered Species of Wild Fauna and Flora, for which regulations are provided in part 23 of this subchapter.

(b) The regulations identify those species of wildlife and plants determined by the Director to be endangered or threatened with extinction under section 4(a) of the Act and also carry over the species and subspecies of wildlife designated as endangered under the Endangered Species Conservation Act of 1969 (83 Stat. 275, 16 U.S.C. 668cc–1 to 6) which are deemed endangered species under section 4(c)(3) of the Act.

[40 FR 44415, Sept. 26, 1975, as amended at 42 FR 10465, Feb. 22, 1977]

§ 17.2 Scope of regulations.

(a) The regulations of this part apply only to endangered and threatened wildlife and plants.

(b) By agreement between the Service and the National Marine Fisheries Service, the jurisdiction of the Department of Commerce has been specifically defined to include certain species, while jurisdiction is shared in regard to certain other species. Such species are footnoted in subpart B of this part, and reference is given to special rules of the National Marine Fisheries Service for those species.

(c) The provisions in this part are in addition to, and are not in lieu of, other regulations of this subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife.

(d) The examples used in this part are provided solely for the convenience of the public, and to explain the intent and meaning of the regulation to which they refer. They have no legal significance.

(e) Certain of the wildlife and plants listed in §§17.11 and 17.12 as endangered or threatened are included in Appendix I, II or III to the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The importation, exportation and reexportation of such species are subject to additional regulations provided in part 23 of this subchapter.

[40 FR 44415, Sept. 26, 1975, as amended at 42 FR 10465, Feb. 22, 1977]

§ 17.3 Definitions.

In addition to the definitions contained in part 10 of this subchapter, and unless the context otherwise requires, in this part 17:

Act means the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884);

Adequately covered means, with respect to species listed pursuant to section 4 of the ESA, that a proposed conservation plan has satisfied the permit issuance criteria under section 10(a)(2)(B) of the ESA for the species covered by the plan, and, with respect to unlisted species, that a proposed conservation plan has satisfied the permit issuance criteria under section 10(a)(2)(B) of the ESA that would otherwise apply if the unlisted species covered by the plan were actually listed. For the Services to cover a species under a conservation plan, it must be listed on the section 10(a)(1)(B) permit.

Alaskan Native means a person defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1603(b) (85 Stat. 588)) as a citizen of the United States who is of one-fourth degree or more Alaska Indian (including Tsimshian Indians enrolled or not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native, as so defined, either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or town of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or Native town. Any citizen enrolled by the Secretary pursuant to section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Alaskan Native for purposes of this part;

Authentic native articles of handicrafts and clothing means items made by an Indian, Aleut, or Eskimo that are composed wholly or in some significant respect of natural materials and are significantly altered from their natural form and are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass-copying devices. Improved methods of production utilizing modern implements such as sewing machines or modern techniques at a tannery registered pursuant to §18.23(c) of this subchapter (in the case of marine mammals) may be used as long as no large-scale mass production industry results. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting. The formation of traditional native groups, such as cooperatives, is permitted as

long as no large-scale mass production results;

Bred in captivity or *captive-bred* refers to wildlife, including eggs, born or otherwise produced in captivity from parents that mated or otherwise transferred gametes in captivity, if reproduction is sexual, or from parents that were in captivity when development of the progeny began, if development is asexual.

Captivity means that living wildlife is held in a controlled environment that is intensively manipulated by man for the purpose of producing wildlife of the selected species, and that has boundaries designed to prevent animal, eggs or gametes of the selected species from entering or leaving the controlled environment. General characteristics of captivity may include but are not limited to artificial housing, waste removal, health care, protection from predators, and artificially supplied food.

Changed circumstances means changes in circumstances affecting a species or geographic area covered by a conservation plan or agreement that can reasonably be anticipated by plan or agreement developers and the Service and that can be planned for (e.g., the listing of new species, or a fire or other natural catastrophic event in areas prone to such events).

Conservation plan means the plan required by section 10(a)(2)(A) of the ESA that an applicant must submit when applying for an incidental take permit. Conservation plans also are known as ''habitat conservation plans'' or ''HCPs.''

Conserved habitat areas means areas explicitly designated for habitat restoration, acquisition, protection, or other conservation purposes under a conservation plan.

Convention means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249.

Enhance the propagation or survival, when used in reference to wildlife in captivity, includes but is not limited to the following activities when it can be shown that such activities would not be detrimental to the survival of wild or captive populations of the affected species:

(a) Provision of health care, management of populations by culling, contraception, euthanasia, grouping or handling of wildlife to control survivorship and reproduction, and similar normal practices of animal husbandry needed to maintain captive populations that are self-sustaining and that possess as much genetic vitality as possible;

(b) Accumulation and holding of living wildlife that is not immediately needed or suitable for propagative or scientific purposes, and the transfer of such wildlife between persons in order to relieve crowding or other problems hindering the propagation or survival of the captive population at the location from which the wildlife would be removed; and

(c) Exhibition of living wildlife in a manner designed to educate the public about the ecological role and conservation needs of the affected species.

Endangered means a species of wildlife listed in §17.11 or a species of plant listed in §17.12 and designated as endangered.

Harass in the definition of ''take'' in the Act means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. This definition, when applied to captive wildlife, does not include generally accepted:

(1) Animal husbandry practices that meet or exceed the minimum standards for facilities and care under the Animal Welfare Act,

(2) Breeding procedures, or

(3) Provisions of veterinary care for confining, tranquilizing, or anesthetizing, when such practices, procedures, or provisions are not likely to result in injury to the wildlife.

Harm in the definition of ''take'' in the Act means an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

Incidental taking means any taking otherwise prohibited, if such taking is

incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

Industry or trade in the definition of ''commercial activity'' in the Act means the actual or intended transfer of wildlife or plants from one person to another person in the pursuit of gain or profit;

Native village or town means any community, association, tribe, clan or group;

Operating conservation program means those conservation management activities which are expressly agreed upon and described in a conservation plan or its Implementing Agreement, if any, and which are to be undertaken for the affected species when implementing an approved conservation plan, including measures to respond to changed circumstances.

Population means a group of fish or wildlife in the same taxon below the subspecific level, in common spatial arrangement that interbreed when mature;

Properly implemented conservation plan means any conservation plan, Implementing Agreement and permit whose commitments and provisions have been or are being fully implemented by the permittee.

Property owner with respect to agreements outlined under §§17.22(c), 17.22(d), 17.32(c), and 17.32(d) means a person with a fee simple, leasehold, or other property interest (including owners of water or other natural resources), or any other entity that may have a property interest, sufficient to carry out the proposed management activities, subject to applicable State law, on non-Federal land.

Specimen means any animal or plant, or any part, product, egg, seed or root of any animal or plant;

Subsistence means the use of endangered or threatened wildlife for food, clothing, shelter, heating, transportation and other uses necessary to maintain the life of the taker of the wildlife, or those who depend upon the taker to provide them with such subsistence, and includes selling any edible portions of such wildlife in native villages and towns in Alaska for native consumption within native villages and towns;

Threatened means a species of wildlife listed in §17.11 or plant listed in §17.12 and designated as threatened.

Unforeseen circumstances means changes in circumstances affecting a species or geographic area covered by a conservation plan or agreement that could not reasonably have been anticipated by plan or agreement developers and the Service at the time of the conservation plan's or agreement's negotiation and development, and that result in a substantial and adverse change in the status of the covered species.

Wasteful manner means any taking or method of taking which is likely to result in the killing or injury of endangered or threatened wildlife beyond those needed for subsistence purposes, or which results in the waste of a substantial portion of the wildlife, and includes without limitation the employment of a method of taking which is not likely to assure the capture or killing of the wildlife, or which is not immediately followed by a reasonable effort to retrieve the wildlife.

[40 FR 44415, Sept. 26, 1975, as amended at 42 FR 28056, June 1, 1977; 44 FR 54006, Sept. 17, 1979; 46 FR 54750, Nov. 4, 1981; 47 FR 31387, July 20, 1982; 50 FR 39687, Sept. 30, 1985; 63 FR 8870, Feb. 23, 1998; 63 FR 48639, Sept. 11, 1998; 69 FR 24092, May 3, 2004; 71 FR 46870, Aug. 15, 2006]

§17.4 Pre-Act wildlife.

(a) The prohibitions defined in subparts C and D of this part 17 shall not apply to any activity involving endangered or threatened wildlife which was held in captivity or in a controlled environment on December 28, 1973: *Provided*,

(1) That the purposes of such holding were not contrary to the purposes of the Act; and

(2) That the wildlife was not held in the course of a commercial activity.

Example 1. On January 25, 1974, a tourist buys a stuffed hawksbill turtle (an endangered species listed since June, 1970), in a foreign country. On December 28, 1973, the stuffed turtle had been on display for sale. The tourist imports the stuffed turtle into the United States on January 26, 1974. This is a violation of the Act since the stuffed turtle was held for commercial purposes on December 28, 1973.

Example 2. On December 27, 1973 (or earlier), a tourist buys a leopard skin coat (the leopard has been listed as endangered since March 1972) for his wife in a foreign country. On January 5, he imports it into the United States. He has not committed a violation since on December 28, 1973, he was the owner of the coat, for personal purposes, and the chain of commerce had ended with the sale on the 27th. Even if he did not finish paying for the coat for another year, as long as he had possession of it, and he was not going to resell it, but was using it for personal purposes, the Act does not apply to that coat.

Example 3. On or before December 28, 1973, a hunter kills a leopard legally in Africa. He has the leopard mounted and imports it into the United States in March 1974. The importation is not subject to the Act. The hunter has not engaged in a commercial activity, even though he bought the services of a guide, outfitters, and a taxidermist to help him take, preserve, and import the leopard. This applies even if the trophy was in the possession of the taxidermist on December 28, 1973.

Example 4. On January 15, 1974, a hunter kills a leopard legally in Africa. He has the leopard mounted and imports it into the United States in June 1974. This importation is a violation of the Act since the leopard was not in captivity or a controlled environment on December 28, 1973.

(b) Service officers or Customs officers may refuse to clear endangered or threatened wildlife for importation into or exportation from the United States, pursuant to §14.53 of this subchapter, until the importer or exporter can demonstrate that the exemption referred to in this section applies. Exempt status may be established by any sufficient evidence, including an affidavit containing the following:

(1) The affiant's name and address;

(2) Identification of the affiant;

(3) Identification of the endangered or threatened wildlife which is the subject of the affidavit;

(4) A statement by the affiant that to the best of his knowledge and belief, the endangered or threatened wildlife which is the subject of the affidavit was in captivity or in a controlled environment on December 28, 1973, and was not being held for purposes contrary to the Act or in the course of a commercial activity;

(5) A statement by the affiant in the following language:

The foregoing is principally based on the attached exhibits which, to the best of my knowledge and belief, are complete, true and correct. I understand that this affidavit is being submitted for the purpose of inducing the Federal Government to recognize an exempt status regarding (*insert description of wildlife*), under the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), and regulations promulgated thereunder, and that any false statements may subject me to the criminal penalties of 18 U.S.C. 1001.

(6) As an attachment, records or other available evidence to show:

(i) That the wildlife in question was being held in captivity or in a controlled environment on December 28, 1973;

(ii) The purpose for which the wildlife was being held; and

(iii) The nature of such holding (to establish that no commercial activity was involved).

(c) This section applies only to wildlife born on or prior to December 28, 1973. It does not apply to the progeny of any such wildlife born after December 28, 1973.

§ 17.5 Alaska natives.

(a) The provisions of subpart C of this part relating to the importation or the taking of endangered wildlife, and any provision of subpart D of this part relating to the importation or the taking of threatened wildlife, shall not apply to:

(1) Any Indian, Aleut, or Eskimo who is an Alaskan native and who resides in Alaska; or

(2) Any non-native permanent resident of an Alaskan native village who is primarily dependent upon the taking of wildlife for consumption or for the creation and sale of authentic native articles of handicrafts and clothing:

If the taking is primarily for subsistence purposes, and is not accomplished in a wasteful manner.

(b) Edible portions of endangered or threatened wildlife taken or imported pursuant to paragraph (a) of this section may be sold in native villages or towns in Alaska for native consumption within native villages and towns in Alaska.

(c) Non-edible by-products of endangered or threatened wildlife taken or imported pursuant to paragraph (a) of this section may be sold in interstate commerce when made into authentic

native articles of handicrafts and clothing.

§ 17.6 State cooperative agreements. [Reserved]

§ 17.7 Raptor exemption.

(a) The prohibitions found in §§ 17.21 and 17.31 do not apply to any raptor [a live migratory bird of the Order *Falconiformes* or the Order *Strigiformes*, other than a bald eagle (*Haliaeetus leucocephalus*) or a golden eagle (*Aquila chrysaetos*)] legally held in captivity or in a controlled environment on November 10, 1978, or to any of its progeny, which is:

(1) Possessed and banded in compliance with the terms of a valid permit issued under part 21 of this chapter; and

(2) Identified in the earliest applicable annual report required to be filed by a permittee under part 21 of this chapter as in a permittee's possession on November 10, 1978, or as the progeny of such a raptor.

(b) This section does not apply to any raptor intentionally returned to the wild.

[48 FR 31607, July 8, 1983]

§ 17.8 Import exemption for threatened, CITES Appendix-II wildlife.

(a) Except as provided in a special rule in §§ 17.40 through 17.48 or in paragraph (b) of this section, all provisions of §§ 17.31 and 17.32 apply to any specimen of a threatened species of wildlife that is listed in Appendix II of the Convention.

(b) *Import.* Except as provided in a special rule in §§ 17.40 through 17.48, any live or dead specimen of a fish and wildlife species listed as threatened under this part may be imported without a threatened species permit under § 17.32 provided all of the following conditions are met:

(1) The specimen was not acquired in foreign commerce or imported in the course of a commercial activity;

(2) The species is listed in Appendix II of the Convention.

(3) The specimen is imported and subsequently used in accordance with the requirements of part 23 of this subchapter, except as provided in paragraph (b)(4) of this section.

(4) Personal and household effects (see § 23.5) must be accompanied by a CITES document.

(5) At the time of import, the importer must provide to the FWS documentation that shows the specimen was not acquired in foreign commerce in the course of a commercial activity.

(6) All applicable requirements of part 14 of this subchapter are satisfied.

[72 FR 48446, Aug. 23, 2007]

§ 17.9 Permit applications and information collection requirements.

(a) Address permit applications for activities affecting species listed under the Endangered Species Act, as amended, as follows:

(1) Address activities affecting endangered and threatened species that are native to the United States to the Regional Director for the Region in which the activity is to take place. You can find addresses for the Regional Directors in 50 CFR 2.2. Send applications for interstate commerce in native endangered and threatened species to the Regional Director with lead responsibility for the species. To determine the appropriate region, call the nearest Regional Office:

Region 1 (Portland, OR): 503–231–6241
Region 2 (Albuquerque, NM): 505–248–6920
Region 3 (Twin Cities, MN): 612–713–5343
Region 4 (Atlanta, GA): 404–679–7313
Region 5 (Hadley, MA): 413–253–8628
Region 6 (Denver, CO): 303–236–8155, ext 263
Region 7 (Anchorage, AK): 907–786–3620
Headquarters (Washington, DC): 703–358–2106

(2) Submit permit applications for activities affecting native endangered and threatened species in international movement or commerce, and all activities affecting nonnative endangered and threatened species, to the attention of the Director, U.S. Fish and Wildlife Service, at the address listed for the Division of Management Authority at 50 CFR 2.1(b).

(b) The Office of Management and Budget approved the information collection requirements contained in this part 17 under 44 U.S.C. 3507 and assigned OMB Control Numbers 1018–0093 and 1018–0094. The Service may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. We

are collecting this information to provide information necessary to evaluate permit applications. We will use this information to review permit applications and make decisions, according to criteria established in various Federal wildlife conservation statutes and regulations, on the issuance, suspension, revocation, or denial of permits. You must respond to obtain or retain a permit. We estimate the public reporting burden for these reporting requirements to vary from 2 to 2½ hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the forms. Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

[63 FR 52635, Oct. 1, 1998. Redesignated at 72 FR 48446, Aug. 23, 2007, as amended at 79 FR 30417, May 27, 2014; 79 FR 43964, July 29, 2014]

Subpart B—Lists

§ 17.11 Endangered and threatened wildlife.

(a) The list in this section contains the names of all species of wildlife which have been determined by the Services to be Endangered or Threatened. It also contains the names of species of wildlife treated as Endangered or Threatened because they are sufficiently similar in appearance to Endangered or Threatened species (see § 17.50 *et seq.*).

(b) The columns entitled ''Common Name,'' ''Scientific Name,'' and ''Vertebrate Population Where Endangered or Threatened'' define the species of wildlife within the meaning of the Act. Thus, differently classified geographic populations of the same vertebrate subspecies or species shall be identified by their differing geographic boundaries, even though the other two columns are identical. The term ''Entire'' means that all populations throughout the present range of a vertebrate species are listed. Although common names are included, they cannot be relied upon for identification of any specimen, since they may vary greatly in local usage. The Services shall use the most recently accepted scientific name. In cases in which confusion might arise, a synonym(s) will be provided in parentheses. The Services shall rely to the extent practicable on the *International Code of Zoological Nomenclature*.

(c) In the ''Status'' column the following symbols are used: ''E'' for Endangered, ''T'' for Threatened, and ''E [or T] (S/A)'' for similarity of appearance species.

(d) The other data in the list are nonregulatory in nature and are provided for the information of the reader. In the annual revision and compilation of this title, the following information may be amended without public notice: the spelling of species' names, historical range, footnotes, references to certain other applicable portions of this title, synonyms, and more current names. In any of these revised entries, neither the species, as defined in paragraph (b) of this section, nor its status may be changed without following the procedures of part 424 of this title.

(e) The ''historic range'' indicates the known general distribution of the species or subspecies as reported in the current scientific literature. The present distribution may be greatly reduced from this historic range. This column does not imply any limitation on the application of the prohibitions in the Act or implementing rules. Such prohibitions apply to all individuals of the species, wherever found.

(f)(1) A footnote to the FEDERAL REGISTER publication(s) listing or reclassifying a species is indicated under the column ''When listed.'' Footnote numbers to §§ 17.11 and 17.12 are in the same numerical sequence, since plants and animals may be listed in the same FEDERAL REGISTER document. That document, at least since 1973, includes a statement indicating the basis for the listing, as well as the effective date(s) of said listing.

(2) The ''Special rules'' and ''Critical habitat'' columns provide a cross reference to other sections in parts 17, 222, 226, or 227. The ''Special rules'' column will also be used to cite the special rules that describe experimental populations and determine if they are essential or nonessential. Separate listing

will be made for experimental populations, and the status column will include the following symbols: ''XE'' for an essential experimental population and ''XN'' for a nonessential experimental population. The term ''NA'' (not applicable) appearing in either of these two columns indicates that there are no special rules and/or critical habitat for that particular species. However, all other appropriate rules in parts 17, 217 through 227, and 402 still apply to that species. In addition, there may be other rules in this title that relate to such wildlife, e.g., port-of-entry requirements. It is not intended that the references in the ''Special rules'' column list all the regulations of the two Services which might apply to the species or to the regulations of other Federal agencies or State or local governments.

(g) The listing of a particular taxon includes all lower taxonomic units. For example, the genus *Hylobates* (gibbons) is listed as Endangered throughout its entire range (China, India, and SE Asia); consequently, all species, subspecies, and populations of that genus are considered listed as Endangered for the purposes of the Act. In 1978 (43 FR 6230–6233) the species *Haliaeetus leucocephalus* (bald eagle) was listed as Threatened in ''USA (WA, OR, MN, WI, MI)'' rather than its entire population; thus, all individuals of the bald eagle found in those five States are considered listed as Threatened for the purposes of the Act.

(h) The ''List of Endangered and Threatened Wildlife'' is provided below:

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
Addax	*Addax nasomaculatus*	North Africa	Entire	E		NA	NA
Anoa, lowland	*Bubalus depressicornis*	Indonesia	do	E	3	NA	NA
Anoa, mountain	*Bubalus quarlesi*	do	do	E	15	NA	NA
Antelope, giant sable	*Hippotragus niger variani*	Angola	do	E	15	NA	NA
Antelope, Tibetan	*Panthalops hodgsonii*	China, India, Nepal	do	E		NA	
Argali	*Ovis ammon*	Afganistan, China, India, Kazakhstan, Kyrgyzstan, Mongolia, Nepal, Pakistan, Russia, Tajikistan, Uzbekistan.	Entire except Kyrgyzstan, Mongolia, and Tajikistan.	E	15, 475	NA	NA
Do	do	do	Kyrgyzstan, Mongolia, and Tajikistan.	T	15, 475	NA	17.40(j)
Armadillo, giant	*Priodontes maximus*	Venezuela and Guyana to Argentina.	Entire	E	15	NA	NA
Armadillo, pink fairy	*Chlamyphorus truncatus*	Argentina	do	E	3	NA	NA
Ass, African wild	*Equus africanus*	Somalia, Sudan, Ethiopia	do	E	3, 22	NA	NA
Ass, Asian wild	*Equus hemionus*	Southwestern and Central Asia	do	E	3	NA	NA
Avahi	*Avahi laniger* (=entire genus)	Malagasy Republic (=Madagascar).	do	E	3	NA	NA
Aye-aye	*Daubentonia madagascariensis*	do	do	E	3	NA	NA
Babirusa	*Babyrousa babyrussa*	Indonesia	do	E	15	NA	NA
Baboon, gelada	*Theropithecus gelada*	Ethiopia	do	T	16	NA	17.40(c)
Bandicoot, barred	*Perameles bougainville*	Australia	do	E	4	NA	NA
Bandicoot, desert	*Perameles eremiana*	do	do	E	6	NA	NA
Bandicoot, lesser rabbit	*Macrotis leucura*	do	do	E	4	NA	NA
Bandicoot, pig-footed	*Chaeropus ecaudatus*	do	do	E	4	NA	NA
Bandicoot, rabbit	*Macrotis lagotis*	do	do	E	4	NA	NA
Banteng	*Bos javanicus*	Southeast Asia	do	E	3	NA	NA
Bat, Bulmer's fruit (flying fox)	*Aproteles bulmerae*	Papua New Guinea	do	E	139	NA	NA
Bat, bumblebee	*Craseonycteris thonglongyai*	Thailand	do	E	139	NA	NA
Bat, Florida bonneted	*Eumops floridanus*	U.S.A. (FL)	do	E	822	NA	NA
Bat, gray	*Myotis grisescens*	Central and southeastern U.S.A.	do	E	13	NA	NA
Bat, Hawaiian hoary	*Lasiurus cinereus semotus*	U.S.A. (HI)	do	E	2	NA	NA
Bat, Indiana	*Myotis sodalis*	Eastern and Midwestern U.S.A.	do	E	1	17.95(a)	NA
Bat, lesser long-nosed	*Leptonycteris curasoae yerbabuenae.*	U.S.A. (AZ, NM), Mexico, Central America.	do	E	336	NA	NA
Bat, little Mariana fruit	*Pteropus tokudae*	Western Pacific Ocean—U.S.A. (Guam).	do	E	156	NA	NA
Fruit Bat, Mariana (=fanihi, Mariana flying fox).	*Pteropus mariannus mariannus*	Western Pacific Ocean—U.S.A. (GU, MP).	do	T	156	Guam 17.95(a)	NA
Bat, Mexican long-nosed	*Leptonycteris nivalis*	U.S.A. (NM, TX), Mexico, Central America.	do	E	336	NA	NA

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Bat, northern long-eared	*Myotis septentrionalis*	U.S.A. (AL, AR, CT, DE, DC, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI, WY); Canada (AB, BC, LB, MB, NB, NF, NS, NT, ON, PE, QC, SK, YT).	.....do	T	857	NA	17.40(o)
Bat, Ozark big-eared	*Corynorhinus (=Plecotus) townsendii ingens.*	U.S.A. (MO, OK, AR)	.....do	E	85	NA	NA
Bat, Rodrigues fruit (flying fox)	*Pteropus rodricensis*	Indian Ocean—Rodrigues Island	.....do	E	139	NA	NA
Bat, Singapore roundleaf horseshoe.	*Hipposideros ridleyi*	Malaysia	.....do	E	139	NA	NA
Bat, Virginia big-eared	*Corynorhinus (=Plecotus) townsendii virginianus.*	U.S.A. (KY, NC, WV, VA)	.....do	E	85	17.95(a)	NA
Bear, American black	*Ursus americanus*	North America	U.S.A. (LA, all counties; MS, TX, only within the historic county range of the Louisiana black bear).	T(S/A)	456	NA	17.40(i)
Bear, Baluchistan	*Ursus thibetanus gedrosianus*	Iran, Pakistan	Entire	E	233	NA	NA
Bear, brown	*Ursus arctos arctos*	Palearctic	Italy	E	15, 15A	NA	NA
Do	*Ursus arctos pruinosus*	China (Tibet)	Entire	E	15	NA	NA
Bear, grizzly	*Ursus arctos horribilis*	North America	U.S.A., conterminous (lower 48) States, except where listed as an experimental population.	T	1, 2D, 9, 759	NA	17.40(b)
Do	.....do	.....do	U.S.A. (portions of ID and MT, see 17.84(l)).	XN	706	NA	17.84(l)
Bear, Louisiana black	*Ursus americanus luteolus*	U.S.A. (LA—all counties; MS—all counties south of or touching a line from Greenville, Washington County, to Meridian, Lauderdale County; TX—all counties east of or touching a line from Linden, Cass County, SW to Bryan, Brazos County, thence SSW to Rockport, Aransas County).	Entire	T	456	17.95(a)	17.40(i)
Bear, Mexican grizzly	*Ursus arctos*	Holarctic	Mexico	E	3	NA	NA
Bear, polar	*Ursus maritimus*	U.S.A. (AK), Canada, Russia, Denmark (Greenland), Norway.	Entire	T	781	17.95(a)	17.40(q)
Beaver	*Castor fiber birulai*	Mongolia	.....do	E	15	NA	NA
Bison, wood	*Bison bison athabascae*	Canada, Alaska	.....do	T	3, 803	NA	NA
Bison, wood	*Bison bison athabascae*	.....do	U.S.A. (Alaska)	XN	835	NA	17.84(x)
Bobcat, Mexican	*Lynx (=Felis) rufus escuinapae*	Central Mexico	Entire	E	15	NA	NA

Bontebok (antelope)	*Damaliscus pygarus (=dorcas) dorcas.*	South Africa	do	E	15	NA	NA
Camel, Bactrian	*Camelus bactrianus*	Mongolia, China	do	E	15	NA	NA
Caribou, woodland	*Rangifer tarandus caribou*	Canada, U.S. (AK, ID, ME, MI, MN, MT, NH, VT, WA, WI).	Canada (southeastern British Columbia bounded by the Canada-U.S. border, Columbia River, Kootenay River, Kootenay Lake, and Kootenai River), U.S. (ID, WA).	E	128E, 136, 143	17.95(a)	NA
Cat, Andean	*Felis jacobita*	Chile, Peru, Bolivia, Argentina	Entire	E	15	NA	NA
Cat, Asian golden (=Temminck's)	*Catopuma (=Felis) temminckii*	Nepal, China, Southeast Asia, Indonesia (Sumatra).	do	E	15	NA	NA
Cat, black-footed	*Felis nigripes*	Southern Africa	do	E	15	NA	NA
Cat, flat-headed	*Prionailurus (=Felis) planiceps*	Malaysia, Indonesia	do	E	15	NA	NA
Cat, Iriomote	*Prionailurus (=Felis) bengalensis iriomotensis.*	Japan (Iriomote Island, Ryukyu Islands).	do	E	50	NA	NA
Cat, leopard	*Prionailurus (=Felis) bengalensis bengalensis.*	India, Southeast Asia	do	E	15	NA	NA
Cat, marbled	*Pardofelis (=Felis) marmorata*	Nepal, Southeast Asia, Indonesia	do	E	15	NA	NA
Cat, Pakistan sand	*Felis margarita scheffeli*	Pakistan	do	E	139	NA	NA
Cat, tiger	*Leopardus (=Felis) tigrinus*	Costa Rica to northern Argentina	do	E	5	NA	NA
Chamois, Apennine	*Rupicapra rupicapra ornata*	Italy	do	E	15	NA	NA
Cheetah	*Acinonyx jubatus*	Africa to India	do	E	3, 5	NA	NA
Chimpanzee	*Pan troglodytes*	Africa	do	E	16, 376, 852	NA	NA
Chimpanzee, pygmy	*Pan paniscus*	Zaire	do	E	16, 376	NA	NA
Chinchilla	*Chinchilla brevicaudata boliviana*	Bolivia	do	E	15	NA	NA
Civet, Malabar large-spotted	*Viverra civettina (=megaspila c.)*	India	do	E	50	NA	NA
Cochito	*Phocoena sinus*	Mexico (Gulf of California)	do	E	169	NA	NA
Deer, Bactrian	*Cervus elaphus bactrianus*	Tajikistan, Uzbekistan, Afghanistan.	do	E	50	NA	NA
Deer, Barbary	*Cervus elaphus barbarus*	Morocco, Tunisia, Algeria	do	E	50	NA	NA
Deer, Calamianes (=Philippine)	*Axis porcinus calamianensis*	Philippines (Calamian Islands)	do	E	15	NA	NA
Deer, Cedros Island mule	*Odocoileus hemionus cedrosensis.*	Mexico (Cedros Island)	do	E	10	NA	NA
Deer, Columbian white-tailed	*Odocoileus virginianus leucurus*	U.S.A. (WA, OR)	Columbia River (Clark, Cowlitz, Pacific, Skamania, and Wahkiakum Counties, WA, and Clatsop, Columbia, and Multnomah Counties, OR).	E	1,738	NA	NA
Deer, Corsican red	*Cervus elaphus corsicanus*	Corsica, Sardinia	do	E	50	NA	NA
Deer, Eld's brow-antlered	*Cervus eldi*	India to Southeast Asia	do	E	3	NA	NA
Deer, Formosan sika	*Cervus nippon taiouanus*	Taiwan	do	E	50	NA	NA
Deer, Indochina hog	*Axis (=Cervus) porcinus annamiticus.*	Thailand, Indochina	do	E	15	NA	NA
Deer, key	*Odocoileus virginianus clavium*	U.S.A. (FL)	do	E	1	NA	NA
Deer, Kuhl's (=Bawean)	*Axis porcinus kuhli*	Indonesia	do	E	3	NA	NA
Deer, marsh	*Blastocerus dichotomus*	Argentina, Uruguay, Paraguay, Bolivia, Brazil.	do	E	3	NA	NA
Deer, McNeill's	*Cervus elaphus macneilii*	China (Sinkiang, Tibet)	do	E	3	NA	NA

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Deer, musk	*Moschus* spp. (all species)	Central and eastern Asia	Afghanistan, Bhutan, Burma, China (Tibet, Yunnan), India, Nepal, Pakistan, Sikkim.	E	15	NA	NA
Deer, North China sika	*Cervus nippon mandarinus*	China (Shantung and Chihli Provinces).	Entire	E	50	NA	NA
Deer, pampas	*Ozotoceros bezoarticus*	Brazil, Argentina, Uruguay, Bolivia, Paraguay.	.....do	E	15	NA	NA
Deer, Persian fallow	*Dama mesopotamica (=dama m.)*	Iraq, Iran	.....do	E	3	NA	NA
Deer, Ryukyu sika	*Cervus nippon keramae*	Japan (Ryukyu Islands)	.....do	E	50	NA	NA
Deer, Shansi sika	*Cervus nippon grassianus*	China (Shansi Province)	.....do	E	50	NA	NA
Deer, South China sika	*Cervus nippon kopschi*	Southern China	.....do	E	50	NA	NA
Deer, swamp	*Cervus duvauceli*	India, Nepal	.....do	E	3	NA	NA
Deer, Visayan	*Cervus alfredi*	Philippines	.....do	E	320	NA	NA
Deer, Yarkand	*Cervus elaphus yarkandensis*	China (Sinkiang)	.....do	E	50	NA	NA
Dhole	*Cuon alpinus*	C.I.S., Korea, China, India, Southeast Asia.	.....do	E	3	NA	NA
Dibbler	*Antechinus apicalis*	Australia	.....do	E	4	NA	NA
Dog, African wild	*Lycaon pictus*	Sub-Saharan Africa	.....do	E	139	NA	NA
Dolphin, Chinese river	*Lipotes vexillifer*	China	.....do	E	350	NA	NA
Dolphin, South Asian River (Indus River subspecies).	*Platanista gangetica minor*	Pakistan (Indus R. and tributaries).	.....do	E	417	NA	NA
Drill	*Mandrillus (=Papio) leucophaeus*	Equatorial West Africa	.....do	E	16	NA	NA
Dugong	*Dugong dugon*	East Africa to southern Japan, including Palau.	.....do	E	4, 740	NA	NA
Duiker, Jentink's	*Cephalophus jentinki*	Sierra Leone, Liberia, Ivory Coast.	.....do	E	50	NA	NA
Eland, western giant	*Taurotragus derbianus derbianus*	Senegal to Ivory Coast	.....do	E	50	NA	NA
Elephant, African	*Loxodonta africana*	Africa	.....do	T	40	NA	17.40(e)
Elephant, Asian	*Elephas maximus*	South-central and southeastern Asia.	.....do	E	15	NA	NA
Ferret. black-footed	*Mustela nigripes*	Western U.S.A., Western Canada.	Entire, except where listed as an experimental population.	E	1, 3, 433, 545, 546, 582, 646, 703, 737	NA	NA
.....do	.....do	.....do	U.S.A. (specified portions of AZ, CO, MT, SD, UT, and WY, see 17.84(g)(9)).	XN	433, 545, 546, 582, 646, 703, 737	NA	17.84(g)
Fox, northern swift	*Vulpes velox hebes*	U.S.A. (northern plains), Canada	Canada	E	3	NA	NA
Fox, San Joaquin kit	*Vulpes macrotis mutica*	U.S.A. (CA)	Entire	E	1	NA	NA
Fox, San Miguel Island	*Urocyon littoralis littoralis*	.....do	.....do	E	742	17.95(a)	NA

Fox, Santa Catalina Island	*Urocyon littoralis catalinae*	.....do	.....do	E	742	17.95(a)	NA
Fox, Santa Cruz Island	*Urocyon littoralis santacruzae*	.....do	.....do	E	742	17.95(a)	NA
Fox, Santa Rosa Island	*Urocyon littoralis santarosae*	.....do	.....do	E	742	17.95(a)	NA
Fox, Simien	*Canis simensis*	Ethiopia	.....do	E	50	NA	NA
Gazelle, Arabian	*Gazella gazella*	Arabian Peninsula, Palestine, Sinai.	.....do	E	50	NA	NA
Gazelle, Clark's	*Ammodorcas clarkei*	Somalia, Ethiopia	.....do	E	3	NA	NA
Gazelle, dama	*Gazella dama*	North Africa	.....do	E	3	NA	NA
Gazelle, Moroccan	*Gazella dorcas massaesyla*	Morocco, Algeria, Tunisia	.....do	E	3	NA	NA
Gazelle, mountain (=Cuvier's)	*Gazella cuvieri*	.....do	.....do	E	3	NA	NA
Gazelle, Pelzeln's	*Gazella dorcas pelzelni*	Somalia	.....do	E	50	NA	NA
Gazelle, sand	*Gazella subgutturosa marica*	Jordan, Arabian Peninsula	.....do	E	50	NA	NA
Gazelle, Saudi Arabian	*Gazella dorcas saudiya*	Israel, Iraq, Jordan, Syria, Arabian Peninsula.	.....do	E	50	NA	NA
Gazelle, slender-horned	*Gazella leptoceros*	Sudan, Egypt, Algeria, Libya	.....do	E	3	NA	NA
Gibbons	*Hylobates* spp. (including *Nomascus*).	China, India, Southeast Asia	.....do	E	3, 15	NA	NA
Goral	*Nemorhaedus goral*	East Asia	.....do	E	15	NA	NA
Gorilla	*Gorilla gorilla*	Central and western Africa	.....do	E	3	NA	NA
Hare, hispid	*Caprolagus hispidus*	India, Nepal, Bhutan	.....do	E	15	NA	NA
Hartebeest, Swayne's	*Alcelaphus buselaphus swaynei*	Ethiopia, Somalia	.....do	E	3, 50	NA	NA
Hartebeest, Tora	*Alcelaphus buselaphus tora*	Ethiopia, Sudan, Egypt	.....do	E	50	NA	NA
Hog, pygmy	*Sus salvanius*	India, Nepal, Bhutan, Sikkim	.....do	E	3	NA	NA
Horse, Przewalski's	*Equus przewalskii*	Mongolia, China	.....do	E	15	NA	NA
Huemul, north Andean	*Hippocamelus antisensis*	Ecuador, Peru, Chile, Bolivia, Argentina.	.....do	E	15	NA	NA
Huemul, south Andean	*Hippocamelus bisulcus*	Chile, Argentina	.....do	E	15	NA	NA
Hutia, Cabrera's	*Capromys angelcabrerai*	Cuba	.....do	E	233	NA	NA
Hutia, dwarf	*Capromys nana*	.....do	.....do	E	233	NA	NA
Hutia, large-eared	*Capromys auritus*	.....do	.....do	E	233	NA	NA
Hutia, little earth	*Capromys sanfelipensis*	.....do	.....do	E	233	NA	NA
Hyena, Barbary	*Hyaena hyaena barbara*	Morocco, Algeria, Tunisia	.....do	E	3	NA	NA
Hyena, brown	*Parahyaena (=Hyaena) brunnea*	Southern Africa	.....do	E	3	NA	NA
Ibex, Pyrenean	*Capra pyrenaica pyrenaica*	Spain	.....do	E	3	NA	NA
Ibex, Walia	*Capra walie*	Ethiopia	.....do	E	3	NA	NA
Impala, black-faced	*Aepyceros melampus petersi*	Namibia, Angola	.....do	E	3	NA	NA
Indri	*Indri indri* (=entire genus)	Malagasy Republic (=Madagascar).	.....do	E	3	NA	NA
Jaguar	*Panthera onca*	U.S.A. (AZ, CA, LA, NM, TX) Mexico, Central and South America.	.....do	E	5, 622	17.95(a)	NA
Jaguarundi, Guatemalan	*Herpailurus (=Felis) yagouaroundi fossata.*	Mexico, Nicaragua	.....do	E	15	NA	NA
Jaguarundi, Gulf Coast	*Herpailurus (=Felis) yagouaroundi cacomitli.*	U.S.A. (TX), Mexico	.....do	E	15	NA	NA
Jaguarundi, Panamanian	*Herpailurus (=Felis) yagouaroundi panamensis.*	Nicaragua, Costa Rica, Panama	.....do	E	15	NA	NA
Jaguarundi, Sinaloan	*Herpailurus (=Felis) yagouaroundi tolteca.*	U.S.A. (AZ), Mexico	.....do	E	15	NA	NA
Kangaroo rat, Fresno	*Dipodomys nitratoides exilis*	U.S.A. (CA)	.....do	E	170	17.95(a)	NA

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Kangaroo rat, giant	*Dipodomys ingens*	.....do	.....do	E	251	NA	NA
Kangaroo rat, Morro Bay	*Dipodomys heermanni morroensis.*	.....do	.....do	E	2	17.95(a)	NA
Kangaroo rat, San Bernardino Merriam's.	*Dipodomys merriami parvus*	.....do	.....do	E	632E, 645	17.95(a)	NA
Kangaroo rat, Stephens'	*Dipodomys stephensi* (incl. *D. cascus*).	.....do	.....do	E	338	NA	NA
Kangaroo rat, Tipton	*Dipodomys nitratoides nitratoides*	.....do	.....do	E	312	NA	NA
Kangaroo, Tasmanian forester	*Macropus giganteus tasmaniensis.*	Australia (Tasmania)	.....do	E	6	NA	NA
Koala	*Phascolarctos cinereus*	Australia	Australia	T	698	NA	NA
Kouprey	*Bos sauveli*	Vietnam, Laos, Cambodia, Thailand.	Entire	E	3	NA	NA
Langur, capped	*Trachypithecus* (=*Presbytis*) *pileatus.*	India, Burma, Bangladesh	.....do	E	15	NA	NA
Langur, Douc	*Pygathrix nemaeus*	Cambodia, Laos, Vietnam	.....do	E	3	NA	NA
Langur, Francois'	*Trachypithecus* (=*Presbytis*) *francoisi.*	China (Kwangsi), Indochina	.....do	E	16	NA	NA
Langur, golden	*Trachypithecus* (=*Presbytis*) *geei*	India (Assam), Bhutan	.....do	E	15	NA	NA
Langur, gray (=entellus)	*Semnopithecus* (=*Presbytis*) *entellus.*	China (Tibet), India, Pakistan, Kashmir, Sri Lanka, Sikkim, Bangladesh.	.....do	E	15	NA	NA
Langur, long-tailed	*Presbytis potenziani*	Indonesia	.....do	T	16	NA	17.40(c)
Langur, Pagi Island	*Nasalis concolor*	.....do	.....do	E	3	NA	NA
Langur, purple-faced	*Presbytis senex*	Sri Lanka	.....do	T	16	NA	17.40(c)
Lechwe, red	*Kobus leche*	Southern Africa	.....do	T	3, 15, 106	NA	NA
Lemurs	*Lemuridae* (incl. genera *Lemur, Phaner, Hapalemur, Lepilemur, Microcebus, Allocebus, Cheirogaleus, Varecia*).	Malagasy Republic (=Madagascar).	.....do	E	3, 15, 15A	NA	NA
Leopard	*Panthera pardus*	Africa, Asia	Wherever found, except where it is listed as Threatened as set forth below.	E	3, 5, 114	NA	NA
Do	.....do	.....do	In Africa, in the wild, south of, and including, the following countries: Gabon, Congo, Zaire, Uganda, Kenya.	T	3, 5, 114	NA	17.40(f)
Leopard, clouded	*Neofelis nebulosa*	Southeastern and south-central Asia, Taiwan.	Entire	E	3, 15	NA	NA
Leopard, snow	*Uncia* (=*Panthera*) *uncia*	Central Asia	.....do	E	5	NA	NA
Linsang, spotted	*Prionodon pardicolor*	Nepal, Assam, Vietnam, Cambodia, Laos, Burma.	.....do	E	15	NA	NA
Lion, Asiatic	*Panthera leo persica*	Turkey to India	.....do	E	3	NA	NA
Loris, lesser slow	*Nycticebus pygmaeus*	Indochina	.....do	T	16	NA	17.40(c)

Lynx, Canada	*Lynx canadensis*	U.S.A. (AK, CO, ID, ME, MI, MN, MT, NH, NY, OR, UT, VT, WA, WI, WY), Canada, circumboreal.	Entire	E	3	NA	NA
Lynx, Spanish	*Felis pardina*	Spain, Portugal	Entire	E	3	NA	NA
Macaque, Formosan rock	*Macaca cyclopis*	Taiwan	do	T	16	NA	17.40(c)
Macaque, Japanese	*Macaca fuscata*	Japan (Shikoku, Kyushu and Honshu Islands).	do	T	16	NA	17.40(c)
Macaque, lion-tailed	*Macaca silenus*	India	do	E	3	NA	NA
Macaque, stump-tailed	*Macaca arctoides*	India (Assam) to southern China	do	T	16	NA	17.40(c)
Macaque, Toque	*Macaca sinica*	Sri Lanka	do	T	16	NA	17.40(c)
Manatee, Amazonian	*Trichechus inunguis*	South America (Amazon R. basin).	do	E	3	NA	NA
Manatee, West African	*Trichechus senegalensis*	West Coast of Africa from Senegal R. to Cuanza R.	do	T	52	NA	NA
Manatee, West Indian	*Trichechus manatus*	U.S.A. (southeastern), Caribbean Sea, South America.	do	E	1, 3	17.95(a)	17.108(a)
Mandrill	*Mandrillus (=Papio) sphinx*	Equatorial West Africa	do	E	16	NA	NA
Mangabey, Tana River	*Cercocebus galeritus galeritus*	Kenya	do	E	3	NA	NA
Mangabey, white-collared	*Cercocebus torquatus*	Senegal to Ghana; Nigeria to Gabon.	do	E	16	NA	NA
Margay	*Leopardus (=Felis) wiedii*	U.S.A. (TX), Central and South America.	Mexico southward	E	5	NA	NA
Markhor, chiltan (=wild goat)	*Capra falconeri (=aegagrus) chiltanensis.*	Chiltan Range of west-central Pakistan.	Entire	E	15	NA	NA
Markhor, straight-horned	*Capra falconeri megaceros*	Afghanistan, Pakistan	do	T	15, 841	NA	17.40(n)
Marmoset, buff-headed	*Callithrix flaviceps*	Brazil	do	E	139	NA	NA
Marmoset, cotton-top	*Saguinus oedipus*	Costa Rica to Colombia	do	E	16	NA	NA
Marmoset, Goeldi's	*Callimico goeldii*	Brazil, Colombia, Ecuador, Peru, Bolivia.	do	E	3	NA	NA
Marmoset, white-eared (=buffy tufted-ear).	*Callithrix aurita (=jacchus a.)*	Brazil	do	E	233	NA	NA
Marmot, Vancouver Island	*Marmota vancouverensis*	Canada (Vancouver Island)	do	E	139	NA	NA
Marsupial, eastern jerboa	*Antechinomys laniger*	Australia	do	E	4	NA	NA
Marsupial-mouse, large desert	*Sminthopsis psammophila*	do	do	E	4	NA	NA
Marsupial-mouse, long-tailed	*Sminthopsis longicaudata*	do	do	E	4	NA	NA
Marten, Formosan yellow-throated	*Martes flavigula chrysospila*	Taiwan	do	E	3	NA	NA
Monkey, black colobus	*Colobus satanas*	Equatorial Guinea, People's Republic of Congo, Cameroon, Gabon.	do	E	16	NA	NA
Monkey, black howler	*Alouatta pigra*	Mexico, Guatemala, Belize	do	T	16	NA	17.40(c)
Monkey, Diana	*Cercopithecus diana*	Coastal West Africa	do	E	16	NA	NA
Monkey, Guizhou snub-nosed	*Rhinopithecus brelichi*	China	do	E	400	NA	NA
Monkey, L'hoest's	*Cercopithecus lhoesti*	Upper eastern Congo R. Basin, Cameroon.	do	E	16	NA	NA
Monkey, mantled howler	*Alouatta palliata*	Mexico to South America	do	E	15	NA	NA
Monkey, Preuss' red colobus	*Procolobus (=Colobus) preussi (=badius p.).*	Cameroon	do	E	139	NA	NA
Monkey, proboscis	*Nasalis larvatus*	Borneo	do	E	15	NA	NA
Monkey, red-backed squirrel	*Saimiri oerstedii*	Costa Rica, Panama	do	E	3	NA	NA

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Monkey, red-bellied	*Cercopithecus erythrogaster*	Western Nigeria	.....do	E	16	NA	NA
Monkey, red-eared nose-spotted	*Cercopithecus erythrotis*	Nigeria, Cameroon, Fernando Po	.....do	E	16	NA	NA
Monkey, Sichuan snub-nosed	*Rhinopithecus roxellana*	China	.....do	E	400	NA	NA
Monkey, spider	*Ateles geoffroyi frontatus*	Costa Rica, Nicaragua	.....do	E	3	NA	NA
Do	*Ateles geoffroyl panamensis*	Costa Rica, Panama	.....do	E	3	NA	NA
Monkey, Tana River red colobus	*Procolobus (=Colobus) rufomitratus (=badius r.).*	Kenya	.....do	E	3	NA	NA
Monkey, Tonkin snub-nosed	*Rhinopithecus avunculus*	Vietnam	.....do	E	16, 400	NA	NA
Monkey, woolly spider	*Brachyteles arachnoides*	Brazil	.....do	E	3	NA	NA
Monkey, yellow-tailed woolly	*Lagothrix flavicauda*	Andes of northern Peru	.....do	E	16	NA	NA
Monkey, Yunnan snub-nosed	*Rhinopithecus bieti*	China	.....do	E	400	NA	NA
Monkey, Zanzibar red colobus	*Procolobus (=Colobus) pennantii (=kirki) kirki.*	Tanzania	.....do	E	3	NA	NA
Mountain beaver, Point Arena	*Aplodontia rufa nigra*	U.S.A. (CA)	.....do	E	454	NA	NA
Mouse, Alabama beach	*Peromyscus polionotus ammobates.*	U.S.A. (AL)	.....do	E	183	17.95(a)	NA
Mouse, Anastasia Island beach	*Peromyscus polionotus phasma*	U.S.A. (FL)	.....do	E	349	NA	NA
Mouse, Australian native	*Notomys aquilo*	Australia	.....do	E	15	NA	NA
Do	*Zyzomys pedunculatus*	.....do	.....do	E	15	NA	NA
Mouse, Choctawhatchee beach	*Peromyscus polionotus allophrys*	U.S.A. (FL)	.....do	E	183	17.95(a)	NA
Mouse, Field's	*Pseudomys fieldi*	Australia	.....do	E	4	NA	NA
Mouse, Gould's	*Pseudomys gouldii*	.....do	.....do	E	6	NA	NA
Mouse, Key Largo cotton	*Peromyscus gossypinus allapaticola.*	U.S.A. (FL)	.....do	E	131E, 160	NA	NA
Mouse, New Holland	*Pseudomys novaehollandiae*	Australia	.....do	E	4	NA	NA
Mouse, New Mexico meadow jumping.	*Zapus hudsonius luteus*	U.S. (AZ, CO, NM)	.....do	E	838	NA	NA
Mouse, Pacific pocket	*Perognathus longimembris pacificus.*	U.S.A. (CA)	.....do	E	526E, 554	NA	NA
Mouse, Perdido Key beach	*Peromyscus polionotus trissyllepsis.*	U.S.A. (AL, FL)	.....do	E	183	17.95(a)	NA
Mouse, Preble's meadow jumping	*Zapus hudsonius preblei*	U.S.A. (CO, WY)	.....do	T	636	17.95(a)	17.40(l)
Mouse, salt marsh harvest	*Reithrodontomys raviventris*	U.S.A. (CA)	.....do	E	2	NA	NA
Mouse, Shark Bay	*Pseudomys praeconis*	Australia	.....do	E	4	NA	NA
Mouse, Shortridge's	*Pseudomys shortridgei*	.....do	.....do	E	4	NA	NA
Mouse, smoky	*Pseudomys fumeus*	.....do	.....do	E	4	NA	NA
Mouse, southeastern beach	*Peromyscus polionotus niveiventris.*	U.S.A. (FL)	.....do	T	349	NA	NA
Mouse, St. Andrew beach	*Peromyscus polionotus peninsularis.*	.....do	.....do	E	655	17.95(a)	NA
Mouse, western	*Pseudomys occidentalis*	Australia	.....do	E	4	NA	NA
Muntjac, Fea's	*Muntiacus feae*	Northern Thailand, Burma	.....do	E	50	NA	NA
Native-cat, eastern	*Dasyurus viverrinus*	Australia	.....do	E	6	NA	NA
Numbat	*Myrmecobius fasciatus*	.....do	.....do	E	4, 6	NA	NA
Ocelot	*Leopardus (=Felis) pardalis*	U.S.A. (AZ, TX) to Central and South America.	.....do	E	5, 119	NA	NA

Orangutan	*Pongo pygmaeus*	Borneo, Sumatra	....do	E	3	NA	NA
Oryx, Arabian	*Oryx leuconyx*	Arabian Peninsula	....do	E	3	NA	NA
Oryx, scimitar-horned	*Oryx dammah*	North Africa	....do	E	.....	NA	NA
Otter, Cameroon clawless	*Aonyx congicus (=congica) microdon.*	Cameroon, Nigeria	....do	E	3	NA	NA
Otter, giant	*Pteronura brasiliensis*	South America	....do	E	3	NA	NA
Otter, long-tailed	*Lontra (=Lutra) longicaudis* (incl. *platensis*).	....do	....do	E	3, 15	NA	NA
Otter, marine	*Lontra (=Lutra) felina*	Peru south to Straits of Magellan	....do	E	15	NA	NA
Otter, northern sea	*Enhydra lutris kenyoni*	U.S.A. (AK, WA)	Southwest Alaska, from Attu Island to Western Cook Inlet, including Bristol Bay, the Kodiak Archipelago, and the Barren Islands.	T	764	17.95(a)	17.40(p)
Otter, southern river	*Lontra (=Lutra) provocax*	Chile, Argentina	Entire	E	15	NA	NA
Otter, southern sea	*Enhydra lutris nereis*	West Coast, U.S.A. (CA, OR, WA) south to Mexico (Baja California).	....do	T	21	NA	NA
Panda, giant	*Ailuropoda melanoleuca*	China	....do	E	139	NA	NA
Pangolin, Temnick's ground	*Manis temminckii*	Africa	....do	E	15	NA	NA
Panther, Florida	*Puma (=Felis) concolor coryi*	U.S.A. (LA and AR east to SC and FL).	....do	E	1	NA	NA
Planigale, little	*Planigale ingrami subtilissima*	Australia	....do	E	4	NA	NA
Planigale, southern	*Planigale tenuirostris*	....do	....do	E	4	NA	NA
Pocket gopher, Olympia	*Thomomys mazama pugetensis*	U.S.A. (WA)	....do	T	828	17.95(a)	17.40(a)
Pocket gopher, Roy Prairie	*Thomomys mazama glacialis*	....do	....do	T	828	NA	17.40(a)
Pocket gopher, Tenino	*Thomomys mazama tumuli*	....do	....do	T	828	17.95(a)	17.40(a)
Pocket gopher, Yelm	*Thomomys mazama yelmensis*	....do	....do	T	828	17.95(a)	17.40(a)
Porcupine, thin-spined	*Chaetomys subspinosus*	Brazil	....do	E	3	NA	NA
Possum, Leadbeater's	*Gymnobelideus leadbeateri*	Australia	....do	E	233	NA	NA
Possum, mountain pygmy	*Burramys parvus*	....do	....do	E	4	NA	NA
Possum, scaly-tailed	*Wyulda squamicaudata*	....do	....do	E	4	NA	NA
Prairie dog, Mexican	*Cynomys mexicanus*	Mexico	....do	E	3	NA	NA
Prairie dog, Utah	*Cynomys parvidens*	U.S.A. (UT)	....do	T	6, 149	NA	17.40(g)
Pronghorn, peninsular	*Antilocapra americana peninsularis.*	Mexico (Baja California)	....do	E	10	NA	NA
Pronghorn, Sonoran	*Antilocapra americana sonoriensis.*	U.S.A. (AZ), Mexico	Entire, except where listed as an experimental population.	E	1, 3	NA	NA
Pronghorn, Sonoran	*Antilocapra americana sonoriensis.*	....do	In Arizona, an area north of Interstate 8 and south of Interstate 10, bounded by the Colorado River on the west and Interstate 10 on the east; and an area south of Interstate 8, bounded by Highway 85 on the west, Interstates 10 and 19 on the east, and the U.S.-Mexico border on the south.	XN	782	NA	17.84(v)
Pudu	*Pudu pudu*	Southern South America	Entire	E	15	NA	NA

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Puma (=mountain lion)	*Puma (=Felis) concolor* (all subsp. except *coryi*).	Canada to South America	U.S.A. (FL)	T(S/A)	432	NA	17.40(h)
Puma, Costa Rican	*Puma (=Felis) concolor costaricensis.*	Nicaragua, Panama, Costa Rica	Entire	E	15	NA	NA
Puma (=cougar), eastern	*Puma (=Felis) concolor couguar*	Eastern North America	.....do	E	6	NA	NA
Quokka	*Setonix brachyurus*	Australia	.....do	E	6	NA	NA
Rabbit, Columbia Basin pygmy	*Brachylagus idahoensis*	U.S.A. (western conterminous U.S.).	U.S.A. (WA—Douglas, Grant, Lincoln, Adams, Benton Counties).	E		NA	NA
Rabbit, Lower Keys	*Sylvilagus palustris hefneri*	U.S.A. (FL)	Entire	E	390	NA	NA
Rabbit, riparian brush	*Sylvilagus bachmani riparius*	U.S.A. (CA)	.....do	E	687	NA	NA
Rabbit, Ryukyu	*Pentalagus furnessi*	Japan (Ryukyu Islands)	.....do	E	50	NA	NA
Rabbit, volcano	*Romerolagus diazi*	Mexico	.....do	E	3	NA	NA
Rat, false water	*Xeromys myoides*	Australia	.....do	E	4	NA	NA
Rat, stick-nest	*Leporillus conditor*	.....do	.....do	E	6	NA	NA
Rat-kangaroo, brush-tailed	*Bettongia penicillata*	.....do	.....do	E	4	NA	NA
Rat-kangaroo, desert (=plain)	*Caloprymnus campestris*	.....do	.....do	E	4	NA	NA
Rat-kangaroo, Gaimard's	*Bettongia gaimardi*	.....do	.....do	E	6	NA	NA
Rat-kangaroo, Lesuer's	*Bettongia lesueur*	.....do	.....do	E	4	NA	NA
Rat-kangaroo, Queensland	*Bettongia tropica*	.....do	.....do	E	4	NA	NA
Rhinoceros, black	*Diceros bicornis*	Sub-Saharan Africa	.....do	E	97	NA	NA
Rhinoceros, great Indian	*Rhinoceros unicornis*	India, Nepal	.....do	E	4	NA	NA
Rhinoceros, Javan	*Rhinoceros sondaicus*	Indonesia, Indochina, Burma, Thailand, Sikkim, Bangladesh, Malaysia.	.....do	E	3	NA	NA
Rhinoceros, northern white	*Ceratotherium simum cottoni*	Zaire, Sudan, Uganda, Central African Republic.	.....do	E	3	NA	NA
Rhinoceros, southern white	*Ceratotherium simum simum*	Botswana, South Africa, Swaziland, Zambia, Zimbabwe.	.....do	T(S/A)	832	NA	NA
Rhinoceros, Sumatran	*Dicerorhinus sumatrensis*	Bangladesh to Vietnam to Indonesia (Borneo).	.....do	E	3	NA	NA
Rice rat	*Oryzomys palustris natator*	U.S.A. (FL)	Lower FL Keys (west of Seven Mile Bridge).	E	421	17.95(a)	NA
Saiga, Mongolian (antelope)	*Saiga tatarica mongolica*	Mongolia	Entire	E	15	NA	NA
Saki, southern bearded	*Chiropotes satanas satanas*	Brazil	.....do	E	233	NA	NA
Saki, white-nosed	*Chiropotes albinasus*	.....do	.....do	E	3	NA	NA
Sea lion, Steller (Western DPS)	*Eumetopias jubatus*	U.S.A. (AK, CA, OR, WA), Canada, Russia; North Pacific Ocean.	Western DPS—see 50 CFR 224.101.	E	384E, 408, 614	226.202	224.103, 226.202
Seal, bearded (Beringia DPS)	*Erignathus barbatus nauticus*	Arctic and Pacific Oceans	Beringia DPS—see 50 CFR 223.102.	T	816	NA	NA
Seal, bearded (Okhotsk DPS)	*Erignathus barbatus nauticus*	Pacific Ocean	Okhotsk DPS—see 50 CFR 223.102.	T	816	NA	NA
Seal, Guadalupe fur	*Arctocephalus townsendi*	U.S.A. (Farallon Islands of CA) south to Mexico (Islas Revillagigedo).	Entire	T	1, 2D, 212	NA	223.201

Seal, Hawaiian monk	*Neomonachus schauinslandi (=Monachus schauinslandi).*	U.S.A. (HI)	.....do	E	18	226.201	NA
Seal, Mediterranean monk	*Monachus monachus*	Mediterranean, Northwest African Coast and Black Sea.	.....do	E	3	NA	NA
Seal, ringed (Arctic subspecies)	*Phoca (=Pusa) hispida hispida*	Arctic Ocean	.....do	T	816	NA	NA
Seal, ringed (Baltic subspecies)	*Phoca (=Pusa) hispida botnica*	Baltic Sea	.....do	T	816	NA	NA
Seal, ringed (Ladoga subspecies)	*Phoca (=Pusa) hispida ladogensis.*	Russia (Lake Ladoga)	.....do	E	816	NA	NA
Seal, ringed (Okhotsk subspecies)	*Phoca (=Pusa) hispida ochotensis.*	Pacific Ocean	.....do	T	816	NA	NA
Seal, ringed (Saimaa subspecies)	*Phoca hispida saimensis*	Finland (Lake Saimaa)	.....do	E	508	NA	NA
Seal, spotted (Southern DPS)	*Phoca largha*	Pacific Ocean; Sea of Japan and northern Yellow Sea.	Southern DPS—see 50 CFR 223.102.	T	776	NA	223.212
Seledang	*Bos gaurus*	Bangladesh, Southeast Asia, India.	Entire	E	3	NA	NA
Serow	*Naemorhedus (=Capricornis) sumatraensis.*	East Asia, Sumatra	.....do	E	15	NA	NA
Serval, Barbary	*Leptailurus (=Felis) serval constantina.*	Algeria	.....do	E	3	NA	NA
Shapo	*Ovis vignei vignei*	Kashmir	.....do	E	15	NA	NA
Sheep, Peninsular bighorn	*Ovis canadensis nelsoni*	U.S.A. (western conterminous States), Canada (southwestern), Mexico (northern).	U.S.A. (CA) Peninsular Ranges	E	634	17.95(a)	NA
Sheep, Sierra Nevada bighorn	*Ovis canadensis sierrae*	U.S.A. (CA)—Sierra Nevada	U.S.A. (CA)—Sierra Nevada	E	660E, 675	17.95(a)	NA
Shou	*Cervus elaphus wallichi*	Tibet, Bhutan	Entire	E	3	NA	NA
Shrew, Buena Vista Lake	*Sorex ornatus relictus*	U.S.A. (CA)	.....do	E	725	17.95(a)	NA
Siamang	*Symphalangus syndactylus*	Malaysia, Indonesia	.....do	E	15	NA	NA
Sifakas	*Propithecus spp.*	Malagasy Republic (=Madagascar).	.....do	E	4	NA	NA
Sloth, Brazilian three-toed	*Bradypus torquatus*	Brazil	.....do	E	3	NA	NA
Solenodon, Cuban	*Solenodon cubanus*	Cuba	.....do	E	3	NA	NA
Solenodon, Haitian	*Solenodon paradoxus*	Dominican Republic, Haiti	.....do	E	3	NA	NA
Squirrel, Carolina northern flying	*Glaucomys sabrinus coloratus*	U.S.A. (NC, TN)	.....do	E	189	NA	NA
Squirrel, Delmarva Peninsula fox	*Sciurus niger cinereus*	U.S.A. (Delmarva Peninsula to southeastern PA).	Entire, except Sussex Co., DE	E	1, 161, 168	NA	NA
Do	.....do	.....do	U.S.A. (DE—Sussex Co.)	XN	161	NA	17.84(a)
Squirrel, Mount Graham red	*Tamiasciurus hudsonicus grahamensis.*	U.S.A. (AZ)	Entire	E	268	17.95(a)	NA
Squirrel, northern Idaho ground	*Urocitellus brunneus*	U.S.A. (ID)	.....do	T	693	NA	NA
Stag, Barbary	*Cervus elaphus barbarus*	Tunisia, Algeria	.....do	E	3	NA	NA
Stag, Kashmir	*Cervus elaphus hanglu*	Kashmir	.....do	E	3	NA	NA
Suni, Zanzibar	*Neotragus moschatus moschatus*	Zanzibar (and nearby islands)	.....do	E	50	NA	NA
Tahr, Arabian	*Hemitragus jayakari*	Oman	.....do	E	50	NA	NA
Tamaraw	*Bubalus mindorensis*	Philippines	.....do	E	4	NA	NA
Tamarin, golden-rumped	*Leontopithecus spp.*	Brazil	.....do	E	3	NA	NA
Tamarin, pied	*Saguinus bicolor*	.....do	.....do	E	16	NA	NA
Tamarin, white-footed	*Saguinus leucopus*	Colombia	.....do	T	16	NA	17.40(c)

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Tapir, Asian	*Tapirus indicus*	Burma, Laos, Cambodia, Vietnam, Malaysia, Indonesia, Thailand.	.....do	E	15	NA	NA
Tapir, Central American	*Tapirus bairdii*	Southern Mexico to Colombia and Ecuador.	.....do	E	3	NA	NA
Tapir, mountain	*Tapirus pinchaque*	Colombia, Ecuador and possibly Peru and Venezuela.	.....do	E	3	NA	NA
Tapir, South American (=Brazilian)	*Tapirus terrestris*	Colombia and Venezuela south to Paraguay and Argentina.	.....do	E	3	NA	NA
Tarsier, Philippine	*Tarsius syrichta*	Philippines	.....do	T	16	NA	17.40(c)
Tiger	*Panthera tigris*	Temperate and tropical Asia	.....do	E	3, 5	NA	NA
Tiger, Tasmanian	*Thylacinus cynocephalus*	Australia	.....do	E	3	NA	NA
Uakari (all species)	*Cacajao* spp.	Peru, Brazil, Ecuador, Colombia, Venezuela.	.....do	E	3	NA	NA
Urial	*Ovis musimon ophion*	Cyprus	.....do	E	15	NA	NA
Vicuña	*Vicugna vicugna*	Argentina, Bolivia, Chile, Ecuador, Peru.	Entire, except Ecuador	T	3, 724	NA	17.40(m)
Do	.....do	.....do	Ecuador	E	3, 724	NA	NA
Vole, Amargosa	*Microtus californicus scirpensis*	U.S.A. (CA)	Entire	E	166	17.95(a)	NA
Vole, Florida salt marsh	*Microtus pennsylvanicus dukecampbelli.*	U.S.A. (FL)	.....do	E	415	NA	NA
Vole, Hualapai Mexican	*Microtus mexicanus hualpaiensis*	U.S.A. (AZ)	.....do	E	292	NA	NA
Wallaby, banded hare	*Lagostrophus fasciatus*	Australia	.....do	E	4	NA	NA
Wallaby, brindled nail-tailed	*Onychogalea fraenata*	.....do	.....do	E	4	NA	NA
Wallaby, crescent nail-tailed	*Onychogalea lunata*	.....do	.....do	E	4	NA	NA
Wallaby, Parma	*Macropus parma*	.....do	.....do	E	4	NA	NA
Wallaby, western hare	*Lagorchestes hirsutus*	.....do	.....do	E	4	NA	NA
Wallaby, yellow-footed rock	*Petrogale xanthopus*	.....do	.....do	E	6	NA	NA
Whale, beluga (Cook Inlet DPS)	*Delphinapterus leucas*	Oceanic; Cook Inlet, northern Gulf of Alaska.	Cook Inlet DPS—see 50 CFR 224.101.	E	776	226.220	NA
Whale, blue	*Balaenoptera musculus*	Oceanic	Entire	E	3	NA	NA
Whale, bowhead	*Balaena mysticetus*	Oceanic (north latitudes only)	.....do	E	3	NA	NA
Whale, false killer (Main Hawaiian Islands Insular DPS).	*Pseudorca crassidens*	Main Hawaiian Islands	Main Hawaiian Islands Insular DPS—see 50 CFR 224.101.	E	816	NA	NA
Whale, finback	*Balaenoptera physalus*	Oceanic	Entire	E	3	NA	NA
Whale, gray (Western North Pacific DPS).	*Eschrichtius robustus*	North Pacific Ocean—coastal and Bering Sea, formerly North Atlantic Ocean.	Western North Pacific DPS—see 50 CFR 224.101.	E	3, 540	NA	NA
Whale, humpback	*Megaptera novaeangliae*	Oceanic	Entire	E	3	NA	224.101, 224.103
Whale, killer (Southern Resident DPS).	*Orcinus orca*	Pacific Ocean	Southern Resident DPS—see 50 CFR 224.101.	E	756	226.206	224.103
Whale, North Atlantic right	*Eubalaena glacialis*	Oceanic	Entire	E	3	226.203	224.103
Whale, North Pacific right	*Eubalaena japonica*	..... do	..... do	E	3	226.215	NA
Whale, Southern right	*Eubalaena australis*	..... do	..... do	E	3	NA	NA
Whale, Sei	*Balaenoptera borealis*	.....do	.....do	E	3	NA	NA

Whale, sperm	*Physeter catodon (=macrocephalus).*	.....do		E	3	NA	NA
Wolf, gray	*Canis lupus*	Holarctic	U.S.A.: All of AL, AR, CA, CO, CT, DE, FL, GA, IA, IN, IL, KS, KY, LA, MA, MD, ME, MI, MO, MS, NC, ND, NE, NH, NJ, NV, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, and WY; and portions of AZ, NM, OR, UT, and WA as follows:. (1) Northern AZ (that portion north of the centerline of Interstate Highway 40);. (2) Northern NM (that portion north of the centerline of Interstate Highway 40);. (3) Western OR (that portion of OR west of the centerline of Highway 395 and Highway 78 north of Burns Junction and that portion of OR west of the centerline of Highway 95 south of Burns Junction);. (4) Most of Utah (that portion of UT south and west of the centerline of Highway 84 and that portion of UT south of Highway 80 from Echo to the UT/WY Stateline); and. (5) Western WA (that portion of WA west of the centerline of Highway 97 and Highway 17 north of Mesa and that portion of WA west of the centerline of Highway 395 south of Mesa). Mexico..	E	1, 6, 13, 15, 35	17.95(a)	NA
Wolf, gray	*Canis lupus*	Holarctic	U.S.A. (MN)	T	35	17.95(a)	17.40(d)
Wolf, gray [Northern Rocky Mountain DPS].	*Canis lupus*	U.S.A. (MT, ID, WY, eastern WA, eastern OR, and north central UT).	U.S.A. (WY—see §17.84(i) and (n))..	XN	561, 562	NA	17.84(i) 17.84(n)
Wolf, maned	*Chrysocyon brachyurus*	Argentina, Bolivia, Brazil, Paraguay, Uruguay.	Entire	E	4	NA	NA
Wolf, Mexican	*Canis lupus baileyi*	Southwestern United States and Mexico.	Entire, except where included in an experimental population as set forth in 17.84(k).	E	.....	NA	NA
Wolf, Mexican	*Canis lupus baileyi*	.....do	U.S.A. (portions of AZ and NM)—see 17.84(k).	XN	.....	NA	17.84(k)

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Wolf, red	*Canis rufus*	U.S.A. (SE U.S.A., west to central TX).	Entire, except where listed as experimental populations below.	E	1, 248, 449, 579	NA	NA
Do	....do	....do	U.S.A. (portions of NC and TN—see 17.84(c)(9)).	XN	248, 449, 579	NA	17.84(c)
Wombat, Queensland hairy-nosed (incl. Barnard's).	*Lasiorhinus krefftii* (formerly *L. barnardi* and *L. gillespiei*).	Australia	Entire	E	4, 6	NA	NA
Woodrat, Key Largo	*Neotoma floridana smalli*	U.S.A. (FL)	....do	E	131E, 160	NA	NA
Woodrat, riparian (San Joaquin Valley).	*Neotoma fuscipes riparia*	U.S.A. (CA)	....do	E	687	NA	NA
Yak, wild	*Bos mutus (=grunniens m.)*	China (Tibet), India	....do	E	3	NA	NA
Zebra, Grevy's	*Equus grevyi*	Kenya, Ethiopia, Somalia	....do	T	54	NA	NA
Zebra, Hartmann's mountain	*Equus zebra hartmannae*	Namibia, Angola	....do	T	54, 111	NA	NA
Zebra, mountain	*Equus zebra zebra*	South Africa	....do	E	15, 111	NA	NA
BIRDS							
Adjutant, greater	*Leptoptilos dubius*		Entire	E	783	NA	NA
Akekee(honeycreeper)	*Loxops*caeruleirostris	U.S.A. (HI)	....do	E	765	17.95(b)	NA
'Akepa, Hawaii (honeycreeper)	*Loxops coccineus coccineus*	....do	....do	E	2	NA	NA
'Akepa, Maui (honeycreeper)	*Loxops coccineus ochraceus*	....do	....do	E	2	NA	NA
'Akialoa, Kauai (honeycreeper)	*Hemignathus procerus*	....do	....do	E	1	NA	NA
'Akiapola'au (honeycreeper)	*Hemignathus munroi*	....do	....do	E	1	NA	NA
Akikiki (honeycreeper)	*Oreomystis bairdi*	....do	....do	E	765	17.95(b)	NA
Albatross, Amsterdam	*Diomedea amsterdamensis*	Indian Ocean—Amsterdam Island.	....do	E	571	NA	NA
Albatross, short-tailed	*Phoebastria (=Diomedea) albatrus.*	North Pacific Ocean and Bering Sea—Canada, China, Japan, Mexico, Russia, Taiwan, U.S.A. (AK, CA, HI, OR, WA).	....do	E	3, 700	NA	NA
Alethe, Thyolo	*Alethe choloensis*	Malawi, Mozambique	....do	E	571	NA	NA
Antpitta, brown-banded	*Grallaria milleri*	Colombia, South America	....do	E	813	NA	NA
Antwren, black-hooded	*Formicivora erythronotos*	Brazil	....do	E	774	NA	NA
Blackbird, yellow-shouldered	*Agelaius xanthomus*	U.S.A. (PR)	....do	E	17	17.95(b)	NA
Bobwhite, masked (quail)	*Colinus virginianus ridgwayi*	U.S.A. (AZ), Mexico (Sonora)	....do	E	1, 3	NA	NA
Booby, Abbott's	*Papasula (=Sula) abbotti*	Indian Ocean—Christmas Island	....do	E	15	NA	NA
Bristlebird, western	*Dasyornis longirostris (=brachypterus l.).*	Australia	....do	E	3	NA	NA
Bristlebird, western rufous	*Dasyornis broadbenti littoralis*	....do	....do	E	15	NA	NA
Bulbul, Mauritius olivaceous	*Hypsipetes borbonicus olivaceus*	Indian Ocean—Mauritius	....do	E	3	NA	NA
Bullfinch, Sao Miguel (finch)	*Pyrrhula pyrrhula murina*	Eastern Atlantic Ocean—Azores	....do	E	3	NA	NA
Bush-shrike, Ulugura	*Malaconotus alius*	Tanzania	....do	T	571	NA	NA
Bushwren, New Zealand	*Xenicus longipes*	New Zealand	....do	E	3	NA	NA
Bustard, great Indian	*Ardeotis (=Choriotis) nigriceps*	India, Pakistan	....do	E	3	NA	NA
Cahow	*Pterodroma cahow*	North Atlantic Ocean—Bermuda	....do	E	3	NA	NA
Capercaillie, Cantabrian	*Tetrao urogallus cantabricus*		....do	E	783	NA	NA
Caracara, Audubon's crested	*Polyborus plancus audubonii*	U.S.A. (AZ, FL, LA, NM, TX) south to Panama; Cuba.	U.S.A. (FL)	T	280	NA	NA

Cinclodes, royal	*Cinclodes aricomae*	Bolivia, Peru	Entire	E	799	NA	NA
Cockatoo, Philippine	*Cacatua haematuropygia*	Philippines	.....do	E	786	NA	NA
Cockatoo, salmon-crested	*Cacatua moluccensis*	Seram, Haruku, Saparua, and Ambon, Indonesia.	.....do	T	779	NA	17.41(c)
Cockatoo, white	*Cacatua alba*	Indonesia	.....do	T	786	NA	17.41(c)
Cockatoo, yellow-crested	*Cacatua sulphurea*	Indonesia and Timor-Leste (East Timor).	.....do	E	786	NA	NA
Condor, Andean	*Vultur gryphus*	Colombia to Chile and Argentina	.....do	E	4	NA	NA
Condor, California	*Gymnogyps californianus*	U.S.A. (AZ, CA, OR), Mexico (Baja California).	U.S.A. only, except where listed as an experimental population below.	E	1, 597	17.95(b)	NA
Do	.....do	U.S.A. (specific portions of Arizona, Nevada, and Utah).		XN	597	NA	17.84(j)
Coot, Hawaiian	*Fulica americana alai*	U.S.A. (HI)	Entire	E	2	NA	NA
Cotinga, banded	*Cotinga maculata*	Brazil	.....do	E	15	NA	NA
Cotinga, white-winged	*Xipholena atropurpurea*	.....do	.....do	E	15	NA	NA
Courser, Jerdon's	*Rhinoptilus bitorquatus*	India	.....do	E	783	NA	NA
Crane, black-necked	*Grus nigricollis*	China (Tibet)	.....do	E	15	NA	NA
Crane, Cuba sandhill	*Grus canadensis nesiotes*	West Indies—Cuba	.....do	E	15	NA	NA
Crane, hooded	*Grus monacha*	Japan, Russia	.....do	E	4	NA	NA
Crane, Japanese	*Grus japonensis*	China, Japan, Korea, Russia	.....do	E	3	NA	NA
Crane, Mississippi sandhill	*Grus canadensis pulla*	U.S.A. (MS)	.....do	E	6	17.95(b)	NA
Crane, Siberian white	*Grus leucogeranus*	C.I.S. (Siberia) to India, including Iran and China.	.....do	E	4	NA	NA
Crane, white-naped	*Grus vipio*	Mongolia	.....do	E	15	NA	NA
Crane, whooping	*Grus americana*	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	U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN, UT, VA, WI, WV, western half of WY).		XN	487, 621, 710, 785	NA	17.84(h)
Creeper, Hawaii	*Oreomystis mana*	U.S.A. (HI)	Entire	E	10	NA	NA
Creeper, Molokai	*Paroreomyza flammea*	.....do	.....do	E	2	NA	NA
Creeper, Oahu	*Paroreomyza maculata*	.....do	.....do	E	2	NA	NA
Crow, Hawaiian	*Corvus hawaiiensis*	.....do	.....do	E	1	NA	NA
Crow, Mariana	*Corvus kubaryi*	Western Pacific Ocean USA (Guam, Rota).	.....do	E	156	17.95(b)	NA
Crow, white-necked	*Corvus leucognaphalus*	U.S.A. (PR), Dominican Republic, Haiti.	.....do	E	419	NA	NA
Cuckoo, yellow-billed	*Coccyzus americanus*	U.S.A., Canada, Mexico	Western DPS: U.S.A. (AZ, CA, CO (western), ID, MT (western), NM (western), NV, OR, TX (western), UT, WA, WY (western)); Canada (British Columbia (southwestern); Mexico (Baja California, Baja California Sur, Chihuahua, Durango (western), Sinaloa, Sonora).	T	850	NA	NA

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Cuckoo-shrike, Mauritius	*Coquus typicus*	Indian Ocean—Mauritius	Entire	E	3	NA	NA
Cuckoo-shrike, Reunion	*Coquus newtoni*	Indian Ocean—Reunion	.....do	E	3	NA	NA
Curassow, blue-billed	*Crax alberti*	Colombia, South America	.....do	E	813	NA	NA
Curassow, razor-billed	*Mitu mitu mitu*	Brazil (Eastern)	.....do	E	15	NA	NA
Curassow, red-billed	*Crax blumenbachii*	Brazil	.....do	E	4	NA	NA
Curassow, Trinidad white-headed	*Pipile pipile pipile*	West Indies—Trinidad	.....do	E	3	NA	NA
Curlew, Eskimo	*Numenius borealis*	Alaska and northern Canada to Argentina.	.....do	E	1, 3	NA	NA
Curlew, slender-billed	*Numenius tenuirostris*		.....do	E	783	NA	NA
Dove, cloven-feathered	*Drepanoptila holosericea*	Southwest Pacific Ocean—New Caledonia.	.....do	E	3	NA	NA
Dove, Grenada gray-fronted	*Leptotila rufaxilla wellsi*	West Indies—Grenada	.....do	E	3	NA	NA
Duck, Hawaiian	*Anas wyvilliana*	U.S.A. (HI)	.....do	E	1	NA	NA
Duck, Laysan	*Anas laysanensis*	.....do	.....do	E	1	NA	NA
Duck, pink-headed	*Rhodonessa caryophyllacea*	India	.....do	E	15	NA	NA
Duck, white-winged wood	*Cairina scutulata*	India, Malaysia, Indonesia, Thailand.	.....do	E	3	NA	NA
Eagle, Greenland white-tailed	*Haliaeetus albicilla groenlandicus*	Greenland and adjacent Atlantic islands.	.....do	E	15	NA	NA
Eagle, harpy	*Harpia harpyja*	Mexico south to Argentina	.....do	E	15	NA	NA
Eagle, Madagascar sea	*Haliaeetus vociferoides*	Madagascar	.....do	E	571	NA	NA
Eagle, Madagascar serpent	*Eutriorchis astur*	.....do	.....do	E	571	NA	NA
Eagle, Philippine	*Pithecophaga jefferyi*	Philippines	.....do	E	3	NA	NA
Eagle, Spanish imperial	*Aquila heliaca adalberti*	Spain, Morocco, Algeria	.....do	E	3	NA	NA
Egret, Chinese	*Egretta eulophotes*	China, Korea	.....do	E	3	NA	NA
Eider, spectacled	*Somateria fischeri*	U.S.A. (AK), Russia	.....do	T	503	17.95(b)	NA
Eider, Steller's	*Polysticta stelleri*	.....do	U.S.A. (AK breeding population only).	T	616	17.95(b)	NA
Elepaio, Oahu	*Chasiempis sandwichensis ibidis (Chasiempis sandwichensis gayi).*	U.S.A. (HI)	Entire	E	696	17.95(b)	NA
Falcon, Eurasian peregrine	*Falco peregrinus peregrinus*	Europe, Eurasia south to Africa and Mideast.	.....do	E	15	NA	NA
Falcon, northern aplomado	*Falco femoralis septentrionalis*	U.S.A. (AZ, NM, TX), Mexico, Guatemala.	Entire, except where listed as an experimental population.	E	216	NA	NA
Falcon, northern aplomado	*Falco femoralis septentrionalis*	.....do	U.S.A. (AZ, NM)	XN	758	NA	17.84(p)
Finch, Laysan (honeycreeper)	*Telespyza cantans*	U.S.A. (HI)	Entire	E	1	NA	NA
Finch, Nihoa (honeycreeper)	*Telespyza ultima*	.....do	.....do	E	1	NA	NA
Fire-eye, fringed-backed	*Pyriglena atra*	Brazil	.....do	E	774	NA	NA
Flamingo, Andean	*Phoenicoparrus andinus*	Argentina, Bolivia, Chile, and Peru.	.....do	E		NA	NA
Flycatcher, Euler's	*Empidonax euleri johnstonei*	West Indies—Grenada	.....do	E	3	NA	NA
Flycatcher, Seychelles paradise	*Terpsiphone corvina*	Indian Ocean—Seychelles	.....do	E	3	NA	NA
Flycatcher, southwestern willow	*Empidonax traillii extimus*	U.S.A. (AZ, CA, CO, NM, NV, TX, UT), Mexico.	.....do	E	577	17.95(b)	NA
Flycatcher, Tahiti	*Pomarea nigra*	South Pacific Ocean—Tahiti	.....do	E	3	NA	NA

Fody, Mauritius	*Foudia rubra*	Indian Ocean—Mauritius	.....do	E	571	NA	NA
Fody, Rodrigues	*Foudia flavicans*	Indian Ocean—Rodrigues Island (Mauritius).	.....do	E	571	NA	NA
Fody, Seychelles (weaver-finch)	*Foudia sechellarum*	Indian Ocean—Seychelles	.....do	E	3	NA	NA
Francolin, Djibouti	*Francolinus ochropectus*	Djibouti	.....do	E	571	NA	NA
Frigatebird, Andrew's	*Fregata andrewsi*	East Indian Ocean	.....do	E	15	NA	NA
Gallinule, Hawaiian common	*Gallinula galeata sandvicensis*	U.S.A. (HI)	.....do	E	1	NA	NA
Gnatcatcher, coastal California	*Polioptila californica californica*	U.S.A. (CA), Mexico	.....do	T	496	17.95(b)	17.41 (b)
Goose, Hawaiian	*Branta (=Nesochen) sandvicensis*	U.S.A. (HI)	.....do	E	1	NA	NA
Goshawk, Christmas Island	*Accipiter fasciatus natalis*	Indian Ocean—Christmas Island	.....do	E	3	NA	NA
Goshawk, Queen Charlotte	*Accipiter gentilis laingi*	That portion of British Columbia that includes Vancouver Island and its surrounding islands, the mainland coast west of the crest of the Coast Range and adjacent islands, and the Queen Charlotte Islands.	British Columbia, Canada	T	807	NA	NA
Grackle, slender-billed	*Quiscalus palustris*	Mexico	Entire	E	3	NA	NA
Grasswren, Eyrean (flycatcher)	*Amytornis goyderi*	Australia	.....do	E	3	NA	NA
Grebe, Alaotra	*Tachybaptus rufoflavatus*	Madagascar	.....do	E	571	NA	NA
Grebe, Atitlan	*Podilymbus gigas*	Guatemala	.....do	E	3	NA	NA
Grebe, Junin	*Podiceps taczanowskii*	Peru	.....do	E	799	NA	NA
Greenshank, Nordmann's	*Tringa guttifer*	Russia, Japan, south to Malaya, Borneo.	.....do	E	15	NA	NA
Ground-cuckoo, southeastern rufous-vented.	*Neomorphus geoffroyi dulcis*	Brazil	.....do	E	774	NA	NA
Guan, cauca	*Penelope perspicax*	Colombia, South America	.....do	E	813	NA	NA
Guan, horned	*Oreophasis derbianus*	Guatemala, Mexico	.....do	E	3	NA	NA
Guan, white-winged	*Penelope albipennis*	Peru	.....do	E	401	NA	NA
Guineafowl, white-breasted	*Agelastes meleagrides*	West Africa	.....do	T	571	NA	NA
Gull, Audouin's	*Larus audouinii*	Mediterranean Sea	.....do	E	3	NA	NA
Gull, relict	*Larus relictus*	India, China	.....do	E	15	NA	NA
Hawk, Galapagos	*Buteo galapagoensis*	Ecuador (Galapagos Islands)	.....do	E	3	NA	NA
Hawk, Hawaiian	*Buteo solitarius*	U.S.A. (HI)	.....do	E	1	NA	NA
Hawk, Puerto Rican broad-winged	*Buteo platypterus brunnescens*	U.S.A. (PR)	.....do	E	550	NA	NA
Hawk, Puerto Rican sharp-shinned	*Accipiter striatus venator*	.....do	.....do	E	550	NA	NA
Hermit, hook-billed (hummingbird)	*Ramphodon (=Glaucis) dohrnii*	Brazil	.....do	E	15	NA	NA
Hermit, Margaretta's	*Phaethornis malaris margarettae*	.....do	.....do	E	774	NA	NA
Honeycreeper, crested	*Palmeria dolei*	U.S.A. (HI)	.....do	E	1	NA	NA
Honeyeater, helmeted	*Lichenostomus melanops cassidix (=Meliphaga c.).*	Australia	.....do	E	4	NA	NA
Hornbill, helmeted	*Buceros (=Rhinoplax) vigil*	Thailand, Malaysia	.....do	E	15	NA	NA
Hummingbird, Honduran emerald	*Amazilia luciae*	Honduras	.....do	E	805	NA	NA
Ibis, giant	*Pseudibis gigantea*	Cambodia, Lao PDR, Thailand, Vietnam.	.....do	E	760	NA	NA
Ibis, Japanese crested	*Nipponia nippon*	China, Japan, Russia, Korea	.....do	E	3	NA	NA
Ibis, northern bald	*Geronticus eremita*	Southern Europe, southwestern Asia, northern Africa.	.....do	E	401	NA	NA
Kagu	*Rhynochetos jubatus*	South Pacific Ocean—New Caledonia.	.....do	E	3	NA	NA

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Kakapo	*Strigops habroptilus*	New Zealand	.....do	E	3	NA	NA
Kestrel, Mauritius	*Falco punctatus*	Indian Ocean—Mauritius	.....do	E	3	NA	NA
Kestrel, Seychelles	*Falco araea*	Indian Ocean—Seychelles Islands.	.....do	E	3	NA	NA
Kingfisher, Guam	*Todiramphus cinnamominus* (Guam).	Western Pacific Ocean, U.S.A.	.....do	E	156	17.95(b)	NA
Kite, Cuba hook-billed	*Chondrohierax uncinatus wilsonii*	West Indies—Cuba	.....do	E	3	NA	NA
Kite, Everglade snail	*Rostrhamus sociabilis plumbeus*	U.S.A. (FL), Cuba	U.S.A. (FL)	E	1	17.95(b)	NA
Kite, Grenada hook-billed	*Chondrohierax uncinatus mirus*	West Indies—Grenada	Entire	E	3	NA	NA
Knot, rufa red	*Calidris canutus rufa*	Argentina, Aruba, Bahamas, Barbados, Belize, Brazil, British Virgin Islands, Canada, Cayman Islands, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, El Salvador, France (Guadeloupe, French Guiana, Martinique), Guatemala, Guyana, Haiti, Jamaica, Mexico, Panama, Paraguay, Suriname, Trinidad and Tobago, Uruguay, Venezuela, U.S.A. (AL, AR, CO, CT, DC, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, WV, WY, Puerto Rico, U.S. Virgin Islands).	.....do	T	855	N/A	N/A
Kokako (wattlebird)	*Callaeas cinerea*	New Zealand	.....do	E	3	NA	NA
Lark, Raso	*Alauda razae*	Atlantic Ocean—Raso Island (Cape Verde).	.....do	E	571	NA	NA
Lark, streaked horned	*Eremophila alpestris strigata*	U.S.A. (WA, OR), Canada (BC)	.....do	T	824	17.95(b)	17.41(a)
Macaw, blue-throated	*Ara glaucogularis*	Bolivia	.....do	E	814	NA	NA
Macaw, glaucous	*Anodorhynchus glaucus*	Paraguay, Uruguay, Brazil	.....do	E	15	NA	NA
Macaw, indigo	*Anodorhynchus leari*	Brazil	.....do	E	15	NA	NA
Macaw, little blue	*Cyanopsitta spixii*	.....do	.....do	E	15	NA	NA
Magpie-robin, Seychelles (thrush)	*Copsychus sechellarum*	Indian Ocean—Seychelles Islands.	.....do	E	3	NA	NA
Malimbe, Ibadan	*Malimbus ibadanensis*	Nigeria	.....do	E	571	NA	NA
Malkoha, red-faced (cuckoo)	*Phaenicophaeus pyrrhocephalus*	Sri Lanka (=Ceylon)	.....do	E	3	NA	NA
Megapode, Maleo	*Macrocephalon maleo*	Indonesia (Celebes)	.....do	E	3	NA	NA
Megapode, Micronesian (=La Perouse's).	*Megapodius laperouse*	West Pacific Ocean—Palau Islands, U.S.A. (Mariana Islands).	.....do	E	3	NA	NA
Merganser, Brazilian	*Mergus octosetaceus*	Brazil, Argentina, Paraguay	.....do	E	774	NA	NA
Millerbird, Nihoa (old world warbler).	*Acrocephalus familiaris kingi*	U.S.A. (HI)	.....do	E	1	NA	NA

Mockingbird, Socorro	*Mimus Graysoni*	Mexico	.....do	E	760	NA	NA
Moorhen, Mariana common	*Gallinula chloropus guami*	West Pacific Ocean—U.S.A. (Guam, Tinian, Saipan, Pagan).	.....do	E	156	NA	NA
Murrelet, marbled	*Brachyramphus marmoratus*	U.S.A. (AK, CA, OR, WA), Canada (B.C.).	U.S.A. (CA, OR, WA)	T	479	17.95(b)	NA
Nightjar, Puerto Rican	*Caprimulgus noctitherus*	U.S.A. (PR)	Entire	E	6	NA	NA
Nukupu'u (honeycreeper)	*Hemignathus lucidus*	U.S.A. (HI)	.....do	E	1, 2	NA	NA
Nuthatch, Algerian	*Sitta ledanti*	Algeria	.....do	E	571	NA	NA
'O'o, Kauai (honeyeater)	*Moho braccatus*	U.S.A. (HI)	.....do	E	1	NA	NA
Ostrich, Arabian	*Struthio camelus syriacus*	Jordan, Saudi Arabia	.....do	E	3	NA	NA
Ostrich, West African	*Struthio camelus spatzi*	Spanish Sahara	.....do	E	3	NA	NA
'O'u (honeycreeper)	*Psittirostra psittacea*	U.S.A. (HI)	.....do	E	1	NA	NA
Owl, Anjouan scops	*Otus rutilus capnodes*	Indian Ocean—Comoro Island	.....do	E	3	NA	NA
Owl, giant scops	*Mimizuku (=Otus) gurneyi*	Philippines—Marinduque and Mindanao Island.	.....do	E	15	NA	NA
Owl, Madagascar red	*Tyto soumagnei*	Madagascar	.....do	E	401	NA	NA
Owl, Mexican spotted	*Strix occidentalis lucida*	U.S.A. (AZ, CO, NM, TX, UT), Mexico.	.....do	T	494	17.95(b)	NA
Owl, northern spotted	*Strix occidentalis caurina*	U.S.A. (CA, OR, WA), Canada (B.C.).	.....do	T	393	17.95(b)	NA
Owl, Seychelles scops	*Otus magicus (=insularis) insularis.*	Indian Ocean—Seychelles Islands.	.....do	E	3	NA	NA
Owlet, Morden's	*Otus ireneae*	Kenya	.....do	E	3	NA	NA
Oystercatcher, Canarian black	*Haematopus meadewaldoi*	Atlantic Ocean—Canary Islands	.....do	E	571	NA	NA
Palila (honeycreeper)	*Loxioides bailleui*	U.S.A. (HI)	.....do	E	1	17.95(b)	NA
Paradise-flycatcher, caerulean	*Eutrichomyias rowleyi*	Indonesia	.....do	E	760	NA	NA
Parakeet, blue-throated (=ochre-marked).	*Pyrrhura cruentata*	Brazil	.....do	E	3	NA	NA
Parakeet, Forbes'	*Cyanoramphus auriceps forbesi*	New Zealand	.....do	E	3	NA	NA
Parakeet, golden	*Aratinga guarouba*	Brazil	.....do	E	15	NA	NA
Parakeet, golden-shouldered	*Psephotus chrysopterygius*	Australia	.....do	E	3	NA	NA
Parakeet, Mauritius	*Psittacula echo*	Indian Ocean—Mauritius	.....do	E	3	NA	NA
Parakeet, Norfolk Island	*Cyanoramphus cookii (=novaezelandiae c.).*	Australia (Norfolk Island)	.....do	E	401	NA	NA
Parakeet, orange-bellied	*Neophema chrysogaster*	Australia	.....do	E	4	NA	NA
Parakeet, paradise	*Psephotus pulcherrimus*	.....do	.....do	E	4	NA	NA
Parakeet, scarlet-chested	*Neophema splendida*	.....do	.....do	E	4	NA	NA
Parakeet, turquoise	*Neophema pulchella*	.....do	.....do	E	3	NA	NA
Parrot, Bahaman or Cuban	*Amazona leucocephala*	West Indies—Cuba, Bahamas, Caymans.	.....do	E	3, 15	NA	NA
Parrot, ground	*Pezoporus wallicus*	Australia	.....do	E	6	NA	NA
Parrot, imperial	*Amazona imperialis*	West Indies—Dominica	.....do	E	3	NA	NA
Parrot, night (=Australian)	*Geopsittacus occidentalis*	Australia	.....do	E	3	NA	NA
Parrot, Puerto Rican	*Amazona vittata*	U.S.A. (PR)	.....do	E	1	NA	NA
Parrot, red-browed	*Amazona rhodocorytha*	Brazil	.....do	E	3	NA	NA
Parrot, red-capped	*Pionopsitta pileata*	.....do	.....do	E	15	NA	NA
Parrot, red-necked	*Amazona arausiaca*	West Indies—Dominica	.....do	E	50	NA	NA
Parrot, red-spectacled	*Amazona pretrei pretrei*	Brazil, Argentina	.....do	E	15	NA	NA
Parrot, red-tailed	*Amazona brasiliensis*	Brazil	.....do	E	401	NA	NA
Parrot, Seychelles lesser vasa	*Coracopsis nigra barklyi*	Indian Ocean—Seychelles (Praslin Island).	.....do	E	571	NA	NA

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Parrot, St. Vincent	*Amazona guildingii*	West Indies—St. Vincent	.....do	E	3	NA	NA
Parrot, St. Lucia	*Amazona versicolor*	West Indies—St. Lucia	.....do	E	3	NA	NA
Parrot, thick-billed	*Rhynchopsitta pachyrhyncha*	Mexico, U.S.A. (AZ, NM)	Mexico	E	3	NA	NA
Parrot, vinaceous-breasted	*Amazona vinacea*	Brazil	Entire	E	15	NA	NA
Parrot, yellow-billed	*Amazona collaria*	Jamaica	.....do	T	804	NA	17.41(c)
Parrotbill, Maui (honeycreeper)	*Pseudonestor xanthophrys*	U.S.A. (HI)	.....do	E	1	NA	NA
Penguin, African	*Spheniscus demersus*	Atlantic Ocean—South Africa, Namibia.	.....do	E	775	NA	NA
Penguin, erect-crested	*Eudyptes sclateri*	New Zealand, Bounty Islands and Antipodes Islands.	.....do	T	771	NA	NA
Penguin, Fiordland crested	*Eudyptes pachyrhynchus*	New Zealand, South Island and offshore islands.	.....do	T	771	NA	NA
Penguin, Galapagos	*Spheniscus mendiculus*	Ecuador (Galapagos Islands)	.....do	E	3	NA	NA
Penguin, Humboldt	*Spheniscus humboldti*	Eastern Pacific Ocean—Chile, Peru.	.....do	T	771	NA	NA
Penguin, southern rockhopper	*Eudyptes chrysocome*	Southern Ocean, South Atlantic Ocean, South Pacific Ocean, Southern Indian Ocean.	New Zealand-Australia distinct population segment, associated with the Campbell Plateau and Macquarie Island.	T	784	NA	NA
Penguin, white-flippered	*Eudyptula minor albosignata*	New Zealand, South Island	Entire	T	771	NA	NA
Penguin, yellow-eyed	*Megadyptes antipodes*	New Zealand, South Island and offshore islands.	.....do	T	771	NA	NA
Petrel, Chatham	*Pterodroma axillaris*	Pacific Ocean—New Zealand (Chatham Islands).	.....do	E	763	NA	NA
Petrel, Fiji	*Pseudobulweria macgillivrayi*	Pacific Ocean—Fiji (Gau Island)	.....do	E	763	NA	NA
Petrel, Galapagos	*Pterodroma phaeopygia*	Pacific Ocean—Ecuador (Galapagos Islands).	.....do	T	766	NA	NA
Petrel, Hawaiian	*Pterodroma sandwichensis*	U.S.A. (HI)	.....do	E	1	NA	NA
Petrel, Madeira	*Pterodroma madeira*	Atlantic Ocean—Madeira Island	.....do	E	571	NA	NA
Petrel, magenta	*Pterodroma magentae*	Pacific Ocean—New Zealand (Chatham Islands).	.....do	E	763	NA	NA
Petrel, Mascarene black	*Pterodroma aterrima*	Indian Ocean—Mauritius (Reunion Island).	.....do	E	571	NA	NA
Pheasant, bar-tailed	*Syrmaticus humaie*	Burma, China	.....do	E	3	NA	NA
Pheasant, Blyth's tragopan	*Tragopan blythii*	Burma, China, India	.....do	E	3	NA	NA
Pheasant, brown eared	*Crossoptilon mantchuricum*	China	.....do	E	3	NA	NA
Pheasant, Cabot's tragopan	*Tragopan caboti*	.....do	.....do	E	3	NA	NA
Pheasant, cheer	*Catreus wallichii*	India, Nepal, Pakistan	.....do	E	401	NA	NA
Pheasant, Chinese monal	*Lophophorus lhuysii*	China	.....do	E	3	NA	NA
Pheasant, Edward's	*Lophura edwardsi*	Vietnam	.....do	E	3	NA	NA
Pheasant, Elliot's	*Syrmaticus ellioti*	China	.....do	E	15	NA	NA
Pheasant, imperial	*Lophura imperialis*	Vietnam	.....do	E	3	NA	NA
Pheasant, Mikado	*Syrmaticus mikado*	Taiwan	.....do	E	3	NA	NA
Pheasant, Palawan peacock	*Polyplectron emphanum*	Philippines	.....do	E	3	NA	NA
Pheasant, Sclater's monal	*Lophophorus sclateri*	Burma, China, India	.....do	E	3	NA	NA
Pheasant, Swinhoe's	*Lophura swinhoii*	Taiwan	.....do	E	3	NA	NA

Pheasant, western tragopan	*Tragopan melanocephalus*	India, Pakistan	.....do	E	3	NA	NA
Pheasant, white eared	*Crossoptilon crossoptilon*	China (Tibet), India	.....do	E	4	NA	NA
Pigeon, Azores wood	*Columba palumbus azorica*	East Atlantic Ocean—Azores	.....do	E	3	NA	NA
Pigeon, Chatham Island	*Hemiphaga novaeseelandiae chathamensis.*	New Zealand	.....do	E	3	NA	NA
Pigeon, Marquesan imperial	*Ducula galeata*	French Polynesia	.....do	E	783	NA	NA
Pigeon, Mindoro imperial (=zone-tailed).	*Ducula mindorensis*	Philippines	.....do	E	15	NA	NA
Pigeon, pink	*Columba mayeri*	Indian Ocean—Mauritius	.....do	E	571	NA	NA
Pigeon, Puerto Rican plain	*Columba inornata wetmorei*	U.S.A. (PR)	.....do	E	2	NA	NA
Pigeon, white-tailed laurel	*Columba junoniae*	Atlantic Ocean—Canary Islands	.....do	T	571	NA	NA
Piping-guan, black-fronted	*Pipile jacutinga*	Argentina	.....do	E	15	NA	NA
Pitta, Gurney's	*Pitta gurneyi*	Myanmar, Thailand	.....do	E	760	NA	NA
Pitta, Koch's	*Pitta kochi*	Philippines	.....do	E	15	NA	NA
Plantcutter, Peruvian	*Phytotoma raimondii*	Peru	.....do	E	799	NA	NA
Plover, New Zealand shore	*Thinornis novaeseelandiae*	New Zealand	.....do	E	3	NA	NA
Plover, piping	*Charadrius melodus*	U.S.A. (Great Lakes, northern Great Plains, Atlantic and Gulf Coasts, PR, VI), Canada, Mexico, Bahamas, West Indies.	Great Lakes, watershed in States of IL, IN, MI, MN, NY, OH, PA, and WI and Canada (Ont.).	E	211	17.95(b)	NA
Plover, piping	*Charadrius melodus*	U.S.A. (Great Lakes, northern Great Plains, Atlantic and Gulf Coasts, PR, VI), Canada, Mexico, Bahamas, West Indies.	Entire, except those areas where listed as endangered above.	T	211	17.95(b)	NA
Plover, western snowy (Pacific Coast population DPS).	*Charadrius nivosus nivosus*	Pacific Coast population DPS—U.S.A. (CA, OR, WA), Mexico.	Pacific Coast population DPS—U.S.A. (CA, OR, WA), Mexico (within 50 miles of Pacific coast).	T	493	17.95(b)	NA
Pochard, Madagascar	*Aythya innotata*	Madagascar	Entire	E	571	NA	NA
Po'ouli (honeycreeper)	*Melamprosops phaeosoma*	U.S.A. (HI)	.....do	E	10	NA	NA
Prairie-chicken, Attwater's greater	*Tympanuchus cupido attwateri*	U.S.A. (TX)	.....do	E	1	NA	NA
Prairie-chicken, lesser	*Tympanuchus pallidicinctus*	U.S.A. (CO, KS, NM, OK, TX)	.....do	T	831	NA	17.41 (d)
Puffleg, black-breasted	*Eriocnemis nigrivestis*	Ecuador, South America	.....do	E	767	NA	NA
Quail, Merriam's Montezuma	*Cyrtonyx montezumae merriami*	Mexico (Vera Cruz)	.....do	E	15	NA	NA
Quetzel, resplendent	*Pharomachrus mocinno*	Mexico to Panama	.....do	E	15	NA	NA
Rail, Aukland Island	*Rallus pectoralis muelleri*	New Zealand	.....do	E	3	NA	NA
Rail, California clapper	*Rallus longirostris obsoletus*	U.S.A. (CA)	.....do	E	2	NA	NA
Rail, Guam	*Rallus owstoni*	Western Pacific Ocean—U.S.A. (Guam).	Entire, except Rota	E	146E, 156, 371	NA	NA
Do	.....do	.....do	Rota	XN	371	NA	17.84(f)
Rail, Junin	*Laterallus tuerosi*	Peru	Entire	E	799	NA	NA
Rail, light-footed clapper	*Rallus longirostris levipes*	U.S.A. (CA), Mexico (Baja California).	U.S.A. only	E	2	NA	NA
Rail, Lord Howe wood	*Gallirallus (=Tricholimnas) sylvestris.*	Australia (Lord Howe Island)	Entire	E	15	NA	NA
Rail, Yuma clapper	*Rallus longirostris yumanensis*	Mexico, U.S.A. (AZ, CA)	U.S.A. only	E	1	NA	NA
Rhea, lesser (incl. Darwin's)	*Rhea (=Pterocnemia) pennata*	Argentina, Bolivia, Peru, Uruguay	Entire	E	3	NA	NA
Robin, Chatham Island	*Petroica traversi*	New Zealand	.....do	E	3	NA	NA
Robin, dappled mountain	*Arcanator orostruthus*	Mozambique, Tanzania	.....do	T	571	NA	NA
Robin, scarlet-breasted (flycatcher)	*Petroica multicolor multicolor*	Australia (Norfolk Island)	.....do	E	3	NA	NA

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Rockfowl, grey-necked	*Picathartes oreas*	Cameroon, Gabon	.....do	E	3	NA	NA
Rockfowl, white-necked	*Picathartes gymnocephalus*	Africa—Togo to Sierra Leone	.....do	E	3	NA	NA
Roller, long-tailed ground	*Uratelornis chimaera*	Malagasy Republic (=Madagascar).	.....do	E	3	NA	NA
Sage-grouse, Gunnison	*Centrocercus minimus*	U.S.A. (AZ, CO, NM, UT)	.....do	T	854	17.95(b)	NA
Scrub-bird, noisy	*Atrichornis clamosus*	Australia	.....do	E	3	NA	NA
Scrub-jay, Florida	*Aphelocoma coerulescens*	U.S.A. (FL)	.....do	T	267	NA	NA
Shama, Cebu black (thrush)	*Copsychus niger cebuensis*	Philippines	.....do	E	3	NA	NA
Shearwater, Heinroth's	*Puffinus heinrothi*	Pacific Ocean—Papua New Guinea (Bougainville Island), Solomon Islands (Kolombangara and Rendova).	.....do	T	766	NA	NA
Shearwater, Newell's Townsend's	*Puffinus auricularis newelli*	U.S.A. (HI)	.....do	T	10	NA	NA
Shrike, San Clemente loggerhead	*Lanius ludovicianus mearnsi*	U.S.A. (CA)	.....do	E	26	NA	NA
Siskin, red	*Carduelis cucullata*	South America	.....do	E	15	NA	NA
Sparrow, Cape Sable seaside	*Ammodramus maritimus mirabilis*	U.S.A. (FL)	.....do	E	1	17.95(b)	NA
Sparrow, Florida grasshopper	*Ammodramus savannarum floridanus.*	.....do	.....do	E	239	NA	NA
Sparrow, San Clemente sage	*Amphispiza belli clementeae*	U.S.A. (CA)	.....do	T	26	NA	NA
Sparrowhawk, Anjouan Island	*Accipiter francesii pusillus*	Indian Ocean—Comoro Islands	.....do	E	3	NA	NA
Starling, Ponape mountain	*Aplonis pelzelni*	West Pacific Ocean—Federated States of Micronesia.	.....do	E	3	NA	NA
Starling, Rothschild's (myna)	*Leucopsar rothschildi*	Indonesia (Bali)	.....do	E	3	NA	NA
Stilt, black	*Himantopus novaezelandiae*	New Zealand	.....do	E	760	NA	NA
Stilt, Hawaiian	*Himantopus mexicanus (=himantopus) knudseni.*	U.S.A. (HI)	.....do	E	2	NA	NA
Stork, oriental white	*Ciconia boyciana (=ciconia b.)*	China, Japan, Korea, Russia	.....do	E	3	NA	NA
Stork, wood	*Mycteria americana*	U.S.A. (CA, AZ, TX, to Carolinas), Mexico, C. and S. America.	U.S.A. (AL, FL, GA, MS, NC, SC).	T	142, 837	NA	NA
Sunbird, Marungu	*Nectarinia prigoginei*	Zaire	Entire	E	571	NA	NA
Swiftlet, Mariana gray	*Aerodramus vanikorensis bartschi.*	Western Pacific Ocean—U.S.A. (Guam, Rota, Tinian, Saipan, Agiguan).	.....do	E	156	NA	NA
Tanager, cherry-throated	*Nemosia rourei*	Brazil	.....do	E	774	NA	NA
Teal, Campbell Island flightless	*Anas aucklandica nesiotis*	New Zealand (Campbell Island)	.....do	E	15	NA	NA
Tern, California least	*Sterna antillarum browni*	Mexico, U.S.A. (CA)	.....do	E	2, 3	NA	NA
Tern, least	*Sterna antillarum*	U.S.A. (Atlantic and Gulf coasts, Miss. R. Basin, CA), Greater and Lesser Antilles, Bahamas, Mexico; winters Central America, northern South America.	U.S.A. (AR, CO, IA, IL, IN, KS, KY, LA—Miss. R. and tribs. N of Baton Rouge, MS—Miss. R., MO, MT, ND, NE, NM, OK, SD, TN, TX—except within 50 miles of coast).	E	182	NA	NA
Tern, roseate	*Sterna dougallii dougallii*	Tropical and temperate coasts of Atlantic Basin and East Africa.	U.S.A. (Atlantic Coast south to NC), Canada (Newf., N.S, Que.), Bermuda.	E	296	NA	NA

Do	.....do	.....do	Western Hemisphere and adjacent oceans, incl. U.S.A. (FL, PR, VI), where not listed as endangered.	T	296	NA	NA
Thicketbird, long-legged	*Trichocichla rufa*	Fiji	Entire	E	760	NA	NA
Thrasher, white-breasted	*Ramphocinclus brachyurus*	West Indies—St. Lucia, Martinique.	.....do	E	3	NA	NA
Thrush, large Kauai	*Myadestes myadestinus*	U.S.A. (HI)	.....do	E	2	NA	NA
Thrush, Molokai	*Myadestes lanaiensis rutha*	.....do	.....do	E	2	NA	NA
Thrush, New Zealand (wattlebird)	*Turnagra capensis*	New Zealand	.....do	E	3	NA	NA
Thrush, small Kauai	*Myadestes palmeri*	U.S.A. (HI)	.....do	E	1	NA	NA
Thrush, St. Lucia forest	*Cichlherminia lherminieri sanctaeluciae.*	West Indies—St. Lucia	.....do	E		NA	NA
Thrush, Taita	*Turdus olivaceous helleri*	Kenya	.....do	E	571	NA	NA
Tinamou, solitary	*Tinamus solitarius*	Brazil, Paraguay, Argentina	.....do	E	15	NA	NA
Tit-spinetail, white-browed	*Leptasthenura xenothorax*	Peru	.....do	E	799	NA	NA
Tit-tyrant, ash-breasted	*Anairetes alpinus*	Bolivia, Peru	.....do	E	799	NA	NA
Tody-tyrant, Kaempfer's	*Hemitriccus kaempferi*	Brazil	.....do	E	774	NA	NA
Towhee, Inyo California	*Pipilo crissalis eremophilus*	U.S.A. (CA)	.....do	T	282	17.95(b)	NA
Tree-finch, medium	*Camarhynchus pauper*	Ecuador (Galapagos Islands)	.....do	E	767	NA	NA
Trembler, Martinique (thrasher)	*Cinclocerthia ruficauda gutturalis*	West Indies—Martinique	.....do	E	3	NA	NA
Turaco, Bannerman's	*Tauraco bannermani*	Cameroon	.....do	E	571	NA	NA
Turtle-dove, Seychelles	*Streptopelia picturata rostrata*	Indian Ocean—Seychelles	.....do	E	571	NA	NA
Vanga, Pollen's	*Xenopirostris polleni*	Madagascar	.....do	T	571	NA	NA
Vanga, Van Dam's	*Xenopirostris damii*	.....do	.....do	T	571	NA	NA
Vireo, black-capped	*Vireo atricapillus*	U.S.A. (KS, LA, NE, OK, TX), Mexico..	.....do	E	294	NA	NA
Vireo, least Bell's	*Vireo bellii pusillus*	U.S.A. (CA), Mexico	.....do	E	228	17.95(b)	NA
Wanderer, plain (collared-hemipode).	*Pedionomous torquatus*	Australia	.....do	E	6	NA	NA
Warbler, Aldabra (old world warbler).	*Nesillas aldabranus*	Indian Ocean—Seychelles (Aldabra Island).	.....do	E	571	NA	NA
Warbler (wood), Bachman's	*Vermivora bachmanii*	U.S.A. (Southeastern), Cuba	.....do	E	1, 3	NA	NA
Warbler (wood), Barbados yellow	*Dendroica petechia petechia*	West Indies—Barbados	.....do	E	3	NA	NA
Warbler (wood), golden-cheeked	*Dendroica chrysoparia*	U.S.A. (TX), Mexico, Guatemala, Honduras, Nicaragua, Belize.	.....do	E	387E, 411	NA	NA
Warbler (wood), Kirtland's	*Setophaga kirtlandii (=Dendroica kirtlandii).*	U.S.A. (principally MI), Canada, West Indies—Bahama Islands.	.....do	E	1, 3	NA	NA
Warbler, Eiao Marquesas reed-	*Acrocephalus percernis aquilonis*		.....do	E	783	NA	NA
Warbler, nightingale reed, (old world warbler).	*Acrocephalus luscinia*	West Pacific Ocean—U.S.A. (Guam, Alamagan, Saipan).	.....do	E	3, 4	NA	NA
Warbler, Rodrigues (old world warbler).	*Bebrornis rodericanus*	Mauritius (Rodrigues Islands)	.....do	E	3	NA	NA
Warbler (wood), Semper's	*Leucopeza semperi*	West Indies—St. Lucia	.....do	E	3	NA	NA
Warbler, Seychelles (old world warbler).	*Bebrornis sechellensis*	Indian Ocean—Seychelles Island	.....do	E	3	NA	NA
Wattle-eye, banded	*Platysteira laticincta*	Cameroon	.....do	E	571	NA	NA
Weaver, Clarke's	*Ploceus golandi*	Kenya	.....do	E	571	NA	NA
Whipbird, western	*Psophodes nigrogularis*	Australia	.....do	E	3	NA	NA

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Common name	Scientific name						
White-eye, bridled	*Zosterops conspicillatus conspicillatus.*	Western Pacific Ocean—U.S.A. (Guam).	.....do	E	156	NA	NA
White-eye, Norfolk Island	*Zosterops albogularis*	Indian Ocean—Norfolk Islands	.....do	E	15	NA	NA
White-eye, Ponape greater	*Rukia longirostra*	West Pacific Ocean—Federated States of Micronesia.	.....do	E	3	NA	NA
White-eye, Rota bridled	*Zosterops rotensis*	Western Pacific Ocean-U.S.A (Commonwealth of the Northern Mariana Islands).	.....do	E	741	17.95(b)	NA
White-eye, Seychelles	*Zosterops modesta*	Indian Ocean—Seychelles	.....do	E	3	NA	NA
Woodpecker, imperial	*Campephilus imperialis*	Mexico	.....do	E	3	NA	NA
Woodpecker, ivory-billed	*Campephilus principalis*	U.S.A. (southcentral and southeastern), Cuba.	.....do	E	1, 3	NA	NA
Woodpecker, red-cockaded	*Picoides borealis*	U.S.A. (southcentral and southeastern).	.....do	E	2	NA	NA
Woodpecker, Tristam's	*Dryocopus javensis richardsi*	Korea	.....do	E	3	NA	NA
Wood-quail, gorgeted	*Odontophorus strophium*	Colombia, South America	.....do	E	813	NA	NA
Woodstar, Chilean	*Eulidia yarrellii*	Chile and Peru	.....do	E		NA	NA
Woodstar, Esmeraldas	*Chaetocercus berlepschi*	Ecuador, South America	.....do	E	813	NA	NA
Wren, Guadeloupe house	*Troglodytes aedon guadeloupensis.*	West Indies—Guadeloupe	.....do	E	3	NA	NA
Wren, St. Lucia house	*Troglodytes aedon mesoleucus*	West Indies—St. Lucia	.....do	E	3	NA	NA
REPTILES							
Alligator, American	*Alligator mississippiensis*	Southeastern U.S.A.	Entire	T(S/A)	1, 11, 20, 51, 60, 113, 134, 186, 269	NA	17.42(a)
Alligator, Chinese	*Alligator sinensis*	China	.....do	E	15	NA	NA
Anole, Culebra Island giant	*Anolis roosevelti*	U.S.A. (PR—Culebra Island)	.....do	E	25	17.95(c)	NA
Boa, Jamaican	*Epicrates subflavus*	Jamaica	.....do	E	3	NA	NA
Boa, Mona	*Epicrates monensis monensis*	U.S.A. (PR)	.....do	T	33	17.95(c)	NA
Boa, Puerto Rican	*Epicrates inornatus*	.....do	.....do	E	2	NA	NA
Boa, Round Island [unnamed]	*Bolyeria multocarinata*	Indian Ocean—Mauritius	.....do	E	88	NA	NA
Do	*Casarea dussumieri*	.....do	.....do	E	88	NA	NA
Boa, Virgin Islands tree	*Epicrates monensis granti*	U.S.A. (PR), British Virgin Islands	.....do	E	2, 86	NA	NA
Caiman, Apaporis River	*Caiman crocodilus apaporiensis*	Colombia	.....do	E	15	NA	NA
Caiman, black	*Melanosuchus niger*	Amazon basin	.....do	E	15	NA	NA
Caiman, broad-snouted	*Caiman latirostris*	Argentina, Bolivia, Brazil, Paraguay, Uruguay.	Bolivia, Brazil, Paraguay, Uruguay.	E	15	NA	NA
Caiman, broad-snouted	*Caiman latirostris*	.....do	Argentina	T	790	NA	17.42(c)
Caiman, brown	*Caiman crocodilus fuscus* (includes *Caiman crocodilus chiapasius*).	Mexico, Central America, Colombia, Ecuador, Venezuela, Peru.	Entire	T(S/A)	695	NA	17.42(c)
Caiman, common	*Caiman crocodilus crocodilus*	Bolivia, Brazil, Colombia, Ecuador, French Guiana, Guyana, Peru, Suriname, Venezuela.	.....do	T(S/A)	695	NA	17.42(c)

Caiman, yacare	*Caiman yacare*	Argentina, Bolivia, Brazil, Paraguay.	do	T	3, 695	NA	17.42(c)
Chuckwalla, San Esteban Island	*Sauromalus varius*	Mexico	do	E	88	NA	NA
Crocodile, African dwarf	*Osteolaemus tetraspis tetraspis*	West Africa	do	E	15, 15A	NA	NA
Crocodile, African slender-snouted	*Crocodylus cataphractus*	Western and central Africa	do	E	5	NA	NA
Crocodile, American	*Crocodylus acutus*	U.S.A. (FL), Mexico, Caribbean, Central and South America.	Entire, except in U.S.A. (FL)	E	87	NA	NA
Do	do	do	U.S.A. (FL)	T	10	17.95(c)	NA
Crocodile, American	*Crocodylus acutus*	U.S.A. (FL), Mexico, Caribbean, Central and South America.	Entire	E	10, 87	17.95(c)	NA
Crocodile, Ceylon mugger	*Crocodylus palustris kimbula*	Sri Lanka	do	E	15	NA	NA
Crocodile, Congo dwarf	*Osteolaemus tetraspis osborni*	Congo R. drainage	do	E	15	NA	NA
Crocodile, Cuban	*Crocodylus rhombifer*	Cuba	do	E	3	NA	NA
Crocodile, mugger	*Crocodylus palustris palustris*	India, Pakistan, Iran, Bangladesh	do	E	15	NA	NA
Crocodile, Nile	*Crocodylus niloticus*	Africa, Middle East	do	T	3, 279, 334, 514, 585	NA	17.42(c)
Crocodile, Orinoco	*Crocodylus intermedius*	South America—Orinoco R. basin.	do	E	3	NA	NA
Crocodile, Philippine	*Crocodylus novaeguineae mindorensis.*	Philippine Islands	do	E	15	NA	NA
Crocodile, saltwater	*Crocodylus porosus*	Southeast Asia, Australia, Papua New Guinea, Islands of the West Pacific Ocean.	Entire, except Papua New Guinea and Australia.	E	87, 585	NA	NA
Do	do	do	Australia	T	87, 585	NA	17.42(c)
Crocodile, Siamese	*Crocodylus siamensis*	Southeast Asia, Malay Peninsula	Entire	E	15	NA	NA
Gartersnake, narrow-headed	*Thamnophis rufipunctatus*	U.S.A. (AZ, NM)	do	T	.....	NA	NA
Gartersnake, northern Mexican	*Thamnophis eques megalops*	U.S.A. (AZ, NM), Mexico	do	T	.....	NA	17.42(g)
Gavial	*Gavialis gangeticus*	Pakistan, Burma, Bangladesh, India, Nepal.	do	E	3	NA	NA
Gecko, day	*Phelsuma edwardnewtoni*	Indian Ocean—Mauritius	do	E	3	NA	NA
Gecko, Monito	*Sphaerodactylus micropithecus*	U.S.A. (PR)	do	E	125	17.95(c)	NA
Gecko, Round Island day	*Phelsuma guentheri*	Indian Ocean—Mauritius	do	E	3	NA	NA
Gecko, Serpent Island	*Cyrtodactylus serpensinsula*	do	do	T	129	NA	NA
Iguana, Acklins ground	*Cyclura rileyi nuchalis*	West Indies—Bahamas	do	T	129	NA	NA
Iguana, Allen's Cay	*Cyclura cychlura inornata*	do	do	T	129	NA	NA
Iguana, Andros Island ground	*Cyclura cychlura cychlura*	do	do	T	129	NA	NA
Iguana, Anegada ground	*Cyclura pinguis*	West Indies—British Virgin Islands (Anegada Island).	do	E	3	NA	NA
Iguana, Barrington land	*Conolophus pallidus*	Ecuador (Galapagos Islands)	do	E	3	NA	NA
Iguana, Cayman Brac ground	*Cyclura nubila caymanensis*	West Indies—Cayman Islands	do	T	129	NA	NA
Iguana, Cuban ground	*Cyclura nubila nubila*	Cuba	do	T	129	NA	NA
Iguana, Exuma Island	*Cyclura cychlura figginsi*	West Indies—Bahamas	do	T	129	NA	NA
Iguana, Fiji banded	*Brachylophus fasciatus*	Pacific—Fiji, Tonga	do	E	88	NA	NA
Iguana, Fiji crested	*Brachylophus vitiensis*	Pacific—Fiji	do	E	88	NA	NA
Iguana, Grand Cayman ground	*Cyclura nubila lewisi*	West Indies—Cayman Islands	do	E	129	NA	NA
Iguana, Jamaican	*Cyclura collei*	West Indies—Jamaica	do	E	129	NA	NA
Iguana, Mayaguana	*Cyclura carinata bartschi*	West Indies—Bahamas	do	T	129	NA	NA
Iguana, Mona ground	*Cyclura stejnegeri*	U.S.A. (PR—Mona Island)	do	T	33	17.95(c)	NA

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Iguana, Turks and Caicos	*Cyclura carinata carinata*	West Indies—Turks and Caicos Islands.	.....do	T	129	NA	NA
Iguana, Watling Island ground	*Cyclura rileyi rileyi*	West Indies—Bahamas	.....do	E	129	NA	NA
Iguana, White Cay ground	*Cyclura rileyi cristata*	.....do	.....do	T	129	NA	NA
Lizard, blunt-nosed leopard	*Gambelia silus*	U.S.A. (CA)	.....do	E	1	NA	NA
Lizard, Coachella Valley fringe-toed.	*Uma inornata*	.....do	.....do	T	105	17.95(c)	NA
Lizard, Hierro giant	*Gallotia simonyi simonyi*	Spain (Canary Islands)	.....do	E	144	NA	NA
Lizard, Ibiza wall	*Podarcis pityusensis*	Spain (Balearic Islands)	.....do	T	144	NA	NA
Lizard, Maria Island ground	*Cnemidophorus vanzoi*	West Indies—St. Lucia (Maria Islands).	.....do	E	443	NA	NA
Lizard, St. Croix ground	*Ameiva polops*	U.S.A. (VI)	.....do	E	24	17.95(c)	NA
Monitor, desert	*Varanus griseus*	North Africa to Aral Sea, through Central Asia to Pakistan, Northwest India.	.....do	E	15	NA	NA
Monitor, Indian (=Bengal)	*Varanus bengalensis*	Iran, Iraq, India, Sri Lanka, Malaysia, Afghanistan, Burma, Vietnam, Thailand.	.....do	E	15	NA	NA
Monitor, Komodo Island	*Varanus komodoensis*	Indonesia (Komodo, Rintja, Padar, and western Flores Island).	.....do	E	15	NA	NA
Monitor, yellow	*Varanus flavescens*	West Pakistan through India to Bangladesh.	.....do	E	15	NA	NA
Python, Indian	*Python molurus molurus*	Sri Lanka and India	.....do	E	15	NA	NA
Rattlesnake, Aruba Island	*Crotalus unicolor*	Aruba Island (Netherland Antilles).	.....do	T	129	NA	NA
Rattlesnake, New Mexican ridge-nosed.	*Crotalus willardi obscurus*	U.S.A. (AZ, NM), Mexico	.....do	T	43	17.95(c)	NA
Sea turtle, green	*Chelonia mydas*	Circumglobal in tropical and temperate seas and oceans.	Breeding colony populations in FL and on Pacific coast of Mexico.	E	42	226.208	224.104
Sea turtle, green	.....do	.....do	Entire species, except when listed as endangered under 50 CFR 224.101.	T	42	226.208	17.42(b), 223.205, 223.206, 223.207
Sea turtle, hawksbill	*Eretmochelys imbricata*	Tropical seas	Entire	E	3	17.95(c), 226.209	224.104
Sea turtle, Kemp's ridley	*Lepidochelys kempii*	Tropical and temperate seas in Atlantic Basin, incl. Gulf of Mexico.	.....do	E	4	NA	224.104
Sea turtle, leatherback	*Dermochelys coriacea*	Tropical, temperate, and subpolar seas.	.....do	E	3	17.95(c), 226.207	224.104
Sea turtle, loggerhead (Mediterranean Sea DPS).	*Caretta caretta*	Mediterranean Sea Basin	Loggerhead sea turtles originating from the Mediterranean Sea east of 5°36′ W. Long.	E	794	NA	224.104

Sea turtle, loggerhead (North Indian Ocean DPS).	.....do	North Indian Ocean Basin	Loggerhead sea turtles originating from the North Indian Ocean north of the equator and south of 30° N. Lat.	E	794	NA	224.104
Sea turtle, loggerhead (North Pacific Ocean DPS).	.....do	North Pacific Ocean Basin	Loggerhead sea turtles originating from the North Pacific north of the equator and south of 60° N. Lat.	E	794	NA	224.104
Sea turtle, loggerhead (Northeast Atlantic Ocean DPS).	.....do	Northeast Atlantic Ocean Basin ..	Loggerhead sea turtles originating from the Northeast Atlantic Ocean north of the equator, south of 60° N. Lat., and east of 40° W. Long., except in the vicinity of the Strait of Gibraltar where the eastern boundary is 5°36′ W. Long.	E	794	NA	224.104
Sea turtle, loggerhead (Northwest Atlantic Ocean DPS).	.....do	Northwest Atlantic Ocean Basin	Loggerhead sea turtles originating from the Northwest Atlantic Ocean north of the equator, south of 60° N. Lat., and west of 40° W. Long..	T	794	17.95(c), 226.223	223.205, 223.206, 223.207
Sea turtle, loggerhead (South Atlantic Ocean DPS).	.....do	South Atlantic Ocean Basin	Loggerhead sea turtles originating from the South Atlantic Ocean south of the equator, north of 60° S. Lat., west of 20° E. Long., and east of 67° W. Long.	T	794	NA	223.205, 223.206, 223.207
Sea turtle, loggerhead (South Pacific Ocean DPS).	.....do	South Pacific Ocean Basin	Loggerhead sea turtles originating from the South Pacific south of the equator, north of 60° S. Lat., west of 67° W. Long., and east of 141° E. Long.	E	794	NA	224.104
Sea turtle, loggerhead (Southeast Indo-Pacific Ocean DPS).	.....do	Southeast Indian Ocean Basin; South Pacific Ocean Basin as far east as 141° E. Long.	Loggerhead sea turtles originating from the Southeast Indian Ocean south of the equator, north of 60° S. Lat., and east of 80° E. Long.; South Pacific Ocean south of the equator, north of 60° S. Lat., and west of 141° E. Long.	T	794	NA	223.205, 223.206, 223.207
Sea turtle, loggerhead (Southwest Indian Ocean DPS).	.....do	Southwest Indian Ocean Basin ...	Loggerhead sea turtles originating from the Southwest Indian Ocean north of the equator, south of 30° N. Lat., east of 20° E. Long., and west of 80° E. Long.	T	794	NA	223.205, 223.206, 223.207
Sea turtle, olive ridley	*Lepidochelys olivacea*	Circumglobal in tropical and temperate seas.	Breeding colony populations on Pacific coast of Mexico.	E	42	NA	224.104

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Sea turtle, olive ridley	.....do	.....do	Entire species, except when listed as endangered under 50 CFR 224.101.	T	42	NA	17.42(b), 223.205, 223.206, 223.207
Skink, bluetail mole	*Eumeces egregius lividus*	U.S.A. (FL)	Entire	T	299	NA	17.42(d)
Skink, Round Island	*Leiolopisma telfairi*	Indian Ocean—Mauritius	.....do	T	129	NA	NA
Skink, sand	*Neoseps reynoldsi*	U.S.A. (FL)	.....do	T	299	NA	17.42(d)
Snake, Atlantic salt marsh	*Nerodia clarkii taeniata*	.....do	.....do	T	30	NA	NA
Snake, copperbelly water	*Nerodia erythrogaster neglecta*	U.S.A. (IL, IN, KY, MI, OH)	IN north of 40° N. Lat., MI, OH	T	607	NA	NA
Snake, eastern indigo	*Drymarchon corais couperi*	U.S.A. (AL, FL, GA, MS, SC)	Entire	T	32	NA	NA
Snake, giant garter	*Thamnophis gigas*	U.S.A. (CA)	.....do	T	522	NA	NA
Snake, Maria Island	*Liophus ornatus*	West Indies—St. Lucia (Maria Islands).	.....do	E	443	NA	NA
Snake, San Francisco garter	*Thamnophis sirtalis tetrataenia*	U.S.A. (CA)	.....do	E	1	NA	NA
Tartaruga	*Podocnemis expansa*	South America—Orinoco R. and Amazon R. basins.	.....do	E	3	NA	NA
Terrapin, river	*Batagur baska*	Malaysia, Bangladesh, Burma, India, Indonesia.	.....do	E	3	NA	NA
Tomistoma	*Tomistoma schlegelii*	Malaysia, Indonesia	.....do	E	15	NA	NA
Tortoise, angulated	*Geochelone yniphora*	Malagasy Republic (=Madagascar).	.....do	E	15	NA	NA
Tortoise, Bolson	*Gopherus flavomarginatus*	Mexico	.....do	E	46	NA	NA
Tortoise, desert	*Gopherus agassizii*	U.S.A. (AZ, CA, NV, UT), Mexico	Entire, except AZ south and east of Colorado R., and Mexico.	T	103, 357E, 378	17.95(c)	NA
Do	.....do	.....do	AZ south and east of Colorado R., and Mexico, when found outside of Mexico or said range in AZ.	T(S/A)	378	NA	17.42(e)
Tortoise, Galapagos	*Geochelone nigra (=elephantopus).*	Ecuador (Galapagos Islands)	Entire	E	3	NA	NA
Tortoise, gopher	*Gopherus polyphemus*	U.S.A. (AL, FL, GA, LA, MS, SC)	Wherever found west of Mobile and Tombigbee Rivers in AL, MS, and LA.	T	281	NA	NA
Tortoise, Madagascar radiated	*Geochelone radiata*	Malagasy Republic (=Madagascar).	Entire	E	3	NA	NA
Tracaja	*Podocnemis unifilis*	South America—Orinoco R. and Amazon R. basins.	.....do	E	3	NA	NA
Tuatara	*Sphenodon punctatus*	New Zealand	.....do	E	3, 630	NA	NA
Tuatara, Brother's Island	*Sphenodon guntheri*	New Zealand (N. Brother's Island).	.....do	E	3, 630	NA	NA
Turtle, Alabama redbelly	*Pseudemys alabamensis*	U.S.A. (AL)	.....do	E	278	NA	NA
Turtle, aquatic box	*Terrapene coahuila*	Mexico	.....do	E	6	NA	NA
Turtle, black softshell	*Trionyx nigricans*	Bangladesh	.....do	E	15	NA	NA
Turtle, bog (=Muhlenberg)	*Clemmys muhlenbergii*	U.S.A. (CT, DE, GA, MA, MD, NC, NJ, NY, PA, SC, TN, VA).	Entire, except GA, NC, SC, TN, VA.	T	626	NA	NA

Do	...do	...do	U.S.A. (GA, NC, SC, TN, VA)	T(S/A)	626	NA	17.42(f)
Turtle, Brazilian sideneck	*Phrynops hogei*	Brazil	Entire	E	443	NA	NA
Turtle, Burmese peacock	*Morenia ocellata*	Burma	...do	E	15	NA	NA
Turtle, Cat Island	*Trachemys terrapen*	West Indies—Jamaica, Bahamas	Cat Island in the Bahamas	E	443	NA	NA
Turtle, Central American river	*Dermatemys mawii*	Mexico, Belize, Guatemala	Entire	E	129	NA	NA
Turtle, Cuatro Cienegas softshell	*Trionyx ater*	Mexico	...do	E	15	NA	NA
Turtle, flattened musk	*Sternotherus depressus*	U.S.A. (AL)	Black Warrior R. system upstream from Bankhead Dam.	T	272	NA	NA
Turtle, geometric	*Psammobates geometricus*	South Africa	Entire	E	15	NA	NA
Turtle, Inagua Island	*Trachemys stejnegeri malonei*	West Indies—Bahamas (Great Inagua Island).	...do	E	443	NA	NA
Turtle, Indian sawback	*Kachuga tecta tecta*	India	...do	E	15	NA	NA
Turtle, Indian softshell	*Trionyx gangeticus*	Pakistan, India	...do	E	15	NA	NA
Turtle, peacock softshell	*Trionyx hurum*	India, Bangladesh	...do	E	15	NA	NA
Turtle, Plymouth redbelly	*Pseudemys rubriventris bangsi*	U.S.A. (MA)	...do	E	90	17.95(c)	NA
Turtle, ringed map	*Graptemys oculifera*	U.S.A. (LA, MS)	...do	T	250	NA	NA
Turtle, short-necked or western swamp.	*Pseudemydura umbrina*	Australia	...do	E	3	NA	NA
Turtle, South American red-lined	*Trachemys scripta callirostris*	Colombia, Venezuela	...do	E	443	NA	NA
Turtle, spotted pond	*Geoclemys hamiltonii*	North India, Pakistan	...do	E	15	NA	NA
Turtle, three-keeled Asian	*Melanochelys tricarinata*	Central India to Bangladesh and Burma.	...do	E	15	NA	NA
Turtle, yellow-blotched map	*Graptemys flavimaculata*	U.S.A. (MS)	...do	T	416	NA	NA
Viper, Lar Valley	*Vipera latifii*	Iran	...do	E	129	NA	NA
Whipsnake, Alameda (=striped racer).	*Masticophis lateralis euryxanthus*	U.S.A. (CA)	...do	T	628	17.95(c)	NA
AMPHIBIANS							
Coqui, golden	*Eleutherodactylus jasperi*	U.S.A. (PR)	Entire	T	29	17.95(d)	NA
Coquí llanero	*Eleutherodactylus juanariveroi*	...do	...do	E	810	17.95(d)	NA
Frog, California red-legged	*Rana draytonii*	U.S.A. (CA), Mexico	...do	T	583	17.95(d)	17.43
Frog, Chiricahua leopard	*Lithobates chiricahuensis*	U.S.A (AZ, NM), Mexico	...do	T	726	17.95(d)	17.43(b)
Frog, dusky gopher	*Rana sevosa*	U.S.A. (AL, LA, MS)	...do	E	718	17.95(d)	NA
Frog, Goliath	*Conraua goliath*	Cameroon, Equatorial Guinea, Gabon.	...do	T	566	NA	NA
Frog, Israel painted	*Discoglossus nigriventer*	Israel	...do	E	3	NA	NA
Frog, mountain yellow-legged (northern California DPS).	*Rana muscosa*	U.S.A. (CA)	U.S.A., northern California	E	834	NA	NA
Frog, mountain yellow-legged (southern California DPS).	*Rana muscosa*	...do	U.S.A., southern California	E	728	17.95(d)	NA
Frog, Oregon spotted	*Rana pretiosa*	Canada (BC); U.S.A. (WA, OR, CA).	Entire	T	846	NA	NA
Frog, Panamanian golden	*Atelopus varius zeteki*	Panama	...do	E	15	NA	NA
Frog, Sierra Nevada yellow-legged	*Rana sierrae*	U.S.A. (CA, NV)	...do	E	834	NA	NA
Frog, Stephen Island	*Leiopelma hamiltoni*	New Zealand	...do	E	3	NA	NA
Guajón	*Eleutherodactylus cooki*	U.S.A. (PR)	...do	T	617	17.95(d)	NA
Hellbender, Ozark	*Cryptobranchus alleganiensis bishopi.*	AR, MO	...do	E	795	NA	NA
Salamander, Austin blind	*Eurycea waterlooensis*	U.S.A. (TX)	...do	E	817	17.95(d)	NA
Salamander, Barton Springs	*Eurycea sosorum*	U.S.A. (TX)	...do	E	612	NA	NA

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Salamander, California tiger	*Ambystoma californiense*	U.S.A. (CA)	U.S.A. (CA—Santa Barbara County).	E	677E, 702	17.95(d)	NA
Salamander, California tiger	*Ambystoma californiense*	.....do	U.S.A. (CA—Central California) ..	T	744	17.95(d)	17.43(c)
Salamander, California tiger	*Ambystoma californiense*	.....do	U.S.A. (CA—Sonoma County)	E	729E, 734	17.95(d)	NA
Salamander, Cheat Mountain	*Plethodon nettingi*	U.S.A. (WV)	Entire	T	358	NA	NA
Salamander, Chinese giant	*Andrias davidianus (=davidianus d.).*	Western China	.....do	E	15	NA	NA
Salamander, desert slender	*Batrachoseps aridus*	U.S.A. (CA)	.....do	E	6	NA	NA
Salamander, frosted flatwoods	*Ambystoma cingulatum*	U.S.A. (FL, GA, SC)	.....do	T	658	17.95(d)	NA
Salamander, Georgetown	*Eurycea naufragia*	U.S.A. (TX)	.....do	T	829	NA	NA
Salamander, Japanese giant	*Andrias japonicus (=davidianus j.).*	Japan	.....do	E	15	NA	NA
Salamander, Jemez Mountains	*Plethodon neomexicanus*	U.S.A. (NM)	.....do	E	819	17.95(d)	NA
Salamander, Jollyville Plateau	*Eurycea tonkawae*	U.S.A. (TX)	.....do	T	817	17.95(d)	NA
Salamander, Red Hills	*Phaeognathus hubrichti*	U.S.A. (AL)	.....do	T	19	NA	NA
Salamander, reticulated flatwoods	*Ambystoma bishopi*	U.S.A. (FL, GA)	.....do	E	.....	17.95(d)	NA
Salamander, Salado	*Eurycea chisholmensis*	U.S.A. (TX)	.....do	T	829	NA	NA
Salamander, San Marcos	*Eurycea nana*	.....do	.....do	T	98	17.95(d)	17.43(a)
Salamander, Santa Cruz long-toed	*Ambystoma macrodactylum croceum.*	U.S.A. (CA)	.....do	E	1	NA	NA
Salamander, Shenandoah	*Plethodon shenandoah*	U.S.A. (VA)	.....do	E	358	NA	NA
Salamander, Sonoran tiger	*Ambystoma tigrinum stebbinsi*	U.S.A. (AZ), Mexico	.....do	E	600	NA	NA
Salamander, Texas blind	*Typhlomolge rathbuni*	U.S.A. (TX)	.....do	E	1	NA	NA
Toad, arroyo (=arroyo southwestern).	*Anaxyrus californicus*	U.S.A. (CA), Mexico	.....do	E	568	17.95(d)	NA
Toad, Cameroon	*Bufo superciliaris*	Equatorial Africa	.....do	E	15	NA	NA
Toad, Houston	*Bufo houstonensis*	U.S.A. (TX)	.....do	E	2	17.95(d)	NA
Toad, Monte Verde golden	*Bufo periglenes*	Costa Rica	.....do	E	15	NA	NA
Toad, Puerto Rican crested	*Peltophryne lemur*	U.S.A. (PR), British Virgin Islands	.....do	T	283	NA	NA
Toad, Wyoming	*Bufo hemiophrys baxteri*	U.S.A. (WY)	.....do	E	138	NA	NA
Toad, Yosemite	*Anaxyrus canorus*	U.S.A. (CA)	.....do	T	834	NA	NA
Toads, African viviparous	*Nectophrynoides* spp.	Tanzania, Guinea, Ivory Coast, Cameroon, Liberia, Ethiopia.	.....do	E	15	NA	NA
FISHES							
Ala Balik (trout)	*Salmo platycephalus*	Turkey	Entire	E	3	NA	NA
Ayumodoki (loach)	*Hymenophysa curta*	Japan	.....do	E	3	NA	NA
Blindcat, Mexican (catfish)	*Prietella phreatophila*	Mexico	.....do	E	3	NA	NA
Bocaccio (Puget Sound–Georgia Basin DPS).	*Sebastes paucispinis*	Pacific coast from Punta Blanca, Baja California, to the Gulf of Alaska off Krozoff and Kodiak Islands.	Puget Sound–Georgia Basin DPS—see 50 CFR 224.101.	E	776	NA	NA
Bonytongue, Asian	*Scleropages formosus*	Thailand, Indonesia, Malaysia	Entire	E	15	NA	NA
Catfish	*Pangasius sanitwongsei*	Thailand	.....do	E	3	NA	NA
Catfish, Thailand giant	*Pangasianodon gigas*	.....do	.....do	E	3	NA	NA
Catfish, Yaqui	*Ictalurus pricei*	U.S.A. (AZ), Mexico	.....do	T	157	17.95(e)	17.44(h)

Cavefish, Alabama	*Speoplatyrhinus poulsoni*	U.S.A. (AL)	.....do	E	28, 328	17.95(e)	NA
Cavefish, Ozark	*Amblyopsis rosae*	U.S.A. (AR, MO, OK)	.....do	T	164	NA	NA
Chub, bonytail	*Gila elegans*	U.S.A. (AZ, CA, CO, NV, UT, WY).	.....do	E	92	17.95(e)	NA
Chub, Borax Lake	*Gila boraxobius*	U.S.A. (OR)	.....do	E	94E, 124	17.95(e)	NA
Chub, Chihuahua	*Gila nigrescens*	U.S.A. (NM), Mexico (Chihuahua)	.....do	T	132	NA	17.44(g)
Chub, Gila	*Gila intermedia*	U.S.A. (AZ, NM), Mexico.	.....do	E	755	17.95(e)	NA
Chub, humpback	*Gila cypha*	U.S.A. (AZ, CO, UT, WY)	.....do	E	1	17.95(e)	NA
Chub, Hutton tui	*Gila bicolor ssp.*	U.S.A. (OR)	.....do	T	174	NA	17.44(i)
Chub, Mohave tui	*Gila bicolor mohavensis*	U.S.A. (CA)	.....do	E	2	NA	NA
Chub, Owens tui	*Gila bicolor snyderi*	U.S.A. (CA)	.....do	E	195	17.95(e)	NA
Chub, Pahranagat roundtail	*Gila robusta jordani*	U.S.A. (NV)	.....do	E	2	NA	NA
Chub, slender	*Erimystax cahni*	U.S.A. (TN, VA)	Entire, except where listed as an experimental population.	T	28	17.95(e)	17.44(c)
Do	.....do	.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.84(s)(1)(i)).	XN	.....	NA	17.84(sr)
Chub, Sonora	*Gila ditaenia*	U.S.A. (AZ), Mexico	Entire	T	227	17.95(e)	17.44(o)
Chub, spotfin (=turquoise shiner)	*Erimonax monachus*	U.S.A. (AL, GA, NC, TN, VA)	Entire, except where listed as an experimental population.	T	28	17.95(e)	17.44(c)
Do	.....do	.....do	U.S.A. (TN—specified portions of the Tellico River, see 17.84(m)(1)(i)).	XN	732	NA	17.84(m)
Do	.....do	.....do	U.S.A. (AL, TN—specified portions of Shoal Creek; see 17.84(m)(1)(ii)).	XN	747	NA	17.84(m)
Do	.....do	.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.84(m)(1)(iii)).	XN	.....	NA	17.84(m)
Chub, Virgin River	*Gila robusta semidnuda*	U.S.A. (AZ, NV, UT)	Entire	E	361	17.95(e)	NA
Chub, Yaqui	*Gila purpurea*	U.S.A. (AZ), Mexico	.....do	E	157	17.95(e)	NA
Cicek (minnow)	*Acanthorutilus handlirschi*	Turkey	.....do	E	3	NA	NA
Cui-ui	*Chasmistes cujus*	U.S.A. (NV)	.....do	E	1	NA	NA
Dace, Ash Meadows speckled	*Rhinichthys osculus nevadensis*	.....do	.....do	E	117E, 127E, 130	17.95(e)	NA
Dace, blackside	*Phoxinus cumberlandensis*	U.S.A. (KY, TN)	.....do	T	273	NA	NA
Dace, Clover Valley speckled	*Rhinichthys osculus oligoporus*	U.S.A. (NV)	.....do	E	370	NA	NA
Dace, desert	*Eremichthys acros*	.....do	.....do	T	1, 2D, 210	17.95(e)	17.44(m)
Dace, Foskett speckled	*Rhinichthys osculus* ssp.	U.S.A. (OR)	.....do	T	174	NA	17.44(i)
Dace, Independence Valley speckled.	*Rhinichthys osculus lethoporus*	U.S.A. (NV)	.....do	E	370, 372	NA	NA
Dace, Kendall Warm Springs	*Rhinichthys osculus thermalis*	U.S.A. (WY)	.....do	E	2	NA	NA
Dace, laurel	*Chrosomus saylori*	U.S.A. (TN)	.....do	E	791	17.95(e)	NA
Dace, Moapa	*Moapa coriacea*	U.S.A. (NV)	.....do	E	1	NA	NA
Darter, amber	*Percina antesella*	U.S.A. (AL, GA, TN)	.....do	E	196	17.95(e)	NA
Darter, bayou	*Etheostoma rubrum*	U.S.A. (MS)	.....do	T	10	NA	17.44(b)
Darter, bluemask	*Etheostoma* sp.	U.S.A. (TN)	.....do	E	525	NA	NA

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Darter, boulder	*Etheostoma wapiti*	U.S.A. (AL, TN)	Entire, except where listed as an experimental population.	E	322	NA	NA
Do	.....do	.....do	Shoal Creek (from Shoal Creek mile 41.7 (66.7 km)) at the mouth of Long Branch, Lawrence County, TN, downstream to the backwaters of Wilson Reservoir (Shoal Creek mile 14 (22 km)) at Goose Shoals, Lauderdale County, AL, including the lower 5 miles (8 km) of all tributaries that enter this reach.	XN	747	NA	17.84(o)
Darter, Cherokee	*Etheostoma scotti*	U.S.A. (GA)	Entire	T	569	NA	NA
Darter, Cumberland	*Etheostoma susanae*	U.S.A. (KY, TN)	.....do	E	791	17.95(e)	NA
Darter, diamond	*Crystallaria cincotta*	U.S.A. (IN, KY, OH, TN, WV)	.....do	E	815	17.95(e)	NA
Darter, duskytail	*Etheostoma percnurum*	U.S.A. (TN, VA)	Entire, except where listed as an experimental population.	E	502	NA	NA
Do	.....do	.....do	U.S.A. (TN—specified portions of the Tellico River; see 17.84(p)(1)(i)).	XN	732	NA	17.84(q)
Do	.....do	.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.84(q)(1)(ii)).	XN	.....	NA	17.84(q)
Darter, Etowah	*Etheostoma etowahae*	U.S.A. (GA)	Entire	E	569	NA	NA
Darter, fountain	*Etheostoma fonticola*	U.S.A. (TX)	.....do	E	2	17.95(e)	NA
Darter, goldline	*Percina aurolineata*	U.S.A. (AL, GA, TN)	.....do	T	462	NA	NA
Darter, leopard	*Percina pantherina*	U.S.A. (AR, OK)	.....do	T	31	17.95(e)	17.44(d)
Darter, Maryland	*Etheostoma sellare*	U.S.A. (MD)	.....do	E	1	17.95(e)	NA
Darter, Niangua	*Etheostoma nianguae*	U.S.A. (MO)	.....do	T	185	17.95(e)	17.44(k)
Darter, Okaloosa	*Etheostoma okaloosae*	U.S.A. (FL)	.....do	T	6, 787	NA	17.44(bb)
Darter, relict	*Etheostoma chienense*	U.S.A. (KY)	.....do	E	525	NA	NA
Darter, rush	*Etheostoma phytophilum*	U.S.A. (AL)	.....do	E	791	17.95(e)	NA
Darter, slackwater	*Etheostoma boschungi*	U.S.A. (AL, TN)	.....do	T	28	17.95(e)	17.44(c)
Darter, snail	*Percina tanasi*	U.S.A. (AL, GA, TN)	.....do	T	12, 150	NA	NA
Darter, vermilion	*Etheostoma chermocki*	U.S.A. (AL)	.....do	E	715	17.95(e)	NA
Darter, watercress	*Etheostoma nuchale*	.....do	.....do	E	2	NA	NA
Darter, yellowcheek	*Etheostoma moorei*	U.S.A. (AR)	.....do	E	791	17.95(e)	NA
Eulachon (Southern DPS)	*Thaleichthys pacificus*	Eastern Pacific Ocean, from northern California to southwestern Alaska and into the southeastern Bering Sea.	Southern DPS—see 50 CFR 223.102.	T	776	226.222	NA
Gambusia, Big Bend	*Gambusia gaigei*	U.S.A. (TX)	Entire	E	1	NA	NA
Gambusia, Clear Creek	*Gambusia heterochir*	.....do	.....do	E	1	NA	NA
Gambusia, Pecos	*Gambusia nobilis*	U.S.A. (NM, TX)	.....do	E	2	NA	NA
Gambusia, San Marcos	*Gambusia georgei*	U.S.A. (TX)	.....do	E	98	17.95(e)	NA

Goby, tidewater	*Eucyclogobius newberryi*	U.S.A. (CA)	.....do	E	527	17.95(e)	NA
Logperch, Conasauga	*Percina jenkinsi*	U.S.A. (GA, TN)	.....do	E	196	17.95(e)	NA
Logperch, Roanoke	*Percina rex*	U.S.A. (VA)	.....do	E	359	NA	NA
Madtom, Chucky	*Noturus crypticus*	U.S.A. (TN)	.....do	E	791	17.95(e)	NA
Madtom, Neosho	*Noturus placidus*	U.S.A. (KS, MO, OK)	.....do	T	388	NA	NA
Madtom, pygmy	*Noturus stanauli*	U.S.A. (TN)	Entire, except where listed as an experimental population.	E	502	NA	NA
Do	.....do	.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.84(t)(1)(i)).	XN	.....	NA	17.84(t)
Madtom, Scioto	*Noturus trautmani*	U.S.A. (OH)	Entire	E	10	NA	NA
Madtom, smoky	*Noturus baileyi*	U.S.A. (TN)	Entire, except where listed as an experimental population.	E	163	17.95(e)	NA
Do	.....do	.....do	U.S.A. (TN—specified portions of the Tellico River; see 17.84(r)(1)(i)).	XN	732	NA	17.84(r)
Madtom, yellowfin	*Noturus flavipinnis*	U.S.A. (TN, VA)	Entire, except where listed as an experimental population.	T	28	17.95(e)	17.44(c)
Do	.....do	.....do	U.S.A. (TN, VA—specified portions of the Holston River and watershed; see 17.84(e)(1)(i)).	XN	317	NA	17.84(e)
Do	.....do	.....do	U.S.A. (TN—specified portions of the Tellico River; see 17.84(e)(1)(ii)).	XN	732	NA	17.84(e)
Do	.....do	.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.84(e)(1)(iii)).	XN	.....	NA	17.84(e)
Minnow, Devils River	*Dionda diaboli*	U.S.A. (TX), Mexico	Entire	T	669	17.95(e)	NA
Minnow, loach	*Tiaroga cobitis*	U.S.A. (AZ, NM), Mexico	.....do	E	247	17.95(e)	NA
Minnow, Rio Grande silvery	*Hybognathus amarus*	U.S.A.(NM, TX), Mexico	Entire, except where listed as an experimental population.	E	543	17.95(e)	NA
Do	.....do	.....do	Rio Grande, from Little Box Canyon (approximately 10.4 river miles downstream of Fort Quitman, TX) to Amistad Dam; and on the Pecos River, from its confluence with Independence Creek to its confluence with the Rio Grande.	XN	761	NA	17.84(u)
Nekogigi (catfish)	*Corecobagrus ichikawai*	Japan	Entire	E	3	NA	NA
Pikeminnow (=squawfish), Colorado.	*Ptychocheilus lucius*	U.S.A. (AZ, CA, CO, NM, NV, UT, WY), Mexico.	Entire, except Salt and Verde R. drainages, AZ.	E	1, 193	17.95(e)	NA
Do	.....do	.....do	Salt and Verde R. drainages, AZ	XN	193	NA	17.84(b)
Poolfish, Pahrump	*Empetrichthys latos*	U.S.A. (NV)	Entire	E	1	NA	NA
Pupfish, Ash Meadows Amargosa	*Cyprinodon nevadensis mionectes.*	.....do	.....do	E	117E, 127E, 130	17.95(e)	NA
Pupfish, Comanche Springs	*Cyprinodon elegans*	U.S.A. (TX)	.....do	E	1	NA	NA
Pupfish, desert	*Cyprinodon macularius*	U.S.A. (AZ, CA) Mexico	.....do	E	222	17.95(e)	NA
Pupfish, Devils Hole	*Cyprinodon diabolis*	U.S.A. (NV)	.....do	E	1	NA	NA

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Pupfish, Leon Springs	*Cyprinodon bovinus*	U.S.A. (TX)	.....do	E	102	17.95(e)	NA
Pupfish, Owens	*Cyprinodon radiosus*	U.S.A. (CA)	.....do	E	1	NA	NA
Pupfish, Warm Springs	*Cyprinodon nevadensis pectoralis.*	U.S.A. (NV)	.....do	E	2	NA	NA
Rockfish, canary (Puget Sound–Georgia Basin DPS).	*Sebastes pinniger*	Pacific coast from Punta Colnett, Baja California, to the Western Gulf of Alaska.	Puget Sound–Georgia Basin DPS—see 50 CFR 223.102.	T	776	NA	NA
Rockfish, yelloweye (Puget Sound–Georgia Basin DPS).	*Sebastes ruberrimus*	Pacific coast from northern Baja California to the Aleutian Islands, Alaska.	Puget Sound–Georgia Basin DPS—see 50 CFR 223.102.	T	776	NA	NA
Salmon, Atlantic (Gulf of Maine DPS).	*Salmo salar*	U.S.A., Canada, Greenland, western Europe.	Gulf of Maine DPS—see 50 CFR 224.101.	E	705	226.217	NA
Salmon, Chinook (California Coastal ESU).	*Oncorhynchus tshawytscha*	North America from Ventura River in California to Point Hope, Alaska, and the Mackenzie River area in Canada; northeast Asia from Hokkaido, Japan, to the Anadyr River, Russia.	California Coastal ESU—see 50 CFR 223.102.	T	674	226.211	223.203
Salmon, Chinook (Central Valley spring-run ESU—XN).	.....do	.....do	Central Valley spring-run ESU—XN—see 50 CFR 223.102.	XN	816	NA	223.301
Salmon, Chinook (Central Valley spring-run ESU).	.....do	.....do	Central Valley spring-run ESU—see 50 CFR 223.102.	T	674	226.211	223.203
Salmon, Chinook (Lower Columbia River ESU).	.....do	.....do	Lower Columbia River ESU—see 50 CFR 223.102.	T	664	226.212	223.203
Salmon, Chinook (Puget Sound ESU).	.....do	.....do	Puget Sound ESU—see 50 CFR 223.102.	T	664	226.212	223.203
Salmon, Chinook (Sacramento River winter-run ESU).	.....do	.....do	Sacramento River winter-run ESU—see 50 CFR 224.101.	E	383E, 407, 534	226.204	NA
Salmon, Chinook (Snake River fall-run ESU).	.....do	.....do	Snake River fall-run ESU—see 50 CFR 223.102.	T	516, 557E	226.205	223.203
Salmon, Chinook (Snake River spring/summer-run ESU).	.....do	.....do	Snake River spring/summer-run ESU—see 50 CFR 223.102.	T	516, 557E	226.205	223.203
Salmon, Chinook (Upper Columbia River spring-run ESU).	.....do	.....do	Upper Columbia River spring-run ESU—see 50 CFR 224.101.	E	664	226.212	NA
Salmon, Chinook (Upper Columbia River spring-run ESU—XN).	.....do	.....do	Upper Columbia River spring-run ESU—XN—see 50 CFR 223.102.	XN	845	NA	223.301
Salmon, Chinook (Upper Willamette River ESU).	.....do	.....do	Upper Willamette River ESU—see 50 CFR 223.102.	T	664	226.212	223.203
Salmon, chum (Columbia River ESU).	*Oncorhynchus keta*	North Pacific Rim from Korea and the Japanese Island of Honshu east to Monterey Bay, California; Arctic Ocean from the Laptev Sea in Russia to Mackenzie River in Canada.	Columbia River ESU—see 50 CFR 223.102.	T	664	226.212	223.203

Salmon, chum (Hood Canal summer-run ESU).	.....do	.....do	T	664	226.212	223.203	
Salmon, coho (Central California Coast ESU).	*Oncorhynchus kisutch*	North Pacific Basin from U.S.A. (CA to AK) to Russia and Japan.	E	598	226.210	NA	
Salmon, coho (Lower Columbia River ESU).	.....do	.....do	T	776	NA	223.203	
Salmon, coho (Oregon Coast ESU)	.....do	.....do	T	776	226.212	223.203	
Salmon, coho (Southern Oregon—Northern California Coast ESU).	.....do	.....do	T	618	226.210	223.203	
Salmon, sockeye (Ozette Lake ESU).	*Oncorhynchus nerka*	North Pacific Basin from U.S.A. (CA) to Russia.	T	664	226.212	223.203	
Salmon, sockeye (Snake River ESU).	.....do	.....do	E	455	226.205	NA	
Sawfish, dwarf	*Pristis clavata*	Indo-Pacific, Western Pacific, and eastern Indian Oceans.	E	856	NA	NA	
Sawfish, green	*Pristis zijsron*	Indo-Pacific Ocean, Persian Gulf, Red Sea.	E	856	NA	NA	
Sawfish, largetooth	*Pristis pristis* (formerly *Pristis perotteti, Pristis pristis,* and *Pristis microdon).*	Indian, Indo-Pacific, Eastern Pacific, and Atlantic Oceans, Gulf of Mexico.	E	856	NA	NA	
Sawfish, narrow	*Anoxypristis cuspidata*	Indian and Western Pacific Oceans, Red Sea.	E	856	NA	NA	
Sawfish, smalltooth (Non-U.S. DPS).	*Pristis pectinata*	Atlantic Ocean, Caribbean Sea, Gulf of Mexico.	E	856	NA	NA	
Sawfish, smalltooth (U.S. DPS)	*Pristis pectinata*	North Atlantic Ocean (Mediterranean, U.S. Atlantic, and Gulf of Mexico) and the Southwest Atlantic Ocean.	E	748	226.218	NA	
Sculpin, grotto	*Cottus specus*	U.S.A. (MO)	E	823	17.95(e)	NA	
Sculpin, pygmy	*Cottus pygmaeus*	U.S.A. (AL)	T	365	NA	17.44(u)	
Shark, scalloped hammerhead (Central & SW Atlantic DPS).	*Sphyrna lewini*	Central and Southwest Atlantic Ocean, including Caribbean Sea.	T	845	NA	NA	
Shark, scalloped hammerhead (Eastern Atlantic DPS).	.....do	Eastern Atlantic Ocean, including Mediterranean Sea.	E	845	NA	NA	
Shark, scalloped hammerhead (Eastern Pacific DPS).	.....do	Eastern Pacific Ocean	E	845	NA	NA	
Shark, scalloped hammerhead (Indo-West Pacific DPS).	.....do	Indian Ocean and Western Pacific Ocean.	T	845	NA	NA	
Shiner, Arkansas River	*Notropis girardi*	U.S.A. (AR, KS, NM, OK, TX)	T	653	17.95(e)	NA	
Shiner, beautiful	*Cyprinella formosa*	U.S.A. (AZ, NM), Mexico	T	157	17.95(e)	17.44(h)	
Shiner, blue	*Cyprinella caerulea*	U.S.A. (AL, GA, TN)	T	462	NA	NA	
Shiner, Cahaba	*Notropis cahabae*	U.S.A. (AL)	E	405	NA	NA	
Shiner, Cape Fear	*Notropis mekistocholas*	U.S.A. (NC)	E	290	17.95(e)	NA	
Shiner, palezone	*Notropis albizonatus*	U.S.A. (AL, KY, TN)	E	502	NA	NA	
Shiner, Pecos bluntnose	*Notropis simus pecosensis*	U.S.A. (NM)	T	258	17.95(e)	17.44(r)	

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Shiner, sharpnose	*Notropis oxyrhynchus*	U.S.A. (TX)	.....do	E	840	17.95(e)	NA
Shiner, smalleye	*Notropis buccula*	.....do	.....do	E	840	17.95(e)	NA
Shiner, Topeka	*Notropis topeka=tristis*	U.S.A. (IA, KS, MN, MO, NE, SD).	Entire, except where listed as an experimental population.	E	654	17.95(e)	NA
Shiner, Topeka	.....do	.....do	U.S.A. (MO—specified portions of Little Creek, Big Muddy Creek, and Spring Creek watersheds in Adair, Gentry, Harrison, Putnam, Sullivan, and Worth Counties; see 17.84(d)(1)(i)).	XN	.....	NA	17.84(d)
Silverside, Waccamaw	*Menidia extensa*	U.S.A. (NC)	Entire	T	265	17.95(e)	17.44(s)
Smelt, delta	*Hypomesus transpacificus*	U.S.A. (CA)	.....do	T	492	17.95(e)	NA
Spikedace	*Meda fulgida*	U.S.A. (AZ, NM), Mexico	.....do	E	236	17.95(e)	NA
Spinedace, Big Spring	*Lepidomeda mollispinis pratensis*	U.S.A. (NV)	.....do	T	173	17.95(e)	17.44(i)
Spinedace, Little Colorado	*Lepidomeda vittata*	U.S.A. (AZ)	.....do	T	1, 2D, 287	17.95(e)	17.44(t)
Spinedace, White River	*Lepidomeda albivallis*	U.S.A. (NV)	.....do	E	203	17.95(e)	NA
Springfish, Hiko White River	*Crenichthys baileyi grandis*	.....do	.....do	E	206	17.95(e)	NA
Springfish, Railroad Valley	*Crenichthys nevadae*	.....do	.....do	T	224	17.95(e)	17.44(n)
Springfish, White River	*Crenichthys baileyi baileyi*	.....do	.....do	E	206	17.95(e)	NA
Steelhead (California Central Valley DPS).	*Oncorhynchus mykiss*	North Pacific Ocean from the Kamchatka Peninsula in Asia to the northern Baja Peninsula.	California Central Valley DPS—see 50 CFR 223.102.	T	638	226.211	223.203
Steelhead (Central California Coast DPS).	.....do	.....do	Central California Coast DPS—see 50 CFR 223.102.	T	638	226.211	223.203
Steelhead (Lower Columbia River DPS).	.....do	.....do	Lower Columbia River DPS—see 50 CFR 223.102.	T	638	226.212	223.203
Steelhead (Middle Columbia River DPS).	.....do	.....do	Middle Columbia River DPS—see 50 CFR 223.102.	T	664	226.212	223.203
Steelhead (Middle Columbia River DPS—XN).	.....do	.....do	Middle Columbia River DPS—XN—see 50 CFR 223.102.	XN	816	NA	223.301
Steelhead (Northern California DPS).	.....do	.....do	Northern California DPS—see 50 CFR 223.102.	T	701	226.211	223.203
Steelhead (Puget Sound DPS)	.....do	.....do	Puget Sound DPS—see 50 CFR 223.102.	T	776	NA	223.203
Steelhead (Snake River Basin DPS).	.....do	.....do	Snake River Basin DPS—see 50 CFR 223.102.	T	638	226.212	223.203
Steelhead (South-Central California Coast DPS).	.....do	.....do	South-Central California Coast DPS—see 50 CFR 223.102.	T	638	226.211	223.203
Steelhead (Southern California DPS).	.....do	.....do	Southern California DPS—see 50 CFR 224.101.	E	638	226.211	NA
Steelhead (Upper Columbia River DPS).	.....do	.....do	Upper Columbia River DPS—see 50 CFR 223.102.	T	638	226.212	223.203
Steelhead (Upper Willamette River DPS).	.....do	.....do	Upper Willamette River DPS—see 50 CFR 223.102.	T	664	226.212	223.203

Stickleback, unarmored threespine	*Gasterosteus aculeatus williamsoni.*	U.S.A. (CA)	Entire	E	2	NA	NA
Sturgeon, Adriatic	*Acipenser naccarii*	Adriatic Sea	.....do	E	845	NA	NA
Sturgeon, Alabama	*Scaphirhynchus suttkusi*	U.S.A. (AL, MS)	NA	E	697	17.95(e)	NA
Sturgeon, Atlantic (Atlantic subspecies; Carolina DPS).	*Acipenser oxyrinchus oxyrinchus*	Northwestern Atlantic Ocean	Carolina DPS—see 50 CFR 224.101.	E	816	NA	NA
Sturgeon, Atlantic (Atlantic subspecies; Chesapeake Bay DPS).	.....do	.....do	Chesapeake Bay DPS—see 50 CFR 224.101.	E	816	NA	NA
Sturgeon, Atlantic (Atlantic subspecies; Gulf of Maine DPS).	.....do	.....do	Gulf of Maine DPS—see 50 CFR 223.102.	T	816	NA	223.211
Sturgeon, Atlantic (Atlantic subspecies; New York Bight DPS).	.....do	.....do	New York Bight DPS—see 50 CFR 224.101.	E	816	NA	NA
Sturgeon, Atlantic (Atlantic subspecies; South Atlantic DPS).	.....do	.....do	South Atlantic DPS—see 50 CFR 224.101.	E	816	NA	NA
Sturgeon, Atlantic (Gulf subspecies).	*Acipenser oxyrinchus (=oxyrhynchus) desotoi).*	U.S.A. (AL, FL, GA, LA, MS)	Entire	T	444	17.95(e), 226.214	17.44(v)
Sturgeon, beluga	*Huso huso*	Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Georgia, Hungary, Islamic Republic of Iran, Italy, Kazakhstan, Republic of Moldova, Romania, Russian Federation, Serbia and Montenegro, Turkey, Turkmenistan, Ukraine.	.....do	T	743	NA	17.44 (y)
Sturgeon, Chinese	*Acipenser sinensis*	Northwest Pacific Ocean in China, Japan, South Korea, and North Korea.	.....do	E	845	NA	NA
Sturgeon, European	*Acipenser sturio*	North Sea, the English Channel, and most European coasts of the Atlantic Ocean, the Mediterranean Sea, and the Black Sea.	.....do	E	845	NA	NA
Sturgeon, green (Southern DPS)	*Acipenser medirostris*	U.S.A. (CA)	Southern DPS—see 50 CFR 223.102.	T	756	226.219	223.210
Sturgeon, Kaluga	*Huso dauricus*	Amur River basin, Sea of Okhotsk and the Sea of Japan.	Entire	E	845	NA	NA
Sturgeon, pallid	*Scaphirhynchus albus*	U.S.A. (AR, IA, IL, KS, KY, LA, MO, MS, MT, ND, NE, SD, TN).	.....do	E	399	NA	NA
Sturgeon, Sakhalin	*Acipenser mikadoi*	Northwest Pacific Ocean in Japan and Russia.	.....do	E	845	NA	NA
Sturgeon, shortnose	*Acipenser brevirostrum*	U.S.A. and Canada (Atlantic Coast).	.....do	E	1	NA	NA
Sturgeon, shovelnose	*Scaphirhynchus platorynchus*	U.S.A. (AL, AR, IA, IL, IN, KS, KY, LA, MN, MO, MS, MT, ND, NE, NM, OH, OK, PA, SD, TN, TX, WI, WV, WY).	.....do	T (S/A)	778	NA	17.44(aa)
Sturgeon, white (Kootenai River DPS).	*Acipenser transmontanus*	U.S.A. (AK, CA, ID, MT, OR, WA). Canada (BC).	U.S.A. (ID, MT), Canada (BC), (Kootenai R. system).	E	549	17.95(e)	NA

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Sucker, June	*Chasmistes liorus*	U.S.A. (UT)	Entire	E	223	17.95(e)	NA
Sucker, Lost River	*Deltistes luxatus*	U.S.A. (CA, OR)	.....do	E	313	17.95(e)	NA
Sucker, Modoc	*Catostomus microps*	U.S.A. (CA)	.....do	E	184	17.95(e)	NA
Sucker, razorback	*Xyrauchen texanus*	U.S.A. (AZ, CA, CO, NM, NV, UT, WY), Mexico.	.....do	E	447	17.95(e)	NA
Sucker, Santa Ana	(*Catostomus santaanae*)	U.S.A. (CA)	Los Angeles River basin, San Gabriel River basin, Santa Ana River basin.	T	694	17.95(e)	NA
Sucker, shortnose	*Chasmistes brevirostris*	U.S.A. (CA, OR)	Entire	E	313	17.95(e)	NA
Sucker, Warner	*Catostomus warnerensis*	U.S.A. (OR)	.....do	T	205	17.95(e)	17.44(l)
Sucker, Zuni bluehead	*Catostomus discobolus yarrowi*	U.S.A. (AZ, NM)	.....do	E	839	NA	NA
Sunfish, spring pygmy	*Elassoma alabamae*	U.S.A. (AL)	.....do	T	827	NA	NA
Tango, Miyako (Tokyo bitterling)	*Tanakia tanago*	Japan	.....do	E	3	NA	NA
Temoleh, Ikan (minnow)	*Probarbus jullieni*	Thailand, Cambodia, Vietnam, Malaysia, Laos.	.....do	E	15	NA	NA
Topminnow, Gila (incl. Yaqui)	*Poeciliopsis occidentalis*	U.S.A. (AZ, NM), Mexico	U.S.A. only	E	1	NA	NA
Totoaba (seatrout or weakfish)	*Cynoscion macdonaldi*	Mexico (Gulf of California)	Entire	E	48	NA	NA
Trout, Apache	*Oncorhynchus apache*	U.S.A. (AZ)	.....do	T	1, 8	NA	17.44(a)
Trout, bull	*Salvelinus confluentus*	U.S.A. (AK, Pacific NW into CA, ID, NV, MT) Canada (NW Territories).	U.S.A., coterminous (lower 48 states), except where listed as an experimental population.	T	637, 639E, 659, 670	17.95(e)	17.44(w), 17.44(x)
Trout, bull	*Salvelinus confluentus*	U.S.A. (AK, Pacific NW into CA, ID, NV, MT) Canada (NW Territories).	Clackamas River subbasin and the mainstem Willamette River, from Willamette Falls to its points of confluence with the Columbia River, including Multnomah Channel.	XN		NA	17.84(v)
Trout, Gila	*Oncorhynchus gilae*	U.S.A. (AZ, NM)	Entire	T	1, 757	NA	17.44(z)
Trout, greenback cutthroat	*Oncorhynchus clarki stomias*	U.S.A. (CO)	.....do	T	1, 38	NA	17.44(f)
Trout, Lahontan cutthroat	*Oncorhynchus clarki henshawi*	U.S.A. (CA, NV, OR, UT)	.....do	T	2, 8	NA	17.44(a)
Trout, Little Kern golden	*Oncorhynchus aguabonita whitei*	U.S.A. (CA)	.....do	T	37	17.95(e)	17.44(e)
Trout, Paiute cutthroat	*Oncorhynchus clarki seleniris*	.....do	.....do	T	1, 8	NA	17.44(a)
Woundfin	*Plagopterus argentissimus*	U.S.A. (AZ, NV, UT)	Entire, except Gila R. drainage, AZ, NM.	E	2, 193	17.95(e)	NA
Do	.....do	.....do	Gila R. drainage, AZ, NM	XN	193	NA	17.84(b)
CLAMS							
Acornshell, southern	*Epioblasma othcaloogensis*	U.S.A. (AL, GA, TN)	NA	E	495	17.95(f)	NA
Bankclimber, purple (mussel)	*Elliptoideus sloatianus*	U.S.A. (AL, FL, GA)	NA	T	633	17.95(f)	NA
Bean, Choctaw	*Villosa choctawensis*	U.S.A. (AL, FL)	NA	E	808	17.95(f)	NA
Bean, Cumberland (pearlymussel)	*Villosa trabalis*	U.S.A. (AL, KY, TN, VA)	NA	E	15	NA	NA
Do	.....do	.....do	U.S.A. (AL—specified portions of the Tennessee River; see 17.85(a)(1)).	XN	709	NA	17.85(a)
Do	.....do	.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.85(b)(1)).	XN	.....	NA	17.85(b)

Bean, Purple	*Villosa perpurpurea*	U.S.A. (TN, VA)	NA	E	602	17.95(f)	NA
Blossom, green (pearlymussel)	*Epioblasma torulosa gubernaculum.*	.....do	Entire	E	15	NA	NA
Blossom, tubercled (pearlymussel)	*Epioblasma torulosa torulosa*	U.S.A. (AL, IL, IN, KY, TN, WV)	NA	E	15	NA	NA
Do		.....do	U.S.A. (AL—specified portions of the Tennessee River; see 17.85(a)(1)).	XN	709	NA	17.85(a)
Blossom, turgid (pearlymussel)	*Epioblasma turgidula*	U.S.A. (AL, TN)	NA	E	15	NA	NA
Do		.....do	U.S.A. (AL—specified portions of the Tennessee River; see 17.85(a)(1)).	XN	709	NA	17.85(a)
Blossom, yellow (pearlymussel)	*Epioblasma florentina florentina*	.....do	NA	E	15	NA	NA
Do		.....do	U.S.A. (AL—specified portions of the Tennessee River; see 17.85(a)(1)).	XN	709	NA	17.85(a)
Catspaw, (=purple cat's paw pearlymussel).	*Epioblasma*	U.S.A. (AL, IL, IN, KY, OH, TN)	NA	E	394	NA	NA
Do		.....do	U.S.A. (AL—specified portions of the Tennessee River; see 17.85(a)(1)).	XN	709	NA	17.85(a)
Catspaw, white (pearlymussel)	*Epioblasma obliquata perobliqua*	U.S.A. (IN, MI, OH)	Entire	E	15	NA	NA
Clubshell	*Pleurobema clava*	U.S.A. (AL, IL, IN, KY, MI, OH, PA, TN, WV).	NA	E	488	NA	NA
Do		.....do	U.S.A. (AL—specified portions of the Tennessee River; see 17.85(a)(1)).	XN	709	NA	17.85(a)
Clubshell, black	*Pleurobema curtum*	U.S.A. (AL, MS)	Entire	E	262	NA	NA
Clubshell, ovate	*Pleurobema perovatum*	U.S.A. (AL, TN, GA, MS)	NA	E	495	17.95(f)	NA
Clubshell, southern	*Pleurobema decisum*	.....do	NA	E	495	17.95(f)	NA
Combshell, Cumberlandian	*Epioblasma brevidens*	U.S.A. (AL, KY, MS, TN, VA)	NA	E	602	17.95(f)	NA
Do		.....do	U.S.A. (AL—specified portions of the Tennessee River; see 17.85(a)(1)).	XN	709	NA	17.85(a)
Do		.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.85(b)(1).	XN	.....	NA	17.85(b)
Combshell, southern	*Epioblasma (=Dysnomia) penita*	U.S.A. (AL, MS)	Entire	E	262	NA	NA
Combshell, upland	*Epioblasma metastriata*	U.S.A. (AL, GA, TN)	NA	E	495	17.95(f)	NA
Ebonyshell, round	*Fusconaia rotulata*	U.S.A. (AL, FL)	NA	E	808	17.95(f)	NA
Elktoe, Appalachian	*Alasmidonta raveneliana*	U.S.A. (NC, TN)	Entire	E	563	17.95(f)	NA
Elktoe, Cumberland	*Alasmidonta atropurpurea*	U.S.A. (KY, TN)	NA	E	602	17.95(f)	NA
Fanshell	*Cyprogenia stegaria (=irrorata)*	U.S.A. (AL, IL, IN, KY, OH, PA, TN, VA, WV).	NA	E	391	NA	NA
Do		.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.85(b)(1)).	XN	.....	NA	17.85(b)
Fatmucket, Arkansas	*Lampsilis powelli*	U.S.A. (AR)	Entire	T	382	NA	NA
Heelsplitter, Alabama (=inflated)	*Potamilus inflatus*	U.S.A. (AL, LA, MS)	.....do	T	404	NA	NA
Heelsplitter, Carolina	*Lasmigona decorata*	U.S.A. (NC, SC)	.....do	E	505	17.95(f)	NA
Higgins eye (pearlymussel)	*Lampsilis higginsii*	U.S.A. (IA, IL, MN, MO, NE, WI)	.....do	E	15	NA	NA

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Kidneyshell, fluted	*Ptychobranchus subtentum*	U.S.A. (AL, KY, TN, VA)	.....do	E	825	17.95(f)	NA
Kidneyshell, southern	*Ptychobranchus jonesi*	U.S.A. (AL, FL)	NA	E	808	17.95(f)	NA
Kidneyshell, triangular	*Ptychobranchus greenii*	U.S.A. (AL, GA, TN)	NA	E	495	17.95(f)	NA
Lampmussel, Alabama	*Lampsilis virescens*	U.S.A. (AL, TN)	NA	E	15	NA	NA
Do	.....do	.....do	U.S.A. (AL—specified portions of the Tennessee River; see 17.85(a)(1)).	XN	709	NA	17.85(a)
Lilliput, pale (pearlymussel)	*Toxolasma cylindrellus*	.....do	Entire	E	15	NA	NA
Mapleleaf, winged (mussel)	*Quadrula fragosa*	U.S.A. (AL, IA, IL, IN, KY, MN, MO, NE, OH, OK, TN, WI).	NA	E	426	NA	NA
Do	.....do	.....do	U.S.A. (AL—specified portions of the Tennessee River; see 17.85(a)(1)).	XN	709	NA	17.85(a)
Moccasinshell, Alabama	*Medionidus acutissimus*	U.S.A. (AL, GA, MS)	NA	T	495	17.95(f)	NA
Moccasinshell, Coosa	*Medionidus parvulus*	U.S.A. (AL, GA, TN)	NA	E	495	17.95(f)	NA
Moccasinshell, Gulf	*Medionidus penicillatus*	U.S.A. (AL, FL, GA)	NA	E	633	17.95(f)	NA
Moccasinshell, Ochlockonee	*Medionidus simpsonianus*	U.S.A. (FL, GA)	NA	E	633	17.95(f)	NA
Monkeyface, Appalachian (pearlymussel).	*Quadrula sparsa*	U.S.A. (TN, VA)	NA	E	15	NA	NA
Do	.....do	.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.85(b)(1)).	XN	.....	NA	17.85(b)
Monkeyface, Cumberland (pearlymussel).	*Quadrula intermedia*	U.S.A. (AL, TN, VA)	NA	E	15	NA	NA
Do	.....do	.....do	U.S.A. (AL—specified portions of the Tennessee River; see 17.85(a)(1)).	XN	709	NA	17.85(a)
Do	.....do	.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.85(b)(1)).	XN	.....	NA	17.85(b)
Mucket, Neosho	*Lampsilis rafinesqueana*	U.S.A. (AR, KS, MO, OK)	NA	E	816	17.95(f)	NA
Mucket, orange-nacre	*Lampsilis perovalis*	U.S.A. (AL, MS)	NA	T	495	17.95(f)	NA
Mucket, pink (pearlymussel)	*Lampsilis abrupta*	U.S.A. (AL, AR, IL, IN, KY, LA, MO, OH, PA, TN, VA, WV).	Entire	E	15	NA	NA
Mussel, oyster	*Epioblasma capsaeformis*	U.S.A. (AL, GA, KY, MS, NC, TN, VA).	NA	E	602	17.95(f)	NA
Do	.....do	.....do	U.S.A. (AL—specified portions of the Tennessee River; see 17.85(a)(1)).	XN	709	NA	17.85(a)
Do	.....do	.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.85(b)(1)).	XN	.....	NA	17.85(b)
Mussel, rayed bean	*Villosa fabalis*	U.S.A. (IL, IN, KY, MI, NY, OH, PA, TN, VA, WV); Canada (ON).	NA	E	798	NA	NA

Mussel, scaleshell	*Leptodea leptodon*	U.S.A. (AL, AR, IA, IL, IN, KY, MN, MO, OH, OK, SD, TN, WI).	NA	E	714	NA	NA
Mussel, snuffbox	*Epioblasma triquetra*	U.S.A. (AL, AR, IL, IN, IA, KS, KY, MI, MN, MS, MO, NY, OH, PA, TN, VA, WV, WI); Canada (ON).	NA	E	798	NA	NA
Pearlshell, Alabama	*Margaritifera marrianae*	U.S.A. (AL)	NA	E	808	17.95(f)	NA
Pearlshell, Louisiana	*Margaritifera hembeli*	U.S.A. (LA)	Entire	T	304, 518	NA	NA
Pearlymussel, birdwing	*Lemiox rimosus*	U.S.A. (AL, TN, VA)	NA	E	15	NA	NA
Do	.....do	.....do	U.S.A. (AL—specified portions of the Tennessee River; see 17.85(a)(1)).	XN	709	NA	17.85(a)
Do	.....do	.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.85(b)(1)).	XN	.....	NA	17.85(b)
Pearlymussel, cracking	*Hemistena lata*	U.S.A. (AL, IL, IN, KY, OH, TN, VA).	NA	E	366	NA	NA
Do	.....do	.....do	U.S.A. (AL—specified portions of the Tennessee River; see 17.85(a)(1)).	XN	709	NA	17.85(a)
Do	.....do	.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.85(b)(1)).	XN	.....	NA	17.85(b)
Pearlymussel, Curtis	*Epioblasma florentina curtisii*	U.S.A. (AR, MO)	Entire	E	15	NA	NA
Pearlymussel, dromedary	*Dromus dromas*	U.S.A. (AL, KY, TN, VA)	NA	E	15	NA	NA
Do	.....do	.....do	U.S.A. (AL—specified portions of the Tennessee River; see 17.85(a)(1)).	XN	709	NA	17.85(a)
Do	.....do	.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.85(b)(1)).	XN	.....	NA	17.85(b)
Pearlymussel, little-wing	*Pegias fabula*	U.S.A. (AL, KY, NC, TN, VA)	Entire	E	342	NA	NA
Pearlymussel, Nicklin's	*Megalonaias nicklineana*	Mexico	.....do	E	15	NA	NA
Pearlymussel, slabside	*Pleuronaia dolabelloides*	U.S.A. (AL, KY, MS, TN, VA)	.....do	E	825	17.95(f)	NA
Pearlymussel, Tampico	*Cyrtonaias tampicoensis tecomatensis.*	Mexico	.....do	E	15	NA	NA
Pigtoe, Cumberland	*Pleurobema gibberum*	U.S.A. (TN)	.....do	E	423	NA	NA
Pigtoe, dark	*Pleurobema furvum*	U.S.A. (AL)	NA	E	495	17.95(f)	NA
Pigtoe, fine-rayed	*Fusconaia cuneolus*	U.S.A. (AL, TN, VA)	NA	E	15	NA	NA
Do	.....do	.....do	U.S.A. (AL—specified portions of the Tennessee River; see 17.85(a)(1)).	XN	709	NA	17.85(a)
Do	.....do	.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.85(b)(1)).	XN	.....	NA	17.85(b)
Pigtoe, flat	*Pleurobema marshalli*	U.S.A. (AL, MS)	Entire	E	262	NA	NA
Pigtoe, fuzzy	*Pleurobema strodeanum*	U.S.A. (AL, FL)	NA	T	808	17.95(f)	NA
Pigtoe, Georgia	*Pleurobema hanleyianum*	U.S.A. (AL, GA, TN)	NA	E	777	17.95(f)	NA
Pigtoe, heavy	*Pleurobema taitianum*	U.S.A. (AL, MS)	Entire	E	262	NA	NA
Pigtoe, narrow	*Fusconaia escambia*	U.S.A. (AL, FL)	NA	T	808	17.95(f)	NA

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Pigtoe, oval	*Pleurobema pyriforme*	U.S.A. (AL, FL, GA)	NA	E	633	17.95(f)	NA
Pigtoe, rough	*Pleurobema plenum*	U.S.A. (AL, IN, KY, PA, TN, VA)	NA	E	15	NA	NA
Do	.....do	.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.85(b)(1)).	XN	.....	NA	17.85(b)
Pigtoe, shiny	*Fusconaia cor*	U.S.A. (AL, TN, VA)	NA	E	15	NA	NA
Do	.....do	.....do	U.S.A. (AL—specified portions of the Tennessee River; see 17.85(a)(1)).	XN	709	NA	17.85(a)
Do	.....do	.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.85(b)(1)).	XN	.....	NA	17.85(b)
Pigtoe, southern	*Pleurobema georgianum*	U.S.A. (AL, GA, TN)	NA	E	495	17.95(f)	NA
Pigtoe, tapered	*Fusconaia burkei*	U.S.A. (AL, FL)	NA	T	808	17.95(f)	NA
Pimpleback, orangefoot (pearlymussel).	*Plethobasus cooperianus*	U.S.A. (AL, IA, IL, IN, KY, OH, PA, TN).	NA	E	15	NA	NA
Do	.....do	.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.85(b)(1)).	XN	.....	NA	17.85(b)
Pocketbook, fat	*Potamilus capax*	U.S.A. (AR, IA, IL, IN, KY, MO, MS, OH).	Entire	E	15	NA	NA
Pocketbook, fine-lined	*Lampsilis altilis*	U.S.A. (AL, GA)	NA	T	495	17.95(f)	NA
Rock-pocketbook, Ouachita	*Arkansia wheeleri*	U.S.A. (AR, OK)	Entire	E	446	NA	NA
Pocketbook, shinyrayed	*Lampsilis subangulata*	U.S.A. (AL, FL, GA)	NA	E	633	17.95(f)	NA
Pocketbook, speckled	*Lampsilis streckeri*	U.S.A. (AR)	Entire	E	345	NA	NA
Rabbitsfoot	*Quadrula cylindrica cylindrica*	U.S.A. (AL, AR, GA, IN, IL, KS, KY, LA, MO, MS, OH, OK, PA, TN, WV).	NA	T	816	17.95(f)	NA
Rabbitsfoot, rough	*Quadrula cylindrica strigillata*	U.S.A. (TN, VA)	NA	E	602	17.95(f)	NA
Riffleshell, northern	*Epioblasma torulosa rangiana*	U.S.A. (IL, IN, KY, MI, OH, PA, WV), Canada (Ont.).	Entire	E	488	NA	NA
Riffleshell, tan	*Epioblasma florentina walkeri (=E. walkeri).*	U.S.A. (AL, KY, NC, TN, VA)	.....do	E	27	NA	NA
Pink, ring (mussel)	*Obovaria retusa*	U.S.A. (AL, IL, IN, KY, OH, PA, TN, WV).	NA	E	369	NA	NA
Do	.....do	.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.85(b)(1)).	XN	.....	NA	17.85(b)
Sandshell, southern	*Hamiota australis*	U.S.A. (AL, FL)	NA	T	808	17.95(f)	NA
Sheepnose	*Plethobasus cyphyus*	U.S.A. (AL, IL, IN, IA, KY, MN, MS, MO, OH, PA, TN, VA, WV, WI).	NA	E	.....	NA	NA
Slabshell, Chipola	*Elliptio chipolaensis*	U.S.A. (AL, FL)	NA	T	633	17.95(f)	NA
Spectaclecase	*Cumberlandia monodonta*	U.S.A. (AL, AR, IL, IN, IA, KS, KY, MN, MO, OH, TN, VA, WV, WI).	NA	E	.....	NA	NA

Spinymussel, Altamaha	*Elliptio spinosa*	U.S.A. (GA)	Entire	E	796	17.95(f)	NA
Spinymussel, James	*Pleurobema collina*	U.S.A. (VA, WV)	.....do	E	316	NA	NA
Spinymussel, Tar River	*Elliptio steinstansana*	U.S.A. (NC)	.....do	E	188	NA	NA
Stirrupshell	*Quadrula stapes*	U.S.A. (AL, MS)	.....do	E	262	NA	NA
Threeridge, fat (mussel)	*Amblema neislerii*	U.S.A. (FL, GA)	NA	E	633	17.95(f)	NA
Wartyback, white (pearlymussel)	*Plethobasus cicatricosus*	U.S.A. (AL, IL, IN, KY, TN)	NA	E	15	NA	NA
Do	.....do	.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.85(b)(1)).	XN	.....	NA	17.85(b)
Wedgemussel, dwarf	*Alasmidonta heterodon*	U.S.A. (CT, DC, DE, MA, MD, NC, NH, NJ, NY, PA, VA, VT), Canada (N.B.).	Entire	E	377	NA	NA
SNAILS							
Abalone, black	*Haliotis cracherodii*	North America (West coast from Crescent City, CA, USA, to Cape San Lucas, Baja California, Mexico.	Entire	E	776	226.221	NA
Abalone, white	*Haliotis sorenseni*	North America (West coast from Point Conception, CA, U.S.A, to Punta Abreojos, Baja California, Mexico).	.....do	E	748	NA	NA
Ambersnail, Kanab	*Oxyloma haydeni kanabensis*	U.S.A. (AZ, UT)	.....do	E	431E, 459, 477	NA	NA
Campeloma, slender	*Campeloma decampi*	U.S.A. (AL)	.....do	E	688	NA	NA
Cavesnail, Tumbling Creek	*Antrobia culveri*	U.S.A. (MO)	NA	E	731	17.95(f)	NA
Elimia, lacy (snail)	*Elimia crenatella*	U.S.A.(AL)	Entire	T	651	NA	NA
Hornsnail, rough	*Pleurocera foremani*	.....do	NA	E	777	17.95(f)	NA
Limpet, Banbury Springs	*Lanx* sp.	U.S.A. (ID)	.....do	E	485	NA	NA
Lioplax, cylindrical (snail)	*Lioplax cyclostomaformis*	U.S.A. (AL, GA)	.....do	E	651	NA	NA
Marstonia (snail), royal	*Pyrgulopsis ogmorhaphe*	U.S.A. (TN)	.....do	E	538	NA	NA
Pebblesnail, flat	*Lepyrium showalteri*	U.S.A. (AL)	.....do	E	651	NA	NA
Pecos assiminea	*Assiminea pecos*	U.S.A. (NM, TX)	NA	E	770	17.95(f)	NA
Riversnail, Anthony's	*Athearnia anthonyi*	U.S.A. (AL, GA, TN)	NA	E	538	NA	NA
Do	.....do	.....do	U.S.A. (AL—specified portions of the Tennessee River; see 17.85(a)(1)).	XN	709	NA	17.85(a)
Do	.....do	.....do	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see 17.85(b)(1)).	XN	.....	NA	17.85(b)
Rocksnail, interrupted	*Leptoxis foremani*	U.S.A. (AL, GA)	NA	E	777	17.95(f)	NA
Rocksnail, painted	*Leptoxis taeniata*	U.S.A. (AL)	Entire	T	651	NA	NA
Rocksnail, plicate	*Leptoxis plicata*	.....do	.....do	E	651	NA	NA
Rocksnail, round	*Leptoxis ampla*	.....do	.....do	T	651	NA	NA
Snail, armored	*Pyrgulopsis (=Marstonia) pachyta*	U.S.A. (AL)	.....do	E	688	NA	NA
Snail, Bliss Rapids	*Taylorconcha serpenticola*	U.S.A. (ID)	.....do	T	485	NA	NA
Snail, Chittenango ovate amber	*Succinea chittenangoensis*	U.S.A. (NY)	.....do	T	41	NA	NA
Snail, flat-spired three-toothed	*Triodopsis platysayoides*	U.S.A. (WV)	.....do	T	41	NA	NA
Snail, Iowa Pleistocene	*Discus macclintocki*	U.S.A. (IA, IL)	.....do	E	41	NA	NA
Snail, Lanai tree	*Partulina semicarinata*	U.S.A. (HI)	NA	E	815	NA	NA
Snail, Lanai tree	*Partulina variabilis*	.....do	NA	E	815	NA	NA

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Snail, Manus Island tree	*Papustyla pulcherrima*	Pacific Ocean—Admiralty Is. (Manus Is.).	Entire	E	3	NA	NA
Snail, Morro shoulderband (=Banded dune).	*Helminthoglypta walkeriana*	U.S.A. (CA)	NA	E	567	17.95(f)	NA
Snail, Newcomb's	*Erinna newcombi*	U.S.A. (HI)	Entire	T	680	17.95(f)	NA
Snail, Newcomb's tree	*Newcombia cumingi*	.....do	NA	E	815	NA	NA
Snail, noonday	*Mesodon clarki nantahala*	U.S.A. (NC)	.....do	T	41	NA	NA
Snail, painted snake coiled forest	*Anguispira picta*	U.S.A. (TN)	.....do	T	41	NA	NA
Snail, Snake River physa	*Physa natricina*	U.S.A. (ID)	.....do	E	485	NA	NA
Snail, Stock Island tree	*Orthalicus reses* (not incl. *nesodryas*).	U.S.A. (FL)	.....do	T	41	NA	NA
Snail, tulotoma	*Tulotoma magnifica*	U.S.A. (AL)	.....do	T	412, 789	NA	NA
Snail, Virginia fringed mountain	*Polygyriscus virginianus*	U.S.A. (VA)	.....do	E	41	NA	NA
Snails, Oahu tree	*Achatinella* spp.	U.S.A. (HI)	.....do	E	108, 112	NA	NA
Springsnail, Alamosa	*Tryonia alamosae*	U.S.A. (NM)	.....do	E	442	NA	NA
Springsnail, Bruneau Hot	*Pyrgulopsis bruneauensis*	U.S.A. (ID)	.....do	E	489	NA	NA
Springsnail, Chupadera	*Pyrgulopsis chupaderae*	U.S.A. (NM)	NA	E	.....	17.95(f)	NA
Springsnail, Koster's	*Juturnia kosteri*	.....do	NA	E	770	17.95(f)	NA
Springsnail, Phantom	*Pyrgulopsis texana*	U.S.A. (TX)	NA	E	812	17.95(f)	NA
Springsnail, Roswell	*Pyrgulopsis roswellensis*	U.S.A. (NM)	NA	E	770	17.95(f)	NA
Springsnail, San Bernardino	*Pyrgulopsis bernardina*	U.S.A. (AZ); Mexico (Sonora)	Entire	T	.....	17.95(f)	NA
Springsnail, Socorro	*Pyrgulopsis neomexicana*	U.S.A. (NM)	.....do	E	442	NA	NA
Springsnail, Three Forks	*Pyrgulopsis trivialis*	U.S.A. (AZ)	.....do	E	.....	17.95(f)	NA
Tryonia, Diamond	*Pseudotryonia adamantina*	U.S.A. (TX)	NA	E	812	17.95(f)	NA
Tryonia, Gonzales	*Tryonia circumstriata*	.....do	NA	E	812	17.95(f)	NA
Tryonia, Phantom	*Tryonia cheatumi*	.....do	NA	E	812	17.95(f)	NA
INSECTS							
Beetle, American burying	*Nicrophorus americanus*	U.S.A. (eastern States south to FL, west to SD and TX), eastern Canada.	Entire, except where listed as an experimental population.	E	351	NA	NA
Beetle, American burying	*Nicrophorus americanus*	U.S.A. (eastern States south to FL, west to SD and TX), eastern Canada.	In southwestern Missouri, the counties of Cedar, St. Clair, Bates, and Vernon.	XN	800	NA	17.85(c)
Beetle, Casey's June	*Dinacoma caseyi*	U.S.A. (CA)	Entire	E	793	17.95(i)	NA
Beetle, Coffin Cave mold	*Batrisodes texanus*	U.S.A. (TX)	.....do	E	327, 513	NA	NA
Beetle, Comal Springs dryopid	*Stygoparnus comalensis*	.....do	NA	E	629	17.95(i)	NA
Beetle, Comal Springs riffle	*Heterelmis comalensis*	.....do	NA	E	629	17.95(i)	NA
Beetle, delta green ground	*Elaphrus viridis*	U.S.A. (CA)	Entire	T	100	17.95(i)	NA
Beetle, Helotes mold	*Batrisodes venyivi*	U.S.A. (TX)	NA	E	706	17.95(i)	NA
Beetle, Hungerford's crawling water.	*Brychius hungerfordi*	U.S.A. (MI, Canada)	Entire	E	533	NA	NA
Beetle, Kretschmarr Cave mold	*Texamaurops reddelli*	U.S.A. (TX)	.....do	E	327, 513	NA	NA
Beetle, Mount Hermon June	*Polyphylla barbata*	U.S.A. (CA)	.....do	E	605	NA	NA
Beetle, [no common name]	*Rhadine exilis*	U.S.A. (TX)	NA	E	706	17.95(i)	NA
Beetle, [no common name]	*Rhadine infernalis*	.....do	NA	E	706	17.95(i)	NA

Beetle, northeastern beach tiger	*Cicindela dorsalis dorsalis*	U.S.A. (CT, MA, MD, NJ, NY, PA, RI, VA).	Entire	T	396	NA	NA
Beetle, Ohlone tiger	*Cicindela ohlone (CA)*	U.S.A. (CA)	NA	E	713	NA	NA
Beetle, Puritan tiger	*Cicindela puritana*	U.S.A. (CT, MA, MD, NH, VT)	Entire	T	396	NA	NA
Beetle, Salt Creek tiger	*Cicindela nevadica lincolniana*	U.S.A. (NE)	.....do	E	754	17.95(i)	NA
Beetle, Tooth Cave ground	*Rhadine persephone*	U.S.A. (TX)	.....do	E	327	NA	NA
Beetle, valley elderberry longhorn	*Desmocerus californicus dimorphus.*	U.S.A. (CA)	.....do	T	99	17.95(i)	NA
Butterfly, Bartram's scrub-hairstreak.	*Strymon acis bartrami*	U.S.A. (FL)	NA	E	843	17.95(i)	NA
Butterfly, bay checkerspot	*Euphydryas editha bayensis*	U.S.A. (CA)	Entire	T	288	17.95(i)	NA
Butterfly, Behren's silverspot	*Speyeria zerene behrensii*	.....do	.....do	E	628	NA	NA
Butterfly, callippe silverspot	*Speyeria callippe callippe*	.....do	.....do	E	628	NA	NA
Butterfly, cassius blue	*Leptotes cassius theonus*	U.S.A. (FL), Bahamas, Greater Antilles, Cayman Islands.	Coastal south and central FL	T (S/A)	801	NA	17.47(a)
Butterfly, ceraunus blue	*Hemiargus ceraunus antibubastus.*	U.S.A. (FL), Bahamas	.....do	T (S/A)	801	NA	17.47 (a)
Butterfly, Corsican swallowtail	*Papilio hospiton*	Corsica, Sardinia	Entire	E	486	NA	NA
Butterfly, El Segundo blue	*Euphilotes battoides allyni*	U.S.A. (CA)	.....do	E	14	NA	NA
Butterfly, Fender's blue	*Icaricia icarioides fenderi*	U.S.A. (OR)	NA	E	679	17.95(i)	NA
Butterfly, Florida leatwing	*Anaea troglodyta floridalis*	U.S.A. (FL)	NA	E	843	17.95(i)	NA
Butterfly, Homerus swallowtail	*Papilio homerus*	Jamaica	Entire	E	486	NA	NA
Butterfly, Karner blue	*Lycaeides melissa samuelis*	U.S.A. (IL, IN, MA, MI, MN, NH, NY, OH, PA, WI), Canada (Ont.).	.....do	E	484	NA	NA
Butterfly, Lange's metalmark	*Apodemia mormo langei*	U.S.A. (CA)	.....do	E	14	NA	NA
Butterfly, lotis blue	*Lycaeides argyrognomon lotis*	.....do	.....do	E	14	NA	NA
Butterfly, Luzon peacock swallowtail.	*Papilio chikae*	Philippines	.....do	E	486	NA	NA
Butterfly, Miami blue	*Cyclargus thomasi bethunebakeri*	U.S.A. (FL), Bahamas	NA	E	801	NA	NA
Butterfly, mission blue	*Icaricia icarioides missionensis*	U.S.A. (CA)	Entire	E	14	NA	NA
Butterfly, Mitchell's satyr	*Neonympha mitchellii mitchellii*	U.S.A. (IN, MI, NJ, OH)	.....do	E	428E, 469	NA	NA
Butterfly, Mount Charleston blue	*Icaricia (Plebejus) shasta charlestonensis.*	U.S.A. (Clark County, NV; Spring Mountains).	.....do	E	820	17.95(i)	NA
Butterfly, Myrtle's silverspot	*Speyeria zerene myrtleae*	U.S.A. (CA)	.....do	E	472	NA	NA
Butterfly, nickerbean blue	*Cyclargus ammon*	U.S.A. (FL), Bahamas, Cuba	Coastal south and central FL	T(S/A)	801	NA	17.47 (a)
Butterfly, Oregon silverspot	*Speyeria zerene hippolyta*	U.S.A. (CA, OR, WA)	Entire	T	95	17.95(i)	NA
Butterfly, Palos Verdes blue	*Glaucopsyche lygdamus palosverdesensis.*	U.S.A. (CA)	.....do	E	96	17.95(i)	NA
Butterfly, Queen Alexandra's birdwing.	*Troides alexandrae*	Papua New Guinea	.....do	E	364	NA	NA
Butterfly, Quino checkerspot	*Euphydryas edith quino*	U.S.A. (CA), Mexico	.....do	E	604	17.95(i)	NA
Butterfly, Saint Francis' satyr	*Neonympha mitchellii francisci*	U.S.A. (NC)	.....do	E	539E, 574	NA	NA
Butterfly, San Bruno elfin	*Callophrys mossii bayensis*	U.S.A. (CA)	.....do	E	14	NA	NA
Butterfly, Schaus swallowtail	*Heraclides aristodemus ponceanus.*	U.S.A. (FL)	.....do	E	13, 159	NA	NA
Butterfly, Smith's blue	*Euphilotes enoptes smithi*	U.S.A. (CA)	.....do	E	14	NA	NA
Butterfly, Taylor's checkerspot	*Euphydryas editha taylori*	U.S.A. (WA, OR), Canada (BC)	NA	E	824	17.95(i)	NA

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Butterfly, Uncompahgre fritillary	*Boloria acrocnema*	U.S.A. (CO)	Entire	E	427	NA	NA
Damselfly, blackline Hawaiian	*Megalagrion nigrohamatum nigrolineatum.*	U.S.A. (HI)	NA	E	.....	17.95(i)	NA
Damselfly, crimson Hawaiian	*Megalagrion leptodemas*	.....do	NA	E	.....	17.95(i)	NA
Damselfly, flying earwig Hawaiian	*Megalagrion nesiotes*	.....do	NA	E	271	NA	NA
Damselfly, oceanic Hawaiian	*Megalagrion oceanicum*	.....do	NA	E	.....	17.95(i)	NA
Damselfly, Pacific Hawaiian	*Megalagrion pacificum*	.....do	NA	E	271	NA	NA
Dragonfly, Hine's emerald	*Somatochlora hineana*	U.S.A. (AL, IL, IN, MI, MO, OH, and WI).	NA	E	573	17.95(i)	NA
Fly, Delhi Sands flower-loving	*Rhaphiomidas terminatus abdominalis.*	U.S.A. (CA)	Entire	E	517	NA	NA
Fly, Hawaiian picture-wing	*Drosophila aglaia*	U.S.A. (HI)	NA	E	756	17.95(i)	NA
Fly, Hawaiian picture-wing	*Drosophila differens*	.....do	NA	E	756	17.95(i)	NA
Fly, Hawaiian picture-wing	*Drosophila digressa*	.....do	Entire	E	818	NA	NA
Fly, Hawaiian picture-wing	*Drosophila hemipeza*	.....do	NA	E	756	17.95(i)	NA
Fly, Hawaiian picture-wing	*Drosophila heteroneura*	.....do	NA	E	756	17.95(i)	NA
Fly, Hawaiian picture-wing	*Drosophila montgomeryi*	.....do	NA	E	756	17.95(i)	NA
Fly, Hawaiian picture-wing	*Drosophila mulli*	.....do	NA	T	756	17.95(i)	NA
Fly, Hawaiian picture-wing	*Drosophila musaphilia*	.....do	NA	E	756	17.95(i)	NA
Fly, Hawaiian picture-wing	*Drosophila neoclavisetae*	.....do	NA	E	756	17.95(i)	NA
Fly, Hawaiian picture-wing	*Drosophila obatai*	.....do	NA	E	756	17.95(i)	NA
Fly, Hawaiian picture-wing	*Drosophila ochrobasis*	.....do	NA	E	756	17.95(i)	NA
Fly, Hawaiian picture-wing	*Drosophila sharpi*	.....do	NA	E	765	17.95(i)	NA
Fly, Hawaiian picture-wing	*Drosophila substenoptera*	.....do	NA	E	756	17.95(i)	NA
Fly, Hawaiian picture-wing	*Drosophila tarphytrichia*	.....do	NA	E	756	17.95(i)	NA
Grasshopper, Zayante band-winged.	*Trimerotropis infantilis*	U.S.A. (CA)	NA	E	605	17.95(i)	NA
Moth, Blackburn's sphinx	*Manduca blackburni*	U.S.A. (HI)	NA	E	682	17.95(i)	NA
Moth, Kern primrose sphinx	*Euproserpinus euterpe*	U.S.A. (CA)	Entire	T	91	NA	NA
Naucorid, Ash Meadows	*Ambrysus amargosus*	U.S.A. (NV)	.....do	T	181	17.95(i)	NA
Skipper, Carson wandering	*Pseudocopaeodes eunus obscurus.*	U.S.A. (CA, NV)	U.S.A., (Lassen County, CA; Washoe County, NV).	E	730	NA	NA
Skipper, Dakota	*Hesperia dacotae*	U.S.A. (IA, IL, MN, ND, SD); Canada (Manitoba, Saskatchewan).	NA	T	851	NA	17.47(b)
Skipper, Laguna Mountains	*Pyrgus ruralis lagunae*	U.S.A. (CA)	Entire	E	604	17.95(i)	NA
Skipper, Pawnee montane	*Hesperia leonardus montana*	U.S.A. (CO)	.....do	T	289	NA	NA
Skipperling, Poweshiek	*Oarisma poweshiek*	U.S.A. (IA, IL, IN, MI, MN, ND, SD, WI,); Canada (Manitoba).	NA	E	851	NA	NA
ARACHNIDS							
Harvestman, Bee Creek Cave	*Texella reddelli*	U.S.A. (TX)	.....do	E	327, 513	NA	NA
Harvestman, Bone Cave	*Texella reyesi*	.....do	.....do	E	327, 513	NA	NA
Harvestman, Cokendolpher cave	*Texella cokendolpheri*	.....do	NA	E	706	17.95(g)	NA
Meshweaver, Braken Bat Cave	*Circurina venii*	.....do	NA	E	706	17.95(g)	NA
Meshweaver, Government Canyon Bat Cave.	*Cicurina vespera*	.....do	NA	E	706	17.95(g)	NA

Meshweaver, Madla Cave	*Cicurina madla*	.....do	NA	E	706	17.95(g)	NA
Meshweaver, Robber Baron Cave	*Cicurina baronia*	.....do	NA	E	706	17.95(g)	NA
Pseudoscorpion, Tooth Cave	*Tartarocreagris texana*	.....do	Entire	E	327	NA	NA
Spider, Government Canyon Bat Cave.	*Neoleptoneta microps*	.....do	NA	E	706	17.95(g)	NA
Spider, Kauai cave wolf	*Adelocosa anops*	U.S.A. (HI)	NA	E	676	17.95(g)	NA
Spider, spruce-fir moss	*Microhexura montivaga*	U.S.A. (NC, TN)	NA	E	576	17.95(g)	NA
Spider, Tooth Cave	*Neoleptoneta myopica*	U.S.A. (TX)	Entire	E	327	NA	NA
CRUSTACEANS							
Amphipod, diminutive	*Gammarus hyalleloides*	U.S.A. (TX)	NA	E	812	17.95(h)	NA
Amphipod, Hay's Spring	*Stygobromus hayi*	U.S.A. (DC)	Entire	E	115	NA	NA
Amphipod, Illinois cave	*Gammarus acherondytes*	U.S.A. (IL)	.....do	E	642	NA	NA
Amphipod, Kauai cave	*Spelaeorchestia koloana*	U.S.A. (HI)	NA	E	676	17.95(h)	NA
Amphipod, Noel's	*Gammarus desperatus*	U.S.A. (NM)	NA	E	770	17.95(h)	NA
Amphipod, Peck's cave	*Stygobromus (=Stygonectes) Pecki.*	U.S.A. (TX)	NA	E	629	17.95(h)	NA
Amphipod, Pecos	*Gammarus pecos*	.....do	NA	E	812	17.95(h)	NA
Crayfish, cave	*Cambarus aculabrum*	U.S.A. (AR)	Entire	E	499	NA	NA
Do	*Cambarus zophonastes*	.....do	.....do	E	263	NA	NA
Crayfish, Nashville	*Orconectes shoupi*	U.S.A. (TN)	.....do	E	242	NA	NA
Crayfish, Shasta	*Pacifastacus fortis*	U.S.A. (CA)	.....do	E	337	NA	NA
Fairy shrimp, Conservancy	*Branchinecta conservatio*	.....do	.....do	E	552	17.95(h)	NA
Fairy shrimp, longhorn	*Branchinecta longiantenna*	.....do	.....do	E	552	17.95(h)	NA
Fairy shrimp, Riverside	*Streptocephalus woottoni*	.....do	.....do	E	512	17.95(h)	NA
Fairy shrimp, San Diego	*Branchinecta sandiegonensis*	.....do	NA	E	608	17.95(h)	NA
Fairy shrimp, vernal pool	*Branchinecta lynchi*	U.S.A. (CA, OR)	Entire	E	552	17.95(h)	NA
Isopod, Lee County cave	*Lirceus usdagalun*	U.S.A. (VA)	.....do	E	483	NA	NA
Isopod, Madison Cave	*Antrolana lira*	.....do	.....do	T	123	NA	17.46(a)
Isopod, Socorro	*Thermosphaeroma thermophilus*	U.S.A. (NM)	.....do	E	36	NA	NA
Shrimp, Alabama cave	*Palaemonias alabamae*	U.S.A. (AL)	.....do	E	323	NA	NA
Shrimp, anchialine pool	*Vetericaris chaceorum*	U.S.A. (HI)	.....do	E	818	NA	NA
Shrimp, California freshwater	*Syncaris pacifica*	U.S.A. (CA)	.....do	E	340	NA	NA
Shrimp, Kentucky cave	*Palaemonias ganteri*	U.S.A. (KY)	.....do	E	135	17.95(h)	NA
Shrimp, Squirrel Chimney Cave	*Palaemonetes cummingi*	U.S.A. (FL)	.....do	T	390	NA	NA
Tadpole shrimp, vernal pool	*Lepidurus packardi*	U.S.A. (CA)	.....do	E	552	17.95(h)	NA
CORALS							
Coral, [no common name]	*Acropora globiceps*	U.S.A. (Guam, Commonwealth of the Northern Mariana Islands, Pacific Remote Island Areas, American Samoa); and wider Indo-Pacific.	Entire	T	853	NA	NA
Coral, [no common name]	*Acropora jacquelineae*	U.S.A. (American Samoa); and wider Indo-Pacific.	Entire	T	853	NA	NA
Coral, [no common name]	*Acropora lokani*	Indo-Pacific	Entire	T	853	NA	NA
Coral, [no common name]	*Acropora pharaonis*	Indo-Pacific	Entire	T	853	NA	NA
Coral, [no common name]	*Acropora retusa*	U.S.A. (Guam, Commonwealth of the Northern Mariana Islands, Pacific Remote Island Areas, American Samoa); and wider Indo-Pacific.	Entire	T	853	NA	NA

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Common name	Scientific name						
Coral, [no common name]	*Acropora rudis*	U.S.A. (American Samoa); and wider Indo-Pacific.	do	T	853	NA	NA
Coral, [no common name]	*Acropora speciosa*	U.S.A. (Pacific Remote Island Areas, American Samoa); and wider Indo-Pacific.	do	T	853	NA	NA
Coral, [no common name]	*Acropora tenella*	Indo-Pacific	do	T	853	NA	NA
Coral, [no common name]	*Anacropora spinosa*	do	do	T	853	NA	NA
Coral, [no common name]	*Euphyllia paradivisa*	U.S.A. (American Samoa); and wider Indo-Pacific.	do	T	853	NA	NA
Coral, [no common name]	*Isopora crateriformis*	do	do	T	853	NA	NA
Coral, [no common name]	*Montipora australiensis*	Indo-Pacific	do	T	853	NA	NA
Coral, [no common name]	*Pavona diffluens*	do	do	T	853	NA	NA
Coral, [no common name]	*Porites napopora*	do	do	T	853	NA	NA
Coral, [no common name]	*Seriatopora aculeata*	U.S.A. (Guam, Commonwealth of the Northern Mariana Islands); and wider Indo-Pacific.	do	T	853	NA	NA
Coral, boulder star	*Orbicella franksi*	U.S.A. (FL, PR, USVI, Gulf of Mexico); and wider Caribbean.	do	T	853	NA	NA
Coral, elkhorn	*Acropora palmata*	U.S.A. (FL, PR, USVI); and wider Caribbean.	do	T	853	226.216	223.208
Coral, lobed star	*Orbicella annularis*	U.S.A. (FL, PR, USVI, Gulf of Mexico); and wider Caribbean.	do	T	853	NA	NA
Coral, mountainous star	*Orbicella faveolata*	U.S.A. (FL, PR, USVI, Gulf of Mexico); and wider Caribbean.	do	T	853	NA	NA
Coral, pillar	*Dendrogyra cylindrus*	U.S.A. (FL, PR, USVI); and wider Caribbean.	do	T	853	NA	NA
Coral, rough cactus	*Mycetophyllia ferox*	U.S.A. (FL, PR, USVI); and wider Caribbean.	do	T	853	NA	NA
Coral, staghorn	*Acropora cervicornis*	U.S.A. (FL, PR, USVI); and wider Caribbean.	do	T	853	226.216	223.208

Symbols used in the four left columns:
" Do.." or "....do.."—(Ditto) indicates the entry is the same as the column entry directly above.
Symbols used in the "When listed" column:
A—Indicates a correction to the publication with the same "When listed" number.
D—Indicates FR where species was Delisted; relisting of the species is indicated by subsequent number(s).
E—Indicated Emergency rule publication (see FR document for effective dates); subsequent number(s) indicate FR final rule, if applicable, under "When listed".

1—32 FR 4001; March 11, 1967.
2—35 FR 16047; October 13, 1970.
3—35 FR 8495; June 2, 1970.
4—35 FR 18320; December 2, 1970.
5—37 FR 6176; March 28, 1972.
6—38 FR 14678; June 4, 1973.
7—39 FR 44991; December 30, 1974.
8—40 FR 29864; July 16, 1975.
9—40 FR 31736; July 28, 1975.
10—40 FR 44151; September 25, 1975.
11—40 FR 44418; September 26, 1975.
12—40 FR 47506; October 9, 1975.
13—41 FR 17740; April 28, 1976.
14—41 FR 22044; June 1, 1976.
15—41 FR 24064; June 14, 1976.
15A—41 FR 26019; June 24, 1976.
16—41 FR 45993; October 19, 1976.
17—41 FR 51021; November 19, 1976.
18—41 FR 51612; November 23, 1976.
19—41 FR 53034; December 3, 1976.
20—42 FR 2076; January 10, 1977.
21—42 FR 2968; January 14, 1977.
22—42 FR 15971; March 24, 1977.
24—42 FR 28545; June 3, 1977.
25—42 FR 37373; July 21, 1977.
26—42 FR 40685; August 11, 1977.
27—42 FR 42353; August 23, 1977.
28—42 FR 45528; September 9, 1977.
29—42 FR 58757; November 11, 1977.
30—42 FR 60745; November 29, 1977.
31—43 FR 3715; January 27, 1978.
32—43 FR 4028; January 31, 1978.
33—43 FR 4621; February 3, 1978.
34—43 FR 6233; February 14, 1978.
35—43 FR 9612; March 9, 1978.
36—43 FR 12691; March 27, 1978.
37—43 FR 15429; April 13, 1978.
38—43 FR 16345; April 18, 1978.
40—43 FR 20504; May 12, 1978.
41—43 FR 28932; July 3, 1978.
42—43 FR 32808; July 28, 1978.
43—43 FR 34480; August 4, 1978.
45—44 FR 21289; April 10, 1979.
46—44 FR 23064; April 17, 1979.
48—44 FR 29480; May 21, 1979.
50—44 FR 37126; June 25, 1979.
51—44 FR 37132; June 25, 1979.
52—44 FR 42911; July 20, 1979.
54—44 FR 49220; August 21, 1979.
60—44 FR 59084; October 12, 1979.
85—44 FR 69208; November 30, 1979.
86—44 FR 70677; December 7, 1979.
87—44 FR 75076; December 18, 1979.
88—45 FR 18010; March 20, 1980.
90—45 FR 21833; April 2, 1980.
91—45 FR 24090; April 8, 1980.
92—45 FR 27713; April 23, 1980.
93—45 FR 28722; April 30, 1980.
94—45 FR 35823; May 28, 1980.
95—45 FR 44938; July 2, 1980.
96—45 FR 44942; July 2, 1980.
97—45 FR 47353; July 14, 1980.
98—45 FR 47363; July 14, 1980.
99—45 FR 52806; August 8, 1980.
100—45 FR 52810; August 8, 1980.
102—45 FR 54680; August 15, 1980.
103—45 FR 55666; August 20, 1980.
105—45 FR 63820; September 25, 1980.
106—45 FR 65134; October 1, 1980.
108—46 FR 3182; January 13, 1981.
111—46 FR 11665; February 10, 1981.
112—46 FR 40025; August 6, 1981.
113—46 FR 40669; August 10, 1981.
114—47 FR 4211; January 28, 1982.
115—47 FR 5427; February 5, 1982.
117—47 FR 19999; May 10, 1982.
119—47 FR 31672; July 21, 1982.
123—47 FR 43701; October 4, 1982.
124—47 FR 43962; October 5, 1982.
125—47 FR 46093; October 15, 1982.
127—48 FR 612; January 5, 1983.
128—48 FR 1726; January 14, 1983.
129—48 FR 28464; June 22, 1983.
130—48 FR 40184; September 2, 1983.
131—48 FR 43043; September 21, 1983.
132—48 FR 46057; October 11, 1983.
134—48 FR 46336; October 12, 1983.
135—48 FR 46341; October 12, 1983.
136—48 FR 49249; October 25, 1983.
138—49 FR 1994; January 17, 1984.
139—49 FR 2783; January 23, 1984.
142—49 FR 7335; February 28, 1984.
143—49 FR 7394; February 29, 1984.
144—49 FR 7398; February 29, 1984.
145—49 FR 10526; March 20, 1984.
146—49 FR 14356; April 11, 1984.
149—49 FR 22330; May 29, 1984.
150—49 FR 27514; July 5, 1984.
156—49 FR 33885; August 27, 1984.
157—49 FR 34494; August 31, 1984.
159—49 FR 34504; August 31, 1984.
160—49 FR 34510; August 31, 1984.
161—49 FR 35954; September 13, 1984.
163—49 FR 43069; October 26, 1984.
164—49 FR 43969; November 1, 1984.
166—49 FR 45163; November 15, 1984.
168—49 FR 49639; December 21, 1984.
169—50 FR 1056; January 9, 1985.
170—50 FR 4226; January 30, 1985.
171—50 FR 4945; February 4, 1985.
173—50 FR 12302; March 28, 1985.
174—50 FR 12305; March 28, 1985.
181—50 FR 20786; May 20, 1985.
182—50 FR 21792; May 28, 1985.
183—50 FR 23884; June 6, 1985.
184—50 FR 24530; June 11, 1985.
185—50 FR 24653; June 12, 1985.
186—50 FR 25678; June 20, 1985.
188—50 FR 26575; June 27, 1985.
189—50 FR 27002; July 1, 1985.
193—50 FR 30194; July 24, 1985.
195—50 FR 31596; August 5, 1985.
196—50 FR 31603; August 5, 1985.
203—50 FR 37198; September 12, 1985.
205—50 FR 39117; September 27, 1985.
206—50 FR 39123; September 27, 1985.
210—50 FR 50308; December 10, 1985.
211—50 FR 50733; December 11, 1985.
212—50 FR 51252; December 16, 1985.
216—51 FR 6690; February 25, 1986.
222—51 FR 10850; March 31, 1986.
223—51 FR 10857; March 31, 1986.
224—51 FR 10864; March 31, 1986.
227—51 FR 16047; April 30, 1986.

228—51 FR 16482; May 2, 1986.
233—51 FR 17980; May 16, 1986.
236—51 FR 23781; July 1, 1986.
239—51 FR 27495; July 31, 1986.
241—51 FR 31422; September 3, 1986.
242—51 FR 34412; September 26, 1986.
246—51 FR 34425; September 26, 1986.
247—51 FR 39478; October 28, 1986.
248—51 FR 41796; November 19, 1986.
250—51 FR 45910; December 23, 1986.
251—52 FR 28; January 5, 1987.
258—52 FR 5302; February 20, 1987.
262—52 FR 11169; April 7, 1987.
263—52 FR 11172; April 7, 1987.
265—52 FR 11286; April 8, 1987.
267—52 FR 20719; June 3, 1987.
268—52 FR 20999; June 3, 1987.
269—52 FR 21063; June 4, 1987.
272—52 FR 22430; June 11, 1987.
273—52 FR 22585; June 12, 1987.
278—52 FR 22943; June 16, 1987.
279—52 FR 23151; June 17, 1987.
280—52 FR 25232; July 6, 1987.
281—52 FR 25380; July 7, 1987.
282—52 FR 28785; August 3, 1987.
283—52 FR 28831; August 4, 1987.
284—52 FR 29780; August 11, 1987.
287—52 FR 35040; September 16, 1987.
288—52 FR 35378; September 18, 1987.
289—52 FR 36180; September 25, 1987.
290—52 FR 36038; September 25, 1987.
292—52 FR 36779; October 1, 1987.
294—52 FR 37423; October 6, 1987.
296—52 FR 42068; November 2, 1987.
299—52 FR 42662; November 6, 1987.
304—53 FR 3570; February 5, 1988.
312—53 FR 25611; July 8, 1988.
313—53 FR 27134; July 18, 1988.
316—53 FR 27693; July 22, 1988.
317—53 FR 29337; August 4, 1988.
320—53 FR 33992; September 1, 1988.
322—53 FR 33998; September 1, 1988.
323—53 FR 34698; September 7, 1988.
327—53 FR 36033; September 16, 1988.
328—53 FR 37970; September 28, 1988.
334—53 FR 38453; September 30, 1988.
336—53 FR 38460; September 30, 1988.
337—53 FR 38465; September 30, 1988.
338—53 FR 38469; September 30, 1988.
340—53 FR 43889; October 31, 1988.
342—53 FR 45865; November 14, 1988.
345—54 FR 8341; February 28, 1989.
348—54 FR 15208; April 17, 1989.
349—54 FR 20602; May 12, 1989.
350—54 FR 22906; May 30, 1989.
351—54 FR 29655; July 13, 1989.
357—54 FR 32331; August 4, 1989.
358—54 FR 34468; August 18, 1989.
359—54 FR 34472; August 18, 1989.
361—54 FR 35311; August 24, 1989.
364—54 FR 38951; September 21, 1989.
365—54 FR 39849; September 28, 1989.
366—54 FR 39853; September 28, 1989.
369—54 FR 40112; September 29, 1989.
370—54 FR 41453; October 10, 1989.
371—54 FR 43969; October 30, 1989.
372—54 FR 47861; November 17, 1989.
376—55 FR 9136; March 12, 1990.
377—55 FR 9451; March 14, 1990.
378—55 FR 12191; April 2, 1990.
382—55 FR 12801; April 5, 1990.
383—55 FR 12832; April 6, 1990.
384—55 FR 13488; April 10, 1990.
387—55 FR 18845; May 4, 1990.
388—55 FR 21153; May 22, 1990.
390—55 FR 25591; June 21, 1990.
391—55 FR 25595; June 21, 1990.
393—55 FR 26194; June 26, 1990.
394—55 FR 28213; July 10, 1990.
396—55 FR 32094; August 7, 1990.
399—55 FR 36647; September 6, 1990.
400—55 FR 39416; September 27, 1990.
401—55 FR 39860; September 28, 1990.
404—55 FR 39872; September 28, 1990.
405—55 FR 42966; October 25, 1990.
407—55 FR 49623; November 30, 1990.
408—55 FR 50006; December 4, 1990.
410—55 FR 51112; December 12, 1990.
411—55 FR 53160; December 27, 1990.
412—56 FR 800; January 9, 1991.
415—56 FR 1459; January 14, 1991.
416—56 FR 1463; January 14, 1991.
417—56 FR 1463; January 14, 1991.
419—56 FR 13600; April 3, 1991.
421—56 FR 19814; April 30, 1991.
423—56 FR 21087; May 7, 1991.
426—56 FR 28349; June 20, 1991.
427—56 FR 28717; June 24, 1991.
428—56 FR 28828; June 25, 1991.
431—56 FR 37671; August 8, 1991.
432—56 FR 40267; August 14, 1991.
433—56 FR 41488; August 21, 1991.
442—56 FR 49649; September 30, 1991.
443—56 FR 49653; September 30, 1991.
444—56 FR 49658; September 30, 1991.
446—56 FR 54957; October 23, 1991.
447—56 FR 54967; October 23, 1991.
449—56 FR 56333; November 4, 1991.
454—56 FR 64723; December 12, 1991.
455—57 FR 213; January 3, 1992.
456—57 FR 594; January 7, 1992.
459—57 FR 13661; April 17, 1992.
462—57 FR 14790; April 22, 1992.
469—57 FR 21569; May 20, 1992.
472—57 FR 27858; June 22, 1992.
475—57 FR 28024; June 23, 1992.
477—57 FR 44340; September 25, 1992.
479—57 FR 45337; October 1, 1992.
483—57 FR 54726; November 20, 1992.
484—57 FR 59244; December 14, 1992.
485—57 FR 59257; December 14, 1992.
486—58 FR 4359; January 14, 1993.
487—58 FR 5657; January 22, 1993.
488—58 FR 5642; January 22, 1993.
489—58 FR 5946; January 25, 1993.
492—58 FR 12863; March 5, 1993.
493—58 FR 12874; March 5, 1993.
494—58 FR 14271; March 16, 1993.
495—58 FR 14339; March 17, 1993.
496—58 FR 16757; March 30, 1993.
499—58 FR 25746; April 27, 1993.
502—58 FR 25763; April 27, 1993.
503—58 FR 27480; May 10, 1993.
505—58 FR 34931; June 30, 1993.

508—58 FR 40538; July 28, 1993.
512—58 FR 41391; August 3, 1993.
513—58 FR 43819; August 18, 1993.
514—58 FR 49874; September 23, 1993.
516—58 FR 49880; September 23, 1993.
517—58 FR 49887; September 23, 1993.
518—58 FR 49937; September 24, 1993.
520—58 FR 53804; October 18, 1993.
522—58 FR 54065; October 20, 1993.
525—58 FR 68486; December 27, 1993.
526—59 FR 5310; February 3, 1994.
527—59 FR 5498; February 4, 1994.
533—59 FR 10584; March 7, 1994.
534—59 FR 13836; March 23, 1994.
538—59 FR 17998; April 15, 1994.
539—59 FR 18327; April 18, 1994.
540—59 FR 31095; June 16, 1994.
543—59 FR 36995; July 20, 1994.
545—59 FR 42691; August 18, 1994.
546—59 FR 42711; August 18, 1994.
549—59 FR 46002; September 6, 1994.
550—59 FR 46715; September 9, 1994.
552—59 FR 48153; September 19, 1994.
554—59 FR 49764; September 29, 1994.
557—59 FR 54841; November 2, 1994.
561—59 FR 60264; November 22, 1994.
562—59 FR 60279; November 22, 1994.
563—59 FR 60334; November 23, 1994.
566—59 FR 63264; December 8, 1994.
567—59 FR 64623; December 15, 1994.
568—59 FR 64866; December 16, 1994.
569—59 FR 65512; December 20, 1994.
571—60 FR 2903; January 12, 1995.
573—60 FR 5273; January 26, 1995.
574—60 FR 5267; January 26, 1995.
576—60 FR 6974; February 6, 1995.
577—60 FR 10715; February 27, 1995.
579—60 FR 18947; April 13, 1995.
580—60 FR 36010; July 12, 1995.
582—61 FR 11332; March 20, 1996.
583—61 FR 25832; May 23, 1996.
585—61 FR 32366; June 24, 1996.
588—61 FR 48413; September 13, 1996.
597—61 FR 54056; October 16, 1996.
598—61 FR 59028; November 20, 1996.
600—62 FR 689; January 6, 1997.
602—62 FR 1657; January 10, 1997.
604—62 FR 2322; January 16, 1997.
605—62 FR 3628; January 24, 1997.
607—62 FR 4191; January 29, 1997.
608—62 FR 4939; February 3, 1997.
610—62 FR 10746; March 10, 1997.
612—62 FR 23392; April 30, 1997.
614—62 FR 30772; June 5, 1997.
616—62 FR 31757; June 11, 1997.
617—62 FR 31761; June 11, 1997.
618—62 FR 33038; June 18, 1997.
621—62 FR 38939; July 21, 1997.
622—62 FR 39157; July 22, 1997.
626—62 FR 59622; November 4, 1997.
628—62 FR 64320; December 5, 1997.
629—62 FR 66303; December 18, 1997.
630—63 FR 694; January 7, 1998.
631—63 FR 1763; January 12, 1998.
632—63 FR 3843; January 27, 1998.
633—63 FR 12687; March 16, 1998.
634—63 FR 13150; March 18, 1998.
636—63 FR 26530; May 13, 1998.
637—63 FR 31674; June 10, 1998.
638—63 FR 32997; June 17, 1998.
639—63 FR 42762; August 11, 1998.
642—63 FR 46909; September 3, 1998.
645—63 FR 51016; September 24, 1998.
646—63 FR 52837; October 1, 1998.
651—63 FR 57619; October 28, 1998.
653—63 FR 64799; November 23, 1998.
654—63 FR 69021; December 15, 1998.
655—63 FR 70062; December 18, 1998.
656—64 FR 5981; February 8, 1999.
658—64 FR 15704; April 1, 1999.
659—64 FR 17124; April 8, 1999.
660—64 FR 19308; April 20, 1999.
664—64 FR 41836; August 2, 1999.
665—64 FR 47134; August 30, 1999.
669—64 FR 56608; October 20, 1999.
670—64 FR 58932; November 1, 1999.
674—64 FR 72960; December 29, 1999.
675—65 FR 30; January 3, 2000.
676—65 FR 2357; January 14, 2000.
677—65 FR 3109; January 19, 2000.
679—65 FR 3890; January 25, 2000.
680—65 FR 4169; January 26, 2000.
682—65 FR 4779; February 1, 2000.
687—65 FR 8889; February 23, 2000.
688—65 FR 10039; February 25, 2000.
692—65 FR 16085; March 24, 2000.
693—65 FR 17786; April 5, 2000.
694—65 FR 19698; April 12, 2000.
695—65 FR 25879; May 4, 2000.
696—65 FR 20769; April 18, 2000.
697—65 FR 26461; May 5, 2000.
698—65 FR 26771; May 9, 2000.
700—65 FR 46654; July 31, 2000.
701—65 FR 51478; September 7, 2000.
702—65 FR 57264; September 21, 2000.
703—65 FR 60885; October 13, 2000.
705—65 FR 69481; November 17, 2000.
706—65 FR 69637; November 17, 2000.
707—65 FR 81433; December 26, 2000.
709—66 FR 32257; June 14, 2001.
710—66 FR 33915; June 26, 2001.
713—66 FR 50350; October 3, 2001.
714—66 FR 51339; October 9, 2001.
715—66 FR 59373; November 28, 2001.
716—66 FR 59545; November 29, 2001.
718—66 FR 63002; December 4, 2001.
719—66 FR 66811; December 27, 2001.
724—67 FR 37721; May 30, 2002.
725—70 FR 3459; January 24, 2005.
726—67 FR 40811; June 13, 2002.
728—67 FR 44392; July 2, 2002.
729—67 FR 47739; July 22, 2002.
730—67 FR 51129; August 7, 2002.
731—67 FR 52889; August 14, 2002.
732—67 FR 52426; August 12, 2002.
734—68 FR 13520; March 19, 2003.
735—68 FR 15872; April 1, 2003.
738—68 FR 43658; July 24, 2003.
740—69 FR 70190; December 17, 2003.
741—69 FR 3028; January 22, 2004.
742—70 FR 67928; November 9, 2005.
743—70 FR 10485; March 4, 2005.
744—69 FR 47248; August 4, 2004.
745—70 FR 1285; January 6, 2005.

747—70 FR 17916; April 8, 2005.
748—70 FR 69465; November 16, 2005.
754—70 FR 58350; October 6, 2005.
755—70 FR 66706; November 2, 2005.
756—71 FR 26851; May 9, 2006.
757—71 FR 40673; July 18, 2006.
758—71 FR 42314; July 26, 2006.
759—72 FR 14938; March 29, 2007.
760—73 FR 3178; January 16, 2008.
761—73 FR 74370; December 8, 2008.
763—74 FR 46930; September 14, 2009.
764—74 FR 52010; October 8, 2009.
765—75 FR 19045; April 13, 2010.
766—75 FR 249; January 5, 2010.
767—75 FR 43853, 43864; July 27, 2010.
769—75 FR 21188; April 23, 2010.
770—75 FR 33053; June 7, 2011.
771—75 FR 45526; August 3, 2010.
774—75 FR 81814; December 28, 2010.
775—75 FR 59656; September 28, 2010.
776—76 FR 20560; April 13, 2011.
777—75 FR 67539; November 2, 2010.
778—75 FR 53604; September 1, 2010.
779—76 FR 30780; May 26, 2011.
781—75 FR 76132; December 7, 2010.
782—76 FR 25609; May 5, 2011.
783—76 FR 50079; August 11, 2011.
784—76 FR 9691; February 22, 2011.
785—76 FR 6080; February 3, 2011.
786—79 FR 35900; June 24, 2014.
787—76 FR 18102; April 1, 2011.
789—76 FR 31873, June 2, 2011.
790—78 FR 38189; June 25, 2013.
791—76 FR 48741; August 9, 2011.
793—76 FR 58994; September 22, 2011.
794—76 FR 58950; September 22, 2011.
795—76 FR 61978; October 6, 2011.
796—76 FR 62954; October 11, 2011.
798—77 FR 8664; February 14, 2012.
799—77 FR 43467; July 24, 2012.
800—77 FR 16717; March 22, 2012.
801—77 FR 20986; April 6, 2012.
803—77 FR 26211; May 3, 2012.
804—78 FR 15640; March 12, 2013.
805—80 FR 45097; July 29, 2015.
807—77 FR 45893; August 1, 2012.
808—77 FR 61703; October 10, 2012.
810—77 FR 60800; October 4, 2012.
812—78 FR 41257; July 9, 2013.
813—78 FR 64733; October 29, 2013.
814—78 FR 61219; October 3, 2013.
815—78 FR 32063; May 28, 2013.
816—78 FR 57096; September 17, 2013.
817—78 FR 51325; August 20, 2013.
818—78 FR 64688; October 29, 2013.
819—78 FR 55627; September 10, 2013.
820—78 FR 57775; September 19, 2013.
822—78 FR 61042; October 2, 2013.
823—78 FR 58954; September 25, 2013.
824—78 FR 61502; October 3, 2013.
825—78 FR 59287; September 26, 2013.
826—78 FR 60782; October 2, 2013.
827—78 FR 60783; October 2, 2013.
828—79 FR 19794; April 9, 2014.
829—79 FR 20107; April 11, 2014.
831—79 FR 20070; April 10, 2014.
832—79 FR 28849; May 20, 2014.
834—79 FR 24310; April 29, 2014.
835—79 FR 26186; May 7, 2014.
837—79 FR 37103; June 30, 2014.
840—79 FR 45286; August 4, 2014.
841—79 FR 60378; October 7, 2014.
843—79 FR 49023; August 19, 2014.
846—79 FR 51709; August 29, 2014.
850—79 FR 60038; October 3, 2014.
851—79 FR 63748; October 24, 2014.
852—80 FR 34524; June 16, 2015.
853—79 FR 67357; November 13, 2014.
854—79 FR 69310; November 20, 2014.
855—79 FR 73747; December 11, 2014.
856—80 FR 3915; January 26, 2015.
857—80 FR 18032; April 2, 2015.

EDITORIAL NOTES: 1. For FEDERAL REGISTER citations affecting the table in §17.11(h), see the listing above.

2. For FEDERAL REGISTER citations affecting §17.11, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

EFFECTIVE DATE NOTE 1: At 80 FR 59302, Oct. 1, 2015, §17.11(h) was amended by revising the entry for ''Skipper, Dakota *(Hesperia dacotae)*'' and the entry for ''Skipperling, Poweshiek (*Oarisma poweshiek*)'' under ''INSECTS'' in the List of Endangered and Threatened Wildlife, effective Nov. 2, 2015. For the convenience of the user, the revised text is set forth 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						
*	*	*	*	*	*		
INSECTS							
*	*	*	*	*	*		
Skipper, Dakota	*Hesperia dacotae*	U.S.A. (IA, IL, MN, ND, SD); Canada (Manitoba, Saskatchewan).	NA	T	851	17.95(i)	17.47(b)
*	*	*	*	*	*		
Skipperling, Poweshiek	*Oarisma poweshiek*	U.S.A. (IA, IL, IN, MI, MN, ND, SD, WI); Canada (Manitoba).	NA	E	851	17.95(i)	NA
*	*	*	*	*	*		

EFFECTIVE DATE NOTE 2: At 80 FR 59495, Oct. 1, 2015, §17.11(h) was amended as follows: By adding an entry for ''Bat, Pacific sheath-tailed'' (*Emballonura semicaudata rotensis*), in alphabetical order under MAMMALS, to read as set forth below; by adding an entry for ''Skink, Slevin's'' (*Emoia slevini*), in alphabetical order under REPTILES, to read as set forth below; by adding entries for ''Snail, fragile tree'' (*Samoana fragilis*), ''Snail, Guam tree'' (*Partula radiolata*), ''Snail, humped tree'' (*Partula gibba*), and ''Snail, Langford's tree'' (*Partula langfordi*), in alphabetical order under SNAILS, to read as set forth below; and by adding entries for ''Butterfly, Mariana eight-spot'' (*Hypolimnas octocula marianensis*), ''Butterfly, Mariana wandering'' (*Vagrans egistina*), and ''Damselfly, Rota blue'' (*Ischnura luta*), in alphabetical order under INSECTS, effective Nov. 2, 2015. For the convenience of the user, the added text is set forth 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						
MAMMALS							
*	*	*	*	*	*		
Bat, Pacific sheath-tailed (Mariana subspecies) (Payeyi, Paischeey).	*Emballonura semicaudata rotensis*	U.S. Territory of Guam, U.S. CNMI	Entire	E	858	NA	NA
*	*	*	*	*	*		
REPTILES							
*	*	*	*	*	*		
Skink, Slevin's (Gualiik halumtanu, Gholuuf).	*Emoia slevini*	U.S. Territory of Guam, U.S. CNMI	Entire	E	858	NA	NA
*	*	*	*	*	*		
SNAILS							
*	*	*	*	*	*		
Snail, fragile tree (Akaleha dogas, Denden).	*Samoana fragilis*	U.S. Territory of Guam, U.S. CNMI	Entire	E	858	NA	NA
Snail, Guam tree (Akaleha, Denden)	*Partula radiolata*	U.S. Territory of Guam	Entire	E	858	NA	NA
Snail, humped tree (Akaleha, Denden).	*Partula gibba*	U.S. Territory of Guam, U.S. CNMI	Entire	E	858	NA	NA
*	*	*	*	*	*		
Snail, Langford's tree (Akaleha, Denden).	*Partula langfordi*	U.S. CNMI	Entire	E	858	NA	NA
*	*	*	*	*	*		
INSECTS							
*	*	*	*	*	*		
Butterfly, Mariana eight-spot (Ababbang, Libweibwogh).	*Hypolimnas octocula marianensis* ..	U.S. Territory of Guam, U.S. CNMI	Entire	E	858	NA	NA
Butterfly, Mariana wandering (Ababbang, Libweibwogh).	*Vagrans egistina*	U.S. Territory of Guam, U.S. CNMI	Entire	E	858	NA	NA
*	*	*	*	*	*		
Damselfly, Rota blue (Dulalas Luta, Dulalas Luuta).	*Ischnura luta*	U.S. CNMI	Entire	E	858	NA	NA
*	*	*	*	*	*		

§ 17.12 Endangered and threatened plants.

(a) The list in this section contains the names of all species of plants which have been determined by the Services to be Endangered or Threatened. It also contains the names of species of plants treated as Endangered or Threatened because they are sufficiently similar in appearance to Endangered or Threatened species (see § 17.50 *et seq.*).

(b) The columns entitled ''Scientific name'' and ''Common name'' define the species of plant within the meaning of the Act. Although common names are included, they cannot be relied upon for identification of any specimen, since they may vary greatly in local usage. The Services shall use the most recently accepted scientific name. In cases in which confusion might arise, a synonym(s) will be provided in parentheses. The Services shall rely to the extent practicable on the *International Code of Botanical Nomenclature*.

(c) In the ''Status'' column the following symbols are used: ''E'' for Endangered, ''T'' for Threatened, and ''E [or T] (S/A)'' for similarity of appearance species.

(d) The other data in the list are nonregulatory in nature and are provided for the information of the reader. In the annual revision and compilation of this title, the following information may be amended without public notice: the spelling of species' names, historical range, footnotes, references to certain other applicable portions of this title, synonyms, and more current names. In any of these revised entries, neither the species, as defined in paragraph (b) of this section, nor its status may be changed without following the procedures of part 424 of this title.

(e) The ''Historic range'' indicates the known general distribution of the species or subspecies as reported in the current scientific literature. The present distribution may be greatly reduced from this historic range. This column does not imply any limitation on the application of the prohibitions in the Act or implementing rules. Such prohibitions apply to all individuals of the plant species, wherever found.

(f)(1) A footnote to the FEDERAL REGISTER publication(s) listing or reclassifying a species is indicated under the column ''When listed.'' Footnote numbers to §§ 17.11 and 17.12 are in the same numerical sequence, since plants and animals may be listed in the same FEDERAL REGISTER document. That document, at least since 1973, includes a statement indicating the basis for the listing, as well as the effective date(s) of said listing.

(2) The ''Special rules'' and ''Critical habitat'' columns provide a cross reference to other sections in parts 17, 222, 226, or 227. The ''Special rules'' column will also be used to cite the special rules which describe experimental populations and determine if they are essential or nonessential. Separate listings will be made for experimental populations, and the status column will include the following symbols: ''XE'' for an essential experimental population and ''XN'' for a nonessential experimental population. The term ''NA'' (not applicable) appearing in either of these two columns indicates that there are no special rules and/or critical habitat for that particular species. However, all other appropriate rules in parts 17, 217 through 227, and 402 still apply to that species. In addition, there may be other rules in this title that relate to such plants, e.g., port-of-entry requirements. It is not intended that the references in the ''Special rules'' column list all the regulations of the two Services which might apply to the species or to the regulations of other Federal agencies or State or local governments.

(g) The listing of a particular taxon includes all lower taxonomic units (see § 17.11(g) for examples).

(h) The ''List of Endangered and Threatened Plants'' is provided below:

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
FLOWERING PLANTS							
Abronia macrocarpa	Large-fruited sand-verbena	U.S.A. (TX)	Nyctaginaceae	E	331	NA	NA
Abutilon eremitopetalum	None	U.S.A. (HI)	Malvaceae	E	435	NA	NA
Abutilon menziesii	Ko'oloa'ula	.....do	.....do	E	243	NA	NA
Abutilon sandwicense	None	.....do	.....do	E	448	17.99(i)	NA
Acaena exigua	Liliwai	.....do	Rosaceae	E	467	NA	NA
Acanthomintha ilicifolia	San Diego thornmint	U.S.A. (CA), Mexico	Lamiaceae	T	649	17.96(a)	NA
Acanthomintha obovata ssp. *duttonii.*	San Mateo thornmint	U.S.A. (CA)	.....do	E	204	NA	NA
Achyranthes mutica	None	U.S.A (HI)	Amaranthaceae	E	592	17.99(k)	NA
Achyranthes splendens var. *rotundata.*	Round-leaved chaff flower	.....do	.....do	E	220	17.99(i)	NA
Acmispon dendroideus var. traskiae.	San Clemente Island lotus	U.S.A. (CA)	Fabaceae	T	26	NA	NA
Aconitum noveboracense	Northern wild monkshood	U.S.A. (IA, NY, OH, WI)	Ranunculaceae	T	39	NA	NA
Aeschynomene virginica	Sensitive joint-vetch	U.S.A. (DE, MD, NC, NJ, PA, VA).	Fabaceae	T	470	NA	NA
Agalinis acuta	Sandplain gerardia	U.S.A. (CT, MA, MD, NY, RI)	Scrophulariaceae	E	325	NA	NA
Agave eggersiana	No common name	St. Croix, USVI	Agavaceae	E	848	17.96(a)	NA
Alectryon macrococcus	Mahoe	U.S.A. (HI)	Sapindaceae	E	467	17.99(a)(1), (c), (e)(1), and (i)	NA
Allium munzii	Munz's onion	U.S.A. (CA)	Alliaceae	E	650	17.96 (a)	NA
Alopecurus aequalis var. *sonomensis.*	Sonoma alopecurus	.....do	Poaceae	E	625	NA	NA
Amaranthus brownii	U.S.A. (HI)	Caryophyllaceae	Amaranthaceae	E	587	17.99(g)	NA
Amaranthus pumilus	Seabeach amaranth	U.S.A. (DE, MA, MD, NC, NJ, NY, RI, SC, VA).	.....do	T	498	NA	NA
Ambrosia cheiranthifolia	South Texas ambrosia	U.S.A. (TX)	Asteraceae	E	547	NA	NA
Ambrosia pumila	San Diego ambrosia	U.S.A. (CA), Mexico	.....do	E	727	17.96	NA
Amorpha crenulata	Crenulate lead-plant	U.S.A. (FL)	Fabaceae	E	192	NA	NA
Amphianthus pusillus	Little amphianthus	U.S.A. (AL, GA, SC)	Scrophulariaceae	T	302	NA	NA
Amsinckia grandiflora	Large-flowered fiddleneck	U.S.A. (CA)	Boraginaceae	E	179	17.96(a)	NA
Amsonia kearneyana	Kearney's blue-star	U.S.A. (AZ)	Apocynaceae	E	343	NA	NA
Ancistrocactus tobuschii	Tobusch fishhook cactus	U.S.A. (TX)	Cactaceae	E	80	NA	NA
Apios priceana	Price's potato-bean	U.S.A. (AL, IL, KY, MS, TN)	Fabaceae	T	373	NA	NA
Arabis georgiana	Georgia rockcress	U.S.A. (GA, AL)	Brassicaceae	T	849	17.96(a)	NA
Arabis hoffmannii	Hoffmann's rock-cress	U.S.A. (CA)	.....do	E	623	NA	NA
Arabis mcdonaldiana	McDonald's rock-cress	.....do	.....do	E	44	NA	NA
Arabis perstellata	Braun's Rock-cress	U.S.A. (KY, TN)	.....do	E	570	17.96(a)	NA
Arabis serotina	Shale barren rock-cress	U.S.A. (VA, WV)	.....do	E	352	NA	NA
Arctomecon humilis	Dwarf bear-poppy	U.S.A. (UT)	Papaveraceae	E	78	NA	NA
Arctostaphylos confertiflora	Santa Rosa Island manzanita	U.S.A. (CA)	Ericaceae	E	623	NA	NA
Arctostaphylos franciscana	Franciscan manzanita	.....do	.....do	E	809	17.96(a)	NA
Arctostaphylos glandulosa ssp. *crassifolia.*	Del Mar manzanita	U.S.A. (CA), Mexico.	.....do	E	589	NA	NA

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
Arctostaphylos hookeri var. *ravenii*	Presidio manzanita	U.S.A. (CA)	...do	E	65	NA	NA
Arctostaphylos morroensis	Morro manzanita	...do	...do	T	567	NA	NA
Arctostaphylos myrtifolia	Ione manzanita	...do	...do	T	661	NA	NA
Arctostaphylos pallida	Pallid manzanita	...do	...do	T	635	NA	NA
Arenaria cumberlandensis	Cumberland sandwort	U.S.A. (KY, TN)	Caryophyllaceae	E	311	NA	NA
Arenaria paludicola	Marsh sandwort	U.S.A. (CA,OR,WA)	...do	E	511	NA	NA
Arenaria ursina	Bear Valley sandwort	U.S.A. (CA)	...do	T	644	17.96(a)	NA
Argemone pleiacantha ssp. *pinnatisecta.*	Sacramento prickly-poppy	U.S.A. (NM)	Papaveraceae	E	360	NA	NA
Argyroxiphium kauense	Mauna Loa silversword	U.S.A. (HI)	Asteraceae	E	497	17.99(k)	NA
Argyroxiphium sandwicense ssp. *macrocephalum.*	‘Ahinahina	...do	...do	T	467	17.99(e)(1)	NA
Argyroxiphium sandwicense ssp. *sandwicense.*	‘Ahinahina	...do	...do	E	219	NA	NA
Aristida chaseae	None	U.S.A. (PR)	Poaceae	E	501	NA	NA
Aristida portoricensis	Pelos del diablo	...do	...do	E	398	NA	NA
Asclepias meadii	Mead’s milkweed	U.S.A. (IA, IL, IN, KS, MO, WI) ..	Asclepiadaceae	T	321	NA	NA
Asclepias welshii	Welsh’s milkweed	U.S.A. (AZ, UT)	...do	T	295	17.96(a)	NA
Asimina tetramera	Four-petal pawpaw	U.S.A. (FL)	Annonaceae	E	244	NA	NA
Astelia waialealae	Painiu	U.S.A. (HI)	Asteliaceae	E	765	17.99(a)	NA
Astragalus albens	Cushenbury milk-vetch	U.S.A. (CA)	Fabaceae	E	548	17.96(a)	NA
Astragalus ampullarioides	Shivwits milk-vetch	U.S.A. (UT)	...do	E	711	17.96(a)	NA
Astragalus applegatei	Applegate’s milk-vetch	U.S.A. (OR)	...do	E	510	NA	NA
Astragalus bibullatus	Guthrie’s (=Pyne’s) ground-plum	U.S.A. (TN)	...do	E	437	NA	NA
Astragalus brauntonii	Braunton’s milk-vetch	U.S.A. (CA)	...do	E	606	17.96(a)	NA
Astragalus clarianus	Clara Hunt’s milk-vetch	...do	...do	E	625	NA	NA
Astragalus cremnophylax var. *cremnophylax.*	Sentry milk-vetch	U.S.A. (AZ)	...do	E	409	NA	NA
Astragalus desereticus	Deseret milk-vetch	U.S.A. (UT)	...do	T	668	NA	NA
Astragalus holmgreniorum	Holmgren milk-vetch	U.S.A. (UT, AZ)	...do	E	711	17.96(a)	NA
Astragalus humillimus	Mancos milk-vetch	U.S.A. (CO, NM)	...do	E	187	NA	NA
Astragalus jaegerianus	Lane Mountain milk-vetch	U.S.A. (CA)	Fabaceae—Pea	E	647	17.96(a)	NA
Astragalus lentiginosus var. *coachellae.*	Coachella Valley milk-vetch	...do	Fabaceae	E	647	17.96(a)	NA
Astragalus lentiginosus var. *piscinensis.*	Fish Slough milk-vetch	...do	...do	T	647	17.96(a)	NA
Astragalaus magdalenae var. *peirsonii.*	Peirson’s milk-vetch	...do	Fabaceae—Pea	T	647	17.96(a)	NA
Astragalus montii	Heliotrope milk-vetch	U.S.A. (UT)	Fabaceae	T	298	17.96(a)	NA
Astragalus osterhoutii	Osterhout milk-vetch	U.S.A. (CO)	...do	E	353	NA	NA
Astragalus phoenix	Ash Meadows milk-vetch	U.S.A. (NV)	...do	T	181	17.96(a)	NA
Astragalus pycnostachyus var. *lanosissimus.*	Ventura Marsh milk-vetch	U.S.A. (CA)	Fabaceae—Pea Family	E	708	17.96(a)	NA
Astragalus robbinsii var. *jesupi*	Jesup’s milk-vetch	U.S.A. (NH, VT)	Fabaceae	E	271	NA	NA
Astragalus tener var. *titi*	Coastal dunes milk-vetch	U.S.A. (CA)	...do	E	640	NA	NA
Astragalus tricarinatus	Triple-ribbed milk-vetch	...do	...do	E	647	NA	NA

Astrophytum asterias	Star cactus	U.S.A. (TX), Mexico	Cactaceae	E	521	NA	NA	
Atriplex coronata var. *notatior*	San Jacinto Valley crownscale	U.S.A. (CA)	*Chenopodiaceae—Goosefoot Family.*	E	650	17.96 (a) (No areas designated)	NA	
Auerodendron pauciflorum	None	U.S.A. (PR)	Rhamnaceae	E	531	NA	NA	
Ayenia limitaris	Texas ayenia	U.S.A. (TX), Mexico	Sterculiaceae	E	547	NA	NA	
Baccharis vanessae	Encinitas baccharis	U.S.A. (CA)	Asteraceae	T	589	NA	NA	
Banara vanderbiltii	Palo de Ramón	U.S.A. (PR)	Flacourtiaceae	E	255	NA	NA	
Baptisia arachnifera	Hairy rattleweed	U.S.A. (GA)	Fabaceae	E	39	NA	NA	
Berberis nevinii	Nevin's barberry	U.S.A. (CA)	Berberidaceae	E	648	17.96(a)	NA	
Berberis pinnata ssp. *insularis*	Island barberry	do	do	E	623	NA	NA	
Betula uber	Virginia round-leaf birch	U.S.A. (VA)	Betulaceae	T	39, 560	NA	NA	
Bidens amplectens	Kookoolau	U.S.A. (HI)	Asteraceae	E	806	17.99(i)	NA	
Bidens campylotheca ssp. *pentamera.*	do	do	do	E	815	NA	NA	
Bidens campylotheca ssp. *waihoiensis.*	do	do	do	E	815	NA	NA	
Bidens conjuncta	do	do	do	E	815	NA	NA	
Bidens hillebrandiana ssp. *hillebrandiana.*	do	do	do	E	818	NA	NA	
Bidens micrantha ssp. *ctenophylla*	do	do	do	E	818	NA	NA	
Bidens micrantha ssp. *kalealaha*	do	do	do	E	467	17.96(b) and 17.99(e)(1)	NA	
Bidens wiebkei	do	do	do	E	480	17.99(c)	NA	
Blennosperma bakeri	Sonoma sunshine	U.S.A. (CA)	do	E	453	NA	NA	
Boltonia decurrens	Decurrent false aster	U.S.A. (IL, MO)	do	T	341	NA	NA	
Bonamia grandiflora	Florida bonamia	U.S.A. (FL)	Convolvulaceae	T	297	NA	NA	
Bonamia menziesii	None	U.S.A. (HI)	do	E	559	17.99(a)(1), (e)(1), (i), and (k)	NA	
Brickellia mosieri	Florida brickell-bush	U.S.A. (FL)	Asteraceae	E	844	17.96(a)	NA	
Brighamia insignis	Olulu	U.S.A. (HI)	Campanulaceae	E	530	17.99(a)(1) and (a)(2)	NA	
Brighamia rockii	Pua ala	do	do	E	480	17.99(c) and (e)(1)	NA	
Brodiaea filifolia	Thread-leaved brodiaea	U.S.A. (CA)	Themidaceae	T	650	17.96(a)	NA	
Brodiaea pallida	Chinese Camp brodiaea	do	Liliaceae	T	643	NA	NA	
Buxus vahlii	Vahl's boxwood	U.S.A. (PR, VI)	Buxaceae	E	197	NA	NA	
Calamagrostis hillebrandii	None	U.S.A. (HI)	Poaceae	E	815	NA	NA	
Callicarpa ampla	Capá rosa	U.S.A. (PR)	Verbenaceae	E	461	NA	NA	
Callirhoe scabriuscula	Texas poppy-mallow	U.S.A. (TX)	Malvaceae	E	109, 112	NA	NA	
Calochortus tiburonensis	Tiburon mariposa lily	U.S.A. (CA)	Liliaceae	T	575	NA	NA	
Calyptranthes thomasiana	None	U.S.A. (PR, VI) British VI	Myrtaceae	E	529	NA	NA	
Calyptridium pulchellum	Mariposa pussypaws	U.S.A. (CA)	Portulacaceae	T	643	NA	NA	
Calyptronoma rivalis	Palma de manaca	U.S.A. (PR)	Arecaceae	T	375	NA	NA	
Calystegia stebbinsii	Stebbins' morning-glory	U.S.A. (CA)	Convolvulaceae	E	596	NA	NA	
Camissonia benitensis	San Benito evening-primrose	do	Onagraceae	T	172	NA	NA	
Campanula robinsiae	Brooksville bellflower	U.S.A. (FL)	Campanulaceae	E	356	NA	NA	
Canavalia molokaiensis	Awikiwiki	U.S.A. (HI)	Fabaceae	E	480	17.99(c)	NA	
Canavalia napaliensis	do	do	do	E	765	17.99(a)	NA	

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
Canavalia pubescens	.....do	.....do	.....do	E	815	NA	NA
Cardamine micranthera	Small-anthered bittercress	U.S.A. (NC, VA)	Brassicaceae	E	363	NA	NA
Carex albida	White sedge	U.S.A. (CA)	Cyperaceae	E	625	NA	NA
Carex lutea	Golden sedge	U.S.A. (NC)	.....do	E	721	17.96(a)	NA
Carex specuicola	Navajo sedge	U.S.A. (AZ, UT)	.....do	T	178	17.96(a)	NA
Castilleja affinis ssp. *neglecta*	Tiburon paintbrush	U.S.A. (CA)	Scrophulariaceae	E	575	NA	NA
Castilleja campestris ssp. *succulenta.*	Fleshy owl's-clover	.....do	.....do	T	611	17.96(a)	NA
Castilleja cinerea	Ash-gray Indian paintbrush	.....do	Orobanchaceae	T	644	17.96(a)	NA
Castilleja grisea	San Clemente Island Paintbrush	.....do	.....do	T	26	NA	NA
Castilleja levisecta	Golden paintbrush	U.S.A. (OR, WA), Canada (B.C.)	.....do	T	615	NA	NA
Castilleja mollis	Soft-leaved paintbrush	U.S.A. (CA)	.....do	E	623	NA	NA
Catesbaea melanocarpa	None	U.S.A. (PR, VI), Antigua, Barbuda, Guadalupe.	Rubiaceae	E	657	17.96(a)	NA
Caulanthus californicus	California jewelflower	U.S.A. (CA)	Brassicaceae	E	395	NA	NA
Ceanothus ferrisae	Coyote ceanothus	.....do	Rhamnaceae	E	575	NA	NA
Ceanothus ophiochilus	Vail Lake ceanothus	.....do	.....do	T	648	17.96(a)	NA
Ceanothus roderickii	Pine Hill ceanothus	.....do	.....do	E	596	NA	NA
Cenchrus agrimonioides	Kamanomano	U.S.A. (HI)	Poaceae	E	592	17.99(e)(1) and (i)	NA
Centaurium namophilum	Spring-loving centaury	U.S.A. (CA, NV)	Gentianaceae	T	181	17.96(a)	NA
Centaurium sebaeoides	Awiwi	U.S.A. (HI)	.....do	E	448	17.99(a)(1), (c), (e)(1), and (i)	NA
Cercocarpus traskiae	Catalina Island mountain-mahogany.	U.S.A. (CA)	Rosaceae	E	624	NA	NA
Cereus eriophorus var. *fragrans*	Fragrant prickly-apple	U.S.A. (FL)	Cactaceae	E	208	NA	NA
Chamaecrista glandulosa var. *mirabilis.*	None	U.S.A. (PR)	Fabaceae	E	379	NA	NA
Chamaesyce deltoidea ssp. *deltoidea.*	Deltoid spurge	U.S.A. (FL)	Euphorbiaceae	E	192	NA	NA
Chamaesyce garberi	Garber's spurge	U.S.A. (FL)	.....do	T	192	NA	NA
Chamaesyce hooveri	Hoover's spurge	U.S.A. (CA)	.....do	T	611	17.96(a)	NA
Charpentiera densiflora	Papala	U.S.A. (HI)	Amaranathaceae	E	765	17.99(a)	NA
Chionanthus pygmaeus	Pygmy fringe-tree	U.S.A. (FL)	Oleaceae	E	256	NA	NA
Chlorogalum purpureum	Purple amole (Camatta Canyon amole).	U.S.A. (CA)	Liliaceae—Lily	T	689	17.96(a)	NA
Chorizanthe howellii	Howell's spineflower	.....do	Polygonaceae	E	472	NA	NA
Chorizanthe orcuttiana	Orcutt's spineflower	.....do	.....do	E	589	NA	NA
Chorizanthe pungens var. *hartwegiana.*	Ben Lomond spineflower	.....do	.....do	E	528	NA	NA
Chorizanthe pungens var. *pungens.*	Monterey Spineflower	.....do	Polygonaceae—Buckwheat	T	528	17.96(a)	NA
Chorizanthe robusta var. *hartwegii*	Scotts Valley spineflower	.....do	.....do	E	528	17.96(a)	NA
Chorizanthe robusta var. *robusta*	Robust Spineflower	.....do	.....do	E	528	17.96(b)	NA
Chorizanthe valida	Sonoma spineflower	.....do	Polygonaceae	E	472	NA	NA

Chromolaena frustrata	Cape Sable thoroughwort	U.S.A. (FL)	Asteraceae	E	826	17.96(a)	NA
Do	U.S.A. (FL)	NA		E		17.96(h)	NA
Chrysopsis floridana	Florida golden aster	U.S.A. (FL)	Asteraceae	E	232	NA	NA
Cirsium fontinale var. *fontinale*	Fountain thistle	U.S.A. (CA)	do	E	575	NA	NA
Cirsium fontinale var. *obispoense*	Chorro Creek bog thistle	do	do	E	567	NA	NA
Cirsium hydrophilum var. *hydrophilum.*	Suisun thistle	do	do	E	627	17.96 (a)	NA
Cirsium loncholepis	La Graciosa thistle	do	Asteraceae—Sunflower	E	691	17.96(a)	NA
Cirsium pitcheri	Pitcher's thistle	U.S.A. (IL, IN, MI, WI), Canada (Ont.).	Asteraceae	T	315	NA	NA
Cirsium vinaceum	Sacramento Mountains thistle	U.S.A. (NM)	do	T	276	NA	NA
Clarkia franciscana	Presidio clarkia	U.S.A. (CA)	Onagraceae	E	575	NA	NA
Clarkia imbricata	Vine Hill clarkia	do	do	E	625	NA	NA
Clarkia speciosa ssp. *immaculata*	Pismo clarkia	do	do	E	567	NA	NA
Clarkia springvillensis	Springville clarkia	do	do	T	643	NA	NA
Clematis morefieldii	Morefield's leather-flower	U.S.A. (AL)	Ranunculaceae	E	468	NA	NA
Clematis socialis	Alabama leather-flower	do	do	E	245	NA	NA
Clermontia drepanomorpha	Oha wai	U.S.A. (HI)	Campanulaceae	E	595	17.99(k)	NA
Clermontia lindseyana	do	do	do	E	532	17.99(e)(1) and (k)	NA
Clermontia oblongifolia ssp. *brevipes.*	Oha wai	do	do	E	480	17.99(c)	NA
Clermontia oblongifolia ssp. *mauiensis*	do	do	do	E	467	17.99(e)(1)	NA
Clermontia peleana	do	do	do	E	532	17.99(k)	NA
Clermontia pyrularia	do	do	do	E	532	17.99(k)	NA
Clermontia samuelii	do	do	do	E	666	17.99(e)(1)	NA
Clitoria fragrans	Pigeon wings	U.S.A. (FL)	Fabaceae	T	500	NA	NA
Colubrina oppositifolia	Kauila	U.S.A. (HI)	Rhamnaceae	E	532	17.99(e)(1), (i), and (k)	NA
Conradina brevifolia	Short-leaved rosemary	U.S.A. (FL)	Lamiaceae	E	507	NA	NA
Conradina etonia	Etonia rosemary	do	do	E	507	NA	NA
Conradina glabra	Apalachicola rosemary	do	do	E	507	NA	NA
Conradina verticillata	Cumberland rosemary	U.S.A. (KY, TN)	do	T	452	NA	NA
Consolea corallicola	Cactus, Florida semaphore	U.S.A. (FL)	Cactaceae	E	826	NA	NA
Cordia bellonis	None	U.S.A. (PR)	Boraginaceae	E	601	NA	NA
Cordylanthus maritimus ssp. *maritimus.*	Salt marsh bird's-beak	U.S.A. (CA), Mexico (Baja California).	Scrophulariaceae	E	44	NA	NA
Cordylanthus mollis ssp. *mollis*	Soft bird's-beak	U.S.A. (CA)	do	E	627	17.96 (a)	NA
Cordylanthus palmatus	Palmate-bracted bird's-beak	do	do	E	235	NA	NA
Cordylanthus tenuis ssp. *capillaris*	Pennell's bird's-beak	do	do	E	575	NA	NA
Cornutia obovata	Palo de nigua	U.S.A. (PR)	Verbenaceae	E	307	NA	NA
Coryphantha minima	Nellie cory cactus	U.S.A. (TX)	Cactaceae	E	81	NA	NA
Coryphantha ramillosa	Bunched cory cactus	U.S.A. (TX), Mexico (Coahuila)	do	T	77	NA	NA
Coryphantha robbinsorum	Cochise pincushion cactus	U.S.A. (AZ), Mexico (Sonora)	do	T	214	NA	NA
Coryphantha scheeri var. *robustispina.*	Pima pineapple cactus	do	do	E	515	NA	NA
Coryphantha sneedii var. *leei*	Lee pincushion cactus	U.S.A. (NM)	do	T	61	NA	NA
Coryphantha sneedii var. *sneedii*	Sneed pincushion cactus	U.S.A. (NM, TX)	do	E	82	NA	NA
Cranichis ricartii	None	U.S.A. (PR)	Orchidaceae	E	451	NA	NA

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
Crescentia portoricensis	Higuero de Sierra	....do	Bignoniaceae	E	301	NA	NA
Crotalaria avonensis	Avon Park harebells	U.S.A. (FL)	Fabaceae	E	500	NA	NA
Cryptantha crassipes	Terlingua Creek cats-eye	U.S.A. (TX)	Boraginaceae	E	439	NA	NA
Cucurbita okeechobeensis ssp. *okeechobeensis.*	Okeechobee gourd	U.S.A. (FL)	Cucurbitaceae	E	507	NA	NA
Cyanea acuminata	HaHa	U.S.A. (HI)	Campanulaceae	E	591	17.99(i)	NA
Cyanea asarifolia	....do	....do	....do	E	530	17.99(a)(1)	NA
Cyanea asplenifolia	....do	....do	....do	E	815	NA	NA
Cyanea calycina	....do	....do	....do	E	806	17.99(i)	NA
Cyanea copelandii ssp. *copelandii*	....do	....do	....do	E	532	NA	NA
Cyanea copelandii ssp. *haleakalaensis*	....do	....do	....do	E	666	17.99(e)(1)	NA
Cyanea crispa	....do	....do	....do	E	536	17.99(i)	NA
Cyanea dolichopoda	....do	....do	....do	E	765	17.99(a)	NA
Cyanea dunbarii	....do	....do	....do	E	594	17.99(c)	NA
Cyanea duvalliorum	....do	....do	....do	E	815	NA	NA
Cyanea eleeleensis	....do	....do	....do	E	765	17.99(a)	NA
Cyanea glabra	....do	....do	....do	E	666	17.99(e)(1)	NA
Cyanea grimesiana ssp. *grimesiana.*	....do	....do	....do	E	592, 815	17.99(c), (e)(1), and (i)	NA
Cyanea grimesiana ssp. *obatae*	....do	....do	....do	E	541	17.99(i)	NA
Cyanea hamatiflora ssp. *carlsonii*	....do	....do	....do	E	532	17.99(k)	NA
Cyanea hamatiflora ssp. *hamatiflora*	....do	....do	....do	E	666	17.99(e)(1)	NA
Cyanea horrida	Haha nui	....do	....do	E	815	NA	NA
Cyanea humboltiana	Haha	....do	....do	E	591	17.99(i)	NA
Cyanea kolekoleensis	....do	....do	....do	E	765	17.99(a)	NA
Cyanea koolauensis	....do	....do	....do	E	591	17.99(i)	NA
Cyanea kuhihewa	....do	....do	....do	E	765	17.99(a)	NA
Cyanea kunthiana	....do	....do	....do	E	815	NA	NA
Cyanea lanceolata	....do	....do	....do	E	806	17.99(i)	NA
Cyanea lobata	....do	....do	....do	E	467	17.99(e)(1)	NA
Cyanea longiflora	....do	....do	....do	E	591	17.99(i)	NA
Cyanea macrostegia ssp. *gibsonii*	None	....do	....do	E	435	NA	NA
Cyanea magnicalyx	Haha	....do	....do	E	815	NA	NA
Cyanea mannii	....do	....do	....do	E	480	17.99(c)	NA
Cyanea maritae	....do	....do	....do	E	815	NA	NA
Cyanea marksii	....do	....do	....do	E	818	NA	NA
Cyanea mauiensis	....do	....do	....do	E	815	NA	NA
Cyanea mceldowneyi	....do	....do	....do	E	467	17.99(e)(1)	NA
Cyanea munroi	....do	....do	....do	E	815	NA	NA
Cyanea obtusa	....do	....do	....do	E	815	NA	NA
Cyanea pinnatifida	....do	....do	....do	E	448	17.99(i)	NA
Cyanea platyphylla	‘Aku‘aku	....do	....do	E	595	17.99(k)	NA
Cyanea procera	Haha	....do	....do	E	480	17.99(c)	NA
Cyanea profuga	....do	....do	....do	E	815	NA	NA

Cyanea purpurellifolia	....do	....do	....do	E	806	17.99(i)	NA
Cyanea recta	....do	....do	....do	T	590	17.99(a)(1)	NA
Cyanea remyi	....do	....do	....do	E	590	17.99(a)(1)	NA
Cyanea rivularis	....do	....do	....do	E	590	17.99(a)(1)	NA
Cyanea shipmanii	....do	....do	....do	E	532	17.99(k)	NA
Cyanea solanacea	Popolo	....do	....do	E	815	NA	NA
Cyanea st.-johnii	Haha	....do	....do	E	591	17.99(i)	NA
Cyanea stictophylla	....do	....do	....do	E	532	17.99(k)	NA
Cyanea superba	None	....do	....do	E	434	17.99(i)	NA
Cyanea tritomantha	Aku	....do	....do	E	818	NA	NA
Cyanea truncata	Haha	....do	....do	E	536	17.99(i)	NA
Cyanea undulata	None	....do	....do	E	436	17.99(a)(1)	NA
Cycladenia humilis var. *jonesii*	Jones cycladenia	U.S.A. (AZ, UT)	Apocynaceae	T	229	NA	NA
Cyperus fauriei	None	U.S.A. (HI)	Cyperaceae	E	532	17.99(c) and (k)	NA
Cyperus pennatiformis	None	....do	....do	E	559	17.99(a)(1), (e)(1), (g), and (i)	NA
Cyperus trachysanthos	Puukaa	....do	....do	E	592	17.99(a)(1) and (i)	NA
Cyrtandra crenata	Ha'iwale	....do	Gesneriaceae	E	536	NA	NA
Cyrtandra cyaneoides	Mapele	....do	....do	E	590	17.99(a)(1)	NA
Cyrtandra dentata	Haiwale	....do	....do	E	591	17.99(i)	NA
Cyrtandra ferripilosa	....do	....do	....do	E	815	NA	NA
Cyrtandra filipes	....do	....do	....do	E	815	NA	NA
Cyrtandra giffardii	....do	....do	....do	E	532	17.99(k)	NA
Cyrtandra gracilis	....do	....do	....do	E	806	17.99(i)	NA
Cyrtandra kaulantha	....do	....do	....do	E	806	17.99(i)	NA
Cyrtandra limahuliensis	....do	....do	....do	T	530	17.99(a)(1)	NA
Cyrtandra munroi	....do	....do	....do	E	467	17.99(e)(1)	NA
Cyrtandra nanawaleensis	....do	....do	....do	E	818	NA	NA
Cyrtandra oenobarba	....do	....do	....do	E	765	17.99(a)	NA
Cyrtandra oxybapha	....do	....do	....do	E	815	NA	NA
Cyrtandra paliku	....do	....do	....do	E	765	17.99(a)	NA
Cyrtandra polyantha	....do	....do	....do	E	536	17.99(i)	NA
Cyrtandra sessilis	....do	....do	....do	E	806	17.99(i)	NA
Cyrtandra subumbellata	....do	....do	....do	E	591	17.99(i)	NA
Cyrtandra tintinnabula	....do	....do	....do	E	532	17.99(k)	NA
Cyrtandra viridiflora	....do	....do	....do	E	591	17.99(i)	NA
Cyrtandra wagneri	....do	....do	....do	E	818	NA	NA
Cyrtandra waiolani	....do	....do	....do	E	806	17.99(i)	NA
Dalea foliosa	Leafy prairie-clover	U.S.A. (AL, IL, TN)	Fabaceae	E	422	NA	NA
Daphnopsis hellerana	None	U.S.A. (PR)	Thymelaeaceae	E	309	NA	NA
Deeringothamnus pulchellus	Beautiful pawpaw	U.S.A. (FL)	Annonaceae	E	244	NA	NA
Deeringothamnus rugelii	Rugel's pawpaw	....do	....do	E	244	NA	NA
Deinandra (=*Hemizonia*) *conjugens.*	Otay tarplant	U.S.A. (CA), Mexico	Asteraceae—Sunflower	T	649	17.96(a)	NA
Deinandra increscens ssp. villosa	Gaviota tarplant	U.S.A. (CA)	....do	E	691	17.96(a)	NA
Delissea rhytidosperma	None	U.S.A. (HI)	Campanulaceae	E	530	17.99(a)(1)	NA
Delissea subcordata	Oha	....do	....do	E	591	17.99(i)	NA

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
Delissea undulata	None	.....do	.....do	E	593	17.99(a)(1) and (k)	NA
Delphinium bakeri	Baker's larkspur	U.S.A. (CA)	Ranunculaceae	E	681	17.96(a)	NA
Delphinium luteum	Yellow larkspur	.....do	.....do	E	681	17.96(a)	NA
Delphinium variegatum ssp. *kinkiense.*	San Clemente Island larkspur	.....do	.....do	E	26	NA	NA
Dicerandra christmanii	Garrett's mint	U.S.A. (FL)	Lamiaceae	E	207, 362	NA	NA
Dicerandra cornutissima	Longspurred mint	.....do	.....do	E	207	NA	NA
Dicerandra frutescens	Scrub mint	.....do	.....do	E	207, 362	NA	NA
Dicerandra immaculata	Lakela's mint	.....do	.....do	E	180	NA	NA
Diplacus vandenbergensis	Vandenberg monkeyflower	U.S.A. (CA)	Phrymaceae	E	847	NA	NA
Diplacus vandenbergensis	Vandenberg monkeyflower	U.S.A. (CA)	Phrymaceae	E	847	17.96(a)	NA
Dodecahema leptoceras	Slender-horned spineflower	U.S.A. (CA)	Polygonaceae	E	291	NA	NA
Dubautia herbstobatae	Naenae	U.S.A. (HI)	Asteraceae	E	448	17.99(i)	NA
Dubautia imbricata ssp. *imbricata*	.....do	.....do	.....do	E	765	17.99(a)	NA
Dubautia kalalauensis	.....do	.....do	.....do	E	765	17.99(a)	NA
Dubautia kenwoodii	.....do	.....do	.....do	E	765	17.99(a)	NA
Dubautia latifolia	Koholapehu	.....do	.....do	E	464	17.99(a)(1)	NA
Dubautia pauciflorula	Naenae	.....do	.....do	E	436	17.99(a)(1)	NA
Dubautia plantaginea ssp. *humilis*	.....do	.....do	.....do	E	666	17.99(e)(1)	NA
Dubautia plantaginea ssp. *magnifolia.*	.....do	.....do	.....do	E	765	17.99(a)	NA
Dubautia waialealae	.....do	.....do	.....do	E	765	17.99(a)	NA
Dudleya abramsii ssp. *parva*	Conejo dudleya	U.S.A. (CA)	Crassulaceae	T	606	NA	NA
Dudleya cymosa ssp. *marcescens*	Marcescent dudleya	.....do	.....do	T	606	NA	NA
Dudleya cymosa ssp. *ovatifolia*	Santa Monica Mountains dudleya.	.....do	.....do	T	606	NA	NA
Dudleya nesiotica	Santa Cruz Island dudleya	.....do	.....do	T	623	NA	NA
Dudleya setchellii	Santa Clara Valley dudleya	.....do	.....do	E	575	NA	NA
Dudleya stolonifera	Laguna Beach liveforever	.....do	.....do	T	649	NA	NA
Dudleya traskiae	Santa Barbara Island liveforever	.....do	.....do	E	39	NA	NA
Dudleya verityi	Verity's dudleya	.....do	.....do	T	606	NA	NA
Echinacea laevigata	Smooth coneflower	U.S.A. (GA, MD, NC, PA, SC, VA).	Asteraceae	E	481	NA	NA
Echinocactus horizonthalonius var. *nicholii.*	Nichol's Turk's head cactus	U.S.A. (AZ)	Cactaceae	E	71	NA	NA
Echinocereus chisoensis var. *chisoensis.*	Chisos Mountain hedgehog cactus.	U.S.A. (TX)	.....do	T	335	NA	NA
Echinocereus fendleri var. *kuenzleri.*	Kuenzler hedgehog cactus	U.S.A. (NM)	.....do	E	70	NA	NA
Echinocereus reichenbachii var. *albertii.*	Black lace cactus	U.S.A. (TX)	.....do	E	68	NA	NA
Echinocereus triglochidiatus var. *arizonicus.*	Arizona hedgehog cactus	U.S.A. (AZ)	.....do	E	62	NA	NA
Echinocereus viridiflorus var. *davisii.*	Davis' green pitaya	U.S.A. (TX)	.....do	E	81	NA	NA

Echinomastus erectocentrus var. *acunensis.*	acuña cactus	U.S.A. (AZ), Mexico	.....do	E	821	NA	NA
Echinomastus mariposensis	Lloyd's Mariposa cactus	U.S.A. (TX), Mexico (Coahuila)	.....do	T	77	NA	NA
Encelia nudicaulis var. *corrugata.*	Ash Meadows sunray	U.S.A. (NV)	Asteraceae	T	181	17.96(a)	NA
Eragrostis fosbergii	Fosberg's love grass	U.S.A. (HI)	Poaceae	E	591	17.99(i)	NA
Eremalche kernensis	Kern mallow	U.S.A. (CA)	Malvaceae	E	395	NA	NA
Eriastrum densifolium ssp. *sanctorum.*	Santa Ana River woolly-star	.....do	Polemoniaceae	E	291	NA	NA
Erigeron decumbens	Willamette daisy	U.S.A. (OR)	Asteraceae	E	679	17.96(a)	NA
Erigeron parishii	Parish's daisy	U.S.A. (CA)	.....do	T	548	17.96(a)	NA
Erigeron rhizomatus	Zuni fleabane	U.S.A. (NM)	.....do	T	177	NA	NA
Eriodictyon altissimum	Indian Knob mountain balm	U.S.A. (CA)	Hydrophyllaceae	E	567	NA	NA
Eriodictyon capitatum	Lompoc yerba santa	.....do	Hydrophyllaceae—Waterleaf	E	691	17.96(a)	NA
Eriogonum apricum (incl. var. prostratum).	Ione (incl. Irish Hill) buckwheat	.....do	Polygonaceae	E	661	NA	NA
Eriogonum codium	Umtanum desert buckwheat	U.S.A. (WA)	.....do	T	811	17.96(a)	NA
Eriogonum gypsophilum	Gypsum wild-buckwheat	U.S.A. (NM)	.....do	T	110, 112	17.96(a)	NA
Eriogonum kennedyi var. *austromontanum.*	Southern mountain wild-buckwheat.	U.S.A. (CA)	.....do	T	644	17.96(a)	NA
Eriogonum longifolium var. *gnaphalifolium.*	Scrub buckwheat	U.S.A. (FL)	.....do	T	500	NA	NA
Eriogonum ovalifolium var. *vineum*	Cushenbury buckwheat	U.S.A. (CA)	.....do	E	548	17.96(a)	NA
Eriogonum ovalifolium var. *williamsiae.*	Steamboat buckwheat	U.S.A. (NV)	.....do	E	237	NA	NA
Eriogonum pelinophilum	Clay-loving wild-buckwheat	U.S.A. (CO)	.....do	E	151	17.96(a)	NA
Eriophyllum latilobum	San Mateo woolly sunflower	U.S.A. (CA)	Asteraceae	E	575	NA	NA
Eryngium aristulatum var. *parishii*	San Diego button-celery	.....do	Apiaceae	E	512	NA	NA
Eryngium constancei	Loch Lomond coyote-thistle	.....do	.....do	E	194E, 249	NA	NA
Eryngium cuneifolium	Snakeroot	U.S.A. (FL)	.....do	E	256	NA	NA
Erysimum capitatum var. *angustatum.*	Contra Costa wallflower	U.S.A. (CA)	Brassicaceae	E	39	17.96(a)	NA
Erysimum menziesii	Menzies' wallflower	.....do	.....do	E	472	NA	NA
Erysimum teretifolium	Ben Lomond wallflower	.....do	.....do	E	528	NA	NA
Erythronium propullans	Minnesota dwarf trout lily	U.S.A. (MN)	Liliaceae	E	221	NA	NA
Eugenia haematocarpa	Uvillo	U.S.A. (PR)	Myrtaceae	E	564	NA	NA
Eugenia koolauensis	Nioi	U.S.A. (HI)	.....do	E	536	17.99(c) and (i)	NA
Eugenia woodburyana	None	U.S.A. (PR)	.....do	E	551	NA	NA
Euphorbia celastroides var. *kaenana.*	'Akoko	U.S.A. (HI)	Euphorbiaceae	E	448	17.99(i)	NA
Euphorbia deppeana	.....do	.....do	.....do	E	536	17.99(i)	NA
Euphorbia eleanoriae	.....do	.....do	.....do	E	765	17.99(a)	NA
Euphorbia haeleeleana	.....do	.....do	.....do	E	592	17.99(a)(1) and (i)	NA
Euphorbia halemanui	.....do	.....do	.....do	E	464	17.99(a)(1)	NA
Euphorbia herbstii	.....do	.....do	.....do	E	591	17.99(i)	NA
Euphorbia kuwaleana	.....do	.....do	.....do	E	448	17.99(i)	NA
Euphorbia remyi var. *kauaiensis*	.....do	.....do	.....do	E	765	17.99(a)	NA

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
Euphorbia remyi var. *remyi*	.....do	.....do	.....do	E	765	17.99(a)	NA
Euphorbia rockii	.....do	.....do	.....do	E	591	17.99(i)	NA
Euphorbia skottsbergii var. *skottsbergii.*	'Ewa Plains 'akoko	.....do	.....do	E	120	17.99(i)	NA
Euphorbia telephioides	Telephus spurge	U.S.A. (FL)	.....do	T	463	NA	NA
Eutrema penlandii	Penland alpine fen mustard	U.S.A. (CO)	Brassicaceae	T	509	NA	NA
Exocarpos luteolus	Heau	U.S.A. (HI)	Santalaceae	E	530	17.99(a)(1)	NA
Festuca molokaiensis	None	.....do	Poaceae	E	815	NA	NA
Flueggea neowawraea	Mehamehame	.....do	Phyllanthaceae	E	559	17.99(a)(1), (c), (e)(1), (i) and (k)	NA
Frankenia johnstonii	Johnston's frankenia	U.S.A. (TX), Mexico (Nuevo Leon).	Frankeniaceae	E	155	NA	NA
Fremontodendron californicum ssp. *decumbens.*	Pine Hill flannelbush	U.S.A. (CA)	Sterculiaceae	E	596	NA	NA
Fremontodendron mexicanum.	Mexican flannelbush	U.S.A. (CA), Mexico	.....do	E	648	17.96(a)	NA
Fritillaria gentneri	Gentner's fritillary	U.S.A. (OR)	Liliaceae	E	672	NA	NA
Galactia smallii	Small's milkpea	U.S.A. (FL)	Fabaceae	E	192	NA	NA
Galium buxifolium	Island bedstraw	U.S.A. (CA)	Rubiaceae	E	623	NA	NA
Galium californicum ssp. *sierrae*	El Dorado bedstraw	.....do	.....do	E	596	NA	NA
Gardenia brighamii	Hawaiian gardenia (Na'u)	U.S.A. (HI)	.....do	E	198	NA	NA
Gardenia mannii	Nanu	.....do	.....do	E	591	17.99(i)	NA
Gaura neomexicana ssp. *coloradensis.*	Colorado butterfly plant	U.S.A. (WY, NE, CO)	Onagraceae-Evening Primrose	T	704	17.96(a)	NA
Geocarpon minimum	None	U.S.A. (AR, LA, MO)	Caryophyllaceae	T	275	NA	NA
Geranium arboreum	Nohoanu	U.S.A. (HI)	Geraniaceae	E	465	17.99(e)(1)	NA
Geranium hanaense	Nohoanu	.....do	.....do	E	815	NA	NA
Geranium hillebrandii	.....do	.....do	.....do	E	815	NA	NA
Geranium kauaiense	.....do	.....do	.....do	E	765	17.99(a)	NA
Geranium multiflorum	.....do	.....do	.....do	E	467	17.99(e)(1)	NA
Gesneria pauciflora	None	U.S.A. (PR)	Gesneriaceae	T	578	NA	NA
Geum radiatum	Spreading avens	U.S.A. (NC, TN)	Rosaceae	E	381	NA	NA
Gilia tenuiflora ssp. *arenaria*	Monterey gilia	U.S.A. (CA)	Polemoniaceae	E	472	NA	NA
Gilia tenuiflora ssp. *hoffmannii*	Hoffmann's slender-flowered gilia.	.....do	.....do	E	623	NA	NA
Goetzea elegans	Beautiful goetzea or matabuey	U.S.A. (PR)	Solanaceae	E	176	NA	NA
Gonocalyx concolor	No common name	Puerto Rico	Ericaceae	E	848	17.96(a)	NA
Gouania hillebrandii	None	U.S.A. (HI)	Rhamnaceae	E	165	17.96(a)	NA
Gouania meyenii	.....do	.....do	.....do	E	448	17.99(a)(1) and (i)	NA
Gouania vitifolia	.....do	.....do	.....do	E	541	17.99(e)(1), and (k)	NA
Grindelia fraxino-pratensis	Ash Meadows gumplant	U.S.A. (CA, NV)	Asteraceae	T	181	17.96(a)	NA
Hackelia venusta	Showy stickseed	U.S.A. (WA)	Boraginaceae—Borage	E	722	NA	NA
Halophila johnsonii	Johnson's seagrass	U.S.A. (FL)	Hydrocharitaceae	T	663	226.213	NA

Haplostachys haplostachya	None	U.S.A. (HI)	Lamiaceae	E	73	NA
Harperocallis flava	Harper's beauty	U.S.A. (FL)	Liliaceae	E	57	NA
Harrisia aboriginum	Prickly-apple, aboriginal	.....do	Cactaceae	E	826	NA
Harrisia portoricensis	Higo chumbo	U.S.A. (PR)	.....do	T	397	NA
Hedeoma todsenii	Todsen's pennyroyal	U.S.A. (NM)	Lamiaceae	E	110, 112	NA
Hedyotis mannii	Pilo	U.S.A. (HI)	Rubiaceae	E	480	NA
Hedyotis purpurea var. *montana*	Roan Mountain bluet	U.S.A. (NC, TN)	.....do	E	381	NA
Hedyotis schlechtendahliana var. *remyi.*	Kopa	U.S.A. (HI)	.....do	E	666	NA
Helenium virginicum	Virginia sneezeweed	U.S.A. (MO, VA)	Asteraceae	T	652	NA
Helianthemum greenei	Island rush-rose	U.S.A. (CA)	Cistaceae	T	623	NA
Helianthus paradoxus	Pecos (=puzzle, =paradox) sunflower.	U.S.A. (NM, TX)	Asteraceae	T	667	NA
Helianthus schweinitzii	Schweinitz's sunflower	U.S.A. (NC, SC)	.....do	E	424	NA
Helianthus verticillatus	whorled sunflower	U.S.A. (AL, GA, TN)	.....do	E	842	NA
Helonias bullata	Swamp pink	U.S.A. (DE, GA, MD, NC, NJ, NY, SC, VA).	Liliaceae	T	326	NA
Hesperolinon congestum	Marin dwarf-flax	U.S.A. (CA)	Linaceae	T	575	NA
Hesperomannia arborescens	None	U.S.A. (HI)	Asteraceae	E	536	17.99(c) and (i)
Hesperomannia arbuscula	.....do	.....do	.....do	E	448	17.99(e)(1) and (i)
Hesperomannia lydgatei	.....do	.....do	.....do	E	436	17.99(a)(1)
Hexastylis naniflora	Dwarf-flowered heartleaf	U.S.A. (NC, SC)	Aristolochiaceae	T	347	NA
Hibiscadelphus distans	Kauai hau kuahiwi	U.S.A. (HI)	Malvaceae	E	225	NA
Hibiscadelphus giffardianus	Hau kuahiwi	.....do	.....do	E	595	17.99(k)
Hibiscadelphus hualalaiensis	.....do	.....do	.....do	E	595	17.99(k)
Hibiscadelphus woodii	.....do	.....do	.....do	E	590	17.99(a)(1)
Hibiscus arnottianus ssp. *immaculatus.*	Kokio keokeo	.....do	.....do	E	480	17.99(c)
Hibiscus brackenridgei	Mao hau hele	.....do	.....do	E	559	17.99(c), (e)(1), (i), and (k)
Hibiscus clayi	Clay's hibiscus	.....do	.....do	E	530	17.99(a)(1)
Hibiscus dasycalyx	Neches River rose-mallow	U.S.A. (TX)	.....do	T	814	17.96(a)
Hibiscus waimeae ssp. *hannerae*	Kokio keokeo	U.S.A. (HI)	.....do	E	590	17.99(a)(1)
Hoffmannseggia tenella	Slender rush-pea	U.S.A. (TX)	Fabaceae	E	209	NA
Holocarpha macradenia	Santa Cruz tarplant	U.S.A. (CA)	Asteraceae—Sunflower	T	690	17.96(a)
Howellia aquatilis	Water howellia	U.S.A. (CA, ID, MT, OR, WA)	Campanulaceae	T	542	NA
Hudsonia montana	Mountain golden heather	U.S.A. (NC)	Cistaceae	T	107	17.96(a)
Hymenoxys herbacea	Lakeside daisy	U.S.A. (IL, MI, OH), Canada (Ont.).	Asteraceae	T	310	NA
Hymenoxys texana	Texas prairie dawn-flower	U.S.A. (TX)	.....do	E	218	NA
Hypericum cumulicola	Highlands scrub hypericum	U.S.A. (FL)	Hypericaceae	E	256	NA
Ilex cookii	Cook's holly	U.S.A. (PR)	Aquifoliaceae	E	277	NA
Ilex sintenisii	None	.....do	.....do	E	461	NA
Iliamna corei	Peter's Mountain mallow	U.S.A. (VA)	Malvaceae	E	230	NA
Ipomopsis polyantha	Pagosa skyrocket	U.S.A. (CO)	Polemoniaceae	E	792	17.96(a)
Ipomopsis sancti-spiritus	Holy Ghost ipomopsis	U.S.A. (NM)	.....do	E	535	NA
Iris lacustris	Dwarf lake iris	U.S.A. (MI, WI), Canada (Ont.)	Iridaceae	T	330	NA

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
Ischaemum byrone	Hilo ischaemum	U.S.A. (HI)	Poaceae	E	532	17.99(a)(1), (c), (e)(1), and (k)	NA
Isodendrion hosakae	Aupaka	.....do	Violaceae	T	414	17.99(k)	NA
Isodendrion laurifolium	.....do	.....do	.....do	E	592	17.99(a)(1) and (i)	NA
Isodendrion longifolium	.....do	.....do	.....do	T	592	17.99(a)(1) and (i)	NA
Isodendrion pyrifolium	Wahine noho kula	.....do	.....do	E	532	17.99(c), (e)(1), and (i)	NA
Isotria medeoloides	Small whorled pogonia	U.S.A. (CT, DC, DE, GA, IL, MA, MD, ME, MI, MO, NC, NH, NJ, NY, PA, RI, SC, TN, VA, VT,WV), Canada (Ont.).	Orchidaceae	T	122, 556	NA	NA
Ivesia kingii var. *eremica*	Ash Meadows ivesia	U.S.A. (NV)	Rosaceae	T	181	17.96(a)	NA
Ivesia webberi	Webber's ivesia	U.S.A. (CA, NV)	.....do	T	836	17.96(a)	NA
Jacquemontia reclinata	Beach jacquemontia	U.S.A. (FL)	Convolvulaceae	E	523	NA	NA
Jatropha costaricensis	Costa Rican jatropha	Costa Rica	Euphorbiaceae	E	154	NA	NA
Juglans jamaicensis	Nogal or West Indian walnut	U.S.A. (PR), Cuba, Hispaniola	Juglandaceae	E	603	NA	NA
Justicia cooleyi	Cooley's water-willow	U.S.A. (FL)	Acanthaceae	E	356	NA	NA
Kadua cookiana	'Awiwi	U.S.A. (HI)	Rubiaceae	E	530	17.99(a)(1)	NA
Kadua coriacea	Kioele	.....do	.....do	E	467	17.99(e)(1) and (i)	NA
Kadua degeneri	None	.....do	.....do	E	448	17.99(i)	NA
Kadua parvula	.....do	.....do	.....do	E	448	17.99(i)	NA
Kadua st.-johnii	.....do	.....do	.....do	E	441	17.99(a)(1)	NA
Kanaloa kahoolawensis	Kohe malama malama o kanaloa	.....do	Fabaceae	E	666	17.99(e)(2)	NA
Keysseria erici	No common name	.....do	Asteraceae	E	765	17.99(a)	NA
Keysseria helenae	.....do	.....do	.....do	E	765	17.99(a)	NA
Kokia cookei	Cooke's koki'o	.....do	Malvaceae	E	74	NA	NA
Kokia drynarioides	Koki'o	.....do	.....do	E	167	17.96(a)	NA
Kokia kauaiensis	.....do	.....do	.....do	E	590	17.99(a)(1)	NA
Korthalsella degeneri	Hulumoa	.....do	Santalaceae	E	806	17.99(i)	NA
Labordia cyrtandrae	Kamakahala	.....do	Loganiaceae	E	591	17.99(i)	NA
Labordia helleri	.....do	.....do	.....do	E	765	17.99(a)	NA
Labordia lydgatei	.....do	.....do	.....do	E	436	17.99(a)(1)	NA
Labordia pumila	.....do	.....do	.....do	E	765	17.99(a)	NA
Labordia tinifolia var. *lanaiensis*	.....do	.....do	.....do	E	666	NA	NA
Labordia tinifolia var. *wahiawaensis.*	.....do	.....do	.....do	E	590	17.99(a)(1)	NA
Labordia triflora	.....do	.....do	.....do	E	666	17.99(c)	NA
Lasthenia burkei	Burke's goldfields	U.S.A. (CA)	Asteraceae	E	453	NA	NA
Lasthenia conjugens	Contra Costa goldfields	.....do	.....do	E	619	17.96(a)	NA
Layia carnosa	Beach layia	.....do	.....do	E	472	NA	NA
Leavenworthia crassa	fleshy-fruit gladecress	U.S.A. (AL)	Brassicaceae	E	842	NA	NA

Leavenworthia exigua var. *laciniata.*	Kentucky glade cress	U.S.A. (KY)	.....do	T	833	17.96(a)	NA
Leavenworthia texana	Texas golden gladecress	U.S.A. (TX)	.....do	E	814	17.96(a)	NA
Lembertia congdonii	San Joaquin wooly-threads	U.S.A. (CA)	Asteraceae	E	395	NA	NA
Lepanthes eltoroensis	None	U.S.A. (PR)	Orchidaceae	E	451	NA	NA
Lepidium arbuscula	Anaunau	U.S.A. (HI)	Brassicaceae	E	591	17.99(i)	NA
Lepidium barnebyanum	Barneby ridge-cress	U.S.A. (UT)	.....do	E	402	NA	NA
Lepidium papilliferum	Slickspot peppergrass	U.S.A. (ID)	.....do	T	765	NA	NA
Leptocereus grantianus	None	U.S.A. (PR)	Cactaceae	E	491	NA	NA
Lespedeza leptostachya	Prairie bush-clover	U.S.A. (IA, IL, MN, WI)	Fabaceae	T	254	NA	NA
Lesquerella congesta	Dudley Bluffs bladderpod	U.S.A. (CO)	Brassicaceae	T	374	NA	NA
Lesquerella kingii ssp. *bernardina*	San Bernardino Mountains bladderpod.	U.S.A. (CA)	.....do	E	548	17.96(a)	NA
Lesquerella lyrata	Lyrate bladderpod	U.S.A. (AL)	.....do	T	403	NA	NA
Lesquerella pallida	White bladderpod	U.S.A. (TX)	.....do	E	260	NA	NA
Lesquerella perforata	Spring Creek bladderpod	U.S.A. (TN)	.....do	E	599	NA	NA
Lesquerella thamnophila	Zapata bladderpod	U.S.A. (TX), Mexico	.....do	E	671	17.96(a)	NA
Lesquerella tumulosa	Kodachrome bladderpod	U.S.A. (UT)	.....do	E	519	NA	NA
Lessingia germanorum (=L. g. var. *germanorum).*	San Francisco lessingia	U.S.A. (CA)	Asteraceae	E	620	NA	NA
Liatris helleri	Heller's blazingstar	U.S.A. (NC)	.....do	T	300	NA	NA
Liatris ohlingerae	Scrub blazingstar	U.S.A. (FL)	.....do	E	356	NA	NA
Lilaeopsis schaffneriana var. *recurva.*	Huachuca water-umbel	U.S.A. (AZ), Mexico	Apiaceae	E	600	17.96(a)	NA
Lilium occidentale	Western lily	U.S.A. (OR, CA)	Liliaceae	E	544	NA	NA
Lilium pardalinum ssp. *pitkinense*	Pitkin Marsh lily	U.S.A. (CA)	.....do	E	625	NA	NA
Limnanthes floccosa ssp.*grandiflora.*	large-flowered woolly meadowfoam.	U.S.A. (OR)	Limnanthaceae	E	733	17.96(a)	NA
Limnanthes pumila ssp. *Grandiflora.*	.....do	.....do	.....do	E	733	17.96(a)	NA
Limnanthes vinculans	Sebastopol meadowfoam	U.S.A. (CA)	.....do	E	453	NA	NA
Lindera melissifolia	Pondberry	U.S.A. (AL, AR, FL, GA, LA, MO, MS, NC, SC).	Lauraceae	E	240	NA	NA
Linum carteri var. *carteri*	Carter's small-flowered flax	U.S.A. (FL)	Linaceae	E	844	17.96(a)	NA
Lipochaeta fauriei	Nehe	U.S.A. (HI)	Asteraceae	E	530	17.99(a)(1)	NA
Lipochaeta kamolensis	.....do	.....do	.....do	E	467	17.99(e)(1)	NA
Lipochaeta lobata var. *leptophylla*	.....do	.....do	.....do	E	448	17.99(i)	NA
Lipochaeta micrantha	.....do	.....do	.....do	E	530	17.99(a)(1)	NA
Lipochaeta venosa	None	.....do	.....do	E	73	NA	NA
Lipochaeta waimeaensis	Nehe	.....do	.....do	E	530	17.99(a)(1)	NA
Lithophragma maximum	San Clemente Island woodland-star.	U.S.A. (CA)	Saxifragaceae	E	624	NA	NA
Lobelia koolauensis	None	U.S.A. (HI)	Campanulaceae	E	591	17.99(i)	NA
Lobelia monostachya	.....do	.....do	.....do	E	591	17.99(i)	NA
Lobelia niihauensis	.....do	.....do	.....do	E	448	17.99(i)	NA
Lobelia oahuensis	.....do	.....do	.....do	E	536	17.99(i)	NA
Lomatium bradshawii	Bradshaw's desert-parsley	U.S.A. (OR, WA)	Apiaceae	E	333	NA	NA
Lomatium cookii	Cook's lomatium (Cook's desert parsley).	U.S.A. (OR)	.....do	E	733	17.96(a)	NA
Lupinus aridorum	Scrub lupine	U.S.A. (FL)	Fabaceae	E	264	NA	NA

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
Lupinus nipomensis	Nipomo Mesa lupine	U.S.A. (CA)	...do	E	691	NA	NA
Lupinus sulphureus ssp. *kincaidii*	Kincaid's lupine	U.S.A (OR, WA)	Fabaceae—Pea family	T	679	17.96	NA
Lupinus tidestromii	Clover lupine	U.S.A. (CA)	Fabaceae	E	472	NA	NA
Lyonia truncata var. *proctorii*	None	U.S.A. (PR)	Ericaceae	E	501	NA	NA
Lysimachia asperulaefolia	Rough-leaved loosestrife	U.S.A. (NC, SC)	Primulaceae	E	274	NA	NA
Lysimachia daphnoides	Lehua makanoe	U.S.A. (HI)	...do	E	765	17.99(a)	NA
Lysimachia filifolia	None	...do	...do	E	530	17.99(a)(1) and (i)	NA
Lysimachia iniki	...do	...do	...do	E	765	17.99(a)	NA
Lysimachia lydgatei	...do	...do	...do	E	467	17.99(e)(1)	NA
Lysimachia maxima	...do	...do	...do	E	594	17.99(c)	NA
Lysimachia pendens	...do	...do	...do	E	765	17.99(a)	NA
Lysimachia pendens	No common name	...do	Myrsinaceae	E	765	17.99(a)	NA
Lysimachia scopulensis	None	...do	Primulaceae	E	765	17.99(a)	NA
Lysimachia venosa	...do	...do	...do	E	765	17.99(a)	NA
Macbridea alba	White birds-in-a-nest	U.S.A. (FL)	Lamiaceae	T	463	NA	NA
Malacothamnus clementinus	San Clemente Island bush-mallow.	U.S.A. (CA)	Malvaceae	E	26	NA	NA
Malacothamnus fasciculatus var. *nesioticus.*	Santa Cruz Island bushmallow	...do	...do	E	623	NA	NA
Malacothrix indecora	Santa Cruz Island malocothrix	...do	Asteraceae	E	623	NA	NA
Malacothrix squalida	Island malacothrix	...do	...do	E	623	NA	NA
Manihot walkerae	Walker's manioc	U.S.A. (TX), Mexico	Euphorbiaceae	E	445	NA	NA
Marshallia mohrii	Mohr's Barbara's buttons	U.S.A. (AL, GA)	Asteraceae	T	324	NA	NA
Melanthera tenuifolia	Nehe	U.S.A. (HI)	...do	E	448	17.99(i)	NA
Melicope adscendens	Alani	...do	Rutaceae	E	565	17.99(e)(1)	NA
Melicope balloui	...do	...do	...do	E	565	17.99(e)(1)	NA
Melicope christophersenii	...do	...do	...do	E	806	17.99(i)	NA
Melicope degeneri	...do	...do	...do	E	765	17.99(a)	NA
Melicope haupuensis	...do	...do	...do	E	530	17.99(a)(1)	NA
Melicope hiiakae	...do	...do	...do	E	806	17.99(i)	NA
Melicope knudsenii	...do	...do	...do	E	530	17.99(a)(1) and (e)(1)	NA
Melicope lydgatei	...do	...do	...do	E	536	17.99(i)	NA
Melicope makahae	...do	...do	...do	E	806	17.99(i)	NA
Melicope mucronulata	...do	...do	...do	E	467	17.99(c) and (e)(1)	NA
Melicope munroi	...do	...do	...do	E	666	NA	NA
Melicope ovalis	...do	...do	...do	E	565	17.99(e)(1)	NA
Melicope pallida	...do	...do	...do	E	530	17.99(a)(1) and (i)	NA
Melicope paniculata	...do	...do	...do	E	765	17.99(a)	NA
Melicope puberula	...do	...do	...do	E	765	17.99(a)	NA
Melicope quadrangularis	...do	...do	...do	E	530	NA	NA
Melicope reflexa	...do	...do	...do	E	480	17.99(c)	NA
Melicope saint-johnii	...do	...do	...do	E	591	17.99(i)	NA

Melicope zahlbruckneri	....do	....do	....do	E	595	17.99(k)	NA
Mentzelia leucophylla	Ash Meadows blazing-star	U.S.A. (NV)	Loasaceae	T	181	17.96(a)	NA
Mezoneuron kavaiense	Uhi uhi	U.S.A. (HI)	Fabaceae	E	238	NA	NA
Mimulus michiganensis (=*Mimulus glabratus* var. *michiganensis*).	Michigan monkey-flower	U.S.A. (MI)	Scrophulariaceae	E	392, 780	NA	NA
Mirabilis macfarlanei	MacFarlane's four-o'clock	U.S.A. (ID, OR)	Nyctaginaceae	T	66, 581	NA	NA
Mitracarpus maxwelliae	None	U.S.A. (PR)	Rubiaceae	E	551	NA	NA
Mitracarpus polycladus	....do	U.S.A. (PR), Saba	....do	E	551	NA	NA
Monardella viminea	Willowy monardella	U.S.A. (CA), Mexico	Lamiaceae	E	649	17.96(a)	NA
Mucuna sloanei var. *persericea*	Sea bean	U.S.A. (HI)	Fabaceae	E	815	NA	NA
Myrcia paganii	None	U.S.A. (PR)	Myrtaceae	E	529	NA	NA
Myrsine juddii	Kolea	U.S.A. (HI)	Primulaceae	E	591	17.99(i)	NA
Myrsine knudsenii	....do	....do	....do	E	765	17.99(a)	NA
Myrsine linearifolia	....do	....do	....do	T	590	17.99(a)(1)	NA
Myrsine mezii	....do	....do	....do	E	765	17.99(a)	NA
Myrsine vaccinioides	....do	....do	....do	E	815	NA	NA
Navarretia fossalis	Spreading navarretia	U.S.A. (CA), Mexico (Baja California).	Polemoniaceae	T	650	17.96(a)	NA
Navarretia leucocephala ssp. *pauciflora (=N. pauciflora).*	Few-flowered navarretia	U.S.A. (CA)	....do	E	619	NA	NA
Navarretia leucocephala ssp. *plieantha.*	Many-flowered navarretia	....do	....do	E	619	NA	NA
Neostapfia colusana	Colusa grass	....do	Poaceae	T	611	17.96(a)	NA
Neraudia angulata	None	U.S.A. (HI)	Urticaceae	E	448	17.99(i)	NA
Neraudia ovata	....do	....do	....do	E	595	17.99(k)	NA
Neraudia sericea	....do	....do	....do	E	559	17.99(c) and (e)(1)	NA
Nesogenes rotensis	None	Western Pacific Ocean—U.S.A. (Commonwealth of the Northern Mariana Islands).	Verbenaceae—Verbena family	E	742	NA	NA
Nitrophila mohavensis	Amargosa niterwort	U.S.A. (CA, NV)	Chenopodiaceae	E	181	17.96(a)	NA
Nolina brittoniana	Britton's beargrass	U.S.A. (FL)	Agavaceae	E	500	NA	NA
Nothocestrum breviflorum	Aiea	U.S.A (HI)	Solanaceae	E	532	17.99(k)	NA
Nothocestrum peltatum	....do	....do	....do	E	530	17.99(a)(1)	NA
Nototrichium humile	Kului	....do	Amaranthaceae	E	448	17.99(e)(1) and (i)	NA
Ochrosia kilaueaensis	Holei	....do	Apocynaceae	E	532	NA	NA
Oenothera avita ssp. *eurekensis*	Eureka Valley evening-primrose	U.S.A. (CA)	Onagraceae	E	39	NA	NA
Oenothera deltoides ssp. *howellii*	Antioch Dunes evening-primrose	....do	....do	E	39	17.96(a)	NA
Opuntia treleasei	Bakersfield cactus	....do	Cactaceae	E	395	NA	NA
Orcuttia californica	California Orcutt grass	....do	Poaceae	E	512	NA	NA
Orcuttia inaequalis	San Joaquin Valley Orcutt grass	....do	....do	T	611	17.96(a)	NA
Orcuttia pilosa	Hairy Orcutt grass	....do	....do	T	611	17.96(a)	NA
Orcuttia tenuis	Slender Orcutt grass	....do	....do	T	611	17.96(a)	NA
Orcuttia viscida	Sacramento Orcutt grass	....do	....do	T	611	17.96(a)	NA
Osmoxylon mariannense	None	Western Pacific Ocean—U.S.A. (Commonwealth of the Northern Mariana Islands).	Araliaceae—Ginseng family	E	742	NA	NA
Ottoschulzia rhodoxylon	Palo de rosa	U.S.A. (PR), Dominican Republic	Icacinaceae	E	385	NA	NA
Oxypolis canbyi	Canby's dropwort	U.S.A. (DE, GA, MD, NC, SC)	Apiaceae	E	217	NA	NA

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
Oxytheca parishii var. *goodmaniana.*	Cushenbury oxytheca	U.S.A. (CA)	Polygonaceae	E	548	17.96(a)	NA
Oxytropis campestris var. *chartacea.*	Fassett's locoweed	U.S.A. (WI)	Fabaceae	T	329	NA	NA
Panicum fauriei var. *carteri*	Carter's panicgrass	U.S.A. (HI)	Poaceae	E	133	17.96(a)	NA
Panicum niihauense	Lau ehu	....do	....do	E	592	17.99(a)(1)	NA
Paronychia chartacea	Papery whitlow-wort	U.S.A. (FL)	Caryophyllaceae	T	256	NA	NA
Parvisedum leiocarpum	Lake County stonecrop	U.S.A. (CA)	Crassulaceae	E	619	NA	NA
Pedicularis furbishiae	Furbish lousewort	U.S.A. (ME), Canada (N.B.)	Scrophulariaceae	E	39	NA	NA
Pediocactus bradyi	Brady pincushion cactus	U.S.A. (AZ)	Cactaceae	E	63	NA	NA
Pediocactus despainii	San Rafael cactus	U.S.A. (UT)	....do	E	286	NA	NA
Pediocactus knowltonii	Knowlton cactus	U.S.A. (CO, NM)	....do	E	72	NA	NA
Pediocactus peeblesianus var. *fickeiseniae.*	Fickeisen plains cactus	U.S.A. (AZ)	....do	E	821	NA	NA
Pediocactus peeblesianus var. *peeblesianus.*	Peebles Navajo cactus	....do	....do	E	69	NA	NA
Pediocactus sileri	Siler pincushion cactus	U.S.A. (AZ, UT)	....do	T	64, 524	NA	NA
Pediocactus winkleri	Winkler cactus	U.S.A. (UT)	....do	T	641	NA	NA
Penstemon debilis	Parachute beardtongue	U.S.A. (CO)	Plantaginaceae	T	792	17.96(a)	NA
Penstemon haydenii	Blowout penstemon	U.S.A. (NE)	Scrophulariaceae	E	285	NA	NA
Penstemon penlandii	Penland beardtongue	U.S.A. (CO)	....do	E	353	NA	NA
Pentachaeta bellidiflora	White-rayed pentachaeta	U.S.A. (CA)	Asteraceae	E	575	NA	NA
Pentachaeta lyonii	Lyon's pentachaeta	....do	....do	E	606	17.96(a)	NA
Peperomia subpetiolata	Alaala wai nui	U.S.A. (HI)	Piperaceae	E	815	NA	NA
Peperomia wheeleri	Wheeler's peperomia	U.S.A. (PR)	....do	E	255	NA	NA
Peucedanum sandwicense	Makou	U.S.A. (HI)	Apiaceae	T	530	17.99(a)(1), (c), (e)(1), and (i)	NA
Phacelia argillacea	Clay phacelia	U.S.A. (UT)	Hydrophyllaceae	E	44	NA	NA
Phacelia formosula	North Park phacelia	U.S.A. (CO)	....do	E	121	NA	NA
Phacelia insularis ssp. *insularis*	Island phacelia	U.S.A. (CA)	....do	E	623	NA	NA
Phacelia submutica	DeBeque phacelia	U.S.A. (CO)	....do	T	792	17.96(a)	NA
Phlox hirsuta	Yreka phlox	U.S.A. (CA)	Polemoniaceae	E	683	NA	NA
Phlox nivalis ssp. *texensis*	Texas trailing phlox	U.S.A. (TX)	....do	E	440	NA	NA
Phyllostegia bracteata	None	U.S.A. (HI)	Lamiaceae	E	815	NA	NA
Phyllostegia floribunda	None	....do	....do	E	818	NA	NA
Phyllostegia glabra var. *lanaiensis*	None	....do	....do	E	435	NA	NA
Phyllostegia haliakalae	....do	....do	....do	E	815	NA	NA
Phyllostegia hirsuta	....do	....do	....do	E	591	17.99(i)	NA
Phyllostegia hispida	....do	....do	....do	E	762	NA	NA
Phyllostegia kaalaensis	....do	....do	....do	E	591	17.99(i)	NA
Phyllostegia knudsenii	....do	....do	....do	E	590	17.99(a)(1)	NA
Phyllostegia mannii	....do	....do	....do	E	480	17.99(c) and (e)(1)	NA
Phyllostegia mollis	....do	....do	....do	E	448	17.99(e)(1) and (i)	NA

Phyllostegia parviflora	....do	....do	....do	E	592	17.99(i)	NA
Phyllostegia pilosa	....do	....do	....do	E	815	NA	NA
Phyllostegia racemosa	Kiponapona	....do	....do	E	595	17.99(k)	NA
Phyllostegia renovans	No common name	....do	....do	E	765	17.99(a)	NA
Phyllostegia velutina	None	....do	....do	E	595	17.99(k)	NA
Phyllostegia waimeae	....do	....do	....do	E	530	17.99(a)(1)	NA
Phyllostegia warshaueri	....do	....do	....do	E	595	17.99(k)	NA
Phyllostegia wawrana	....do	....do	....do	E	59 0	17.99(a)(1)	NA
Physaria douglasii subsp. *tuplashensis.*	White Bluffs bladderpod	U.S.A. (WA)	Brassicaceae	T	811	17.96(a)	NA
Physaria filiformis (=*Lesquerella f.)*	Missouri bladderpod	U.S.A. (AR, MO)	....do	T	253, 739, 780	NA	NA
Physaria globosa	Short's bladderpod	U.S.A. (IN, KY, TN)	....do	E	842	NA	NA
Physaria obcordata	Dudley Bluffs twinpod	U.S.A. (CO)	....do	T	374	NA	NA
Pilosocereus robinii	Key tree-cactus	U.S.A. (FL), Cuba	Cactaceae	E	153	NA	NA
Pinguicula ionantha	Godfrey's butterwort	U.S.A. (FL)	Lentibulariaceae	T	507	NA	NA
Piperia yadonii	Yadon's piperia	U.S.A (CA)	Orchidaceae (Orchid)	E	1998	17.96(a)	NA
Pittosporum halophilum	Hoawa	U.S.A. (HI)	Pittosporaceae	E	815	NA	NA
Pittosporum hawaiiense	Hoawa, haawa	....do	....do	E	818	NA	NA
Pittosporum napaliense	Hoawa	....do	....do	E	765	17.99(a)	NA
Pityopsis ruthii	Ruth's golden aster	U.S.A. (TN)	Asteraceae	E	191	NA	NA
Plagiobothrys hirtus	Rough popcornflower	U.S.A. (OR)	Boraginaceae	E	678	NA	NA
Plagiobothrys strictus	Calistoga allocarya	U.S.A. (CA)	....do	E	625	NA	NA
Plantago hawaienis	Laukahi kuahiwi	U.S.A (HI)	Plantaginaceae	E	532	17.99(k)	NA
Plantago princeps	....do	....do	....do	E	559	17.99(a)(1), (c), (e)(1), and (i)	NA
Platanthera holochila	None	....do	Orchidaceae	E	592	17.99(a)(1), (e)(1), and (i)	NA
Platanthera leucophaea	Eastern prairie fringed orchid	U.S.A. (AR, IA, IL, IN, ME, MI, MO, NE, NJ, NY, OH, OK, PA, VA, WI), Canada (Ont., N.B.).	....do	T	368	NA	NA
Platanthera praeclara	Western prairie fringed orchid	U.S.A. (IA, KS, MN, MO, ND, NE, OK, SD), Canada (Man.).	....do	T	368	NA	NA
Platydesma cornuta var. *cornuta*	None	U.S.A. (HI)	Rutaceae	E	806	17.99(i)	NA
Platydesma cornuta var. *decurrens.*	None	....do	....do	E	806	17.99(i)	NA
Platydesma remyi	None	....do	....do	E	818	NA	NA
Platydesma rostrata	Pilo kea lau lii	....do	....do	E	765	17.99(a)	NA
Pleodendron macranthum	Chupacallos	U.S.A. (PR)	Canellaceae	E	564	NA	NA
Pleomele fernaldii	Hala pepe	U.S.A. (HI)	Asparagaceae	E	815	NA	NA
Pleomele forbesii	....do	....do	....do	E	806	17.99(i)	NA
Pleomele hawaiiensis	....do	....do	....do	E	595	17.99(k)	NA
Poa atropurpurea	San Bernardino bluegrass	U.S.A. (CA)	Poaceae	E	644	17.96(a)	NA
Poa mannii	Mann's bluegrass	U.S.A. (HI)	....do	E	558	17.99(a)(1)	NA
Poa napensis	Napa bluegrass	U.S.A. (CA)	....do	E	625	NA	NA
Poa sandvicensis	Hawaiian bluegrass	U.S.A. (HI)	....do	E	464	17.99(a)(1)	NA
Poa siphonoglossa	None	....do	....do	E	464	17.99(a)(1)	NA
Pogogyne abramsii	San Diego mesa mint	U.S.A. (CA)	Lamiaceae	E	44	NA	NA

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
Pogogyne nudiuscula	Otay mesa mint	U.S.A. (CA), Mexico (Baja California).	.....do	E	512	NA	NA
Polygala lewtonii	Lewton's polygala	U.S.A. (FL)	Polygalaceae	E	500	NA	NA
Polygala smallii	Tiny polygala	.....do	.....do	E	192	NA	NA
Polygonella basiramia	Wireweed	.....do	Polygonaceae	E	256	NA	NA
Polygonella myriophylla	Sandlace	.....do	.....do	E	500	NA	NA
Polygonum hickmanii	Scotts Valley polygonum	U.S.A. (CA)	.....do	E	736	17.96(a)	NA
Polyscias bisattenuata	None	U.S.A. (HI)	Araliaceae	E	765	17.99(a)	NA
Polyscias flynnii	.....do	.....do	.....do	E	765	17.99(a)	NA
Polyscias gymnocarpa	'Ohe'ohe	.....do	.....do	E	536	17.99(i)	NA
Polyscias lydgatei	None	.....do	.....do	E	806	17.99(i)	NA
Polyscias racemosa	.....do	.....do	.....do	E	530	17.99(a)(1)	NA
Portulaca sclerocarpa	Poe	.....do	Portulacaceae	E	532	17.96(b) and 17.99(k)	NA
Potamogeton clystocarpus	Little Aguja pondweed	U.S.A. (TX)	Potamogetonaceae	E	450	NA	NA
Potentilla hickmanii	Hickman's potentilla	U.S.A. (CA)	Rosaceae	E	640	NA	NA
Primula maguirei	Maguire primrose	U.S.A. (UT)	Primulaceae	T	199	NA	NA
Pritchardia aylmer-robinsonii	Wahane	U.S.A, (HI)	Arceaceae	E	586	NA	NA
Pritchardia hardyi	Loulu	.....do	.....do	E	765	NA	NA
Pritchardia kaalae	.....do	.....do	.....do	E	591	NA	NA
Pritchardia lanigera	.....do	.....do	.....do	E	818	NA	NA
Pritchardia maideniana	.....do	.....do	.....do	E	532	NA	NA
Pritchardia munroi	.....do	.....do	.....do	E	480	NA	NA
Pritchardia napaliensis	.....do	.....do	.....do	E	590	NA	NA
Pritchardia remota	.....do	.....do	.....do	E	587	17.99(g)	NA
Pritchardia schattaueri	.....do	.....do	.....do	E	595	NA	NA
Pritchardia viscosa	.....do	.....do	.....do	E	590	NA	NA
Prunus geniculata	Scrub plum	U.S.A. (FL)	Rosaceae	E	256	NA	NA
Pseudobahia bahiifolia	Hartweg's golden sunburst	U.S.A. (CA)	Asteraceae	E	609	NA	NA
Pseudobahia	San Joaquin adobe sunburst	.....do	.....do	T	609	NA	NA
Psychotria grandiflora	Kopiko	U.S.A. (HI)	Rubiaceae	E	765	17.99(a)	NA
Psychotria hexandra ssp. *oahuensis.*	.....do	.....do	.....do	E	806	17.99(i)	NA
Psychotria hobdyi	.....do	.....do	.....do	E	765	17.99(a)	NA
Pteralyxia kauaiensis	Kaulu	.....do	Apocynaceae	E	530	17.99(a)(1)	NA
Pteralyxia macrocarpa	.....do	.....do	.....do	E	806	17.99(i)	NA
Ptilimnium nodosum	Harperella	U.S.A. (AL, AR, GA, MD, NC, SC, WV).	Apiaceae	E	332	NA	NA
Purshia subintegra	Arizona cliffrose	U.S.A. (AZ)	Rosaceae	E	148	NA	NA
Quercus hinckleyi	Hinckley's oak	U.S.A. (TX)	Fagaceae	T	318	NA	NA
Ranunculus acriformis var. *aestivalis.*	Autumn buttercup	U.S.A. (UT)	Ranunculaceae	E	355	NA	NA
Remya kauaiensis	None	U.S.A. (HI)	Asteraceae	E	413	17.99(a)(1)	NA
Remya mauiensis	Maui remya	.....do	.....do	E	413	17.99(e)(1)	NA
Remya montgomeryi	None	.....do	.....do	E	413	17.99(a)(1)	NA
Rhodiola integrifolia ssp. *leedyi (=Sedum integrifolium* ssp. *l.).*	Leedy's roseroot	U.S.A. (MN, NY)	Crassulaceae	T	460, 780	NA	NA

Rhododendron chapmanii	Chapman rhododendron	U.S.A. (FL)	Ericaceae	E	47	NA
Rhus michauxii	Michaux's sumac	U.S.A. (GA, NC, SC, VA)	Anacardiaceae	E	367	NA
Rhynchospora knieskernii	Knieskern's beaked-rush	U.S.A. (DE, NJ)	Cyperaceae	T	429	NA
Ribes echinellum	Miccosukee gooseberry	U.S.A. (FL, SC)	Saxifragaceae	T	190	NA
Rorippa gambelii	Gambel's watercress	U.S.A. (CA)	Brassicaceae	E	511	NA
Sagittaria fasciculata	Bunched arrowhead	U.S.A. (NC, SC)	Alismataceae	E	53	NA
Sagittaria secundifolia	Kral's water-plantain	U.S.A. (AL, GA)	....do	T	386	NA
Sanicula mariversa	None	U.S.A. (HI)	Apiaceae	E	448	17.99(i)
Sanicula purpurea	....do	....do	....do	E	592	17.99(e)(1) and (i)
Santalum haleakalae var. *lanaiense.*	Lanai sandalwood or iliahi	....do	Santalaceae	E	215, 815	NA
Sarracenia oreophila	Green pitcher-plant	U.S.A. (AL, GA, NC, TN)	Sarraceniaceae	E	56, 89	NA
Sarracenia rubra ssp. *alabamensis.*	Alabama canebrake pitcher-plant	U.S.A. (AL)	....do	E	346	NA
Sarracenia rubra ssp. *jonesii*	Mountain sweet pitcher-plant	U.S.A. (NC, SC)	....do	E	339	NA
Scaevola coriacea	Dwarf naupaka	U.S.A. (HI)	Goodeniaceae	E	231	NA
Schiedea adamantis	Diamond Head schiedea	....do	Caryophyllaceae	E	141	NA
Schiedea apokremnos	Maolioli	....do	....do	E	441	17.99(a)(1)
Schiedea attenuata	No common name	....do	....do	E	765	17.99(a)
Schiedea diffusa ssp. *macraei*	None	....do	....do	E	818	NA
Schiedea haleakalensis	None	....do	....do	E	467	17.99(e)(1)
Schiedea hawaiiensis	None	....do	....do	E	818	NA
Schiedea helleri	....do	....do	....do	E	590	17.99(a)(1)
Schiedea hookeri	....do	....do	....do	E	592	17.99(i)
Schiedea jacobi	....do	....do	....do	E	815	NA
Schiedea kaalae	....do	....do	....do	E	448	17.99(i)
Schiedea kauaiensis	....do	....do	....do	E	592	17.99(a)(1)
Schiedea kealiae	Maolioli	....do	....do	E	591	17.99(i)
Schiedea laui	None	....do	....do	E	815	NA
Schiedea lychnoides	Kuawawaenohu	....do	....do	E	590	17.99(a)(1)
Schiedea lydgatei	None	....do	....do	E	480	17.99(c)
Schiedea membranacea	....do	....do	....do	E	590	17.99(a)(1)
Schiedea nuttallii	....do	....do	....do	E	592	17.99(a)(1), (c), and (i)
Schiedea obovata	....do	....do	....do	E	448	17.99(i)
Schiedea salicaria	....do	....do	....do	E	815	NA
Schiedea sarmentosa	....do	....do	....do	E	594	17.99(c)
Schiedea spergulina var. *leiopoda*	....do	....do	....do	E	530	17.99(a)(1)
Schiedea spergulina var. *spergulina.*	....do	....do	....do	T	530	17.99(a)(1)
Schiedea stellarioides	Laulihilihi (=Maolioli)	....do	....do	E	590	17.99(a)(1)
Schiedea trinervis	None	....do	....do	E	448	17.99(i)
Schiedea verticillata	....do	....do	....do	E	587	17.99(g)
Schiedea viscosa	....do	....do	....do	E	590	17.99(a)(1)
Schoenocrambe argillacea	Clay reed-mustard	U.S.A. (UT)	Brassicaceae	T	457	NA
Schoenocrambe barnebyi	Barneby reed-mustard	....do	....do	E	457	NA
Schoenocrambe suffrutescens	Shrubby reed-mustard	....do	....do	E	293	NA
Schoepfia arenaria	None	U.S.A. (PR)	Olacaceae	T	420	NA

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
Schwalbea americana	American chaffseed	U.S.A. (AL, CT, DE, FL, GA, LA, MA, MD, MI, MS, NC, NJ, NY, SC, TN, VA).	Scrophulariaceae	E	478	NA	NA
Scirpus ancistrochaetus	Northeastern bulrush	U.S.A. (MA, MD, NH, NY, PA, VA, VT, WV).	Cyperaceae	E	425	NA	NA
Sclerocactus brevispinus	Pariette cactus	U.S.A. (UT)	Cactaceae	T	59	NA	NA
Sclerocactus glaucus	Colorado hookless cactus	U.S.A. (CO)	...do	T	59	NA	NA
Sclerocactus mesae-verdae	Mesa Verde cactus	U.S.A. (CO, NM)	...do	T	75	NA	NA
Sclerocactus wetlandicus	Uinta Basin hookless cactus	U.S.A. (UT)	...do	T	59	NA	NA
Sclerocactus wrightiae	Wright fishhook cactus	...do	...do	E	58	NA	NA
Scutellaria floridana	Florida skullcap	U.S.A. (FL)	Lamiaceae	T	463	NA	NA
Scutellaria montana	Large-flowered skullcap	U.S.A. (GA, TN)	...do	T	234, 720	NA	NA
Senecio franciscanus	San Francisco Peaks groundsel	U.S.A. (AZ)	Asteraceae	T	137	17.96(a)	NA
Senecio layneae	Layne's butterweed	U.S.A. (CA)	...do	T	596	NA	NA
Serianthes nelsonii	Hayun lagu (Guam), Tronkon guafi (Rota).	Western Pacific Ocean-U.S.A. (GU, MP-Rota).	Fabaceae	E	257, 259	NA	NA
Sesbania tomentosa	Ohai	U.S.A (HI)	...do	E	559	17.99(a)(1), (c), (e)(1), (g), (i), and (k)	NA
Sibara filifolia	Santa Cruz Island rock-cress	U.S.A. (CA)	Brassicaceae	E	624	NA	NA
Sicyos albus	'Anunu	U.S.A. (HI)	Cucurbitaceae	E	595	17.99(k)	NA
Sidalcea keckii	Keck's checkermallow	U.S.A. (CA)	Malvaceae—Mallow	E	685	17.96(a)	NA
Sidalcea nelsoniana	Nelson's checker-mallow	U.S.A. (OR, WA)	Malvaceae	T	490	NA	NA
Sidalcea oregana var. *calva*	Wenatchee Mountains checker-mallow.	U.S.A. (WA)	Malvaceae—Mallow	E	673	17.96(a)	NA
Sidalcea oregana ssp. *valida*	Kenwood Marsh checker-mallow	U.S.A. (CA)	...do	E	625	NA	NA
Sidalcea pedata	Pedate checker-mallow	...do	...do	E	158	NA	NA
Silene alexandri	None	U.S.A. (HI)	Caryophyllaceae	E	480	17.99(c)	NA
Silene hawaiiensis	...do	...do	...do	T	532	17.99(k)	NA
Silene lanceolata	...do	...do	...do	E	480	17.99(c) and (i)	NA
Silene perlmanii	...do	...do	...do	E	448	17.99(i)	NA
Silene polypetala	Fringed campion	U.S.A. (FL, GA)	...do	E	418	NA	NA
Silene spaldingii	Spalding's catchfly	U.S.A. (OR, ID, MT, WA), Canada (B.C.).	...do	T	712	NA	NA
Sisyrinchium dichotomum	White irisette	U.S.A. (NC)	Iridaceae	E	438	NA	NA
Solanum drymophilum	Erubia	U.S.A. (PR)	Solanaceae	E	319	NA	NA
Solanum incompletum	Popolo ku mai	U.S.A (HI)	...do	E	559	17.99(k)	NA
Solanum sandwicense	Aiakeakua, popolo	...do	...do	E	530	17.99(a)(1) and (i)	NA
Solidago albopilosa	White-haired goldenrod	U.S.A. (KY)	Asteraceae	T	308	NA	NA
Solidago houghtonii	Houghton's goldenrod	U.S.A. (MI), Canada (Ont.)	...do	T	314	NA	NA
Solidago shortii	Short's goldenrod	U.S.A. (KY)	...do	E	201	NA	NA
Solidago spithamaea	Blue Ridge goldenrod	U.S.A. (NC, TN)	...do	T	175	NA	NA

Spermolepis hawaiiensis	None	U.S.A. (HI)	Apiaceae	E	559	17.99(a)(1), (c), (e)(1), and (i)	NA
Sphaeralcea gierischii	Gierisch mallow	U.S.A (AZ, UT)	Malvaceae	E	813	17.96(a)	NA
Spigelia gentianoides	Gentian pinkroot	U.S.A. (AL, FL)	Loganiaceae	E	406	NA	NA
Spiraea virginiana	Virginia spiraea	U.S.A. (GA, KY, NC, OH, PA, TN, VA, WV).	Rosaceae	T	389	NA	NA
Spiranthes delitescens	Canelo Hills ladies'-tresses	U.S.A. (AZ)	Orchidaceae	E	600	NA	NA
Spiranthes diluvialis	Ute ladies'-tresses	U.S.A. (CO, ID, MT, NE, NV, UT, WA, WY).	.....do	T	458	NA	NA
Spiranthes parksii	Navasota ladies'-tresses	U.S.A. (TX)	.....do	E	116	NA	NA
Stahlia monosperma	Cóbana negra	U.S.A. (PR), Dominican Republic	Fabaceae	T	380	NA	NA
Stenogyne angustifolia var. *angustifolia.*	None	U.S.A. (HI)	Lamiaceae	E	73	NA	NA
Stenogyne bifida	.....do	.....do	.....do	E	480	17.99(c)	NA
Stenogyne campanulata	.....do	.....do	.....do	E	464	17.99(a)(1)	NA
Stenogyne cranwelliae	.....do	.....do	.....do	E	818	NA	NA
Stenogyne kanehoana	.....do	.....do	.....do	E	466	17.99(i)	NA
Stenogyne kauaulaensis	.....do	.....do	.....do	E	815	NA	NA
Stenogyne kealiae	.....do	.....do	.....do	E	765	17.99(a)	NA
Stephanomeria malheurensis	Malheur wire-lettuce	U.S.A. (OR)	Asteraceae	E	126	17.96(a)	NA
Streptanthus albidus ssp. *albidus*	Metcalf Canyon jewelflower	U.S.A. (CA)	Brassicaceae	E	575	NA	NA
Streptanthus niger	Tiburon jewelflower	.....do	.....do	E	575	NA	NA
Styrax portoricensis	Palo de jazmín	U.S.A. (PR)	Styracaceae	E	461	NA	NA
Styrax texanus	Texas snowbells	U.S.A. (TX)	.....do	E	162	NA	NA
Suaeda californica	Seablite, California	U.S.A. (CA)	Chenopodiaceae	E	567	NA	NA
Swallenia alexandrae	Eureka Dune grass	.....do	Poaceae	E	39	NA	NA
Taraxacum californicum	California taraxacum	.....do	Asteraceae	E	644	17.96(a)	NA
Ternstroemia luquillensis	Palo colorado	U.S.A. (PR)	Theaceae	E	461	NA	NA
Ternstroemia subsessilis	None	.....do	.....do	E	461	NA	NA
Tetramolopium arenarium	.....do	U.S.A. (HI)	Asteraceae	E	532	NA	NA
Tetramolopium capillare	Pamakani	.....do	.....do	E	555	17.99(e)(1)	NA
Tetramolopium filiforme	None	.....do	.....do	E	448	17.99(i)	NA
Tetramolopium lepidotum ssp. *lepidotum.*	.....do	.....do	.....do	E	448	17.99(i)	NA
Tetramolopium remyi	.....do	.....do	.....do	E	435	17.96(b) and 17.99(e)(1)	NA
Tetramolopium rockii	.....do	.....do	.....do	T	480	17.99(c)	NA
Thalictrum cooleyi	Cooley's meadowrue	U.S.A. (FL, NC)	Ranunculaceae	E	344	NA	NA
Thelypodium howellii ssp. *spectabilis.*	Howell's spectacular thelypody	U.S.A. (OR)	Brassicaceae	T	662	NA	NA
Thelypodium stenopetalum	Slender-petaled mustard	U.S.A. (CA)	.....do	E	158	NA	NA
Thlaspi californicum	Kneeland Prairie penny-cress	.....do	Brassicaceae— Mustard	E	684	17.96(a)	NA
Thymophylla tephroleuca	Ashy dogweed	U.S.A. (TX)	Asteraceae	E	152	NA	NA
Thysanocarpus conchuliferus	Santa Cruz Island fringepod	U.S.A. (CA)	Brassicaceae	E	623	NA	NA
Townsendia aprica	Last Chance townsendia	U.S.A. (UT)	Asteraceae	T	200	NA	NA
Trematolobelia singularis	None	U.S.A. (HI)	Campanulaceae	E	591	17.99(i)	NA
Trichilia triacantha	Bariaco	U.S.A. (PR)	Meliaceae	E	303	NA	NA
Trichostema austromontanum ssp. *compactum.*	Hidden Lake bluecurls	U.S.A. (CA)	Lamiaceae	T	644	NA	NA

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
Trifolium amoenum	Showy Indian clover	.....do	Fabaceae	E	625	NA	NA
Trifolium stoloniferum	Running buffalo clover	U.S.A. (AR, IL, IN, KS, KY, MO, OH, WV).	.....do	E	270	NA	NA
Trifolium trichocalyx	Monterey clover	U.S.A. (CA)	.....do	E	640	NA	NA
Trillium persistens	Persistent trillium	U.S.A. (GA, SC)	Liliaceae	E	39	NA	NA
Trillium reliquum	Relict trillium	U.S.A. (AL, GA, SC)	.....do	E	306	NA	NA
Tuctoria greenei	Greene's tuctoria	U.S.A. (CA)	Poaceae	T	611	17.96(a)	NA
Tuctoria mucronata	Solano grass	.....do	.....do	T	44	17.96(a)	NA
Urera kaalae	Opuhe	U.S.A. (HI)	Urticaceae	E	448	17.99(i)	NA
Varronia rupicola	No common name	Puerto Rico	Boraginaceae	T	848	17.96(a)	NA
Verbena californica	Red Hills vervain	U.S.A. (CA)	Verbenaceae	T	644	NA	NA
Verbesina dissita	Big-leaved crownbeard	U.S.A. (CA), Mexico.	Asteraceae	T	589	NA	NA
Vernonia proctorii	None	U.S.A. (PR)	.....do	E	501	NA	NA
Vicia menziesii	Hawaiian vetch	U.S.A. (HI)	Fabaceae	E	39	NA	NA
Vigna o-wahuensis	None	.....do	.....do	E	559	17.99(e)(1), (i), and (k)	NA
Viola chamissoniana ssp. *chamissoniana.*	Pamakani	.....do	Violaceae	E	448	17.99(i)	NA
Viola helenae	None	.....do	.....do	E	436	17.99(a)(1)	NA
Viola kauaiensis var. *wahiawaensis.*	Nani waialeale	.....do	.....do	E	590	17.99(a)(1)	NA
Viola lanaiensis	None	.....do	.....do	E	435	NA	NA
Viola oahuensis	.....do	.....do	.....do	E	591	17.99(i)	NA
Warea amplexifolia	Wide-leaf warea	U.S.A. (FL)	Brassicaceae	E	266	NA	NA
Warea carteri	Carter's mustard	.....do	.....do	E	256	NA	NA
Wikstroemia villosa	Akia	U.S.A. (HI)	Thymelaeaceae	E	815	NA	NA
Wilkesia hobdyi	Dwarfiliau	.....do	Asteraceae	E	473	17.99(a)(1)	NA
Xylosma crenatum	None	.....do	Salicaceae	E	464	17.99(a)(1)	NA
Xyris tennesseensis	Tennessee yellow-eyed grass	U.S.A. (AL, GA, TN)	Xyridaceae	E	430	NA	NA
Yermo xanthocephalus	Desert yellowhead	U.S.A. (WY)	Asteraceae—Sunflower	T	723	17.96(a)	NA
Zanthoxylum dipetalum var. tomentosum.	Ae	U.S.A (HI)	Rutaceae	E	595	17.99(k)	NA
Zanthoxylum hawaiiense	.....do	.....do	.....do	E	532	17.99(a)(1), (c), and (e)(1)	NA
Zanthoxylum oahuense	.....do	.....do	.....do	E	806	17.99(i)	NA
Zanthoxylum thomasianum	St. Thomas prickly-ash	U.S.A. (PR, VI)	.....do	E	213	NA	NA
Zizania texana	Texas wild-rice	U.S.A. (TX)	Poaceae	E	39	17.96(a)	NA
Ziziphus celata	Florida ziziphus	U.S.A. (FL)	Rhamnaceae	E	356	NA	NA
CONIFERS							
Abies guatemalensis	Guatemalan fir (=pinabete)	Mexico, Guatemala, Honduras, El Salvador.	Pinaceae	T	84	NA	NA
Cupressus abramsiana	Santa Cruz cypress	U.S.A. (CA)	Cupressaceae	E	252	NA	NA
Cupressus goveniana ssp. *goveniana.*	Gowen cypress	.....do	.....do	T	640	NA	NA

Fitzroya cupressoides	Alerce or Chilean false larch	Chile, Argentina	.....do	T	79	NA	NA
Torreya taxifolia	Florida torreya	U.S.A. (FL, GA)	Taxaceae	E	140	NA	NA
FERNS AND ALLIES							
Adenophorus periens	Pendent kihi fern	U.S.A. (HI)	Polypodiaceae	E	559	17.99(a)(1), (c), (i), and (k)	NA
Adiantum vivesii	None	U.S.A. (PR)	Adiantaceae	E	504	NA	NA
Asplenium dielfalcatum	.....do	U.S.A. (HI)	Aspleniaceae	E	448	17.99(i)	NA
Asplenium dielmannii	.....do	.....do	.....do	E	765	17.99(a)	NA
Asplenium dielpallidum	.....do	.....do	.....do	E	530	17.99(a)(1)	NA
Asplenium fragile var. *insulare*	.....do	.....do	.....do	E	553	17.99(e)(1) and (k)	NA
Asplenium scolopendrium var. *americanum.*	American hart's-tongue fern	U.S.A. (AL, MI, NY, TN), Canada (Ont.).	.....do	T	354	NA	NA
Asplenium unisorum	None	U.S.A. (HI)	.....do	E	541	17.99(i)	NA
Ctenitis squamigera	Pauoa	U.S.A. (HI)	.....do	E	553	17.99(a)(1), (c), (e)(1), and (i)	NA
Cyathea dryopteroides	Elfin tree fern	U.S.A. (PR)	Cyatheaceae	E	277	NA	NA
Diellia erecta	Asplenium-leaved diellia	U.S.A (HI)	Aspleniaceae	E	559	17.99(a)(1), (c), (e)(1), (i), and (k)	NA
Diplazium molokaiense	None	.....do	Woodsiaceae	E	553	17.99(a)(1), (c), (e)(1), and (i)	NA
Doryopteris angelica	No common name	.....do	Pteridaceae	E	765	17.99(a)	NA
Doryopteris takeuchii	None	.....do	.....do	E	806	17.99(i)	NA
Dryopteris crinalis var. *podosorus*	Palapalai aumakua	.....do	Dryopteridaceae	E	765	17.99(a)	NA
Elaphoglossum serpens	None	U.S.A. (PR)	Lomariopsidaceae	E	504	NA	NA
Huperzia (=Phlegmariurus, =Lycopodium) mannii.	Wawae'iole	U.S.A. (HI)	Lycopodiaceae	E	467	NA	NA
Huperzia nutans	Wawaeiole	.....do	.....do	E	467	17.99(e)(1) and (i)	NA
Isoetes louisianensis	Louisiana quillwort	U.S.A. (LA, MS)	Isoetaceae	E	482	NA	NA
Isoetes melanospora	Black-spored quillwort	U.S.A. (GA, SC)	.....do	E	302	NA	NA
Isoetes tegetiformans	Mat-forming quillwort	U.S.A. (GA)	.....do	E	302	NA	NA
Marsilea villosa	Ihiihi	U.S.A. (HI)	Marsileaceae	E	474	17.99(i)	NA
Phlegmariurus (=Lycopodium,=Huperzia) mannii.	Wawaeiole	.....do	Lycopodiaceae	E	467	17.99(e)(1)	NA
Polystichum aleuticum	Aleutian shield-fern	U.S.A. (AK)	Dryopteridaceae	E	305	NA	NA
Polystichum calderonense	None	U.S.A. (PR)	.....do	E	504	NA	NA
Pteris lidgatei	None	.....do	Adiantaceae	E	553	17.99(c), (e)(1), and (i)	NA
Tectaria estremerana	.....do	.....do	Dryopteridaceae	E	504	NA	NA
Thelypteris inabonensis	.....do	.....do	Thelypteridaceae	E	506	NA	NA
Thelypteris pilosa var. *alabamensis.*	Alabama streak-sorus fern	U.S.A. (AL)	.....do	T	476	NA	NA
Thelypteris verecunda	None	U.S.A. (PR)	.....do	E	506	NA	NA

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
Thelypteris yaucoensis	.....do	.....do	.....do	E	506	NA	NA
LICHENS							
Cladonia perforata	Florida perforate cladonia	U.S.A. (FL)	Cladoniaceae	E	500	NA	NA
Gymnoderma lineare	Rock gnome lichen	U.S.A. (NC,TN)	.....do	E	572	NA	NA

Symbols used in the "when listed" column:
D—Indicates FR where species was Delisted; relisting of the species is indicated by subsequent number(s).
E—Indicates Emergency rule publication (see FR document for effective dates); subsequent number(s) indicate FR final rule, if applicable, under "When listed".

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813—78 FR 49164; August 13, 2013.
814—78 FR 56069; September 11, 2013.
815—78 FR 32063; May 28, 2013.
818—78 FR 64689; October 29, 2013.
821—78 FR 60651; October 1, 2013.
826—78 FR 63821; October 24, 2013.
833—79 FR 25688; May 6, 2014.
836—79 FR 31883; June 3, 2014.
842—79 FR 44718; August 1, 2014.
844—79 FR 52575; September 4, 2014.
847—79 FR 50853; August 26, 2014.
848—79 FR 53315; September 9, 2014.
849—79 FR 54635; September 12, 2014.

EDITORIAL NOTES: 1. For FEDERAL REGISTER citations affecting the table in §17.12(h), see the listing above.

2. For FEDERAL REGISTER citations affecting §17.12, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

EFFECTIVE DATE NOTE: At 80 FR 59496, Oct. 1, 2015, §17.12(h) was amended by adding entries for *Bulbophyllum guamense*, *Cycas micronesica*, *Dendrobium guamense*, *Eugenia bryanii*, *Hedyotis megalantha*, *Heritiera longipetiolata*, *Maesa walkeri*, *Nervilia jacksoniae*, *Phyllanthus saffordii*, *Psychotria malaspinae*, *Solanum guamense*, *Tabernaemontana rotensis*, *Tinospora homosepala*, and *Tuberolabium guamense*, in alphabetical order under FLOWERING PLANTS, effective Nov. 2, 2015. For the convenience of the user, the added text is set forth as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
FLOWERING PLANTS							
*	* *	*	*		*		*
Bulbophyllum guamense.	Siboyas halumtanu, Siboyan halom tano.	U.S. Territory of Guam, U.S. CNMI.	Orchidaceae	T	858	NA	NA
*	* *	*	*		*		*
Cycas micronesica	Fadang, Faadang	U.S. Territory of Guam, U.S. CNMI, Federated States of Micronesia, Independent Republic of Palau.	Cycadaceae	T	858	NA	NA
*	* *	*	*		*		*
Dendrobium guamense	None	U.S. Territory of Guam, U.S. CNMI.	Orchidaceae	T	858	NA	NA
*	* *	*	*		*		*
Eugenia bryanii	None	U.S. Territory of Guam	Myrtaceae	E	858	NA	NA
*	* *	*	*		*		*
Hedyotis megalantha	Pau dedu, Pao doodu	U.S. Territory of Guam	Rubiaceae	E	858	NA	NA
*	* *	*	*		*		*
Heritiera longipetiolata ..	Ufa halumtanu, Ufa halom tano.	U.S. Territory of Guam, U.S. CNMI.	Malvaceae	E	858	NA	NA
*	* *	*	*		*		*
Maesa walkeri	None	U.S. Territory of Guam, U.S. CNMI.	Primulaceae	T	858	NA	NA
*	* *	*	*		*		*
Nervilia jacksoniae	None	U.S. Territory of Guam, U.S. CNMI.	Orchidaceae	T	858	NA	NA
*	* *	*	*		*		*
Phyllanthus saffordii	None	U.S. Territory of Guam	Phyllanthaceae	E	858	NA	NA

*	*	*	*	*	*	*	*	*	
Psychotria malaspinae	Aplokating palaoan	U.S. Territory of Guam	Rubiaceae	E	858	NA		NA	
*	*	*	*	*	*	*	*	*	
Solanum guamense	Biringenas halumtanu, Birengenas halom tano.	U.S. Territory of Guam, U.S. CNMI.	Solanaceae	E	858	NA		NA	
*	*	*	*	*	*	*	*	*	
Tabernaemontana rotensis.	None	U.S. Territory of Guam, U.S. CNMI.	Apocynaceae	T	858	NA		NA	
*	*	*	*	*	*	*	*	*	
Tinospora homosepala	None	U.S. Territory of Guam	Menispermaceae	E	858	NA		NA	
*	*	*	*	*	*	*	*	*	
Tuberolabium guamense.	None	U.S. Territory of Guam, U.S. CNMI.	Orchidaceae	T	858	NA		NA	
*	*	*	*	*	*	*		*	

* * * * *

Subpart C—Endangered Wildlife

§ 17.21 Prohibitions.

(a) Except as provided in subpart A of this part, or under permits issued pursuant to §17.22 or §17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c)(1) of this section, any person may take endangered wildlife in defense of his own life or the lives of others.

(3) Notwithstanding paragraph (c)(1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to:

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

(ii) Dispose of a dead specimen; or

(iii) Salvage a dead specimen which may be useful for scientific study; or

(iv) Remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.

(4) Any taking under paragraphs (c)(2) and (3) of this section must be reported in writing to the Office of Law Enforcement, at the address provided at 50 CFR 2.1(b), within 5 days. The specimen may only be retained, disposed of, or salvaged under directions from the Office of Law Enforcement.

(5) Notwithstanding paragraph (c)(1) of this section, any qualified employee or agent of a State Conservation Agency which is a party to a Cooperative Agreement with the Service in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties take those endangered species which are covered by an approved cooperative agreement for conservation programs in accordance with the Cooperative Agreement, provided that such taking is not reasonably anticipated to result in:

(i) The death or permanent disabling of the specimen;

(ii) The removal of the specimen from the State where the taking occurred;

(iii) The introduction of the specimen so taken, or of any progeny derived from such a specimen, into an area beyond the historical range of the species; or

(iv) The holding of the specimen in captivity for a period of more than 45 consecutive days.

(6) Notwithstanding paragraph (c)(1) of this section, any person acting under a valid migratory bird rehabilitation permit issued pursuant to §21.31 of this subchapter may take endangered migratory birds without an endangered species permit if such action is necessary to aid a sick, injured, or orphaned endangered migratory bird, provided the permittee:

(i) Notifies the issuing Migratory Bird Permit Office immediately upon receipt of such bird (contact information for your issuing office is listed on

your permit and on the Internet at *http://offices.fws.gov*); and

(ii) Disposes of or transfers such birds, or their parts or feathers, as directed by the Migratory Bird Permit Office.

(7) Notwithstanding paragraph (c)(1) of this section, persons exempt from the permit requirements of §21.12(c) and (d) of this subchapter may take sick and injured endangered migratory birds without an endangered species permit in performing the activities authorized under §21.12(c) and (d).

(d) *Possession and other acts with unlawfully taken wildlife.* (1) It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife which was taken in violation of paragraph (c) of this section.

Example. A person captures a whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty miles, to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the bird in his possession. All three have violated the law—the first by illegally taking the whooping crane; the second by transporting an illegally taken whooping crane; and the third by possessing an illegally taken whooping crane.

(2) Notwithstanding paragraph (d)(1) of this section, Federal and State law enforcement officers may possess, deliver, carry, transport or ship any endangered wildlife taken in violation of the Act as necessary in performing their official duties.

(3) Notwithstanding paragraph (d)(1) of this section, any person acting under a valid migratory bird rehabilitation permit issued pursuant to §21.31 of this subchapter may possess and transport endangered migratory birds without an endangered species permit when such action is necessary to aid a sick, injured, or orphaned endangered migratory bird, provided the permittee:

(i) Notifies the issuing Migratory Bird Permit Office immediately upon receipt of such bird (contact information for your issuing office is listed on your permit and on the Internet at *http://offices.fws.gov*); and

(ii) Disposes of or transfers such birds, or their parts or feathers, as directed by the Migratory Bird Permit Office.

(4) Notwithstanding paragraph (d)(1) of this section, persons exempt from the permit requirements of §21.12(c) and (d) of this subchapter may possess and transport sick and injured endangered migratory bird species without an endangered species permit in performing the activities authorized under §21.12(c) and (d).

(e) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any endangered wildlife.

(f) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this section.

(g) *Captive-bred wildlife.* (1) Notwithstanding paragraphs (b), (c), (e) and (f) of this section, any person may take; export or re-import; deliver, receive, carry, transport or ship in interstate or foreign commerce, in the course of a commercial activity; or sell or offer for sale in interstate or foreign commerce any endangered wildlife that is bred in captivity in the United States provided either that the wildlife is of a taxon listed in paragraph (g)(6) of this section, or that the following conditions are met:

(i) The wildlife is of a species having a natural geographic distribution not including any part of the United States, or the wildlife is of a species that the Director has determined to be eligible in accordance with paragraph (g)(5) of this section;

(ii) The purpose of such activity is to enhance the propagation or survival of the affected species;

(iii) Such activity does not involve interstate or foreign commerce, in the course of a commercial activity, with respect to non-living wildlife;

(iv) Each specimen of wildlife to be re-imported is uniquely identified by a band, tattoo or other means that was reported in writing to an official of the

Service at a port of export prior to export from the United States; and

(v) Any person subject to the jurisdiction of the United States who engages in any of the activities authorized by this paragraph does so in accordance with paragraphs (g) (2), (3) and (4) of this section, and with all other applicable regulations in this Subchapter B.

(2) Any person subject to the jurisdiction of the United States seeking to engage in any of the activities authorized by this paragraph must first register with the Service's Division of Management Authority at the address provided at 50 CFR 2.1(b). Requests for registration must be submitted on an official application form (Form 3–200-41) provided by the Service, and must include the following information:

(i) The types of wildlife sought to be covered by the registration, identified by common and scientific name to the taxonomic level of family, genus or species;

(ii) A description of the applicant's experience in maintaining and propagating the types of wildlife sought to be covered by the registration, and when appropriate, in conducting research directly related to maintaining and propagating such wildlife;

(iii) Photograph(s) or other evidence clearly depicting the facilities where such wildlife will be maintained; and

(iv) a copy of the applicant's license or registration, if any, under the animal welfare regulations of the U.S. Department of Agriculture (9 CFR part 2).

(3) Upon receipt of a complete application for registration, or the renewal or amendment of an existing registration, under this section, the Service will publish notice of the application in the FEDERAL REGISTER. Each notice will invite the submission from interested parties, within 30 days after the date of the notice, of written data, views, or arguments with respect to the application. All information received as part of each application will be made available to the public, upon request, as a matter of public record at every stage of the proceeding, including, but not limited to, information needed to assess the eligibility of the applicant, such as the original application, materials, any intervening renewal applications documenting a change in location or personnel, and the most recent annual report.

(i) At the completion of this comment period, the Director will decide whether to approve the registration. In making this decision, the Director will consider, in addition to the general criteria in §13.21(b) of this subchapter, whether the expertise, facilities, or other resources available to the applicant appear adequate to enhance the propagation or survival of the affected wildlife. Public education activities may not be the sole basis to justify issuance of a registration or to otherwise establish eligibility for the exception granted in paragraph (g)(1) of this section.

(ii) If the Director approves the registration, the Service will publish notice of the decision in the FEDERAL REGISTER that the registration was applied for in good faith, that issuing the registration will not operate to the disadvantage of the species for which registration was sought, and that issuing the registration will be consistent with the purposes and policy set forth in section 2 of the Act.

(iii) Each person so registered must maintain accurate written records of activities conducted under the registration and allow reasonable access to Service agents for inspection purposes as set forth in §§13.46 and 13.47 of this chapter. Each person so registered must also submit to the Director an individual written annual report of activities, including all births, deaths, and transfers of any type.

(4) Any person subject to the jurisdiction of the United States seeking to export or conduct foreign commerce in captive-bred endangered wildlife that will not remain under the care of that person must first obtain approval by providing written evidence to satisfy the Director that the proposed recipient of the wildlife has expertise, facilities or other resources adequate to enhance the propagation or survival of such wildlife and that the proposed recipient will use such wildlife for purposes of enhancing the propagation or survival of the affected species.

(5)(i) The Director will use the following criteria to determine if wildlife

of any species having a natural geographic distribution that includes any part of the United States is eligible for the provisions of this paragraph:

(A) Whether there is a low demand for taking of the species from wild populations, either because of the success of captive breeding or because of other reasons, and

(B) Whether the wild populations of the species are effectively protected from unauthorized taking as a result of the inaccessibility of their habitat to humans or as a result of the effectiveness of law enforcement.

(ii) The Director will follow the procedures set forth in the Act and in the regulations thereunder with respect to petitions and notification of the public and governors of affected States when determining the eligibility of species for purposes of this paragraph.

(iii) In accordance with the criteria in paragraph (g)(5)(i) of this section, the Director has determined the following species to be eligible for the provisions of this paragraph:

Laysan duck (*Anas laysanensis*).

(6) Any person subject to the jurisdiction of the United States seeking to engage in any of the activities authorized by paragraph (g)(1) of this section may do so without first registering with the Service with respect to the bar-tailed pheasant (*Syrmaticus humiae*), Elliot's pheasant (*S. ellioti*), Mikado pheasant (*S. mikado*), brown eared pheasant (*Crossoptilon mantchuricum*), white eared pheasant (*C. crossoptilon*), cheer pheasant (*Catreus wallichii*), Edward's pheasant (*Lophura edwardsi*), Swinhoe's pheasant (*L. swinhoii*), Chinese monal (*Lophophorus lhuysii*), and Palawan peacock pheasant (*Polyplectron emphanum*); parakeets of the species *Neophema pulchella* and *N. splendida;* the Laysan duck (*Anas laysanensis*); the white-winged wood duck (*Cairina scutulata*); and the inter-subspecific crossed or ''generic'' tiger (*Panthera tigris*) (*i e.*, specimens not identified or identifiable as members of the Bengal, Sumatran, Siberian or Indochinese subspecies (*Panthera tigris tigris, P.t. sumatrae, P.t. altaica* and *P.t. corbetti*, respectively) provided:

(i) The purpose of such activity is to enhance the propagation or survival of the affected exempted species;

(ii) Such activity does not involve interstate or foreign commerce, in the course of a commercial activity, with respect to non-living wildlife;

(iii) Each specimen to be re-imported is uniquely identified by a band, tattoo or other means that was reported in writing to an official of the Service at a port of export prior to export of the specimen from the United States;

(iv) No specimens of the taxa in this paragraph (g)(6) of this section that were taken from the wild may be imported for breeding purposes absent a definitive showing that the need for new bloodlines can only be met by wild specimens, that suitable foreign-bred, captive individuals are unavailable, and that wild populations can sustain limited taking, and an import permit is issued under § 17.22;

(v) Any permanent exports of such specimens meet the requirements of paragraph (g)(4) of this section; and

(vi) Each person claiming the benefit of the exception in paragraph (g)(1) of this section must maintain accurate written records of activities, including births, deaths and transfers of specimens, and make those records accessible to Service agents for inspection at reasonable hours as set forth in §§ 13.46 and 13.47.

(h) *U.S. captive-bred scimitar-horned oryx, addax, and dama gazelle.* Notwithstanding paragraphs (b), (c), (e), and (f) of this section, any person subject to the jurisdiction of the United States may take; export or re-import; deliver, receive, carry, transport or ship in interstate or foreign commerce, in the course of a commercial activity; or sell or offer for sale in interstate or foreign commerce live wildlife, including embryos and gametes, and sport-hunted trophies of scimitar-horned oryx (*Oryx dammah*), addax (*Addax nasomaculatus*), and dama gazelle (*Gazella dama*) provided:

(1) The purpose of such activity is associated with the management or transfer of live wildlife, including embryos and gametes, or sport hunting in a manner that contributes to increasing or sustaining captive numbers or to

potential reintroduction to range countries;

(2) The specimen was captive-bred, in accordance with §17.3, within the United States;

(3) All live specimens of that species held by the captive-breeding operation are managed in a manner that prevents hybridization of the species or subspecies;

(4) All live specimens of that species held by the captive-breeding operation are managed in a manner that maintains genetic diversity;

(5) Any export of or foreign commerce in a specimen meets the requirements of paragraph (g)(4) of this section, as well as parts 13, 14, and 23 of this chapter;

(6) Each specimen to be re-imported is uniquely identified by a tattoo or other means that is reported on the documentation required under paragraph (h)(5) of this section; and

(7) Each person claiming the benefit of the exception of this paragraph (h) must maintain accurate written records of activities, including births, deaths, and transfers of specimens, and make those records accessible to Service officials for inspection at reasonable hours set forth in §§13.46 and 13.47 of this chapter.

(8) The sport-hunted trophy consists of raw or tanned parts, such as bones, hair, head, hide, hooves, horns, meat, skull, rug, taxidermied head, shoulder, or full body mount, of a specimen that was taken by the hunter during a sport hunt for personal use. It does not include articles made from a trophy, such as worked, manufactured, or handicraft items for use as clothing, curios, ornamentation, jewelry, or other utilitarian items for commercial purposes.

[40 FR 44415, Sept. 26, 1975, as amended at 40 FR 53400, Nov. 18, 1975; 41 FR 19226, May 11, 1976; 44 FR 31580, May 31, 1979; 44 FR 54007, Sept. 17, 1979; 58 FR 68325, Dec. 27, 1993; 63 FR 48640, Sept. 11, 1998; 68 FR 2919, Jan. 22, 2003; 68 FR 61136, Oct. 27, 2003; 70 FR 52318, Sept. 2, 2005; 77 FR 438, Jan. 5, 2012; 77 FR 43175, July 24, 2012; 79 FR 15252, Mar. 19, 2014; 79 FR 30418, May 27, 2014; 79 FR 43965, July 29, 2014]

§17.22 Permits for scientific purposes, enhancement of propagation or survival, or for incidental taking.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by §17.21, in accordance with the issuance criteria of this section, for scientific purposes, for enhancing the propagation or survival, or for the incidental taking of endangered wildlife. Such permits may authorize a single transaction, a series of transactions, or a number of activities over a specific period of time. (See §17.32 for permits for threatened species.) The Director shall publish notice in the FEDERAL REGISTER of each application for a permit that is made under this section. Each notice shall invite the submission from interested parties, within 30 days after the date of the notice, of written data, views, or arguments with respect to the application. The 30-day period may be waived by the Director in an emergency situation where the life or health of an endangered animal is threatened and no reasonable alternative is available to the applicant. Notice of any such waiver shall be published in the FEDERAL REGISTER within 10 days following issuance of the permit.

(a)(1) *Application requirements for permits for scientific purposes or for the enhancement of propagation or survival.* A person wishing to get a permit for an activity prohibited by §17.21 submits an application for activities under this paragraph. The Service provides Form 3–200 for the application to which all of the following must be attained:

(i) The common and scientific names of the species sought to the covered by the permit, as well as the number, age, and sex of such species, and the activity sought to be authorized (such as taking, exporting, selling in interstate commerce);

(ii) A statement as to whether, at the time of application, the wildlife sought to be covered by the permit (A) is still in the wild, (B) has already been removed from the wild, or (C) was born in captivity;

(iii) A resume of the applicant's attempts to obtain the wildlife sought to be covered by the permit in a manner

which would not cause the death or removal from the wild of such wildlife;

(iv) If the wildlife sought to be covered by the permit has already been removed from the wild, the country and place where such removal occurred; if the wildlife sought to be covered by the permit was born in captivity, the country and place where such wildlife was born;

(v) A complete description and address of the institution or other facility where the wildlife sought to be covered by the permit will be used, displayed, or maintained;

(vi) If the applicant seeks to have live wildlife covered by the permit, a complete description, including photographs or diagrams, of the facilities to house and/or care for the wildlife and a resume of the experience of those person who will be caring for the wildlife;

(vii) A full statement of the reasons why the applicant is justified in obtaining a permit including the details of the activities sought to be authorized by the permit;

(viii) If the application is for the purpose of enhancement of propagation, a statement of the applicant's willingness to participate in a cooperative breeding program and to maintain or contribute data to a studbook;

(2) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a)(1) of this section, the Director will decide whether or not a permit should be issued. In making this decision, the Director shall consider, in addition to the general criteria in §13.21(b) of this subchapter, the following factors:

(i) Whether the purpose for which the permit is required is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(ii) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(iii) Whether the permit, if issued, would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the wildlife sought to be covered by the permit was or would be removed;

(iv) Whether the purpose for which the permit is required would be likely to reduce the threat of extinction facing the species of wildlife sought to be covered by the permit;

(v) The opinions or views of scientists or other persons or organizations having expertise concerning the wildlife or other matters germane to the application; and

(vi) Whether the expertise, facilities, or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(3) *Permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this paragraph shall be subject to the special condition that the escape of living wildlife covered by the permit shall be immediately reported to the Service office designated in the permit.

(4) *Duration of permits.* The duration of permits issued under this paragraph shall be designated on the face of the permit.

(b)(1) *Application requirements for permits for incidental taking.* A person wishing to get a permit for an activity prohibited by §17.21(c) submits an application for activities under this paragraph. The Service provides Form 3–200 for the application to which all of the following must be attached:

(i) A complete description of the activity sought to be authorized;

(ii) The common and scientific names of the species sought to be covered by the permit, as well as the number, age, and sex of such species, if known;

(iii) A conservation plan that specifies:

(A) The impact that will likely result from such taking;

(B) What steps the applicant will take to monitor, minimize, and mitigate such impacts, the funding that will be available to implement such steps, and the procedures to be used to deal with unforeseen circumstances;

(C) What alternative actions to such taking the applicant considered and the reasons why such alternatives are not proposed to be utilized; and

(D) Such other measures that the Director may require as being necessary or appropriate for purposes of the plan;

(2) *Issuance criteria.* (i) Upon receiving an application completed in accordance with paragraph (b)(1) of this section, the Director will decide whether or not a permit should be issued. The Director shall consider the general issuance criteria in §13.21(b) of this subchapter, except for §13.21(b)(4), and shall issue the permit if he or she finds that:

(A) The taking will be incidental;

(B) The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such takings;

(C) The applicant will ensure that adequate funding for the conservation plan and procedures to deal with unforeseen circumstances will be provided;

(D) The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild;

(E) The measures, if any, required under paragraph (b)(1)(iii)(D) of this section will be met; and

(F) He or she has received such other assurances as he or she may require that the plan will be implemented.

(ii) In making his or her decision, the Director shall also consider the anticipated duration and geographic scope of the applicant's planned activities, including the amount of listed species habitat that is involved and the degree to which listed species and their habitats are affected.

(3) *Permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this paragraph shall contain such terms and conditions as the Director deems necessary or appropriate to carry out the purposes of the permit and the conservation plan including, but not limited to, monitoring and reporting requirements deemed necessary for determining whether such terms and conditions are being complied with. The Director shall rely upon existing reporting requirements to the maximum extent practicable.

(4) *Duration of permits.* The duration of permits issued under this paragraph shall be sufficient to provide adequate assurances to the permittee to commit funding necessary for the activities authorized by the permit, including conservation activities and land use restrictions. In determining the duration of a permit, the Director shall consider the duration of the planned activities, as well as the possible positive and negative effects associated with permits of the proposed duration on listed species, including the extent to which the conservation plan will enhance the habitat of listed species and increase the long-term survivability of such species.

(5) *Assurances provided to permittee in case of changed or unforeseen circumstances.* The assurances in this paragraph (b)(5) apply only to incidental take permits issued in accordance with paragraph (b)(2) of this section where the conservation plan is being properly implemented, and apply only with respect to species adequately covered by the conservation plan. These assurances cannot be provided to Federal agencies. This rule does not apply to incidental take permits issued prior to March 25, 1998. The assurances provided in incidental take permits issued prior to March 25, 1998 remain in effect, and those permits will not be revised as a result of this rulemaking.

(i) *Changed circumstances provided for in the plan.* If additional conservation and mitigation measures are deemed necessary to respond to changed circumstances and were provided for in the plan's operating conservation program, the permittee will implement the measures specified in the plan.

(ii) *Changed circumstances not provided for in the plan.* If additional conservation and mitigation measures are deemed necessary to respond to changed circumstances and such measures were not provided for in the plan's operating conservation program, the Director will not require any conservation and mitigation measures in addition to those provided for in the plan without the consent of the permittee, provided the plan is being properly implemented.

(iii) *Unforeseen circumstances.* (A) In negotiating unforeseen circumstances, the Director will not require the commitment of additional land, water, or financial compensation or additional restrictions on the use of land, water, or other natural resources beyond the

level otherwise agreed upon for the species covered by the conservation plan without the consent of the permittee.

(B) If additional conservation and mitigation measures are deemed necessary to respond to unforeseen circumstances, the Director may require additional measures of the permittee where the conservation plan is being properly implemented, but only if such measures are limited to modifications within conserved habitat areas, if any, or to the conservation plan's operating conservation program for the affected species, and maintain the original terms of the conservation plan to the maximum extent possible. Additional conservation and mitigation measures will not involve the commitment of additional land, water or financial compensation or additional restrictions on the use of land, water, or other natural resources otherwise available for development or use under the original terms of the conservation plan without the consent of the permittee.

(C) The Director will have the burden of demonstrating that unforeseen circumstances exist, using the best scientific and commercial data available. These findings must be clearly documented and based upon reliable technical information regarding the status and habitat requirements of the affected species. The Director will consider, but not be limited to, the following factors:

(*1*) Size of the current range of the affected species;

(*2*) Percentage of range adversely affected by the conservation plan;

(*3*) Percentage of range conserved by the conservation plan;

(*4*) Ecological significance of that portion of the range affected by the conservation plan;

(*5*) Level of knowledge about the affected species and the degree of specificity of the species' conservation program under the conservation plan; and

(*6*) Whether failure to adopt additional conservation measures would appreciably reduce the likelihood of survival and recovery of the affected species in the wild.

(6) Nothing in this rule will be construed to limit or constrain the Director, any Federal, State, local, or Tribal government agency, or a private entity, from taking additional actions at its own expense to protect or conserve a species included in a conservation plan.

(7) *Discontinuance of permit activity.* Notwithstanding the provisions of §13.26 of this subchapter, a permittee under this paragraph (b) remains responsible for any outstanding minimization and mitigation measures required under the terms of the permit for take that occurs prior to surrender of the permit and such minimization and mitigation measures as may be required pursuant to the termination provisions of an implementing agreement, habitat conservation plan, or permit even after surrendering the permit to the Service pursuant to §13.26 of this subchapter. The permit shall be deemed canceled only upon a determination by the Service that such minimization and mitigation measures have been implemented. Upon surrender of the permit, no further take shall be authorized under the terms of the surrendered permit.

(8) *Criteria for revocation.* A permit issued under paragraph (b) of this section may not be revoked for any reason except those set forth in §13.28(a)(1) through (4) of this subchapter or unless continuation of the permitted activity would be inconsistent with the criterion set forth in 16 U.S.C. 1539(a)(2)(B)(iv) and the inconsistency has not been remedied.

(c)(1) *Application requirements for permits for the enhancement of survival through Safe Harbor Agreements.* The applicant must submit an application for a permit under this paragraph (c) to the appropriate Regional Director, U.S. Fish and Wildlife Service, for the Region where the applicant resides or where the proposed activity is to occur (for appropriate addresses, see 50 CFR 10.22), if the applicant wishes to engage in any activity prohibited by §17.21. The applicant must submit an official Service application form (3–200.54) that includes the following information:

(i) The common and scientific names of the listed species for which the applicant requests incidental take authorization;

(ii) A description of how incidental take of the listed species pursuant to the Safe Harbor Agreement is likely to

occur, both as a result of management activities and as a result of the return to baseline; and

(iii) A Safe Harbor Agreement that complies with the requirements of the Safe Harbor policy available from the Service.

(2) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (c)(1) of this section, the Director will decide whether or not to issue a permit. The Director shall consider the general issuance criteria in §13.21(b) of this subchapter, except for §13.21(b)(4), and may issue the permit if he or she finds:

(i) The take will be incidental to an otherwise lawful activity and will be in accordance with the terms of the Safe Harbor Agreement;

(ii) The implementation of the terms of the Safe Harbor Agreement is reasonably expected to provide a net conservation benefit to the affected listed species by contributing to the recovery of listed species included in the permit, and the Safe Harbor Agreement otherwise complies with the Safe Harbor policy available from the Service;

(iii) The probable direct and indirect effects of any authorized take will not appreciably reduce the likelihood of survival and recovery in the wild of any listed species;

(iv) Implementation of the terms of the Safe Harbor Agreement is consistent with applicable Federal, State, and Tribal laws and regulations;

(v) Implementation of the terms of the Safe Harbor Agreement will not be in conflict with any ongoing conservation or recovery programs for listed species covered by the permit; and

(vi) The applicant has shown capability for and commitment to implementing all of the terms of the Safe Harbor Agreement.

(3) *Permit conditions.* In addition to any applicable general permit conditions set forth in part 13 of this subchapter, every permit issued under this paragraph (c) is subject to the following special conditions:

(i) A requirement for the participating property owner to notify the Service of any transfer of lands subject to a Safe Harbor Agreement;

(ii) When appropriate, a requirement for the permittee to give the Service reasonable advance notice (generally at least 30 days) of when he or she expects to incidentally take any listed species covered under the permit. Such notification will provide the Service with an opportunity to relocate affected individuals of the species, if possible and appropriate; and

(iii) Any additional requirements or conditions the Director deems necessary or appropriate to carry out the purposes of the permit and the Safe Harbor Agreement.

(4) *Permit effective date.* Permits issued under this paragraph (c) become effective the day of issuance for species covered by the Safe Harbor Agreement.

(5) *Assurances provided to permittee.* (i) The assurances in paragraph (c)(5) (ii) of this section (c)(5) apply only to Safe Harbor permits issued in accordance with paragraph (c)(2) of this section where the Safe Harbor Agreement is being properly implemented, and apply only with respect to species covered by the Agreement and permit. These assurances cannot be provided to Federal agencies. The assurances provided in this section apply only to Safe Harbor permits issued after July 19, 1999.

(ii) The Director and the permittee may agree to revise or modify the management measures set forth in a Safe Harbor Agreement if the Director determines that such revisions or modifications do not change the Director's prior determination that the Safe Harbor Agreement is reasonably expected to provide a net conservation benefit to the listed species. However, the Director may not require additional or different management activities to be undertaken by a permittee without the consent of the permittee.

(6) *Additional actions.* Nothing in this rule will be construed to limit or constrain the Director, any Federal, State, local or Tribal government agency, or a private entity, from taking additional actions at its own expense to protect or conserve a species included in a Safe Harbor Agreement.

(7) *Criteria for revocation.* The Director may not revoke a permit issued under paragraph (c) of this section except as provided in this paragraph. The Director may revoke a permit for any reason set forth in §13.28(a)(1) through (4) of this subchapter. The Director

may revoke a permit if continuation of the permitted activity would either appreciably reduce the likelihood of survival and recovery in the wild of any listed species or directly or indirectly alter designated critical habitat such that it appreciably diminishes the value of that critical habitat for both the survival and recovery of a listed species. Before revoking a permit for either of the latter two reasons, the Director, with the consent of the permittee, will pursue all appropriate options to avoid permit revocation. These options may include, but are not limited to: extending or modifying the existing permit, capturing and relocating the species, compensating the landowner to forgo the activity, purchasing an easement or fee simple interest in the property, or arranging for a third-party acquisition of an interest in the property.

(8) *Duration of permits.* The duration of permits issued under this paragraph (c) must be sufficient to provide a net conservation benefit to species covered in the enhancement of survival permit. In determining the duration of a permit, the Director will consider the duration of the planned activities, as well as the positive and negative effects associated with permits of the proposed duration on covered species, including the extent to which the conservation activities included in the Safe Harbor Agreement will enhance the survival and contribute to the recovery of listed species included in the permit.

(d)(1) *Application requirements for permits for the enhancement of survival through Candidate Conservation Agreements with Assurances.* The applicant must submit an application for a permit under this paragraph (d) to the appropriate Regional Director, U.S. Fish and Wildlife Service, for the Region where the applicant resides or where the proposed activity is to occur (for appropriate addresses, see 50 CFR 10.22). When a species covered by a Candidate Conservation Agreement with Assurances is listed as endangered and the applicant wishes to engage in activities identified in the Agreement and otherwise prohibited by §17.31, the applicant must apply for an enhancement of survival permit for species covered by the Agreement. The permit will become valid if and when covered proposed, candidate or other unlisted species is listed as an endangered species. The applicant must submit an official Service application form (3–200.54) that includes the following information:

(i) The common and scientific names of the species for which the applicant requests incidental take authorization;

(ii) A description of the land use or water management activity for which the applicant requests incidental take authorization; and

(iii) A Candidate Conservation Agreement that complies with the requirements of the Candidate Conservation Agreement with Assurances policy available from the Service.

(2) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (d)(1) of this section, the Director will decide whether or not to issue a permit. The Director shall consider the general issuance criteria in §13.21(b) of this subchapter, except for §13.21(b)(4), and may issue the permit if he or she finds:

(i) The take will be incidental to an otherwise lawful activity and will be in accordance with the terms of the Candidate Conservation Agreement;

(ii) The Candidate Conservation Agreement complies with the requirements of the Candidate Conservation Agreement with Assurances policy available from the Service;

(iii) The probable direct and indirect effects of any authorized take will not appreciably reduce the likelihood of survival and recovery in the wild of any species;

(iv) Implementation of the terms of the Candidate Conservation Agreement is consistent with applicable Federal, State, and Tribal laws and regulations;

(v) Implementation of the terms of the Candidate Conservation Agreement will not be in conflict with any ongoing conservation programs for species covered by the permit; and

(vi) The applicant has shown capability for and commitment to implementing all of the terms of the Candidate Conservation Agreement.

(3) *Permit conditions.* In addition to any applicable general permit conditions set forth in part 13 of this subchapter, every permit issued under this

paragraph (d) is subject to the following special conditions:

(i) A requirement for the property owner to notify the Service of any transfer of lands subject to a Candidate Conservation Agreement;

(ii) When appropriate, a requirement for the permittee to give the Service reasonable advance notice (generally at least 30 days) of when he or she expects to incidentally take any listed species covered under the permit. Such notification will provide the Service with an opportunity to relocate affected individuals of the species, if possible and appropriate; and

(iii) Any additional requirements or conditions the Director deems necessary or appropriate to carry out the purposes of the permit and the Candidate Conservation Agreement.

(4) *Permit effective date.* Permits issued under this paragraph (d) become effective for a species covered by a Candidate Conservation Agreement on the effective date of a final rule that lists a covered species as endangered.

(5) *Assurances provided to permittee in case of changed or unforeseen circumstances.* The assurances in this paragraph (d)(5) apply only to permits issued in accordance with paragraph (d)(2) where the Candidate Conservation with Assurances Agreement is being properly implemented, and apply only with respect to species adequately covered by the Candidate Conservation with Assurances Agreement. These assurances cannot be provided to Federal agencies.

(i) *Changed circumstances provided for in the Agreement.* If the Director determines that additional conservation measures are necessary to respond to changed circumstances and these measures were set forth in the Agreement, the permittee will implement the measures specified in the Agreement.

(ii) *Changed circumstances not provided for in the Agreement.* If the Director determines that additional conservation measures not provided for in the Agreement are necessary to respond to changed circumstances, the Director will not require any conservation measures in addition to those provided for in the Agreement without the consent of the permittee, provided the Agreement is being properly implemented.

(iii) *Unforeseen circumstances.* (A) In negotiating unforeseen circumstances, the Director will not require the commitment of additional land, water, or financial compensation or additional restrictions on the use of land, water, or other natural resources beyond the level otherwise agreed upon for the species covered by the Agreement without the consent of the permittee.

(B) If the Director determines additional conservation measures are necessary to respond to unforeseen circumstances, the Director may require additional measures of the permittee where the Agreement is being properly implemented, but only if such measures maintain the original terms of the Agreement to the maximum extent possible. Additional conservation measures will not involve the commitment of additional land, water, or financial compensation or additional restrictions on the use of land, water, or other natural resources otherwise available for development or use under the original terms of the Agreement without the consent of the permittee.

(C) The Director will have the burden of demonstrating that unforeseen circumstances exist, using the best scientific and commercial data available. These findings must be clearly documented and based upon reliable technical information regarding the status and habitat requirements of the affected species. The Director will consider, but not be limited to, the following factors:

(*1*) Size of the current range of the affected species;

(*2*) Percentage of range adversely affected by the Agreement;

(*3*) Percentage of range conserved by the Agreement;

(*4*) Ecological significance of that portion of the range affected by the Agreement;

(*5*) Level of knowledge about the affected species and the degree of specificity of the species' conservation program under the Agreement; and

(*6*) Whether failure to adopt additional conservation measures would appreciably reduce the likelihood of survival and recovery of the affected species in the wild.

(6) *Additional actions.* Nothing in this rule will be construed to limit or constrain the Director, any Federal, State, local or Tribal government agency, or a private entity, from taking additional actions at its own expense to protect or conserve a species included in a Candidate Conservation with Assurances Agreement.

(7) *Criteria for revocation.* The Director may not revoke a permit issued under paragraph (d) of this section except as provided in this paragraph. The Director may revoke a permit for any reason set forth in §13.28(a)(1) through (4) of this subchapter. The Director may revoke a permit if continuation of the permitted activity would either appreciably reduce the likelihood of survival and recovery in the wild of any listed species or directly or indirectly alter designated critical habitat such that it appreciably diminishes the value of that critical habitat for both the survival and recovery of a listed species. Before revoking a permit for either of the latter two reasons, the Director, with the consent of the permittee, will pursue all appropriate options to avoid permit revocation. These options may include, but are not limited to: extending or modifying the existing permit, capturing and relocating the species, compensating the landowner to forgo the activity, purchasing an easement or fee simple interest in the property, or arranging for a third-party acquisition of an interest in the property.

(8) *Duration of the Candidate Conservation Agreement.* The duration of a Candidate Conservation Agreement covered by a permit issued under this paragraph (d) must be sufficient to enable the Director to determine that the benefits of the conservation measures in the Agreement, when combined with those benefits that would be achieved if it is assumed that the conservation measures would also be implemented on other necessary properties, would preclude or remove any need to list the species covered by the Agreement.

(e) *Objection to permit issuance.* (1) In regard to any notice of a permit application published in the FEDERAL REGISTER, any interested party that objects to the issuance of a permit, in whole or in part, may, during the comment period specified in the notice, request notification of the final action to be taken on the application. A separate written request shall be made for each permit application. Such a request shall specify the Service's permit application number and state the reasons why that party believes the applicant does not meet the issuance criteria contained in §§13.21 and 17.22 of this subchapter or other reasons why the permit should not be issued.

(2) If the Service decides to issue a permit contrary to objections received pursuant to paragraph (c)(1) of this section, then the Service shall, at least ten days prior to issuance of the permit, make reasonable efforts to contact by telephone or other expedient means, any party who has made a request pursuant to paragraph (c)(1) of this section and inform that party of the issuance of the permit. However, the Service may reduce the time period or dispense with such notice if it determines that time is of the essence and that delay in issuance of the permit would: (i) Harm the specimen or population involved; or (ii) unduly hinder the actions authorized under the permit.

(3) The Service will notify any party filing an objection and request for notice under paragraph (c)(1) of this section of the final action taken on the application, in writing. If the Service has reduced or dispensed with the notice period referred to in paragraph (c)(2) of this section, it will include its reasons therefore in such written notice.

[50 FR 39687, Sept. 30, 1985, as amended at 63 FR 8871, Feb. 23, 1998; 63 FR 52635, Oct. 1, 1998; 64 FR 32711, June 17, 1999; 64 FR 52676, Sept. 30, 1999; 69 FR 24092, May 3, 2004; 69 FR 29670, May 25, 2004; 69 FR 71731, Dec. 10, 2004]

§ 17.23 Economic hardship permits.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by §17.21, in accordance with the issuance criteria of this section in order to prevent undue economic hardship. The Director shall publish notice in the FEDERAL REGISTER of each application for a permit that is made under this section. Each notice shall invite the submission from interested parties,

within 30 days after the date of the notice, of written data, views, or arguments with respect to the application. The 30-day period may be waived by the Director in an emergency situation where the life or health of an endangered animal is threatened and no reasonable alternative is available to the applicant. Notice of any such waiver shall be published in the FEDERAL REGISTER within 10 days following issuance of the permit.

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person allegedly suffering undue economic hardship because his desired activity is prohibited by §17.21. Each application must be submitted on an official application form (Form 3–200) provided by the Service, and must include, as an attachment, all of the information required in §17.22 plus the following additional information:

(1) The possible legal, economic or subsistence alternatives to the activity sought to be authorized by the permit;

(2) A full statement, accompanied by copies of all relevant contracts and correspondence, showing the applicant's involvement with the wildlife sought to be covered by the permit (as well as his involvement with similar wildlife), including, where applicable, that portion of applicant's income derived from the taking of such wildlife, or the subsistence use of such wildlife, during the calendar year immediately preceding either the notice in the FEDERAL REGISTER of review of the status of the species or of the proposal to list such wildlife as endangered, whichever is earliest;

(3) Where applicable, proof of a contract or other binding legal obligation which:

(i) Deals specifically with the wildlife sought to be covered by the permit;

(ii) Became binding prior to the date when the notice of a review of the status of the species or the notice of proposed rulemaking proposing to list such wildlife as endangered was published in the FEDERAL REGISTER, whichever is earlier; and

(iii) Will cause monetary loss of a given dollar amount if the permit sought under this section is not granted.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued under any of the three categories of economic hardship, as defined in section 10(b)(2) of the Act. In making his decisions, the Director shall consider, in addition to the general criteria in §13.21(b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is being requested is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(3) The economic, legal, subsistence, or other alternatives or relief available to the applicant;

(4) The amount of evidence that the applicant was in fact party to a contract or other binding legal obligation which;

(i) Deals specifically with the wildlife sought to be covered by the permit; and

(ii) Became binding prior to the date when the notice of a review of the status of the species or the notice of proposed rulemaking proposing to list such wildlife as endangered was published in the FEDERAL REGISTER, whichever is earlier.

(5) The severity of economic hardship which the contract or other binding legal obligation referred to in paragraph (b)(4) of this section would cause if the permit were denied;

(6) Where applicable, the portion of the applicant's income which would be lost if the permit were denied, and the relationship of that portion to the balance of his income;

(7) Where applicable, the nature and extent of subsistence taking generally by the applicant; and

(8) The likelihood that applicant can reasonably carry out his desired activity within one year from the date a notice is published in the FEDERAL REGISTER to review status of such wildlife, or to list such wildlife as endangered, whichever is earlier.

(c) *Permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death or escape of all living wildlife covered by the permit shall be immediately reported to the Service's office designated in the permit.

(d) Duration of permits issued under this section shall be designated on the face of the permit. No permit issued under this section, however, shall be valid for more than one year from the date a notice is published in the FEDERAL REGISTER to review status of such wildlife, or to list such wildlife as endangered, whichever is earlier.

[40 FR 44415, Sept. 26, 1975, as amended at 40 FR 53400, Nov. 18, 1975; 40 FR 58307, Dec. 16, 1975; 50 FR 39688, Sept. 30, 1985]

Subpart D—Threatened Wildlife

§ 17.31 Prohibitions.

(a) Except as provided in subpart A of this part, or in a permit issued under this subpart, all of the provisions in § 17.21 shall apply to threatened wildlife, except § 17.21(c)(5).

(b) In addition to any other provisions of this part 17, any employee or agent of the Service, of the National Marine Fisheries Service, or of a State conservation agency which is operating a conservation program pursuant to the terms of a Cooperative Agreement with the Service in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take those threatened species of wildlife which are covered by an approved cooperative agreement to carry out conservation programs.

(c) Whenever a special rule in §§ 17.40 to 17.48 applies to a threatened species, none of the provisions of paragraphs (a) and (b) of this section will apply. The special rule will contain all the applicable prohibitions and exceptions.

[43 FR 18181, Apr. 28, 1978, as amended at 44 FR 31580, May 31, 1979; 70 FR 10503, Mar. 4, 2005]

§ 17.32 Permits—general.

Upon receipt of a complete application the Director may issue a permit for any activity otherwise prohibited with regard to threatened wildlife. Such permit shall be governed by the provisions of this section unless a special rule applicable to the wildlife, appearing in §§ 17.40 to 17.48, of this part provides otherwise. Permits issued under this section must be for one of the following purposes: Scientific purposes, or the enhancement of propagation or survival, or economic hardship, or zoological exhibition, or educational purposes, or incidental taking, or special purposes consistent with the purposes of the Act. Such permits may authorize a single transaction, a series of transactions, or a number of activities over a specific period of time.

(a)(1) *Application requirements for permits for scientific purposes, or the enhancement of propagation or survival, or economic hardship, or zoological exhibition, or educational purposes, or special purposes consistent with the purposes of the Act.* A person wishing to get a permit for an activity prohibited by § 17.31 submits an application for activities under this paragraph. The Service provides Form 3–200 for the application to which as much of the following information relating to the purpose of the permit must be attached:

(i) The Common and scientific names of the species sought to be covered by the permit, as well as the number, age, and sex of such species, and the activity sought to be authorized (such as taking, exporting, selling in interstate commerce);

(ii) A statement as to whether, at the time of application, the wildlife sought to be covered by the permit (A) is still in the wild, (B) has already been removed from the wild, or (C) was born in captivity;

(iii) A resume of the applicant's attempts to obtain the wildlife sought to be covered by the permit in a manner which would not cause the death or removal from the wild of such wildlife;

(iv) If the wildlife sought to be covered by the permit has already been removed from the wild, the country and place where such removal occurred; if the wildlife sought to be covered by permit was born in captivity, the country and place where such wildlife was born;

(v) A complete description and address of the institution or other facility where the wildlife sought to be covered by the permit will be used, displayed, or maintained;

(vi) If the applicant seeks to have live wildlife covered by the permit, a complete description, including photographs or diagrams, of the facilities to house and/or care for the wildlife and a resume of the experience of those persons who will be caring for the wildlife;

(vii) A full statement of the reasons why the applicant is justified in obtaining a permit including the details of the activities sought to be authorized by the permit;

(viii) If the application is for the purpose of enhancement of propagation, a statement of the applicant's willingness to participate in a cooperative breeding program and to maintain or contribute data to a studbook;

(2) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a)(1) of this section, the Director will decide whether or not a permit should be issued. In making this decision, the Director shall consider, in addition to the general criteria in §13.21(b) of this subchapter, the following factors:

(i) Whether the purpose for which the permit is required is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(ii) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(iii) Whether the permit, if issued, would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the wildlife sought to be covered by the permit was or would be removed;

(iv) Whether the purpose for which the permit is required would be likely to reduce the threat of extinction facing the species of wildlife sought to be covered by the permit;

(v) The opinions or views of scientists or other persons or organizations having expertise concerning the wildlife or other matters germane to the application; and

(vi) Whether the expertise, facilities, or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(3) *Permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this paragraph shall be subject to the special condition that the escape of living wildlife covered by the permit shall be immediately reported to the Service office designated in the permit.

(4) *Duration of permits.* The duration of permits issued under this paragraph shall be designated on the face of the permit.

(b)(1) *Application requirements for permits for incidental taking.* (i) A person wishing to get a permit for an activity prohibited by §17.31 submits an application for activities under this paragraph.

(ii) The director shall publish notice in the FEDERAL REGISTER of each application for a permit that is made under this section. Each notice shall invite the submission from interested parties, within 30 days after the date of the notice, of written data, views, or arguments with respect to the application.

(iii) Each application must be submitted on an official application (Form 3–200) provided by the Service, and must include as an attachment, all of the following information:

(A) A complete description of the activity sought to be authorized;

(B) The common and scientific names of the species sought to be covered by the permit, as well as the number, age, and sex of such species, if known;

(C) A conservation plan that specifies:

(*1*) The impact that will likely result from such taking;

(*2*) What steps the applicant will take to monitor, minimize, and mitigate

such impacts, the funding that will be available to implement such steps, and the procedures to be used to deal with unforeseen circumstances;

(*3*) What alternative actions to such taking the applicant considered and the reasons why such alternatives are not proposed to be utilized; and

(*4*) Such other measures that the Director may require as being necessary or appropriate for purposes of the plan.

(2) *Issuance criteria.* (i) Upon receiving an application completed in accordance with paragraph (b)(1) of this section, the Director will decide whether or not a permit should be issued. The Director shall consider the general issuance criteria in 13.21(b) of this subchapter, except for 13.21(b)(4), and shall issue the permit if he or she finds that:

(A) The taking will be incidental;

(B) The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such takings;

(C) The applicant will ensure that adequate funding for the conservation plan and procedures to deal with unforeseen circumstances will be provided;

(D) The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild;

(E) The measures, if any, required under paragraph (b)(1)(iii)(D) of this section will be met; and

(F) He or she has received such other assurances as he or she may require that the plan will be implemented.

(ii) In making his or her decision, the Director shall also consider the anticipated duration and geographic scope of the applicant's planned activities, including the amount of listed species habitat that is involved and the degree to which listed species and their habitats are affected.

(3) *Permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this paragraph shall contain such terms and conditions as the Director deems necessary or appropriate to carry out the purposes of the permit and the conservation plan including, but not limited to, monitoring and reporting requirements deemed necessary for determining whether such terms and conditions are being complied with. The Director shall rely upon existing reporting requirements to the maximum extent practicable.

(4) *Duration of permits.* The duration of permits issued under this paragraph shall be sufficient to provide adequate assurances to the permittee to commit funding necessary for the activities authorized by the permit, including conservation activities and land use restrictions. In determining the duration of a permit, the Director shall consider the duration of the planned activities, as well as the possible positive and negative effects associated with permits of the proposed duration on listed species, including the extent to which the conservation plan will enhance the habitat of listed species and increase the long-term survivability of such species.

(5) *Assurances provided to permittee in case of changed or unforeseen circumstances.* The assurances in this paragraph (b)(5) apply only to incidental take permits issued in accordance with paragraph (b)(2) of this section where the conservation plan is being properly implemented, and apply only with respect to species adequately covered by the conservation plan. These assurances cannot be provided to Federal agencies. This rule does not apply to incidental take permits issued prior to March 25, 1998. The assurances provided in incidental take permits issued prior to March 25, 1998 remain in effect, and those permits will not be revised as a result of this rulemaking.

(i) *Changed circumstances provided for in the plan.* If additional conservation and mitigation measures are deemed necessary to respond to changed circumstances and were provided for in the plan's operating conservation program, the permittee will implement the measures specified in the plan.

(ii) *Changed circumstances not provided for in the plan.* If additional conservation and mitigation measures are deemed necessary to respond to changed circumstances and such measures were not provided for in the plan's operating conservation program, the Director will not require any conservation and mitigation measures in addition to those provided for in the plan without the consent of the permittee, provided the plan is being properly implemented.

(iii) *Unforeseen circumstances.* (A) In negotiating unforeseen circumstances, the Director will not require the commitment of additional land, water, or financial compensation or additional restrictions on the use of land, water, or other natural resources beyond the level otherwise agreed upon for the species covered by the conservation plan without the consent of the permittee.

(B) If additional conservation and mitigation measures are deemed necessary to respond to unforeseen circumstances, the Director may require additional measures of the permittee where the conservation plan is being properly implemented, but only if such measures are limited to modifications within conserved habitat areas, if any, or to the conservation plan's operating conservation program for the affected species, and maintain the original terms of the conservation plan to the maximum extent possible. Additional conservation and mitigation measures will not involve the commitment of additional land, water or financial compensation or additional restrictions on the use of land, water, or other natural resources otherwise available for development or use under the original terms of the conservation plan without the consent of the permittee.

(C) The Director will have the burden of demonstrating that such unforeseen circumstances exist, using the best scientific and commercial data available. These findings must be clearly documented and based upon reliable technical information regarding the status and habitat requirements of the affected species. The Director will consider, but not be limited to, the following factors:

(*1*) Size of the current range of the affected species;

(*2*) Percentage of range adversely affected by the conservation plan;

(*3*) Percentage of range conserved by the conservation plan;

(*4*) Ecological significance of that portion of the range affected by the conservation plan;

(*5*) Level of knowledge about the affected species and the degree of specificity of the species' conservation program under the conservation plan; and

(*6*) Whether failure to adopt additional conservation measures would appreciably reduce the likelihood of survival and recovery of the affected species in the wild.

(6) Nothing in this rule will be construed to limit or constrain the Director, any Federal, State, local, or Tribal government agency, or a private entity, from taking additional actions at its own expense to protect or conserve a species included in a conservation plan.

(7) *Discontinuance of permit activity.* Notwithstanding the provisions of §13.26 of this subchapter, a permittee under this paragraph (b) remains responsible for any outstanding minimization and mitigation measures required under the terms of the permit for take that occurs prior to surrender of the permit and such minimization and mitigation measures as may be required pursuant to the termination provisions of an implementing agreement, habitat conservation plan, or permit even after surrendering the permit to the Service pursuant to §13.26 of this subchapter. The permit shall be deemed canceled only upon a determination by the Service that such minimization and mitigation measures have been implemented. Upon surrender of the permit, no further take shall be authorized under the terms of the surrendered permit.

(8) *Criteria for revocation.* A permit issued under paragraph (b) of this section may not be revoked for any reason except those set forth in §13.28(a)(1) through (4) of this subchapter or unless continuation of the permitted activity would be inconsistent with the criterion set forth in 16 U.S.C. 1539(a)(2)(B)(iv) and the inconsistency has not been remedied.

(c)(1) *Application requirements for permits for the enhancement of survival through Safe Harbor Agreements.* The applicant must submit an application for a permit under this paragraph (c) to the appropriate Regional Director, U.S. Fish and Wildlife Service, for the Region where the applicant resides or where the proposed action is to occur (for appropriate addresses, see 50 CFR 10.22), if the applicant wishes to engage in any activity prohibited by §17.31. The applicant must submit an official Service application form (3–200.54) that includes the following information:

(i) The common and scientific names of the listed species for which the applicant requests incidental take authorization;

(ii) A description of how incidental take of the covered species pursuant to the Safe Harbor Agreement is likely to occur, both as a result of management activities and as a result of the return to baseline;

(iii) A Safe Harbor Agreement that complies with the requirements of the Safe Harbor policy available from the Service; and

(iv) The Director must publish notice in the FEDERAL REGISTER of each application for a permit that is made under this paragraph (c). Each notice must invite the submission from interested parties within 30 days after the date of the notice of written data, views, or arguments with respect to the application. The procedures included in §17.22(e) for permit objection apply to any notice published by the Director under this paragraph (c).

(2) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (c)(1) of this section, the Director will decide whether or not to issue a permit. The Director shall consider the general issuance criteria in §13.21(b) of this subchapter, except for §13.21(b)(4), and may issue the permit if he or she finds:

(i) The take will be incidental to an otherwise lawful activity and will be in accordance with the terms of the Safe Harbor Agreement;

(ii) The implementation of the terms of the Safe Harbor Agreement is reasonably expected to provide a net conservation benefit to the affected listed species by contributing to the recovery of listed species included in the permit, and the Safe Harbor Agreement otherwise complies with the Safe Harbor policy available from the Service;

(iii) The probable direct and indirect effects of any authorized take will not appreciably reduce the likelihood of survival and recovery in the wild of any listed species;

(iv) Implementation of the terms of the Safe Harbor Agreement is consistent with applicable Federal, State, and Tribal laws and regulations;

(v) Implementation of the terms of the Safe Harbor Agreement will not be in conflict with any ongoing conservation or recovery programs for listed species covered by the permit; and

(vi) The applicant has shown capability for and commitment to implementing all of the terms of the Safe Harbor Agreement.

(3) *Permit conditions.* In addition to any applicable general permit conditions set forth in part 13 of this subchapter, every permit issued under this paragraph (c) is subject to the following special conditions:

(i) A requirement for the participating property owner to notify the Service of any transfer of lands subject to a Safe Harbor Agreement;

(ii) When appropriate, a requirement for the permittee to give the Service reasonable advance notice (generally at least 30 days) of when he or she expects to incidentally take any listed species covered under the permit. Such notification will provide the Service with an opportunity to relocate affected individuals of the species, if possible and appropriate; and

(iii) Any additional requirements or conditions the Director deems necessary or appropriate to carry out the purposes of the permit and the Safe Harbor Agreement.

(4) *Permit effective date.* Permits issued under this paragraph (c) become effective the day of issuance for species covered by the Safe Harbor Agreement.

(5) *Assurances provided to permittee.* (i) The assurances in subparagraph (ii) of this paragraph (c)(5) apply only to Safe Harbor permits issued in accordance with paragraph (c)(2) of this section where the Safe Harbor Agreement is being properly implemented, and apply only with respect to species covered by the Agreement and permit. These assurances cannot be provided to Federal agencies. The assurances provided in this section apply only to Safe Harbor permits issued after July 19, 1999.

(ii) The Director and the permittee may agree to revise or modify the management measures set forth in a Safe Harbor Agreement if the Director determines that such revisions or modifications do not change the Director's prior determination that the Safe Harbor Agreement is reasonably expected to provide a net conservation benefit to

the listed species. However, the Director may not require additional or different management activities to be undertaken by a permittee without the consent of the permittee.

(6) *Additional actions.* Nothing in this rule will be construed to limit or constrain the Director, any Federal, State, local or Tribal government agency, or a private entity, from taking additional actions at its own expense to protect or conserve a species included in a Safe Harbor Agreement.

(7) *Criteria for revocation.* The Director may not revoke a permit issued under paragraph (c) of this section except as provided in this paragraph. The Director may revoke a permit for any reason set forth in §13.28(a)(1) through (4) of this subchapter. The Director may revoke a permit if continuation of the permitted activity would either appreciably reduce the likelihood of survival and recovery in the wild of any listed species or directly or indirectly alter designated critical habitat such that it appreciably diminishes the value of that critical habitat for both the survival and recovery of a listed species. Before revoking a permit for either of the latter two reasons, the Director, with the consent of the permittee, will pursue all appropriate options to avoid permit revocation. These options may include, but are not limited to: extending or modifying the existing permit, capturing and relocating the species, compensating the landowner to forgo the activity, purchasing an easement or fee simple interest in the property, or arranging for a third-party acquisition of an interest in the property.

(8) *Duration of permits.* The duration of permits issued under this paragraph (c) must be sufficient to provide a net conservation benefit to species covered in the enhancement of survival permit. In determining the duration of a permit, the Director will consider the duration of the planned activities, as well as the positive and negative effects associated with permits of the proposed duration on covered species, including the extent to which the conservation activities included in the Safe Harbor Agreement will enhance the survival and contribute to the recovery of listed species included in the permit.

(d)(1) *Application requirements for permits for the enhancement of survival through Candidate Conservation Agreements with Assurances.* The applicant must submit an application for a permit under this paragraph (d) to the appropriate Regional Director, U.S. Fish and Wildlife Service, for the Region where the applicant resides or where the proposed activity is to occur (for appropriate addresses, see 50 CFR 10.22). When a species covered by a Candidate Conservation Agreement with Assurances is listed as threatened and the applicant wishes to engage in activities identified in the Agreement and otherwise prohibited by §17.31, the applicant must apply for an enhancement of survival permit for species covered by the Agreement. The permit will become valid if and when covered proposed, candidate or other unlisted species is listed as a threatened species. The applicant must submit an official Service application form (3–200.54) that includes the following information:

(i) The common and scientific names of the species for which the applicant requests incidental take authorization;

(ii) A description of the land use or water management activity for which the applicant requests incidental take authorization; and

(iii) A Candidate Conservation Agreement that complies with the requirements of the Candidate Conservation Agreement with Assurances policy available from the Service.

(iv) The Director must publish notice in the FEDERAL REGISTER of each application for a permit that is made under this paragraph (d). Each notice must invite the submission from interested parties within 30 days after the date of the notice of written data, views, or arguments with respect to the application. The procedures included in §17.22(e) for permit objection apply to any notice published by the Director under this paragraph (d).

(2) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (d)(1) of this section, the Director will decide whether or not to issue a permit. The Director shall consider the general issuance criteria in §13.21(b) of this subchapter, except

for §13.21(b)(4), and may issue the permit if he or she finds:

(i) The take will be incidental to an otherwise lawful activity and will be in accordance with the terms of the Candidate Conservation Agreement;

(ii) The Candidate Conservation Agreement complies with the requirements of the Candidate Conservation Agreement with Assurances policy available from the Service;

(iii) The probable direct and indirect effects of any authorized take will not appreciably reduce the likelihood of survival and recovery in the wild of any species;

(iv) Implementation of the terms of the Candidate Conservation Agreement is consistent with applicable Federal, State, and Tribal laws and regulations;

(v) Implementation of the terms of the Candidate Conservation Agreement will not be in conflict with any ongoing conservation programs for species covered by the permit; and

(vi) The applicant has shown capability for and commitment to implementing all of the terms of the Candidate Conservation Agreement.

(3) *Permit conditions.* In addition to any applicable general permit conditions set forth in part 13 of this subchapter, every permit issued under this paragraph (d) is subject to the following special conditions:

(i) A requirement for the property owner to notify the Service of any transfer of lands subject to a Candidate Conservation Agreement;

(ii) When appropriate, a requirement for the permittee to give the Service reasonable advance notice (generally at least 30 days) of when he or she expects to incidentally take any listed species covered under the permit. Such notification will provide the Service with an opportunity to relocate affected individuals of the species, if possible and appropriate; and

(iii) Any additional requirements or conditions the Director deems necessary or appropriate to carry out the purposes of the permit and the Candidate Conservation Agreement.

(4) *Permit effective date.* Permits issued under this paragraph (d) become effective for a species covered by a Candidate Conservation Agreement on the effective date of a final rule that lists a covered species as threatened.

(5) *Assurances provided to permittee in case of changed or unforeseen circumstances.* The assurances in this paragraph (d)(5) apply only to permits issued in accordance with paragraph (d)(2) where the Candidate Conservation with Assurances Agreement is being properly implemented, and apply only with respect to species adequately covered by the Candidate Conservation with Assurances Agreement. These assurances cannot be provided to Federal agencies.

(i) *Changed circumstances provided for in the Agreement.* If the Director determines that additional conservation measures are necessary to respond to changed circumstances and these measures were set forth in the Agreement, the permittee will implement the measures specified in the Agreement.

(ii) *Changed circumstances not provided for in the Agreement.* If the Director determines that additional conservation measures not provided for in the Agreement are necessary to respond to changed circumstances, the Director will not require any conservation measures in addition to those provided for in the Agreement without the consent of the permittee, provided the Agreement is being properly implemented.

(iii) *Unforeseen circumstances.* (A) In negotiating unforeseen circumstances, the Director will not require the commitment of additional land, water, or financial compensation or additional restrictions on the use of land, water, or other natural resources beyond the level otherwise agreed upon for the species covered by the Agreement without the consent of the permittee.

(B) If the Director determines additional conservation measures are necessary to respond to unforeseen circumstances, the Director may require additional measures of the permittee where the Agreement is being properly implemented, but only if such measures maintain the original terms of the Agreement to the maximum extent possible. Additional conservation measures will not involve the commitment of additional land, water, or financial compensation or additional restrictions on the use of land, water, or

other natural resources otherwise available for development or use under the original terms of the Agreement without the consent of the permittee.

(C) The Director will have the burden of demonstrating that unforeseen circumstances exist, using the best scientific and commercial data available. These findings must be clearly documented and based upon reliable technical information regarding the status and habitat requirements of the affected species. The Director will consider, but not be limited to, the following factors:

(*1*) Size of the current range of the affected species;

(*2*) Percentage of range adversely affected by the Agreement;

(*3*) Percentage of range conserved by the Agreement;

(*4*) Ecological significance of that portion of the range affected by the Agreement;

(*5*) Level of knowledge about the affected species and the degree of specificity of the species' conservation program under the Agreement; and

(*6*) Whether failure to adopt additional conservation measures would appreciably reduce the likelihood of survival and recovery of the affected species in the wild.

(6) *Additional actions.* Nothing in this rule will be construed to limit or constrain the Director, any Federal, State, local or Tribal government agency, or a private entity, from taking additional actions at its own expense to protect or conserve a species included in a Candidate Conservation with Assurances Agreement.

(7) *Criteria for revocation.* The Director may not revoke a permit issued under paragraph (d) of this section except as provided in this paragraph. The Director may revoke a permit for any reason set forth in §13.28(a)(1) through (4) of this subchapter. The Director may revoke a permit if continuation of the permitted activity would either appreciably reduce the likelihood of survival and recovery in the wild of any listed species or directly or indirectly alter designated critical habitat such that it appreciably diminishes the value of that critical habitat for both the survival and recovery of a listed species. Before revoking a permit for either of the latter two reasons, the Director, with the consent of the permittee, will pursue all appropriate options to avoid permit revocation. These options may include, but are not limited to: extending or modifying the existing permit, capturing and relocating the species, compensating the landowner to forgo the activity, purchasing an easement or fee simple interest in the property, or arranging for a third-party acquisition of an interest in the property.

(8) *Duration of the Candidate Conservation Agreement.* The duration of a Candidate Conservation Agreement covered by a permit issued under this paragraph (d) must be sufficient to enable the Director to determine that the benefits of the conservation measures in the Agreement, when combined with those benefits that would be achieved if it is assumed that the conservation measures would also be implemented on other necessary properties, would preclude or remove any need to list the species covered by the Agreement.

[50 FR 39689, Sept. 30, 1985, as amended at 63 FR 8871, Feb. 23, 1998; 63 FR 52635, Oct. 1, 1998; 64 FR 32714, June 17, 1999; 64 FR 52676, Sept. 30, 1999; 69 FR 24093, May 3, 2004; 69 FR 29670, May 25, 2004; 69 FR 71731, Dec. 10, 2004]

§ 17.40 Special rules—mammals.

(a) Mazama pocket gophers (Olympia, Roy Prairie, Tenino, and Yelm) (*Thomomys mazama pugetensis, glacialis, tumuli,* and *yelmensis*)—(1) *Which populations of the Mazama pocket gopher are covered by this special rule?* This special rule covers the four Thurston/Pierce subspecies of the Mazama pocket gopher (Olympia, Roy Prairie, Tenino, and Yelm) (*Thomomys mazama pugetensis, glacialis, tumuli,* and *yelmensis*) wherever they occur.

(2) *What activities are prohibited?* Except as noted in paragraphs (a)(3) through (7) of this section, all prohibitions of §17.31 apply to the Olympia, Roy Prairie, Tenino, and Yelm pocket gophers.

(3) *What activities are allowed on civilian airports?* Incidental take of the Olympia, Roy Prairie, Tenino, and Yelm pocket gophers will not be a violation of section 9 of the Act, if the incidental take results from non-Federal routine maintenance activities in or

adjacent to Mazama pocket gopher habitat and associated with airport operations on civilian airports. Routine maintenance activities include the following:

(i) Routine management, repair, and maintenance of runways, roads, and taxiways (does not include upgrades, or construction of new runways, roads, or taxiways, or new development at airports);

(ii) Hazing of hazardous wildlife;

(iii) Management of forage, water, and shelter to reduce the attractiveness of the area around airports for hazardous wildlife; and

(iv) Control or other management of noxious weeds and invasive plants through mowing, discing, herbicide and fungicide application, fumigation, or burning. Use of herbicides, fungicides, fumigation, and burning must occur in such a way that nontarget plants are avoided to the maximum extent practicable.

(4) *What agricultural activities are allowed on non-Federal lands?* Incidental take of the Olympia, Roy Prairie, Tenino, and Yelm pocket gophers will not be a violation of section 9 of the Act, if the incidental take results from agricultural or horticultural (farming) practices implemented on such lands consistent with State laws on non-Federal lands. For the purposes of this special rule, farm means any facility, including land, buildings, watercourses, and appurtenances, used in the commercial production of crops, nursery or orchard stock, the propagation and raising of nursery or orchard stock, livestock or poultry, or livestock or poultry products.

(i) For the purposes of this special rule, an agricultural (farming) practice means a mode of operation on a farm that:

(A) Is or may be used on a farm of a similar nature;

(B) Is a generally accepted, reasonable, and prudent method for the operation of the farm to obtain a profit in money;

(C) Is or may become a generally accepted, reasonable, and prudent method in conjunction with farm use;

(D) Complies with applicable State laws;

(E) Is done in a reasonable and prudent manner.

(ii) Accepted agricultural or horticultural (farming) practices include:

(A) Grazing;

(B) Routine installation, management, and maintenance of stock water facilities such as stock ponds, berms, troughs, and tanks, pipelines and watering systems to maintain water supplies;

(C) Routine maintenance or construction of fencing;

(D) Planting, harvest, fertilization, harrowing, tilling, or rotation of crops (Disturbance to the soils shall not exceed a 12-inch (30.5-cm) depth. All activities that do not disturb the soil surface are also allowed, such as haying, baling, some orchard and berry plant management activities, etc.);

(E) Maintenance of livestock management facilities such as corrals, sheds, and other ranch outbuildings;

(F) Repair and maintenance of unimproved agricultural roads (This exemption does not include improvement, upgrade, or construction of new roads.);

(G) Placement of mineral supplements, plant nutrients, or soil amendments;

(H) Harvest, control, or other management of noxious weeds and invasive plants through mowing, discing, herbicide and fungicide application, fumigation, or burning (Use of herbicides, fungicides, fumigation, and burning must occur in such a way that nontarget plants are avoided to the maximum extent practicable.); and

(I) Deep tillage (usually at depths of 18–36 inches (45.7–91.4 cm), for compaction reduction purposes) occurring between September 1 and February 28, no more often than once in 10 years.

(5) *What noncommercial activities are allowed on single-family residential private land?* Incidental take of the Olympia, Roy Prairie, Tenino, and Yelm pocket gophers will not be a violation of section 9 of the Act, if the incidental take results from noncommercial activities that occur in or adjacent to Mazama pocket gopher habitat on existing single-family residential properties. These activities include the following:

(i) Harvest, control, or other management of noxious weeds and invasive

plants through mowing, herbicide and fungicide application, fumigation, or burning. Use of herbicides, fungicides, fumigation, and burning must occur in such a way that nontarget plants are avoided to the maximum extent practicable;

(ii) Construction and placement of fencing, garden plots, or play equipment; and

(iii) Construction and placement of dog kennels, carports, or storage sheds less than 120 ft^2 (11.15 m^2) in size.

(6) *What noxious weed and invasive plant control activities are allowed on non-Federal lands?* Incidental take of the Olympia, Roy Prairie, Tenino, and Yelm pocket gophers will not be a violation of section 9 of the Act, if the incidental take results from routine removal or other management of noxious weeds and invasive plants. Routine removal or other management of noxious weeds and invasive plants are limited to the following, and must be conducted in a way that impacts to nontarget plants are avoided to the maximum extent practicable:

(i) Mowing;

(ii) Discing;

(iii) Herbicide and fungicide application;

(iv) Fumigation; and

(v) Burning.

(7) *What roadside right-of-way maintenance activities are allowed on Federal and non-Federal lands?* Incidental take of the Olympia, Roy Prairie, Tenino, and Yelm pocket gophers will not be a violation of section 9 of the Act, if the incidental take results from routine maintenance of roadside rights-of-way on Federal and non-Federal lands. Routine maintenance activities of roadside rights-of-way of highways and roads are limited to the following, and must be conducted in a way that impacts to nontarget plants are avoided to the maximum extent practicable:

(i) Mowing;

(ii) Mechanical removal of noxious weeds or invasive plants;

(iii) Selective application of herbicides for removal of noxious weeds or invasive plants; and

(iv) Repair or maintenance of fences.

(b) Grizzly bear (*Ursus arctos horribilis*)—(1) *Prohibitions.* The following prohibitions apply to the grizzly bear:

(i) *Taking.* (A) Except as provided in paragraphs (b)(1)(i)(B) through (F) of this section, no person shall take any grizzly bear in the 48 conterminous states of the United States.

(B) Grizzly bears may be taken in self-defense or in defense of others, but such taking shall be reported by the individual who has taken the bear or his designee within 5 days of occurrence to the Resident Agent in Charge, Office of Law Enforcement, U.S. Fish and Wildlife Service, 2900 4th Avenue North, Suite 301, Billings, MT 59101 (406–247–7355), if occurring in Montana or Wyoming, or the Special Agent in Charge, Office of Law Enforcement, U.S. Fish and Wildlife Service, P.O. Box 9, Sherwood, OR 97140 (503–521–5300), if occurring in Idaho or Washington, and to appropriate State and Tribal authorities. Grizzly bears taken in self-defense or in defense of others, including the parts of such bears, shall not be possessed, delivered, carried, transported, shipped, exported, received, or sold, except by Federal, State, or Tribal authorities.

(C) *Removal of nuisance bears.* A grizzly bear consituting a demonstrable but non immediate threat to human safety or committing significant depredations to lawfully present livestock, crops, or beehives may be taken, but only if:

(*1*) It has not been reasonably possible to eliminate such threat or depredation by live-capturing and releasing unharmed in a remote area the grizzly bear involved; and

(*2*) The taking is done in a humane manner by authorized Federal, State, or Tribal authorities, and in accordance with current interagency guidelines covering the taking of such nuisance bears; and

(*3*) The taking is reported within 5 days of occurrence to the appropriate U.S. Fish and Wildlife Service law enforcement office, as indicated in paragraph (b)(1)(i)(B) of this section, and to appropriate State and Tribal authorities.

(D) *Federal, State, or Tribal scientific or research activities.* Federal, State, or Tribal authorities may take grizzly bears for scientific or research purposes, but only if such taking does not

result in death or permanent injury to the bears involved. Such taking must be reported within 5 days of occurrence to the appropriate U.S. Fish and Wildlife Service law enforcement office, as indicated in paragraph (b)(1)(i)(B) of this section, and to appropriate State and Tribal authorities.

(E) [Reserved]

(F) *National Parks.* The regulations of the National Park Service shall govern all taking of grizzly bears in National Parks.

(ii) *Unlawfully taken grizzly bears.* (A) Except as provided in paragraphs (b)(1)(ii)(B) and (iv) of this section, no person shall possess, deliver, carry, transport, ship, export, receive, or sell any unlawfully taken grizzly bear. Any unlawful taking of a grizzly bear shall be reported within 5 days of occurrence to the appropriate U.S. Fish and Wildlife Service law enforcement office, as indicated in paragraph (b)(1)(i)(B) of this section, and to appropriate State and Tribal authorities.

(B) Authorized Federal, State, or Tribal employees, when acting in the course of their official duties, may, for scientific or research purposes, possess, deliver, carry, transport, ship, export, or receive unlawfully taken grizzly bears.

(iii) *Import or export.* Except as provided in paragraphs (b)(1)(iii) (A) and (B) and (iv) of this section, no person shall import any grizzly bear into the United States.

(A) *Federal, State, or Tribal scientific or research activities.* Federal, State, or Tribal authorities may import grizzly bears into the United States for scientific or research purposes.

(B) *Public zoological institution.* Public zoological institutions (see 50 CFR 10.12) may import grizzly bears into the United States.

(iv) *Commercial transactions.* (A) Except as provided in paragraph (b)(1)(iv)(B) of this section, no person shall, in the course of commercial activity, deliver, receive, carry, transport, or ship in interstate or foreign commerce any grizzly bear.

(B) A public zoological institution (see 50 CFR 10.12) dealing with other public zoological institutions may sell grizzly bears or offer them for sale in interstate or foreign commerce, and may, in the course of commercial activity, deliver, receive, carry, transport, or ship grizzly bears in interstate or foreign commerce.

(v) *Other violations.* No person shall attempt to commit, cause to be committed, or solicit another to commit any act prohibited by paragraph (b)(1) of this section.

(2) *Definitions.* As used in paragraph (b) of this section:

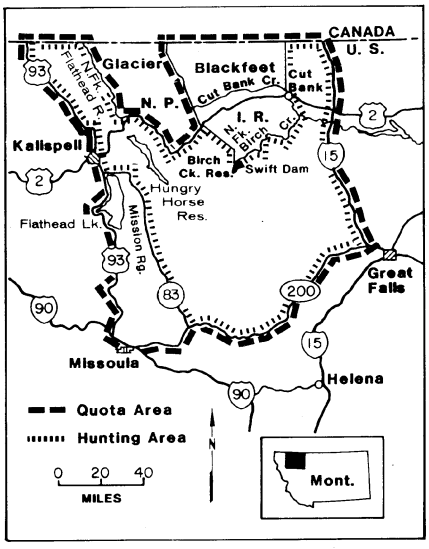
Grizzly bear means any member of the species *Ursus arctos horribilis* of the 48 conterminous States of the United States, including any part, offspring, dead body, part of a dead body, or product of such species.

Grizzly bear accompanied by young means any grizzly bear having offspring, including one or more cubs, yearlings, or 2-year-olds, in its immediate vicinity.

Identified means permanently marked or documented so as to be identifiable by law enforcement officials at a subsequent date.

State, Federal or Tribal authority means an employee of State, Federal, or Indian Tribal government who, as part of his/her official duties, normally handles grizzly bears.

Young grizzly bear means a cub, yearling, or 2-year-old grizzly bear.



(c) *Primates.* (1) Except as noted in paragraph (c)(2) of this section, all provisions of §17.31 apply to the lesser slow loris *(Nycticebus pygmaeus);* Philippine tarsier *(Tarsius syrichta);* white-footed tamarin *(Saguinus leucopus*); black howler monkey *(Alouatta pigra);* stump-tailed macaque *(Macaca arctoides);* gelada baboon *(Theropithecus gelada);* Formosan rock macaque *(Macaca cyclopis);* Japanese macaque (*Macaca fuscata);* Toque macaque (*Macaca sinica);* long-tailed langur *(Presbytis potenziani);* purple-faced langur *(Presbytis senex);* and Tonkin snub-nosed langur *(Pygathrix [Rhinopithecus] avunculus).*

(2) The prohibitions referred to above do not apply to any live member of such species held in captivity in the United States on the effective date of the final rulemaking, or to the progeny of such animals, or to the progeny of animals legally imported into the United States after the effective date of the final rulemaking, *Provided,* That the person wishing to engage in any activity which would otherwise be prohibited must be able to show satisfactory documentary or other evidence as to the captive status of the particular member of the species on the effective date of this rulemaking or that the particular member of the species was born in captivity in the United States after the effective date of this rulemaking. Identification of the particular member to a record in the International Species Inventory System (ISIS), or to a Federal, State or local government permit, shall be deemed to be satisfactory evidence. Records in the form of studbooks or inventories, kept in the normal course of business, shall be acceptable as evidence, provided that a notarized statement is inserted in such record to the effect that:

(i) The records were kept in the normal course of business prior to November 18, 1976, and accurately identify (by use of markers, tags, or other acceptable marking devices) individual animals; or

(ii) That the individual animal identified by the records was born in captivity on _____(Date).

The notarized statement in paragraph (c)(2)(i) of this section, shall be acceptable only if the notarization is dated on or before January 3, 1977. The notarized statement in paragraph (c)(2)(ii), of this section, shall be acceptable only if the notarization is dated within 15 days of the date of birth of the animal.

(d) Gray wolf (*Canis lupus*) in Minnesota.

(1) *Zones.* For purposes of these regulations, the State of Minnesota is divided into the following five zones:

(i) Zone 1—4,488 square miles. Beginning at the point of intersection of United States and Canadian boundaries in Section 22, Township 71 North, Range 22 West, in Rainy Lake, then proceeding along the west side of Sections 22, 27, and 34 in said Township and Sections 3, 10, 15, 22, 27 and 34 in Township 70 North, Range 22 West and Sections 3 and 10 in Township 69 North, Range 22 West; then east along the south boundaries of Sections 10, 11, and 12 in said Township; then south along the Koochiching and St. Louis counties line to Highway 53; thence southeasterly along State Highway 53 to the junction with County Route 765; thence easterly along County Route 765 to the junction with Kabetogama Lake in Ash River Bay; thence along the south boundary of Section 33 in Township 69 North, Range 19 West, to the junction with the Moose River; thence southeasterly along the Moose River to Moose Lake; thence along the western shore of Moose Lake to the river between Moose Lake and Long Lake; thence along the said river to Long Lake; thence along the east shore of Long Lake to the drainage on the southeast side of Long Lake in NE\1/4\, Section 18, Township 67 North, Range 18 West; thence along the said drainage southeasterly and subsequently northeasterly to Marion Lake, the drainage being in Sections 17 and 18, Township 67 North, Range 18 West; thence along the west shoreline of Marion Lake proceeding southeasterly to the Moose Creek; thence along Moose Creek to Flap Creek; thence southeasterly along Flap Creek to the Vermilion River; thence southerly along the Vermilion River to Vermilion Lake; thence along the Superior National Forest boundary in a southeasterly direction through Vermilion Lake passing these points: Oak Narrows, Muskrat Channel, South

of Pine Island, to Hoodo Point and the junction with County Route 697; thence southeasterly on County Route 697 to the junction with State Highway 169; thence easterly along State Highway 169 to the junction with State Highway 1; thence easterly along State Highway 1 to the junction with the Erie Railroad tracks at Murphy City; thence easterly along the Erie Railroad tracks to the junction with Lake Superior at Taconite Harbor; thence northeasterly along the North Shore of Lake Superior to the Canadian Border; thence westerly along the Canadian Border to the point of beginning in Rainy Lake.

(ii) Zone 2—1,856 square miles. Beginning at the intersection of the Erie Mining Co. Railroad and State Highway 1 (Murphy City); thence southeasterly on State Highway 1 to the junction with County Road 4; thence southwesterly on County Road 4 to the State Snowmobile Trail (formerly the Alger-Smith Railroad); thence southwesterly to the intersection of the Old Railroad Grade and Reserve Mining Co. Railroad in Section 33 of Township 56 North, Range 9 West; thence northwesterly along the Railroad to Forest Road 107; thence westerly along Forest Road 107 to Forest Road 203; thence westerly along Forest Road 203 to the junction with County Route 2; thence in a northerly direction on County Route 2 to the junction with Forest Road 122; thence in a westerly direction along Forest Road 122 to the junction with the Duluth, Missable and Iron Range Railroad; thence in a southwesterly direction along the said railroad tracks to the junction with County Route 14; thence in a northwesterly direction along County Route 14 to the junction with County Route 55; thence in a westerly direction along County Route 55 to the junction with County Route 44; thence in a southerly direction along County Route 44 to the junction with County Route 266; thence in a southeasterly direction along County Route 266 and subsequently in a westerly direction to the junction with County Road 44; thence in a northerly direction on County Road 44 to the junction with Township Road 2815; thence westerly along Township Road 2815 to Alden Lake; thence northwesterly across Alden Lake to the inlet of the Cloquet River; thence northerly along the Cloquet River to the junction with Carrol Trail-State Forestry Road; thence west along the Carrol Trail to the junction with County Route 4 and County Route 49; thence west along County Route 49 to the junction with the Duluth, Winnipeg and Pacific Railroad; thence in a northerly direction along said Railroad to the junction with the Whiteface River; thence in a northeasterly direction along the Whiteface River to the Whiteface Reservoir; thence along the western shore of the Whiteface Reservoir to the junction with County Route 340; thence north along County Route 340 to the junction with County Route 16; thence east along County Route 16 to the junction with County Route 346; thence in a northerly direction along County Route 346 to the junction with County Route 569; thence along County Route 569 to the junction with County Route 565; thence in a westerly direction along County Route 565 to the junction with County Route 110; thence in a westerly direction along County Route 110 to the junction with County Route 100; thence in a north and subsequent west direction along County Route 100 to the junction with State Highway 135; thence in a northerly direction along State Highway 135 to the junction with State Highway 169 at Tower; thence in an easterly direction along the southern boundary of Zone 1 to the point of beginning of Zone 2 at the junction of the Erie Railroad Tracks and State Highway 1.

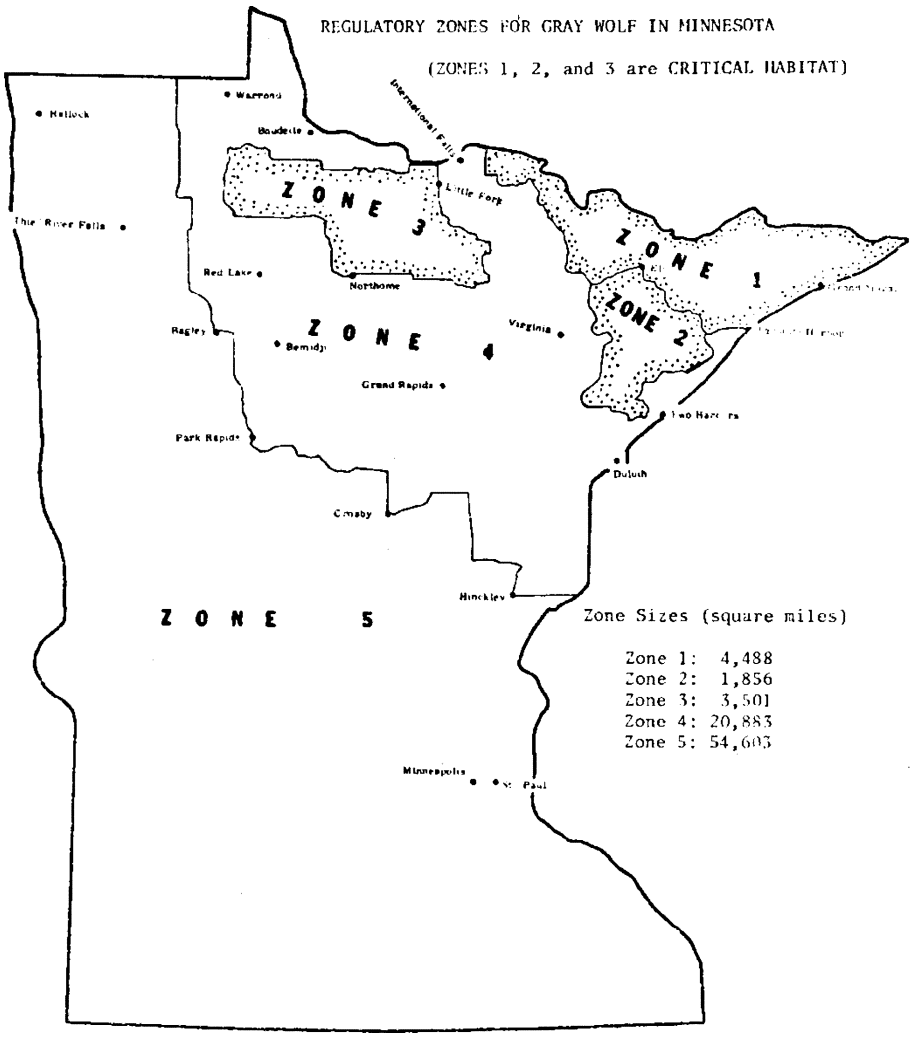
(iii) Zone 3—3,501 square miles. Beginning at the junction of State Highway 11 and State Highway 65; thence southeasterly along State Highway 65 to the junction with State Highway 1; thence westerly along State Highway 1 to the junction with State Highway 72; thence north along State Highway 72 to the junction with an un-numbered township road beginning in the northeast corner of Section 25, Township 155 North, Range 31 West; thence westerly along the said road for approximately seven (7) miles to the junction with SFR 95: Thence westerly along SFR 95 and continuing west through the southern boundary of Sections 36 through 31, Township 155 North, Range 33 West,

through Sections 36 through 31, Township 155 North, Range 34 West, through Sections 36 through 31, Township 155 North, Range 35 West, through Sections 36 and 35, Township 155 North, Range 36 West to the junction with State Highway 89, thence northwesterly along State Highway 89 to the junction with County Route 44; thence northerly along County Route 44 to the junction with County Route 704; thence northerly along County 704 to the junction with SFR 49; thence northerly along SFR 49 to the junction with SFR 57; thence easterly along SFR 57 to the junction with SFR 63: Thence south along SFR 63 to the junction with SFR 70; thence easterly along SFR 70 to the junction with County Route 87; thence easterly along County Route 87 to the junction with County Route 1; thence south along County Route 1 to the junction with County Route 16; thence easterly along County Route 16 to the junction with State Highway 72; thence south on State Highway 72 to the junction with a gravel road (un-numbered County District Road) on the north side of Section 31, Township 158 North, Range 30 West; thence east on said District Road to the junction with SFR 62; thence easterly on SFR 62 to the junction with SFR 175; thence south on SFR 175 to the junction with County Route 101; thence easterly on County Route 101 to the junction with County Route 11; thence easterly on County Route 11 to the junction with State Highway 11; thence easterly on State Highway 11 to the junction with State Highway 65, the point of beginning.

(iv) Zone 4—20,883 square miles. Excluding Zones 1, 2 and 3, all that part of Minnesota north and east of a line beginning on State Trunk Highway 48 at the eastern boundary of the state; thence westerly along Highway 48 to Interstate Highway 35; thence northerly on I–35 to State Highway 23, thence west one-half mile on Highway 23 to State Trunk Highway 18; thence westerly along Highway 18 to State Trunk Highway 65, thence northerly on Highway 65 to State Trunk Highway 210; thence westerly along Highway 210 to State Trunk Highway 6; thence northerly on State Trunk Highway 6 to Emily; thence westerly along County State Aid Highway (CSAH) 1, Crow Wing County, to CSAH 2, Cass County; thence westerly along CSAH 2 to Pine River; thence northwesterly along State Trunk Highway 371 to Backus; thence westerly along State Trunk Highway 87 to U.S. Highway 71; thence northerly along U.S. 71 to State Trunk Highway 200; thence northwesterly along Highway 200, to County State Aid Highway (CSAH) 2, Clearwater County; thence northerly along CSAH 2 to Shevlin; thence along U.S. Highway 2 to Bagley; thence northerly along State Trunk Highway 92 to Gully; thence northerly along CSAH 2, Polk County, to CSAH 27, Pennington County; thence along CSAH 27 to State Trunk Highway 1; thence easterly on Highway 1 to CSAH 28, Pennington County; thence northerly along CSAH 28 to CSAH 54, Marshall County, thence northerly along CSAH 54 to Grygla; thence west and northerly along Highway 89 to Roseau; thence northerly along State Truck Highway 310 to the Canadian border.

(v) Zone 5—54,603 square miles. All that part of Minnesota south and west of the line described as the south and west border of Zone 4.

(vi) Map of regulatory zones follows:



(2) *Prohibitions.* The following prohibitions apply to the gray wolf in Minnesota.

(i) *Taking.* Except as provided in this paragraph (d)(2)(i) of this section, no person may take a gray wolf in Minnesota.

(A) Any person may take a gray wolf in Minnesota in defense of his own life or the lives of others.

(B) Any employee or agent of the Service, any other Federal land management agency, or the Minnesota Department of Natural Resources, who is designated by his/her agency for such purposes, may, when acting in the course of his or her official duties, take a gray wolf in Minnesota without a permit if such action is necessary to:

(*1*) Aid a sick, injured or orphaned specimen; or

(*2*) Dispose of a dead specimen; or

(*3*) Salvage a dead specimen which may be useful for scientific study.

(C) Designated employees or agents of the Service or the Minnesota Department of Natural Resources may take a gray wolf without a permit in Minnesota, in zones 2, 3, 4, and 5, as delineated in paragraph (d)(1) of this section, in response to depredations by a gray wolf on lawfully present domestic animals: Provided, that such taking must occur within one-half mile of the place where such depredation occurred and must be performed in a humane manner: And provided further, that any young of the year taken on or before August 1 of that year must be released.

(D) Any taking pursuant to paragraph (d)(2)(i)(A), (d)(2)(i)(B), or (d)(2)(i)(C) of this section must be reported in writing to the Twin Cities Ecological Service Field Office, 4101 American Boulevard East, Bloomington, Minnesota, 55425, or by facsimile (612) 725–3609 within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(E) Any employee or agent of the Service or the Minnesota Department of Natural Resources, when operating under a Cooperative Agreement with the Service signed in accordance with section 6(c) of the Endangered Species Act of 1973, who is designated by the Service or the Minnesota Department of Natural Resources for such purposes, may, when acting in the course of his or her official duties, take a gray wolf in Minnesota to carry out scientific research or conservation programs.

(ii) *Export and commercial transactions.* Except as may be authorized by a permit issued under §17.32, no person may sell or offer for sale in interstate commerce, import or export, or in the course of a commercial activity transport, ship, carry, deliver, or receive any Minnesota gray wolf.

(iii) *Unlawfully taken wolves.* No person may possess, sell, deliver, carry, transport, or ship, by any means whatsoever, a gray wolf taken unlawfully in Minnesota, except that an employee or agent of the Service, or any other Federal land management agency, or the Minnesota Department of Natural Resources, who is designated by his/her agency for such purposes, may, when acting in the course of his official duties, possess, deliver, carry, transport, or ship a gray wolf taken unlawfully in Minnesota.

(3) *Permits.* All permits available under §17.32 (General Permits—Threatened Wildlife) are available with regard to the gray wolf in Minnesota. All the terms and provisions of §17.32 apply to such permits issued under the authority of this paragraph (d)(3).

(e) African elephant (*Loxodonta africana*)—(1) *Definitions.* For the purposes of this paragraph (e):

(i) *African elephant* shall mean any member of the species *Loxodonta africana,* whether live or dead, and any part or product thereof.

(ii) *Raw ivory* means any African elephant tusk, and any piece thereof, the surface of which, polished or unpolished, is unaltered or minimally carved.

(iii) *Worked ivory* means any African elephant tusk, and any piece thereof, which is not raw ivory.

(2) *Prohibitions.* Except as provided in the exceptions in paragraph (e)(3) of this section, it shall be unlawful for any person to:

(i) Import or export any African elephant,

(ii) Possess, sell or offer for sale, receive, deliver, transport ship, or export any African elephant which was illegally imported into the United States,

(iii) Sell or offer for sale any sport-hunted trophy imported into the United States in violation of permit conditions.

(3) *Exceptions.* (i) African elephants, other than sport-hunted trophies and raw and worked ivory, may be imported or exported provided all permit requirements of 50 CFR parts 13 and 23 have been complied with.

(ii) *Ivory.* (A) Raw or worked ivory (other than sport-hunted trophies) may be imported only if:

(*1*) It is a bona fide antique of greater than 100 years of age on the day of import, or

(*2*) It was exported from the United States after being registered with the U.S. Fish and Wildlife Service.

(B) Worked ivory may be exported in accordance with the permit requirements of 50 CFR parts 13 and 23.

(C) Raw ivory may not be exported from the United States for commercial purposes under any circumstances.

(iii) Sport-hunted trophies may be imported into the United States provided:

(A) The trophy originates in a country for which the Service has received notice of that country's African elephant ivory quota for the year of export;

(B) All of the permit requirements of 50 CFR parts 13 and 23 have been complied with;

(C) A determination is made that the killing of the animal whose trophy is intended for import would enhance survival of the species; and

(D) The trophy is legibly marked in accordance with part 23 of this subchapter.

(f) Leopard (*Panthera pardus*) (1) Except as noted in paragraph (f)(2) of this section, all prohibitions of §17.31 of this part and exemptions of §17.32 of this part shall apply to the leopard populations occurring in southern Africa to the south of a line running along the borders of the following countries: Gabon/Rio Muni; Gabon/Cameroon; Congo/Cameroon; Congo/Central African Republic; Zaire/Central African Republic; Zaire/Sudan; Uganda/Sudan; Kenya/Sudan; Kenya/Ethiopia; Kenya/Somalia.

(2) A sport-hunted leopard trophy legally taken after the effective date of this rulemaking, from the area south of the line delineated above, may be imported into the United States without a Threatened Species permit pursuant to §17.32 of this part, provided that the applicable provisions of 50 CFR part 23 have been met.

(g) Utah prairie dog (*Cynomys parvidens*).

(1) Except as noted in paragraphs (g)(2) through (g)(6) of this section, all prohibitions of §17.31(a) and (b) and exemptions of §17.32 apply to the Utah prairie dog.

(2) A Utah prairie dog may be directly or intentionally taken as described in paragraphs (g)(3) and (4) of this section on agricultural lands, properties within 0.8 kilometers (km) (0.5 miles (mi)) of conservation lands, and areas where prairie dogs create serious human safety hazards or disturb the sanctity of significant human cultural or human burial sites.

(3) *Agricultural lands and properties near conservation lands.* When permitted by the Utah Division of Wildlife Resources (UDWR), or other parties as authorized in writing by the Service, direct or intentional take is allowed on private properties that are located within 0.8 km (0.5 mi) of conservation land, and on agricultural land. Records on permitted take will be maintained by the State (or other parties as authorized in writing by the Service), and made available to the Service upon request.

(i) *Agricultural land.* (A) Take may be permitted only on agricultural land being physically or economically affected by Utah prairie dogs, and only when the spring count on the agricultural lands is seven or more individuals, and only during the period of June 15 to December 31; and

(B) The land must:

(*1*) Meet the general classification of irrigated, dryland, grazing land, orchard, or meadow;

(*2*) Be capable of producing crops or forage;

(*3*) Be at least 2 contiguous hectares (5 contiguous acres) in area (smaller parcels may qualify where devoted to agricultural use in conjunction with other eligible acreage under identical legal ownership);

(*4*) Be managed in such a way that there is a reasonable expectation of profit;

(*5*) Have been devoted to agricultural use for at least 2 successive years immediately preceding the year in which application is made; and

(*6*) Meet State average annual (per-acre) production requirements.

(ii) *Private property near conservation land.* (A) Take may be permitted on private properties within 0.8 km (0.5 mi) of Utah prairie dog conservation land during the period of June 15 to December 31.

(B) Conservation lands are defined as non-Federal areas set aside for the preservation of Utah prairie dogs and are managed specifically or primarily toward that purpose. Conservation lands may include, but are not limited to, properties set aside as conservation banks, fee-title purchased properties,

properties under conservation easements, and properties subject to a safe harbor agreement (see §17.22). Conservation lands do not include Federal lands.

(iii) *Amount of permitted take on agricultural lands and private property near conservation land.* (A) The UDWR, or other parties as authorized in writing by the Service, will ensure that permitted take on agricultural lands and properties within 0.8 km (0.5 mi) of conservation lands does not exceed 10 percent of the estimated rangewide population annually.

(B) On agricultural lands, the UDWR, or other parties as authorized in writing by the Service, will limit permitted take to 7 percent of the estimated annual rangewide population and will limit within-colony take to one-half of a colony's estimated annual production. The UDWR, or other parties as authorized in writing by the Service, will spatially distribute the 7 percent allowed take on agricultural lands across the three Recovery Units, based on the distribution of the total annual population estimate within each Recovery Unit.

(C) In setting take limits on properties within 0.8 km (0.5 mi) of conservation lands, the UDWR, or other parties as authorized in writing by the Service, will consider the amount of take that occurs on agricultural lands. The State, or other parties as authorized in writing by the Service, will restrict the remaining permitted take (the amount that would bring the total take up to 10 percent of the estimated annual rangewide population) on properties within 0.8 km (0.5 mi) of conservation lands to animals in excess of the baseline population. The baseline population of these lands is determined in accordance with paragraph (g)(3)(iii)(D) of this section.

(D) Take on properties within 0.8 km (0.5 mi) of conservation lands is restricted to prairie dogs in excess of the baseline population. The baseline population is the highest estimated total (summer) population size on that property during the 5 years prior to the establishment of the conservation property, except that if no UDWR surveys to determine population size on a property were conducted during such 5-year period, the baseline population is the estimated total (summer) population size on that property as determined in the first survey conducted after the establishment of the conservation property. The baseline population will be established by the UDWR, or other parties as authorized in writing by the Service.

(E) Translocated Utah prairie dogs will count toward the take limits in paragraphs (g)(3)(iii)(A) through (D) of this section.

(iv) *Methods of allowed direct take on agricultural lands and private properties near conservation land.* Methods for controlling Utah prairie dogs on agricultural lands and properties within 0.8 km (0.5 mi) of conservation lands are limited to activities associated with translocation efforts by trained and permitted individuals complying with current Service-approved guidance, trapping intended for lethal removal, and shooting. Actions intended to drown or poison Utah prairie dogs and the use of gas cartridges, anticoagulants, and explosive devices are prohibited.

(4) *Human safety hazards and significant human cultural or human burial sites.* (i) Nonlethal take is allowed where Utah prairie dogs create serious human safety hazards or disturb the sanctity of significant human cultural or human burial sites, if approved in writing by the Service. To reduce hazards, prairie dog burrows may be filled with dirt if they are directly creating human hazards or disturbing the sanctity of significant human cultural or human burial sites. Utah prairie dogs also may be translocated from these sites to approved translocation sites by properly trained personnel using Service-approved translocation protocols.

(ii) Direct or intentional lethal take is allowed where Utah prairie dogs create serious human safety hazards or disturb the sanctity of significant human cultural or human burial sites, but only after all practicable measures to resolve the conflict are implemented, and only as approved in writing by the Service. A permit is not required to allow take under these conditions.

(A) All practicable measures means, with respect to these situations:

(*1*) Construction of prairie-dog-proof fence, above and below grade to specifications approved by the Service, around the area in which there is concern.

(*2*) Translocation of Utah prairie dogs out of the fenced area in which there is a concern must be conducted prior to allowing lethal take. Lethal take is allowed only to remove prairie dogs that remain in these areas after the measures to fence and translocate are successfully carried out.

(*3*) Continued maintenance or modification of the fence as needed to preclude Utah prairie dogs from entering the fenced sites.

(B) There are no restrictions on the amount, timing, or methods of lethal take allowed on lands where Utah prairie dogs create serious human safety hazards or disturb the sanctity of significant human cultural or human burial sites, as long as all qualifications in paragraphs (g)(4)(ii)(A)(1)through (3) of this section are met.

(C) The amount of take in areas where Utah prairie dogs create serious human safety hazards or disturb the sanctity of significant human cultural or human burial sites does not contribute to the upper permitted take limits described above for agricultural lands and private properties within 0.8 km (0.5 mi) of conservation lands.

(5) *Incidental take associated with agriculture.* Utah prairie dogs may be taken when take is incidental to otherwise-legal activities associated with legal and standard agricultural practices on legitimately operating agricultural lands. Acceptable practices include plowing to depths that do not exceed 46 cm (18 in.), discing, harrowing, irrigating crops, mowing, harvesting, and bailing, as long as the activities are not intended to eradicate Utah prairie dogs. There is no numeric limit established for incidental take associated with standard agricultural practices. Incidental take is in addition to, and does not contribute to, the take limits described in paragraphs (g)(2) through (4) of this section. A permit is not required for incidental take associated with agricultural practices.

(6) If the Service receives evidence that take pursuant to paragraphs (g)(2) through (5) of this section is having an effect that is inconsistent with the conservation of the Utah prairie dog, the Service may immediately prohibit or restrict such take as appropriate for the conservation of the species. The Service will notify the permitting entities in writing if take restrictions are necessary.

(h) Mountain lion (*Felis concolor*). (1) Except as allowed in paragraphs (h)(2), (h)(3), and (h)(4) of this section, no person shall take any free-living mountain lion (*Felis concolor*) in Florida.

(2) A mountain lion (*Felis concolor*) may be taken in this area under a valid threatened species permit issued pursuant to 50 CFR 17.52.

(3) A mountain lion (*Felis concolor*) may be taken in Florida by an employee or designated agent of the Service or the Florida Game and Fresh Water Fish Commission for taxonomic identification or other reasons consistent with the conservation of the endangered Florida panther (*Felis concolor coryi*). When it has been established by the Service, in consultation with the State, that an animal in question is not a Florida panther (*Felis concolor coryi*) or an eastern cougar (*Felis concolor couguar*), such animals may be removed from the wild. The disposition of animals so taken shall be at the discretion of the Florida Game and Fresh Water Fish Commission, with the concurrence of the Fish and Wildlife Service.

(4) Take for reasons of human safety is allowed as specified under 50 CFR 17.21(c)(2) and 17.21(c)(3)(iv).

(5) Any take pursuant to paragraph (h)(4) of this section must be reported in writing to the U.S. Fish and Wildlife Service, Office of Law Enforcement, 4401 N. Fairfax Drive, LE–3000, Arlington, VA 22203, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(i) Louisiana black bear (*Ursus americanus luteolus*). (1) Except as noted in paragraph (i)(2) of this section, all prohibitions of §17.31 and exemptions of §17.32 shall apply to any black bear within the historic range of the Louisiana black bear (Texas, Louisiana and Mississippi).

(2) Subsection 17.40(i)(1) and §17.31 shall not prohibit effects incidental to

normal forest management activities within the historic range of the Louisiana black bear except for activities causing damage to or loss of den trees, den tree sites or candidate den trees. For purposes of this exemption, normal forest management activities are defined as those activities that support a sustained yield of timber products and wildlife habitats, thereby maintaining forestland conditions in occupied habitat. For purposes of this special rule, candidate den trees are considered to be bald cypress and tupelo gum with visible cavities, having a minimum diameter at breast height (DBH) of 36 inches, and occurring in or along rivers, lakes, streams, bayous, sloughs, or other water bodies.

(3) This express exemption for normal forest management activities provided by this special rule is subject to modification or withdrawal if the Service determines that this provision fails to further the conservation of the Louisiana black bear.

(j) Argali (*Ovis ammon*) in Kyrgyzstan, Mongolia, and Tajikistan. (1) Except as noted in paragraph (j)(2) of this section, all prohibitions of §17.31 of this part and exemptions of §17.32 of this part shall apply to this species in Kyrgyzstan, Mongolia, and Tajikistan

(NOTE. In all other parts of its range the argali is classified as endangered and covered by §17.21).

(2) Upon receiving from the governments of Kyrgyzstan, Mongolia, and Tajikistan properly documented and verifiable certification that (i) argali populations in those countries are sufficiently large to sustain sport hunting, (ii) regulating authorities have the capacity to obtain sound data on these populations, (iii) regulating authorities recognize these populations as a valuable resource and have the legal and practical capacity to manage them as such, (iv) the habitat of these populations is secure, (v) regulating authorities can ensure that the involved trophies have in fact been legally taken from the specified populations, and (vi) funds derived from the involved sport hunting are applied primarily to argali conservation, the Director may, consistent with the purposes of the Act, authorize by publication of a notice in the FEDERAL REGISTER the importation of personal sport-hunted argali trophies, taken legally in Kyrgyzstan, Mongolia, and Tajikistan after the date of such notice, without a Threatened Species permit pursuant to §17.32 of this part, provided that the applicable provisions of 50 CFR part 23 have been met.

(k) Canada lynx (*Lynx canadensis*). (1) *What lynx does this special rule apply to?* The regulations in this paragraph (k) apply to all wild and captive lynx in the contiguous United States.

(2) *What activities are prohibited for wild lynx?* All prohibitions and provisions of 50 CFR 17.31 and 17.32 apply to wild lynx found in the contiguous United States.

(3) *What is considered a captive lynx?* (i) For purposes of this paragraph (k), captive lynx means lynx, whether alive or dead, and any part or product, if the specimen was in captivity at the time of the listing, born in captivity, or lawfully imported or transported into the contiguous United States.

(ii) Lynx that were either born or held in captivity and then released into the wild are considered wild.

(4) *What activities are allowed for captive lynx?* (i) *Take.* You may take lawfully obtained captive lynx without a permit.

(ii) *Import and export.* You may export captive live lynx, parts or products of captive lynx provided the specimens are tagged with Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) export tags and/or accompanied by a valid CITES export permit. You may import lawfully obtained lynx that originated outside the United States when you follow the requirements of CITES.

(iii) *Interstate commerce.* You may deliver, receive, carry, transport, ship, sell, offer to sell, purchase, or offer to purchase in interstate commerce captive lynx and captive lynx parts and products in accordance with State or tribal laws and regulations. In addition, lynx pelts that are properly tagged with valid CITES export tags also qualify for this exemption on interstate commerce.

(5) *Are any activities not allowed or restricted for captive lynx?* You must comply with all applicable State and tribal laws and regulations. Violation of State or tribal law will also be a violation of the Act.

(l) Preble's meadow jumping mouse (*Zapus hudsonius preblei*). (1) *What is the definition of take?* To harass, harm, pursue, hunt, shoot, wound, trap, kill, or collect; or attempt to engage in any such conduct. Incidental take is that which occurs when it is incidental to and not the purpose of an otherwise lawful activity. Any take that is not authorized by permit provided through section 7 or section 10 of the Act or that is not covered by the exemptions described below is considered illegal take.

(2) *When is take of Preble's meadow jumping mice allowed?* Take of Preble's meadow jumping mice resulting from the following legally conducted activities, in certain circumstances as described below, is allowed:

(i) *Take under permits.* Any person with a valid permit issued by the Service under §17.32 may take Preble's meadow jumping mice pursuant to the terms of the permit.

(ii) *Rodent control.* Preble's meadow jumping mice may be taken incidental to rodent control undertaken within 10 feet of or inside any structure. ''Rodent control'' includes control of mice and rats by trapping, capturing, or otherwise physically capturing or killing, or poisoning by any substance registered with the Environmental Protection Agency as required by the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136) and applied consistent with its labeling. ''Structure'' includes but is not limited to any building, stable, grain silo, corral, barn, shed, water or sewage treatment equipment or facility, enclosed parking structure, shelter, gazebo, bandshell, or restroom complex.

(iii) *Established, ongoing agricultural activities.* Preble's meadow jumping mice may be taken incidental to agricultural activities, including grazing, plowing, seeding, cultivating, minor drainage, burning, mowing, and harvesting, as long as these activities are established, ongoing activities and do not increase impacts to or further encroach upon the Preble's meadow jumping mouse or its habitat. New agricultural activities or those that expand the footprint or intensity of the activity are not considered to be established, ongoing activities.

(iv) *Maintenance and replacement of existing landscaping.* Preble's meadow jumping mice may be taken incidental to the maintenance and replacement of any landscaping and related structures and improvements, as long as they are currently in place and no increase in impervious surfaces would result from their maintenance and improvement. Construction of new structures or improvements or expansion of the landscaping in a manner that increases impervious surfaces would not be considered maintenance and replacement of existing landscaping.

(v) *Existing uses of water.* Preble's meadow jumping mice may be taken incidentally as a result of existing uses of water associated with the exercise of perfected water rights pursuant to State law and interstate compacts and decrees. (A ''perfected water right'' is a right that has been put to beneficial use and has been permitted, decreed, or adjudicated pursuant to State law.) Increasing the use or altering the location of use of an existing water right would not be considered an existing use of water.

(vi) *Noxious weed control.* Preble's meadow jumping mice may be taken incidental to noxious weed control that is conducted in accordance with:

(A) Federal law, including Environmental Protection Agency label restrictions;

(B) Applicable State laws for noxious weed control;

(C) Applicable county bulletins;

(D) Herbicide application guidelines as prescribed by herbicide manufacturers; and

(E) Any future revisions to the authorities listed in paragraphs (l)(2)(vi)(A) through (D) of this section that apply to the herbicides proposed for use within the species' range.

(vii) *Ditch maintenance activities.* Preble's meadow jumping mice may be taken incidental to normal and customary ditch maintenance activities only if the activities:

(A) Result in the annual loss of no more than ¼ mile of riparian shrub habitat per linear mile of ditch, including burning of ditches that results in the annual loss of no more than ¼ mile of riparian shrub habitat per linear mile of ditch.

(B) Are performed within the historic footprint of the surface disturbance associated with ditches and related infrastructure, and

(C) Follow the Best Management Practices described in paragraphs (l)(2)(vii)(C)(*1*) through (*3*) of this section.

(*1*) Persons engaged in ditch maintenance activities shall avoid, to the maximum extent practicable, impacts to shrub vegetation. For example, if accessing the ditch for maintenance or repair activities from an area containing no shrubs is possible, then damage to adjacent shrub vegetation shall be avoided.

(*2*) Persons engaged in placement or sidecasting of silt and debris removed during ditch cleaning, vegetation or mulch from mowing or cutting, and other material from ditch maintenance shall, to the maximum extent practicable, avoid shrub habitat and at no time disturb more than ¼ mile of riparian shrub habitat per linear mile of ditch within any calendar year.

(*3*) To the maximum extent practicable, all ditch maintenance activities should be carried out during the Preble's hibernation season, November through April.

(D) All ditch maintenance activities carried out during the Preble's active season, May through October, should be conducted during daylight hours only.

(E) Ditch maintenance activities that would result in permanent or long-term loss of potential habitat that would not be considered normal or customary include replacement of existing infrastructure with components of substantially different materials and design, such as replacement of open ditches with pipeline or concrete-lined ditches, replacement of an existing gravel access road with a permanently paved road, or replacement of an earthen diversion structure with a rip-rap and concrete structure, and construction of new infrastructure or the movement of existing infrastructure to new locations, such as realignment of a ditch, building a new access road, or installation of new diversion works where none previously existed.

(3) *When is take of Preble's not allowed?* (i) Any manner of take not described under paragraph (l)(2) of this section.

(ii) No person may import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any Preble's meadow jumping mice.

(iii) No person, except for an authorized person, may possess, sell, deliver, carry, transport, or ship any Preble's meadow jumping mice that have been taken illegally.

(4) *Where does this rule apply?* The take exemptions provided by this rule are applicable within the entire range of the Preble's meadow jumping mouse.

(m) Vicuña (*Vicugna vicugna*)— (1) *What activities involving vicuña are prohibited by this rule?* (i) *Appendix I populations.* All provisions of §17.31 (a) and (b) and §17.32 apply to vicuña and vicuña parts and products originating from populations currently listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

(ii) *Import, export, and re-export.* Except as provided in paragraph (m)(2) of this section, it is unlawful to import, export, or re-export, or present for export or re-export without valid permits as required under parts 17 and 23 of this subchapter, any vicuña or vicuña parts and products. For import of embryos, blood, other tissue samples, or live vicuña, permits required under §17.32 and part 23 will be issued only for bona fide scientific research contributing to the conservation of the species in the wild.

(iii) *Other activities.* Except as provided in paragraph (m)(2) of this section, it is unlawful to sell or offer for sale, deliver, receive, carry, transport, or ship in interstate or foreign commerce and in the course of a commercial activity any vicuña or vicuña parts and products.

(iv) It is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit,

solicit to commit, or cause to be committed any acts described in paragraphs (m)(1)(ii)-(iii) of this section.

(2) *What activities involving vicuña are allowed by this rule?* You may import, export, or re-export, or conduct interstate or foreign commerce in raw wool sheared from live vicuñas, cloth made from such wool, or manufactured or handicraft products and articles made from or consisting of such wool or cloth without a threatened species permit issued according to §17.32 only when the following provisions have been met:

(i) The specimens originated from a population listed in CITES Appendix II.

(ii) The provisions in parts 13, 14, and 23 of this subchapter are met, including the specific labeling provisions in part 23.

(iii) *Personal and household effects.* Under the provisions of this special rule, raw wool sheared from live vicuñas, cloth made from such wool, or manufactured or handicraft products and articles made from or consisting of such wool or cloth are not granted the personal or household effects exemption described in part 23 of this subchapter. In addition to the provisions of this paragraph (m)(2), such specimens may only be imported, exported, or re-exported when accompanied by a valid CITES document.

(iv) *Labeling of wool sheared from live vicuñas.* Any shipment of raw wool sheared from live vicuñas must be sealed with a tamper-proof seal and have the following:

(A) An identification tag with a code identifying the country of origin of the raw vicuña wool and the CITES export permit number; and

(B) The vicuña logotype as defined in 50 CFR part 23 and the words ''VICUÑA—COUNTRY OF ORIGIN'', where country of origin is the name of the country from which the raw vicuña wool was first exported.

(v) At the time of import, the country of origin and each country of re-export involved in the trade of a particular shipment have not been identified by the CITES Conference of the Parties, the CITES Standing Committee, or in a Notification from the CITES Secretariat as a country from which Parties should not accept permits.

(3) *When and how will the Service inform the public of additional restrictions in trade of vicuña?* Except in rare cases involving extenuating circumstances that do not adversely affect the conservation of the species, we will issue a public bulletin that identifies a restriction on trade in specimens of vicuña addressed in this paragraph (m) if any of the following criteria are met:

(i) The country is identified in any action adopted by the Conference of the Parties to the Convention, the Convention's Standing Committee, or in a Notification issued by the CITES Secretariat, whereby Parties are asked not to accept shipments of specimens of any CITES-listed species from the country in question.

(ii) The Service's Division of Scientific Authority administratively determines that the conservation or management status of threatened vicuña populations in a range country has changed, such that continued recovery of the vicuña population in that country may be compromised, as a result of one or more of the following factors:

(A) A change in range country laws or regulations that lessens protection for vicuña;

(B) A change in range country management programs that lessens protection for vicuña;

(C) A documented decline in wild vicuña population numbers;

(D) A documented increase in poaching of vicuña;

(E) A documented decline in vicuña habitat quality or quantity; or

(F) Other natural or man-made factors affecting the species' recovery.

(4) *What must vicuña range countries do in order to be authorized under the special rule to export to the United States?*—(i) *Annual Report.* Range country governments (Argentina, Bolivia, Chile, and Peru) wishing to export specimens of vicuña to the United States will need to provide an annual report containing the most recent information available on the status of the species, following the information guidelines specified below. The first submission of a status report will be required as of July 1, 2003, and every year thereafter on the anniversary of

that date. For each range country, the following information should be provided in the annual report:

(A) A description of any revisions to the management program, especially any changes in management approaches or emphasis;

(B) New information obtained in the last year on vicuña distribution, population status, or population trends, for the country as a whole or for specific protected areas, and a detailed description of the methodology used to obtain such information;

(C) Results of any research projects concluded in the last year on the biology of vicuña in the wild, particularly its population biology, habitat use, and genetics, and a description of any new research projects undertaken on the biology of vicuña in the wild, particularly its population biology, habitat use, and genetics;

(D) A description of any changes to national and/or provincial laws and programs relating to vicuña conservation, in particular those laws and regulations related to harvest and use of the vicuña, and export of vicuña parts and products;

(E) A description of any changes in the number or size of natural reserves or national parks that provide protected habitat for the vicuña;

(F) A summary of law enforcement activities undertaken in the last year, and a description of any changes in programs to prevent poaching, smuggling, and illegal commercialization of the vicuña;

(G) A description of the current management and harvest (or ''sustainable use'') programs for wild populations of the vicuña, including: any changes in the location and population size of wild populations being managed for sustainable use; any changes in the harvest management practices being used for each population; any changes in current harvest quotas for wild populations, if any; any changes in protocols for translocations undertaken as part of the use program; a summary of the specific financial costs of and revenues generated by the sustainable use program over the last year; and a summary of documented conservation benefits resulting from the sustainable use program over the last year;

(H) A description of current management and harvest (or ''sustainable use'') programs for captive and so-called ''semi-captive'' populations of the vicuña, including: any changes in the number and location of all captive and ''semi-captive'' populations; any changes in the size (ha) of each captive enclosure and the number of vicuña maintained therein; any changes in protocols for translocations undertaken as part of the use program; a summary of the financial costs of and revenues generated by the sustainable use program over the last year; and documented conservation benefits resulting from the sustainable use program over the last year (information on captive and ''semi-captive'' populations must be separate from that provided for wild populations); and

(I) Export data for the last year.

(ii) The Service's Division of Scientific Authority will conduct a review every 2 years, using information in the annual reports, to determine whether range country management programs are effectively achieving conservation benefits for the vicuña. Failure to submit an annual report could result in a restriction on trade in specimens of vicuña as addressed in paragraph (m)(3) of this section. Based on information contained in the annual reports and any other pertinent information it has available, the Service may restrict trade from a range country, as addressed in paragraph (m)(3) of this section, if it determines that the conservation or management status of threatened vicuña populations in a range country has changed, such that continued recovery of the vicuña population in that country may be compromised. Trade restrictions may result from one or more of the following factors:

(A) A change in range country laws or regulations that lessens protection for vicuña;

(B) A change in range country management programs that lessens protection for vicuña;

(C) A documented decline in wild vicuña population numbers;

(D) A documented increase in poaching of vicuña;

(E) A documented decline in vicuña habitat quality or quantity; or

(F) Other natural or man-made factors affecting the species' recovery.

(n) Straight-horned markhor (*Capra falconeri megaceros*).

(1) *General requirements.* Except as noted in paragraph (n)(2) of this section, all prohibitions of §17.31 and exemptions of §17.32 apply to this subspecies.

(2) *What are the criteria under which a personal sport-hunted trophy may qualify for import without a permit under §17.32?* The Director may, consistent with the purposes of the Act, authorize by publication of a notice in the FEDERAL REGISTER the importation, without a threatened species permit issued under §17.32, of personal sport-hunted straight-horned markhor from an established conservation program that meets the following criteria:

(i) The markhor was taken legally from the established program after the date of the FEDERAL REGISTER notice;

(ii) The applicable provisions of 50 CFR parts 13, 14, 17, and 23 have been met; and

(iii) The Director has received the following information regarding the established conservation program for straight-horned markhor:

(A) Populations of straight-horned markhor within the conservation program's areas can be shown to be sufficiently large to sustain sport hunting and are stable or increasing.

(B) Regulatory authorities have the capacity to obtain sound data on populations.

(C) The conservation program can demonstrate a benefit to both the communities surrounding or within the area managed by the conservation program and the species, and the funds derived from sport hunting are applied toward benefits to the community and the species.

(D) Regulatory authorities have the legal and practical capacity to provide for the long-term survival of the populations.

(E) Regulatory authorities can determine that the sport-hunted trophies have in fact been legally taken from the populations under an established conservation program.

(o) Northern long-eared bat (*Myotis septentrionalis*). The provisions of this rule are based upon the occurrence of white-nose syndrome (WNS), a disease affecting many U.S. bat populations. The term ''WNS buffer zone'' identifies the portion of the range of the northern long-eared bat within 150 miles of the boundaries of U.S. counties or Canadian districts where the fungus Pd or WNS has been detected. For current information regarding the WNS buffer zone, contact your local Service ecological services field office. Field office contact information may be obtained from the Service regional offices, the addresses of which are listed in 50 CFR 2.2.

(1) Outside the WNS buffer zone, the following provisions apply to the northern long-eared bat:

(i) *Prohibitions.* Except as noted in paragraphs (o)(1)(ii)(A) and (B) of this section, all the prohibitions and provisions of §§17.31 and 17.32 apply to the northern long-eared bat.

(ii) *Exceptions from prohibitions.* (A) Purposeful take:

(*1*) Take resulting from actions taken to remove northern long-eared bats from within human structures, if the actions comply with all applicable State regulations.

(*2*) Take resulting from actions relating to capture, handling, and related activities for northern long-eared bats by individuals permitted to conduct these same activities for other species of bat until May 3, 2016.

(B) Any incidental (non-purposeful) take of northern long-eared bats resulting from otherwise lawful activities.

(2) Inside the WNS buffer zone, the following provisions apply to the northern long-eared bat:

(i) *Prohibitions.* Except as noted in paragraphs (o)(2)(ii)(A) and (B) of this section, all prohibitions and provisions of §§17.31 and 17.32 apply to the northern long-eared bat.

(ii) *Exceptions from prohibitions.* Take of northern long-eared bat is not prohibited in the following circumstances:

(A) Purposeful take:

(*1*) Take resulting from actions taken to remove northern long-eared bats from within human structures, if the actions comply with all applicable State regulations.

(*2*) Take resulting from actions relating to capture, handling, and related

activities for northern long-eared bats by individuals permitted to conduct these same activities for other species of bat until May 3, 2016.

(B) Incidental take:

(*1*) Implementation of forest management, maintenance and expansion of existing rights-of-way and transmission corridors, prairie management, and minimal tree removal projects that:

(*i*) Occur more than 0.25 mile (0.4 kilometer) from a known, occupied hibernacula;

(*ii*) Avoid cutting or destroying known, occupied roost trees during the pup season (June 1–July 31); and

(*iii*) Avoid clearcuts (and similar harvest methods, e.g., seed tree, shelterwood, and coppice) within 0.25 mile (0.4 kilometer) of known, occupied roost trees during the pup season (June 1–July 31).

(*2*) Routine maintenance within an existing corridor or right-of-way, carried out in accordance with the conservation measures set forth at paragraph (o)(2)(ii)(B)(*1*).

(*3*) Expansion of a corridor or right-of-way by up to 100 feet (30 meters) from the edge of an existing cleared corridor or right-of-way, carried out in accordance with the conservation measures set forth at paragraph (o)(2)(ii)(B)(*1*).

(*4*) Removal of hazardous trees for the protection of human life and property.

(p) Northern sea otter (*Enhydra lutris kenyoni*). (1) *To what population of sea otter does this special rule apply?* The regulations in paragraph (p) of this section apply to the southwest Alaska distinct population segment (DPS) of the northern sea otter as set forth at §17.11(h) of this part.

(2) *What provisions apply to this DPS?* Except as noted in paragraph (p)(3) of this section, all prohibitions and provisions of §§17.31 and 17.32 of this part apply to the southwest Alaska DPS of the northern sea otter.

(3) *What additional activities are allowed for this DPS?* In addition to the activities authorized under paragraph (p)(2) of this section, you may conduct any activity authorized or exempted under the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*) with a part or product of a southwest Alaska DPS northern sea otter, provided that:

(i) The product qualifies as an authentic native article of handicrafts or clothing as defined in §17.3 of this part; and

(A) It was created by an Indian, Aleut, or Eskimo who is an Alaskan

Native, and

(B) It is not being exported or imported for commercial purposes; or

(ii) The part or product is owned by an Indian, Aleut, or Eskimo who is an Alaskan Native and resides in Alaska, or by a Native inhabitant of Russia, Canada, or Greenland, and is part of a cultural exchange; or

(iii) The product is owned by a Native inhabitant of Russia, Canada, or Greenland, and is in conjunction with travel for noncommercial purposes; or

(iv) The part or product has been received or acquired by a person registered as an agent or tannery under §18.23 of this subchapter.

(4) *What other wildlife regulations may apply?* All applicable provisions of 50 CFR parts 14, 18, and 23 must be met.

(q) Polar bear (*Ursus maritimus*).

(1) Except as noted in paragraphs (q)(2) and (4) of this section, all prohibitions and provisions of §§17.31 and 17.32 of this part apply to the polar bear.

(2) None of the prohibitions in §17.31 of this part apply to any activity that is authorized or exempted under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (27 U.S.T. 1087), or both, provided that the person carrying out the activity has complied with all terms and conditions that apply to that activity under the provisions of the MMPA and CITES and their implementing regulations.

(3) All applicable provisions of 50 CFR parts 14, 18, and 23 must be met.

(4) None of the prohibitions in §17.31of this part apply to any taking of polar bears that is incidental to, but not the purpose of, carrying out an otherwise lawful activity within the United States, except for any incidental taking caused by activities in

areas subject to the jurisdiction or sovereign rights of the United States within the current range of the polar bear.

[40 FR 44415, Sept. 26, 1975]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §17.40, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 17.41 Special rules—birds.

(a) Streaked horned lark (*Eremophila alpestris strigata*). (1) *Which populations of the streaked horned lark are covered by this special rule?* The components of this special rule that apply to airport management and noxious weed control cover the rangewide distribution of this bird; the agricultural component applies only to the Willamette Valley in Oregon.

(2) *What activities are prohibited?* Except as noted in paragraphs (a)(3), (4), and (5) of this section, all prohibitions of §17.31 apply to the streaked horned lark.

(3) *What activities are allowed on airports on non-Federal lands?* (i) Incidental take of the streaked horned lark will not be a violation of section 9 of the Act, if the incidental take results from routine management activities associated with airport operations to minimize hazardous wildlife, consistent with regulations at 14 CFR 139.337.

(ii) Hazardous wildlife is defined by the Federal Aviation Administration as species of wildlife, including feral animals and domesticated animals not under control, that are associated with aircraft strike problems, are capable of causing structural damage to airport facilities, or act as attractants to other wildlife that pose a strike hazard. Routine management activities include, but are not limited to, the following:

(A) Routine management, repair, and maintenance of roads and runways (does not include upgrades or construction of new roads or runways);

(B) Control and management of vegetation (grass, weeds, shrubs, and trees) through mowing, discing, herbicide application, or burning;

(C) Hazing of hazardous wildlife; and

(D) Habitat modification and management of sources of forage, water, and shelter to reduce the attractiveness of the area around the airport for hazardous wildlife.

(iii) Incidental take of larks caused by accidental aircraft strikes at airports on non-Federal lands is also exempted from the prohibitions of section 9 of the Act.

(4) *What agricultural activities are allowed on non-Federal land in the Willamette Valley in Oregon?* Incidental take of streaked horned lark will not be a violation of section 9 of the Act, if the incidental take results from accepted agricultural (farming) practices implemented on farms consistent with State laws on non-Federal lands.

(i) For the purposes of this special rule, farm means any facility, including land, buildings, watercourses and appurtenances, used in the commercial production of crops, nursery stock, livestock, poultry, livestock products, poultry products, vermiculture products, or the propagation and raising of nursery stock.

(ii) For the purposes of this special rule, an agricultural (farming) practice means a mode of operation on a farm that:

(A) Is or may be used on a farm of a similar nature;

(B) Is a generally accepted, reasonable, and prudent method for the operation of the farm to obtain a profit in money;

(C) Is or may become a generally accepted, reasonable, and prudent method in conjunction with farm use;

(D) Complies with applicable State laws; and

(E) Is done in a reasonable and prudent manner.

(iii) Accepted agricultural (farming) practices include, but are not limited to, the following activities:

(A) Planting, harvesting, rotation, mowing, tilling, discing, burning, and herbicide application to crops;

(B) Normal transportation activities, and repair and maintenance of unimproved farm roads (this exemption does not include improvement or construction of new roads) and graveled margins of rural roads;

(C) Livestock grazing according to normally acceptable and established levels;

(D) Hazing of geese or predators; and

(E) Maintenance of irrigation and drainage systems.

(5) *What noxious weed control activities are allowed on non-Federal lands?* Incidental take of streaked horned lark will not be a violation of section 9 of the Act, if the incidental take results from routine removal or other management of noxious weeds. Routine removal or other management of noxious weeds are limited to the following, and must be conducted in such a way that impacts to non-target plants are avoided to the maximum extent practicable:

(i) Mowing;

(ii) Herbicide and fungicide application;

(iii) Fumigation; and

(iv) Burning.

(b) Coastal California gnatcatcher (*Polioptila californica californica*). (1) Except as noted in paragraphs (b)(2) and (3) of this section, all prohibitions of §17.31(a) and (b) shall apply to the coastal California gnatcatcher.

(2) Incidental take of the coastal California gnatcatcher will not be considered a violation of section 9 of the Endangered Species Act of 1973, as amended (Act), if it results from activities conducted pursuant to the State of California's Natural Community Conservation Planning Act of 1991 (NCCP), and in accordance with a NCCP plan for the protection of coastal sage scrub habitat, prepared consistent with the State's NCCP Conservation and Process Guidelines, *provided that:*

(i) The NCCP plan has been prepared, approved, and implemented pursuant to California Fish and Game Code sections 2800–2840; and

(ii) The Fish and Wildlife Service (Service) has issued written concurrence that the NCCP plan meets the standards set forth in 50 CFR 17.32(b)(2). The Service shall issue its concurrence pursuant to the provisions of the Memorandum of Understanding (MOU), dated December 4, 1991, between the California Department of Fish and Game and the Service regarding coastal sage scrub natural community conservation planning in southern California. (Copies of the State's NCCP Conservation and Process Guidelines and the MOU are available from the U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, CA 92008.) The Service shall monitor the implementation of the NCCP plan and may revoke its concurrence under this paragraph (b)(2)(ii) if the NCCP plan, as implemented, fails to adhere to the standards set forth in 50 CFR 17.32(b)(2).

(3) During the period that a NCCP plan referred to in paragraph (b)(2) of this section is being prepared, incidental take of the coastal California gnatcatcher will not be a violation of section 9 of the Act if such take occurs within an area under the jurisdiction of a local government agency that is enrolled and actively engaged in the preparation of such a plan and such take results from activities conducted in accordance with the NCCP Conservation Guidelines and Process Guidelines.

(4) The Service will monitor the implementation of the NCCP Conservation and Process Guidelines as a whole, and will conduct a review every 6 months to determine whether the guidelines, as implemented, are effective in progressing toward or meeting regional and subregional conservation objectives during the interim planning period. If the Service determines that the guidelines are not effecting adequate progress toward or meeting regional and subregional conservation objectives, the Service will consult with the California Department of Fish and Game pursuant to the MOU to seek appropriate modification of the guidelines or their application as defined therein. If appropriate modification of the guidelines or their application as defined therein does not occur, the Service may revoke the interim take provisions of this special rule on a subregional or subarea basis. The Service will publish the findings for revocation in the FEDERAL REGISTER and provide for a 30-day public comment period prior to the effective date for revoking the provisions of the special rule in a particular area. Revocation would result in the reinstatement of the take prohibitions set forth under 50 CFR 17.31(a) and (b) in the affected NCCP area.

(c) The following species in the parrot family: Salmon-crested cockatoo (*Cacatua moluccensis*), yellow-billed parrot (*Amazona collaria*), and white cockatoo (*Cacatua alba*).

(1) Except as noted in paragraphs (c)(2) and (3) of this section, all prohibitions and provisions of §§ 17.31 and 17.32 of this part apply to these species.

(2) *Import and export.* You may import or export a specimen without a permit issued under § 17.32 of this part only when the provisions of parts 13, 14, 15, and 23 of this chapter have been met and you meet the following requirements:

(i) *Captive-bred specimens:* The source code on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) document accompanying the specimen must be ''F'' (captive born), ''C'' (bred in captivity), or ''D'' (bred in captivity for commercial purposes) (see 50 CFR 23.24); or

(ii) *Specimens held in captivity prior to certain dates:* You must provide documentation to demonstrate that the specimen was held in captivity prior to the applicable date specified in paragraphs (c)(2)(ii)(A), (B), or (C) of this section. Such documentation may include copies of receipts, accession or veterinary records, CITES documents, or wildlife declaration forms, which must be dated prior to the specified dates.

(A) *For salmon-crested cockatoos:* January 18, 1990 (the date this species was transferred to CITES Appendix I).

(B) *For yellow-billed parrots:* April 11, 2013 (the date this species was listed under the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*)).

(C) *For white cockatoos:* July 24, 2014 (the date this species was listed under the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*)).

(3) *Interstate commerce.* Except where use after import is restricted under § 23.55 of this chapter, you may deliver, receive, carry, transport, or ship in interstate commerce and in the course of a commercial activity, or sell or offer to sell, in interstate commerce the species listed in this paragraph (c) without a permit under the Act.

(d) Lesser prairie-chicken (*Tympanuchus pallidicinctus*). (1) *Prohibitions.* Except as noted in paragraphs (d)(2)(i) through (iii) of this section, all prohibitions and provisions of §§ 17.31 and 17.32 apply to the lesser prairie-chicken.

(2) *Exemptions from prohibitions.* Incidental take of the lesser prairie-chicken will not be considered a violation of section 9 of the Act if the take occurs:

(i) On privately owned, State, or county land from activities that are conducted by a participant enrolled in, and operating in compliance with, the Lesser Prairie-Chicken Interstate Working Group's Lesser Prairie-Chicken Range-Wide Conservation Plan, as endorsed by the U.S. Fish and Wildlife Service.

(ii) On privately owned agricultural land from the following conditioned conservation practices that are carried out in accordance with a conservation plan providing for lesser prairie-chicken conservation developed by the U.S. Department of Agriculture's Natural Resources Conservation Service in coordination with the U.S. Fish and Wildlife Service:

(A) Upland wildlife habitat management;
(B) Prescribed grazing;
(C) Restoration and management of rare and declining habitats;
(D) Access control;
(E) Forage harvest management;
(F) Prescribed burning;
(G) Brush management;
(H) Firebreaks;
(I) Cover crops;
(J) Critical area planting;
(K) Forage and biomass planting;
(L) Range planting;
(M) Watering facilities;
(N) Spring development;
(O) Pumping plants;
(P) Water wells;
(Q) Pipelines;
(R) Grade stabilization structures;
(S) Fences;
(T) Obstruction removal;
(U) Herbaceous weed control;
(V) Ponds;
(W) Tree and shrub planting;
(X) Heavy use protection;
(Y) Woody residue treatment;
(Z) Well decommissioning;
(AA) Conservation cover.

(iii) As a result of the continuation of routine agricultural practices, as specified below, on cultivated lands that are in row crop, seed-drilled untilled crop, hay, or forage production that meet

the definition of cropland at 7 CFR 718.2, and, in addition, must have been cultivated, meaning tilled, planted, or harvested, within the 5 years preceding the proposed routine agricultural practice that may otherwise result in take. Activities covered by this provision include:

(A) Plowing, drilling, disking, mowing, or other mechanical manipulation and management of lands in cultivation.

(B) Routine activities in direct support of cultivated agriculture, including replacement, upgrades, maintenance, and operation of existing infrastructure such as buildings, irrigation conveyance structures, fences, and roads.

(C) Use of chemicals in direct support of cultivated agriculture when done in accordance with label recommendations.

[43 FR 6233, Feb. 14, 1978, as amended at 58 FR 65095, Dec. 10, 1993; 60 FR 36010, July 12, 1995; 72 FR 37372, July 9, 2007; 73 FR 23970, May 1, 2008; 76 FR 30780, May 26, 2011; 76 FR 54713, Sept. 2, 2011; 78 FR 15641, Mar. 12, 2013; 78 FR 61502, Oct. 3, 2013; 79 FR 20084, Apr. 10, 2014; 79 FR 35900, June 24, 2014]

§ 17.42 Special rules—reptiles.

(a) American alligator (*Alligator mississippiensis*)—(1) *Definitions.* For purposes of this paragraph (a) the following definitions apply:

(i) *American alligator* means any specimen of the species *Alligator mississippiensis*, whether alive or dead, including any skin, part, product, egg, or offspring thereof held in captivity or from the wild.

(ii) The definitions of *crocodilian skins* and *crocodilian parts* in §23.70(b) of this subchapter apply to this paragraph (a).

(2) *Taking.* No person may take any American alligator, except:

(i) Any employee or agent of the Service, any other Federal land management agency, or a State conservation agency, who is designated by the agency for such purposes, may, when acting in the course of official duties, take an American alligator.

(ii) Any person may take an American alligator in the wild, or one which was born in captivity or lawfully placed in captivity, and may deliver, receive, carry, transport, ship, sell, offer to sell, purchase, or offer to purchase such alligator in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity in accordance with the laws and regulations of the State of taking subject to the following conditions:

(A) Any skin of an American alligator may be sold or otherwise transferred only if the State or Tribe of taking requires skins to be tagged by State or tribal officials or under State or tribal supervision with a Service-approved tag in accordance with the requirements in part 23 of this subchapter; and

(B) Any American alligator specimen may be sold or otherwise transferred only in accordance with the laws and regulations of the State or Tribe in which the taking occurs and the State or Tribe in which the sale or transfer occurs.

(3) *Import and export.* Any person may import or export an American alligator specimen provided that it is in accordance with part 23 of this subchapter.

(4) *Recordkeeping.* (i) Any person not holding an import/export license issued by the Service under part 14 of this subchapter and who imports, exports, or obtains permits under part 23 of this subchapter for the import or export of American alligator shall keep such records as are otherwise required to be maintained by all import/export licensees under part 14 of this subchapter. Such records shall be maintained as in the normal course of business, reproducible in the English language, and retained for 5 years from the date of each transaction.

(ii) Subject to applicable limitations of law, duly authorized officers at all reasonable times shall, upon notice, be afforded access to examine such records required to be kept under paragraph (a)(4)(i) of this section, and an opportunity to copy such records.

(b) Green sea turtle (*Chelonia mydas*), loggerhead sea turtle (*Caretta caretta*), olive ridley sea turtle (*Lepidochelys olivacea*) (these do not include the populations listed as endangered in §17.11).

(1) *Prohibitions.* Subject to the permits allowable under the following paragraph (b)(2) of this section, all of the provisions set forth in §17.31 (which

incorporate portions of §17.21) shall apply to this wildlife with the following exceptions:

(i) Section 17.21(c)(2) (self-defense) is not applicable.

(ii) In §17.21(c)(3)(i), the word ''orphaned'' is replaced by the word ''stranded.''

(iii) Delete §17.21(c)(3)(iv) (Wildlife threatening human safety).

(iv) [Reserved]

(v) The prohibition against taking shall not apply to incidental catches, as specified in 50 CFR 227.72(e).

(vi) The prohibition against taking within the United States or the territorial sea of the United States shall not apply to subsistence taking, as specified in 50 CFR 227.72(f).

(2) *Permits.* (i) For those activities which come under the jurisdiction of the Service, only permits for scientific purposes, enhancement of propagation or survival, zoological exhibition or educational purposes, are available under §17.32. Procedures for issuance of permits are found in §17.32 and, for those activities which come under the jurisdiction of the National Marine Fisheries Service, subpart E of part 220. All the provisions of §17.32 apply to permits issued by the Service.

(c) *Threatened crocodilians*—(1) *What are the definitions of terms used in this paragraph (c)?*

(i) *Threatened crocodilian* means any live or dead specimen of the following species:

(A) Broad-snouted caiman (*Caiman latirostris*) originating in Argentina;

(B) Brown caiman (*Caiman crocodilus fuscus*, including *Caiman crocodilus chiapasius*);

(C) Common caiman (*Caiman crocodilus crocodilus*);

(D) Yacare caiman (*Caiman yacare*);

(E) Nile crocodile (*Crocodylus niloticus*); and

(F) Saltwater crocodile (*Crocodylus porosus*) originating in Australia (also referred to as Australian saltwater crocodile).

(ii) The definitions of *crocodilian skins* and *crocodilian parts* in §23.70(b) and *re-export* in §23.5 of this subchapter apply to this paragraph (c).

(2) *What activities involving threatened crocodilians are prohibited by this rule?* (i) All provisions of §§17.31 and 17.32 apply to live specimens, including viable eggs, of all threatened crocodilians and to any specimen of the Appendix-I Nile crocodile.

(ii) Except as provided in paragraph (c)(2)(i) of this section, the following prohibitions apply to threatened crocodilians.

(A) *Import, export, and re-export.* Except as provided in paragraph (c)(3) of this section, it is unlawful to import, export, or re-export, or attempt to import, export, or re-export without valid permits as required under parts 17 and 23 of this subchapter any threatened crocodilians, including their skins, parts, and products.

(B) *Commercial activity.* Except as provided in paragraph (c)(3) of this section, it is unlawful, in the course of a commercial activity, to sell or offer for sale, deliver, receive, carry, transport, or ship in interstate or foreign commerce any threatened crocodilians, including their skins, parts, and products.

(C) It is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, solicit to commit, or cause to be committed any acts described in paragraphs (c)(2)(i) and (c)(2)(ii)(A) and (B) of this section.

(3) *What activities involving threatened crocodilians are allowed by this rule?* Except as provided in (c)(2)(i), you may import, export, or re-export, or sell or offer for sale, deliver, receive, carry, transport, or ship in interstate or foreign commerce and in the course of a commercial activity, threatened crocodilian skins, parts, and products without a threatened species permit otherwise required under §17.32 provided the requirements of parts 13, 14, and 23 of this subchapter and the requirements of paragraphs (c)(3) and (4) of this section have been met.

(i) *Skins and parts.* Except as provided in (c)(3)(ii) of this section, the import, export, or re-export of threatened crocodilian skins and crocodilian parts is allowed provided the following conditions are met:

(A) Each crocodilian skin and crocodilian part imported, exported, or re-exported must be tagged or labeled in accordance with §23.70 of this subchapter.

(B) Any countries re-exporting crocodilian skins or parts must have implemented an administrative system for the effective matching of imports and re-exports.

(C) If a shipment contains more than 25 percent replacement tags, the U.S. Management Authority will consult with the Management Authority of the re-exporting country before clearing the shipment. Such shipments may be seized if we determine that the requirements of the Convention have not been met.

(D) The country of origin and any intermediary country(s) must be effectively implementing the Convention. If we receive persuasive information from the CITES Secretariat or other reliable sources that a specific country is not effectively implementing the Convention, we will prohibit or restrict imports from such country(s) as appropriate for the conservation of the species.

(ii) *Meat, skulls, scientific specimens, products, and noncommercial personal or household effects.* The tagging requirements in paragraph (c)(3)(i) of this section for skins and parts do not apply to the import, export, or re-export of threatened crocodilian meat, skulls, scientific specimens, or products or to the noncommercial import, export, or re-export of personal effects in accompanying baggage or household effects.

(4) *When and how will the Service inform the public of additional restrictions in trade of threatened crocodilians?* Except in rare cases involving extenuating circumstances that do not adversely affect the conservation of the species, the Service will issue an information bulletin (posted on our websites, *http://www.fws.gov/le* and *http://www.fws.gov/international*) announcing additional restrictions on trade of specimens of threatened crocodilians if any of the following criteria are met:

(i) The country is listed in a Notification to the Parties by the CITES Secretariat as not having designated Management and Scientific Authorities.

(ii) The country is identified in any action adopted by the Conference of the Parties to the Convention, the Standing Committee, or in a Notification issued by the CITES Secretariat, whereby Parties are asked not to accept shipments of specimens of any CITES species from the country in question or of any crocodilian species listed in the CITES Appendices.

(iii) We determine, based on information from the CITES Secretariat or other reliable sources, that the country is not effectively implementing the provisions of the Convention.

(5) *Reporting requirements for yacare caiman range countries*—(i) *Biennial reports.* Range countries (Argentina, Bolivia, Brazil, and Paraguay) wishing to export specimens of yacare caiman to the United States for commercial purposes must provide a biennial report containing the most recent information available on the status of the species. The first submission of a status report will be required as of December 31, 2001, and every 2 years thereafter on the anniversary of that date. For each range country, all of the following information must be included in the report.

(A) Recent distribution and population data, and a description of the methodology used to obtain such estimates.

(B) Description of research projects currently being conducted related to the biology of the species in the wild, particularly reproductive biology (for example, age or size when animals become sexually mature, number of clutches per season, number of eggs per clutch, survival of eggs, survival of hatchlings).

(C) Description of laws and programs regulating harvest, including approximate acreage of land set aside as natural reserves or national parks that provide protected habitat for yacare caiman.

(D) Description of current sustainable harvest programs, including ranching (captive rearing of specimens collected from the wild as eggs or juveniles) and farming (captive-breeding) programs.

(E) Current harvest quotas for wild populations.

(F) Export data for the last 2 years. Information should be organized according to the source of specimens such as wild-caught, captive-reared, or captive-bred.

(ii) *Review and restrictions.* The U.S. Scientific Authority will conduct a review every 2 years, using information in the biennial reports and other available information, to determine whether range country management programs are effectively achieving conservation benefits for the yacare caiman. Based on the best available information, we may restrict trade from a range country if we determine that the conservation or management status of threatened yacare caiman populations has changed, such that continued recovery of the population in that country may be compromised. Trade restrictions, as addressed in paragraph (c)(4) of this section, may be implemented based on one or more of the following factors:

(A) Failure to submit the reports described above, or failure to respond to requests for additional information.

(B) A change in range country laws or regulations that lessens protection for yacare caiman.

(C) A change in range country management programs that lessens protection for the species.

(D) A documented decline in wild population numbers.

(E) A documented increase in poaching.

(F) A documented decline in habitat quality or quantity.

(G) Other natural or manmade factors affecting the species' recovery.

(d) Blue-tailed mole skink (*Eumeces egregius lividus*) and sand skink (*Neoseps reynoldsi*). (1) No person shall take these species, except in accordance with applicable State fish and wildlife conservation laws and regulations for educational purposes, scientific purposes, the enhancement or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to taking of these species is also a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatever, any such species taken in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraph (c) (1) through (3) of this section.

(5) Taking of these species for purposes other than those described in paragraph (c)(1) of this section, including taking incidental to carrying out otherwise lawful activities, is prohibited except when permitted under §§ 17.23 and 17.32.

(e) Desert tortoise (*Gopherus agassizii*)—(1) *Definition.* For the purposes of this paragraph (e) ''desert tortoise'' shall mean any member of the species *Gopherus agassizii*, whether alive or dead, and any part, product, egg, or offspring thereof, found outside of Arizona (south and east of the Colorado River) and Mexico, regardless of natal origin or place of removal from the wild.

(2) *Applicable provisions.* The provisions of § 17.31–17.32 shall apply to any desert tortoise subject to this paragraph (e).

(f) Bog turtle (*Clemmys muhlenbergii*), southern population—(1) *Definitions of terms.* For the purposes of this paragraph (f): *Bog turtle* of the southern population means any member of the species *Clemmys muhlenbergii*, within Georgia, North Carolina, South Carolina, Tennessee and Virginia, regardless of whether in the wild or captivity, and also applies to the progeny of any such turtle.

(2) *Prohibitions.* Except as provided in paragraph (f)(3) of this section, the provisions of Sec. 17.31 (a) and (b) of this part applies to bog turtles of the southern population (see also 50 CFR part 23).

(3) *Take.* Incidental take, that is, take that results from, but is not the purpose of, carrying out an otherwise lawful activity, does not apply to bog turtles of the southern population.

(g) Northern Mexican gartersnake (*Thamnophis eques megalops*)—(1) *Prohibitions.* Except as noted in paragraph (g)(2) of this section, all prohibitions and provisions of §§ 17.31 and 17.32 apply to the northern Mexican gartersnake.

(2) *Exemptions from prohibitions.* Incidental take of the northern Mexican gartersnake will not be considered a violation of section 9 of the Act if the

take occurs on non-Federal land and is incidental to activities pertaining to construction, continued use, and maintenance of stock tanks. A stock tank is an existing or future impoundment in an ephemeral drainage or upland site constructed primarily as a watering site for livestock.

[42 FR 2076, Jan. 10, 1977, as amended at 43 FR 32809, July 28, 1978; 44 FR 59084, Oct. 12, 1979; 45 FR 17589, Mar. 19, 1980; 45 FR 78154, Nov. 25, 1980; 48 FR 46336, Oct. 12, 1983; 50 FR 25678, June 20, 1985; 50 FR 45409, Oct. 31, 1985; 52 FR 21063, June 4, 1987; 52 FR 42662, Nov. 6, 1987; 55 FR 12191, Apr. 2, 1990; 61 FR 32366, June 24, 1996; 62 FR 59622, Nov. 4, 1997; 65 FR 25879, May 4, 2000; 72 FR 48446, Aug. 23, 2007; 78 FR 38190, June 25, 2013; 79 FR 38746, July 8, 2014]

§ 17.43 Special rules—amphibians.

(a) San Marcos salamander (*Eurycea nana*). (1) All provisions of §17.31 apply to this species, except that it may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Act.

(b) Chiricahua leopard frog (*Lithobates chiricahuensis*).

(1) *What activities are prohibited?* Except as noted in paragraph (b)(2) of this section, all prohibitions of §17.31 will apply to the Chiricahua leopard frog.

(2) *What activities are allowed on private, State, or Tribal land?* Incidental take of the Chiricahua leopard frog will not be considered a violation of section 9 of the Act, if the take results from livestock use at or maintenance activities of livestock tanks located on private, State, or Tribal lands. A livestock tank is defined as an existing or future impoundment in an ephemeral drainage or upland site constructed primarily as a watering site for livestock.

(c) California tiger salamander (*Ambystoma californiense*).

(1) *Which populations of the California tiger salamander are covered by this special rule?* This rule covers the California tiger salamander (*Ambystoma californiense*) rangewide.

(2) *What activities are prohibited?* Except as noted in paragraph (c)(3) of this section, all prohibitions of §17.31 will apply to the California tiger salamander.

(3) *What activities are allowed on private or Tribal land?* Incidental take of the California tiger salamander will not be a violation of section 9 of the Act, if the incidental take results from routine ranching activities located on private or Tribal lands. Routine ranching activities include, but are not limited to, the following:

(i) Livestock grazing according to normally acceptable and established levels of intensity in terms of the number of head of livestock per acre of rangeland;

(ii) Control of ground-burrowing rodents using poisonous grain according to the labeled directions and local, State, and Federal regulations and guidelines (The use of toxic or suffocating gases is not exempt from the prohibitions due to their nontarget-specific mode of action.);

(iii) Control and management of burrow complexes using discing and grading to destroy burrows and fill openings;

(iv) Routine management and maintenance of stock ponds and berms to maintain livestock water supplies (This exemption does not include the intentional introduction of species into a stock pond that may prey on California tiger salamander adults, larvae, or eggs.);

(v) Routine maintenance or construction of fences for grazing management;

(vi) Planting, harvest, or rotation of unirrigated forage crops as part of a rangeland livestock operation;

(vii) Maintenance and construction of livestock management facilities such as corrals, sheds, and other ranch outbuildings;

(viii) Repair and maintenance of unimproved ranch roads (This exemption does not include improvement, upgrade, or construction of new roads.);

(ix) Discing of fencelines or perimeter areas for fire prevention control;

(x) Placement of mineral supplements; and

(xi) Control and management of noxious weeds.

(d) California red-legged frog (*Rana aurora draytonii*)—(1) *Which populations of the California red-legged frog are covered by this special rule?* This rule covers the California red-legged frog (*Rana aurora draytonii*) rangewide.

(2) *What activities are prohibited?* Except as noted in paragraph (d)(3) of this section, all prohibitions of §17.31 will apply to the California red-legged frog.

(3) *What activities are allowed on private or Tribal land?* Incidental take of the California red-legged frog will not be a violation of section 9 of the Act, if the incidental take results from routine ranching activities located on private or Tribal lands. Routine ranching activities include, but are not limited to, the following:

(i) Livestock grazing according to normally acceptable and established levels of intensity in terms of the number of head of livestock per acre of rangeland;

(ii) Control of ground-burrowing rodents using poisonous grain according to the labeled directions and local, State, and Federal regulations and guidelines (In areas where California red-legged frogs and California tiger salamanders coexist, the use of toxic or suffocating gases is not exempt from the prohibitions due to their nontarget-specific mode of action.);

(iii) Control and management of burrow complexes using discing and grading to destroy burrows and fill openings (This exemption does not apply to areas within 0.7 mi (1.2 km) of known or potential California red-legged frog breeding ponds.);

(iv) Routine management and maintenance of stock ponds and berms to maintain livestock water supplies (This exemption does not include the intentional introduction of species into a stock pond (including non-native fish and bullfrogs) that may prey on California red-legged frog adults, larvae, or eggs.);

(v) Routine maintenance or construction of fences for grazing management;

(vi) Planting, harvest, or rotation of unirrigated forage crops as part of a rangeland livestock operation;

(vii) Maintenance and construction of livestock management facilities such as corrals, sheds, and other ranch outbuildings;

(viii) Repair and maintenance of unimproved ranch roads (This exemption does not include improvement, upgrade, or construction of new roads.);

(ix) Discing of fencelines or perimeter areas for fire prevention control;

(x) Placement of mineral supplements; and

(xi) Control and management of noxious weeds.

(e) Georgetown salamander (*Eurycea naufragia.*)

(1) *Prohibitions.* Except as noted in paragraph (e)(2) of this section, all prohibitions and provisions of §§17.31 and 17.32 apply to the Georgetown salamander.

(2) *Exemptions from prohibitions.* Incidental take of the Georgetown salamander will not be considered a violation of section 9 of the Act if the take occurs on non-Federal land from regulated activities that are conducted consistent with the water quality protection measures contained in chapter 11.07 and Appendix A of the City of Georgetown (Texas) Unified Development Code (UDC), as endorsed by the U.S. Fish and Wildlife Service.

[40 FR 44415, Sept. 26, 1975, as amended at 45 FR 47363, July 14, 1980; 67 FR 40811, June 13, 2002; 69 FR 47248, Aug. 4, 2004; 71 FR 19293, Apr. 13, 2006; 77 FR 16375, Mar. 20, 2012; 80 FR 47428, Aug. 7, 2015]

§17.44 Special rules—fishes.

(a) Lahontan cutthroat trout, Paiute cutthroat trout, and Arizona trout (*Salmo clarki henshawi*, *Salmo clarki seleniris*, and *Salmo apache*). (1) All the provisions of §17.31 apply to these species, except that they may be taken in accordance with applicable State law.

(2) Violation of State law will also be a violation of the Act.

(b) Bayou darter (*Etheostoma rubrum*). (1) All the provisions of §17.31 apply to this species, except that they may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Act.

(c) Slender chub (*Hybopsis cahni*), spotfin chub (*Erimonax monachus*), slackwater darter (*Etheostoma boschungi*), and yellowfin madtom (*Noturus flavipinnis*). (1) All the provisions of §17.31 apply to these species, except that they may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Act.

(d) Leopard darter (*Percina pantherina*). (1) All provisions of §17.31 apply to this species, except that it

may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Act.

(e) Little Kern golden trout (*Salmo aguabonita whitei*). (1) All provisions of §17.31 apply to this species, except that it may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Act.

(f) Greenback cutthroat trout (*Salmo clarki stomias*). (1) All provisions of §17.31 apply to this species, except that it may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Act.

(g) Chihuahua chub (*Gila nigrescens).* (1) All provisions of §17.31 apply to this species, except that it may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Endangered Species Act.

(h) Yaqui catfish (*Ictalurus pricei*) and beautiful shiner (*Notropis formosus*). (1) All provisions of §17.31 apply to these species, except that they may be taken for educational, scientific, or conservation purposes in accordance with applicable Arizona State laws and regulations.

(2) Any violation of State law will also be a violation of the Endangered Species Act.

(i) Big Spring spinedace (*Lepidomeda mollispinis pratensis*). (1) All the provisions of §17.31 apply to this species, except that it may be taken in accordance with applicable State fish and wildlife conservation laws and regulations in the following instances: educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to this species will also be a violation of the Endangered Species Act.

(j) Hutton tui chub (*Gila bicolor* subspecies) and Foskett speckled dace (*Rhinichthys osculus* subspecies). (1) No person shall take these species, except in accordance with applicable State fish and wildlife conservation laws and regulations in the following instances: for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of these species will also be a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (j) (1) through (3) of this section.

(k) Niangua darter, *Etheostoma nianguae*. (1) No person shall take the species, except in accordance with applicable State fish and wildlife conservation laws and regulations in the following instances: educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species will also be a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (k) (1) through (3) of this section.

(l) Warner sucker (*Catostomus warnerensis*). (1) No person shall take the species, except in accordance with applicable State fish and wildlife conservation laws and regulations in the following instances:

(i) For educational purposes, scientific purposes, the enhancement of

propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act;

(ii) Incidental to State-permitted recreational fishing activities, provided that the individual fish taken is immediately returned to its habitat.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species will also be a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State fish and wildlife laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (l) (1) through (3) of this section.

(m) Desert dace (*Eremichthys acros*). (1) No person shall take the species, except in accordance with applicable State fish and wildlife conservation laws and regulations in the following instances: For educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species will also be a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (m) (1) through (3) of this section.

(n) Railroad Valley springfish (*Crenichthys nevadae*). (1) No person shall take the species, except in accordance with applicable State fish and wildlife conservation laws and regulations in the following instances: for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species will also be a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (n) (1) through (3) of this section.

(o) Sonora chub (*Gila ditaenia*). (1) No person shall take the species, except in accordance with applicable State fish and wildlife conservation laws and regulations in the following instances:

(i) For educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act; or,

(ii) Incidental to State-permitted recreational fishing activities, provided that the individual fish taken is immediately returned to its habitat.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species will also be a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (o) (1) through (3) of this section.

(p)–(q) [Reserved]

(r) Pecos bluntnose shiner (*Notropis simus pecosensis*). (1) No person shall take the species, except in accordance with applicable State fish and wildlife

conservation laws and regulations in the following instances:

(i) For educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act; or,

(ii) Incidental to State permitted recreational fishing activities, provided that the individual fish taken is immediately returned to its habitat.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to taking of this species will also be a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever any such species taken in violation of these regulations or in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (r) (1) through (3) of this section.

(s) Waccamaw Silverside (*Menidia extensa*). (1) No person shall take the species, except in accordance with applicable State fish and wildlife conservation laws and regulations.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species will also be a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (s) (1) through (3) of this section.

(t) Little Colorado spinedace (*Lepidomeda vittata*). (1) No person shall take this species, except in accordance with applicable State Fish and Wildlife conservation laws and regulations in the following instances: for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species is also a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (t) (1) through (3) of this section.

(u) Pygmy sculpin (*Cottus pygmaeus*). The City of Anniston Water Works and Sewer Board will continue to use Coldwater Spring as a municipal water supply. Pumpage may remove all spring flow in excess of 3 cubic feet per second (1,938,000 gallons per day).

(v) Gulf sturgeon (*Acipenser oxyrhynchus desotoi*). (1) No person shall take this species, except in accordance with applicable State fish and wildlife conservation laws and regulations for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, or other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to taking of this species is also a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatever, any of this species taken in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (v)(1) through (3) of this section.

(5) Taking of this species for purposes other than those described in paragraph (v)(1) of this section, including taking incidental to otherwise lawful activities, is prohibited except when permitted under 50 CFR 17.32.

(w) *What species are covered by this special rule?* Bull trout (*Salvelinus confluentus*), wherever found in the coterminous lower 48 States, except in the Jarbidge River Basin in Nevada and Idaho (see 50 CFR 17.44(x)).

(1) *What activities do we prohibit?* Except as noted in paragraph (w)(2) of this section, all prohibitions of 50 CFR 17.31 and exemptions of 50 CFR 17.32 shall apply to the bull trout in the coterminous United States as defined in paragraph (w) of this section.

(i) No person may possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of this section or in violation of applicable State, National Park Service, and Native American Tribal fish and conservation laws and regulations.

(ii) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense listed in this special rule.

(2) *What activities do we allow?* In the following instances you may take this species in accordance with applicable State, National Park Service, and Native American Tribal fish and wildlife conservation laws and regulations, as constituted in all respects relevant to protection of bull trout in effect on November 1, 1999:

(i) Educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act; or

(ii) Fishing activities authorized under State, National Park Service, or Native American Tribal laws and regulations;

(3) *How does this rule relate to State protective regulations?* Any violation of applicable State, National Park Service, or Native American Tribal fish and wildlife conservation laws or regulations with respect to the taking of this species is also a violation of the Endangered Species Act.

(x) Bull trout (*Salvelinus confluentus*), Jarbidge River population segment. (1) *Prohibitions.* Except as noted in paragraph (x)(2) of this section, all prohibitions of 50 CFR 17.31 and exemptions of 50 CFR 17.32 apply to the bull trout in the Jarbidge River population segment within the United States.

(2) *Exceptions.* No person may take this species, except in the following instances in accordance with applicable State fish and wildlife conservation laws and regulations relevant to protection of bull trout in effect on April 8, 1999.

(i) For educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act;

(ii) Incidental to State-permitted recreational fishing activities, provided that any bull trout caught are immediately returned to the stream.

(iii) The exceptions in paragraphs (x)(2) (i) and (ii) of this section will be in effect until April 9, 2001. At that time, all take prohibitions of the Act will be reinstated for the Jarbidge River population segment unless exceptions to take prohibitions are otherwise provided through a subsequent special rule.

(3) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species is also a violation of the Endangered Species Act.

(4) No person may possess, sell, deliver, carry, transport, ship, import, or export, any means whatsoever, any such species taken in violation of this section or in violation of applicable State fish and conservation laws and regulations.

(5) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (x)(2) through (4) of this section.

(y) Beluga sturgeon (*Huso huso*)

(1) *How are various terms defined in this special rule?* In addition to the definitions specified in §10.12 of subchapter B of this chapter, we define certain terms that specifically apply to beluga sturgeon trade and this special rule as follows:

Aquacultured beluga sturgeon products. Eggs, larvae, fingerlings, or other products derived from *Huso huso* captive-bred or grown in captivity for commercial purposes starting at least at the F1 generation in captivity (*i.e.*, captive-bred for at least one generation).

Beluga caviar. Processed unfertilized eggs from female *Huso huso* intended for human consumption, including products containing such eggs (e.g., cosmetics).

Beluga meat. Excised muscle tissue of *Huso huso* destined for human consumption.

Black Sea. The contiguous waters of the Black Sea and the Sea of Azov.

CITES. The Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Export. The transport of a beluga sturgeon specimen out of its country of origin.

Hatchery-origin beluga sturgeon. Specimens of *Huso huso* captive-bred solely in the littoral states, primarily for reintroduction and stock enhancement purposes. Such specimens can occur in the natural marine environment of the littoral states.

Live or living beluga sturgeon. Any living specimen of *Huso huso*, including viable unfertilized or fertilized eggs, larvae, fingerlings, juveniles, and adults.

Littoral states. Azerbaijan, Bulgaria, Georgia, Islamic Republic of Iran, Kazakhstan, Romania, Russian Federation, Serbia and Montenegro, Turkey, Turkmenistan, and Ukraine.

Re-export. Export of beluga sturgeon specimens that were previously imported.

Wild beluga sturgeon. Specimens of *Huso huso* born and reared in the natural marine environment within the current or former geographic range of the species.

(2) *What activities involving beluga sturgeon are affected by this rule?* (i) *International trade in beluga sturgeon*. Except as provided in paragraphs (y)(3) and (y)(5) of this section, all prohibitions and provisions of §§17.31(a) and 17.32 apply to the international trade in beluga sturgeon, including its parts and derivatives. Live beluga sturgeon remain subject to all the prohibitions and provisions of §§17.31(a) and 17.32.

(ii) *Trade without CITES documents*. Except as provided in paragraph (y)(3) of this section, you may not import, export, or re-export, or present for export or re-export, beluga sturgeon or beluga sturgeon products without valid CITES permits and other permits and licenses issued under parts 13, 17, and 23 of this chapter.

(iii) *Commercial activity*. Except as provided in paragraphs (y)(3) and (5) of this section and §17.32, you may not sell or offer for sale, deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of a commercial activity any beluga sturgeon or beluga sturgeon products.

(iv) It is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, solicit to commit, or cause to be committed any acts described in paragraphs (y)(2)(ii) and (iii) of this section.

(3) *What activities are exempted from threatened species permits by this rule?* (i) *Import, export or re-export, and interstate and foreign commerce involving certain caviar and meat obtained from beluga sturgeon*. You may import, export or re-export, or conduct interstate or foreign commerce in beluga sturgeon caviar and meat without a threatened species permit issued according to §17.32 only if the caviar and meat are derived from wild or hatchery-origin beluga sturgeon that were caught and processed in the littoral states, or the caviar and meat are exempt from permits because they originate from qualifying aquaculture facilities outside of littoral states (*see* paragraph (y)(5) of this section). Also, the provisions in parts 13, 14, and 23 of this chapter and the following requirements must be met:

(A) Beluga sturgeon caviar, including beluga sturgeon caviar in interstate commerce in the United States, must be labeled in accordance with the CITES labeling requirements in 50 CFR part 23.

(B) The shipment must be accompanied by a valid CITES permit or certificate upon import, export, or re-export.

(C) For each shipment covered by this exemption, the country of origin and each country of re-export, and the country of import involved in the trade of a particular shipment, must have designated both a CITES Management Authority and Scientific Authority, and have not been identified by the CITES Conference of the Parties, the CITES Standing Committee, or in a Notification from the CITES Secretariat as a country from which Parties

should not accept permits for beluga sturgeon or all CITES-listed species in general.

(D) The littoral state from which the beluga sturgeon caviar or meat originated has complied with all of the requirements shown in paragraph (y)(4) of this section, and none of the exporting, importing, or re-exporting countries involved in the commercial activity has been subject to an administrative trade restriction or suspension as outlined in paragraphs (y)(6) and (7) of this section.

(E) Any relevant aquaculture facility located outside of a littoral state has complied with all of the requirements shown in paragraph (y)(5) of this section.

(ii) *Personal and household effects.* You may import, export, or re-export, or conduct interstate or foreign commerce in beluga sturgeon specimens that qualify as personal or household effects under 50 CFR part 23 without a threatened species permit otherwise required under §17.32. Trade suspensions or trade restrictions administratively imposed by the Service under paragraphs (y)(6) or (y)(7) of this section may also apply to personal and household effects of beluga sturgeon caviar.

(4) *What must beluga sturgeon littoral states do to be authorized under the special rule to export to the United States?* The following requirements apply to the littoral states wishing to export beluga caviar or beluga meat to the United States without the need for a threatened species permit issued under §17.32. These requirements apply to all shipments of beluga caviar and beluga meat that originate in the littoral states, even if the shipments are re-exported to the United States via an intermediary country. (*See* paragraph (y)(7) of this section for more information on the Service's biennial reviews under the special rule.)

(i) *Basin-wide beluga sturgeon management plans.* By September 6, 2005, each littoral state wishing to export beluga caviar or beluga meat to the United States without the need for a threatened species permit issued under §17.32 must submit to the Service's Division of Scientific Authority a copy of a cooperative management plan for its respective basin (*i.e.*, Black Sea or Caspian Sea) that addresses *Huso huso* conservation. Each of these two basin-wide management plans must be agreed to by all of the littoral states (not just exporting nations) in the Black Sea or the Caspian Sea, as appropriate. Upon receipt, the Division of Scientific Authority will review these basin-wide management plans within 90 days for completeness and clarity. If any elements of the management plans are missing or unclear, we will ask the appropriate littoral states to provide additional information within 60 days of the date we contact them. If the littoral states fail to respond or fail to submit basin-wide management plans by the specified deadline, or if we are unable to confirm that all littoral states are signatories to those plans, we will immediately suspend trade with all littoral states in the given basin (Caspian Sea or Black Sea) until we are satisfied that such management plans exist. Submission of documents in English may help expedite the Service's review. These cooperative management plans must contain the following elements:

(A) A clear statement of the recovery and management objectives of the plan, including a specification of the stock(s) concerned, a definition of what constitutes over-fishing for that stock, and a rebuilding objective and schedule for that stock;

(B) A statement of standard regulations and habitat improvement strategies (e.g., size limits, target harvest rates, quotas, seasons, fishing gear, effort caps, fish passage improvement, water quality controls) to be utilized by the nations involved;

(C) A complete statement of the specific regulatory, monitoring, and research requirements that each cooperating nation must implement to be in compliance with the management plan;

(D) A complete description of how stock survey data and fisheries data are used to establish annual catch and export quotas, including a full explanation of any models used and the assumptions underlying those models;

(E) Procedures under which the nations may implement and enforce alternative management measures that achieve the same conservation benefits for beluga sturgeon as the standards

mentioned in paragraph (y)(4)(i)(B) of this section; and

(F) A complete schedule by which nations must take particular actions to be in compliance with the plan.

(ii) *National regulations.* By September 6, 2005, each littoral state wishing to export beluga caviar or beluga meat to the United States under this special rule must provide the Service's Division of Scientific Authority with copies of national legislation and regulations that implement the basin-wide cooperative management plan described in paragraph (y)(4)(i) of this section, including regulations pertaining to the harvest, trade, aquaculture, restocking, and processing of beluga sturgeon. Upon receipt, the Division of Scientific Authority will review these national laws and regulations within 90 days for completeness and clarity. If any elements of the national legislation or national fishery regulations are missing or unclear, we will ask the appropriate littoral states to provide additional information within 60 days of the date we contact them. If the littoral states fail to respond or fail to submit copies of national laws and regulations by the specified deadline, we will immediately suspend trade with the given littoral states until we are satisfied that such laws and regulations are in effect. Submission of documents in English may help expedite the Service's review.

(iii) *CITES compliance.* Trade in beluga sturgeon specimens must comply with CITES requirements in 50 CFR part 23. Except for specimens that qualify as personal or household effects under 50 CFR part 23, all beluga sturgeon specimens, including those exempted from threatened species permits under this special rule, must be accompanied by valid CITES documents upon import, export, or re-export. Beluga sturgeon caviar, including beluga sturgeon caviar in interstate commerce in the United States, must be labeled in accordance with the CITES labeling requirements in 50 CFR part 23.

(iv) *Initial reporting period.* Until September 6, 2005, no threatened species permits will be required for the import, export, re-export, or interstate or foreign commerce of beluga sturgeon caviar and meat that originated in the littoral states, in order to provide the littoral states time to submit the required documentation. After this 6-month period, the exemption from threatened species permits will continue only while the Service reviews littoral state compliance with paragraphs (y)(4)(i) through (iv) of this section. If this review demonstrates that the provisions of this special rule are not met, the Service will announce and institute trade restrictions or suspensions in beluga sturgeon caviar or meat with one or more littoral states as per paragraph (y)(7) of this section.

(v) *Biennial reports.* Littoral state governments wishing to export specimens of beluga sturgeon caviar or meat to the United States under this special rule must provide to the Service's Division of Scientific Authority reports containing the most recent information available on the status of the species, following the information guidelines specified below. The Service must receive the first report no later than December 1, 2005, and every 2 years thereafter on the anniversary of that date. Starting in December 2005, and thereafter on a biennial basis, the Service will review the national reports within 90 days of receiving them and any other pertinent information on wild beluga sturgeon conservation. If any elements of the biennial reports are missing or unclear, the Service will ask the appropriate littoral states to provide additional information within 60 days of the date we contact them. If the littoral states fail to respond or fail to submit biennial reports by the specified deadline, we will immediately suspend trade with the given littoral states (*see* paragraph (y)(7) of this section for details on how such a suspension would be instituted and announced). Submission of documents in English may help expedite the Service's review. We propose to use these reviews to determine whether littoral state management programs are leading to recovery of wild beluga sturgeon stocks. For each littoral state, the following information must be provided in the biennial reports:

(A) A description of the specific fishery regulations that affect the harvest of *Huso huso* in the respective littoral

state, with any changes from the previous report highlighted;

(B) A description of any revisions to the cooperative management program mentioned in paragraph (y)(4)(i) of this section, including any new models, assumptions, or equations used to set harvest and export quotas;

(C) New information obtained in the last 2 years on beluga sturgeon distribution, stock size, models used for quota-setting, spawning activity, habitat use, hatchery programs and results, or other relevant subjects;

(D) A summary of law enforcement activities undertaken in the last 2 years, and a description of any changes in programs to prevent poaching and smuggling, including indicators of their effectiveness;

(E) A summary of the revenues generated by the commercial exploitation of beluga sturgeon in the respective littoral state, and a summary of any documented conservation benefits resulting from the commercial harvest program in that country (e.g., revenues allocated to hatchery and restocking programs or research programs); and

(F) Export data for the previous two calendar years.

(5) *Can aquacultured beluga sturgeon products be exempt from threatened species permits if the products originate outside the littoral states?* We will consider exemptions from threatened species permits for beluga caviar and meat obtained from aquaculture facilities outside the littoral states. These exemptions will be for individual facilities, and would allow aquacultured beluga caviar and meat originating from these facilities to be imported, exported, reexported, or traded in interstate and foreign commerce without threatened species permits issued under Section 10 of the Act. Aquaculture facilities within the United States could also be exempt from prohibitions against take for purposes of harvesting caviar or meat (*i.e.*, killing of beluga sturgeon), or for conducting activities involving research to enhance the survival or propagation of the species. Facilities outside the littoral states wishing to obtain such exemptions must submit a written request to the Division of Management Authority at the address provided at 50 CFR 2.1(b) and provide information that shows, at a minimum, all of the following:

(i) The facility in question is using best management practices to prevent the escape of beluga sturgeon and disease pathogens into local ecosystems, as certified by the relevant regulatory agency. In the case of the United States, the relevant regulatory authority will be the state agency with jurisdiction over aquaculture. In the case of foreign aquaculture facilities outside the littoral states, the relevant regulatory agency will be the designated CITES Management Authority with jurisdiction over sturgeon. Best management practices that affect the applicant's facility must be part of the application and available for Service review.

(ii) The facility in question has entered into a formal agreement with one or more littoral states to study, protect, or otherwise enhance the survival of wild beluga sturgeon. Copies of such agreements must be provided.

(iii) The facility in question does not rely on wild beluga sturgeon for broodstock. Proof of broodstock origin, including relevant CITES permits that accompanied broodstock specimens upon import into the United States, must be part of the application.

(iv) Exemptions granted under paragraph (y)(5) of this section shall not apply to trade (import, export, re-export, or interstate and foreign commerce) in live beluga sturgeon, and may be revoked at any time if the Service determines that any of the criteria shown in paragraphs (y)(5)(i) through (iii) of this section are not met by the facility. Applicants will be required to submit biennial reports on their compliance with paragraphs (y)(5)(i) through (iii) of this section, starting on the second anniversary of any programmatic exemption granted to the applicants. These biennial reports must show that exempted facilities have actively cooperated with one or more littoral states in a meaningful way to support beluga sturgeon conservation. Any beluga caviar originating from aquaculture facilities outside the littoral states must comply with CITES caviar-labeling requirements, even in interstate commerce

within the United States. We will publish an information notice if the Service grants a programmatic exemption to any aquaculture facility outside the littoral states, and announce such actions through our website and posting notices at our wildlife ports of entry. We will follow the provisions of paragraph (y)(7) of this section to announce restrictions or revocations of such programmatic exemptions, based on our review of facilities' biennial reports.

(6) *How will the Service inform the public of CITES restrictions on trade in beluga sturgeon?* We will issue a public bulletin that identifies a restriction or suspension of trade in specimens of beluga sturgeon and post it on our websites (*http://le.fws.gov* and *http://international.fws.gov*) and at our staffed wildlife ports of entry if any criterion in paragraphs (y)(6)(i) or (ii) of this section is met:

(i) The country is lacking a designated Management Authority or Scientific Authority for the issuance of valid CITES documents or their equivalent for beluga sturgeon.

(ii) The country is identified in any action adopted by the CITES Conference of the Parties, the CITES Standing Committee, or in a Notification to the Parties issued by the CITES Secretariat as a country from which Parties are asked not to accept shipments of specimens of beluga sturgeon or all CITES-listed species.

NOTE TO PARAGRAPH (y)(6): A listing of all countries that have not designated either a Management Authority or Scientific Authority, or that have been identified as countries from which Parties should not accept permits, is available by writing to the Division of Management Authority at the address provided at 50 CFR 2.1(b).

(7) *How will the Service set trade restrictions or prohibitions under the special rule?* The Service's Division of Scientific Authority will conduct a biennial review of beluga sturgeon conservation based on information in the cooperative basin-wide management plans, national regulations and laws, and biennial reports (submitted as per paragraph (y)(4) of this section, and, for aquaculture facilities, as per paragraph (y)(5)(iv) of this section). We will combine that review with a review of other relevant information (e.g., scientific literature, law enforcement data, government-to-government consultations) to determine whether littoral state management programs and aquaculture operations are effectively achieving conservation benefits for beluga sturgeon. Based on this information, or the failure to obtain it, the Service may restrict or prohibit trade from a littoral state, a re-exporting intermediary country, or an entire basin (*i.e.*, the Caspian Sea or Black Sea) or a specific aquaculture facility outside the littoral states if we determine that the conservation or management status of beluga sturgeon has been adversely affected and the continued recovery of beluga sturgeon may be compromised. The decision to restrict or prohibit trade in beluga sturgeon products on a national, basin, or region-wide scale will depend on the scope of the problem observed, the magnitude of the threat to wild beluga sturgeon, and whether remedial action is necessary at a national, basin, or region-wide scale.

(i) Trade restrictions or suspensions will result basin-wide, for specific littoral states, or for non-littoral state aquaculture facilities under one or more of the following scenarios:

(A) Failure to submit any of the reports, legislation, and management plans described in paragraph (y)(4) of this section, or failure to respond to requests for additional information;

(B) A change in regional cooperative management that threatens the recovery of wild beluga sturgeon;

(C) A change in littoral state laws or regulations that compromises beluga sturgeon recovery or survival in the wild;

(D) Adoption of scientifically unsound hatchery practices or restocking programs for beluga sturgeon;

(E) A decline in wild *Huso huso* populations, as documented in national reports outlined above or the scientific literature, that goes unaddressed by regional or national management programs;

(F) Failure to address poaching or smuggling in beluga sturgeon, their parts, or products in the littoral states or re-exporting countries, as documented in national reports described

above or other law enforcement sources;

(G) Failure of the littoral states to address the loss of beluga sturgeon habitat quality or quantity;

(H) Failure of the littoral states or re-exporting countries to follow the caviar-labeling recommendations of the CITES Parties (currently embodied in Resolution Conf. 12.7);

(I) Recommendations from the CITES Standing Committee to suspend trade in beluga sturgeon from one or more countries; or

(J) An aquaculture facility outside the littoral states has been issued a programmatic exemption from threatened species permits under paragraph (y)(5) of this section, but is not abiding by the provisions of paragraphs (y)(5)(i) through (iii) of this section, or, based on the biennial reports required under paragraph (y)(5) of this section, has not actively cooperated with one or more littoral states in a meaningful way to support beluga sturgeon conservation.

(K) Any other natural or human-induced phenomenon that threatens the survival or recovery of beluga sturgeon.

(ii) We will publish an information notice in the FEDERAL REGISTER, as well as on our Web site and at our wildlife ports of entry, if the Service's Division of Scientific Authority administratively suspends or restricts trade in beluga sturgeon products after determining that wild beluga sturgeon stock status worsens or threats to the species increase. This information notice will provide:

(A) The problem(s) identified in the biennial reports or other salient documents.

(B) The scope of the problem and the number of nations involved.

(C) The scope of the trade restriction or suspension we are imposing, including products covered, duration of the restriction or suspension, and criteria for lifting it and reinstating any exemption to threatened species permits.

(D) How the public can provide input, make comments, and recommend remedial action to withdraw the trade measures imposed.

(z) Gila trout (*Oncorhynchus gilae*). (1) Except as noted in paragraph (z)(2) of this section, all prohibitions of 50 CFR 17.31 and exemptions of 50 CFR 17.32 apply to the Gila trout.

(i) No person may possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of this section or in violation of applicable fish and conservation laws and regulations promulgated by the States of New Mexico or Arizona.

(ii) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed any offense listed in paragraph (z)(1)(i) of this section.

(2) In the following instances you may take Gila trout in accordance with applicable State fish and wildlife conservation laws and regulations to protect this species in the States of New Mexico or Arizona:

(i) Fishing activities authorized under New Mexico or Arizona laws and regulations; and

(ii) Educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Endangered Species Act.

(3) The four relict populations of Gila trout (Main Diamond Creek, South Diamond Creek, Spruce Creek, and Whiskey Creek) will not be opened to fishing.

(4) Any changes to State recreational fishing regulations will be made by the States in collaboration with the Service.

(5) Any violation of State applicable fish and wildlife conservation laws or regulations with respect to the taking of this species is also a violation of the Endangered Species Act of 1973, as amended.

(aa) Shovelnose sturgeon (*Scaphirhynchus platorynchus*). (1) Within the geographic areas set forth in paragraph (aa)(2) of this section, except as expressly noted in this paragraph, take of any shovelnose sturgeon, shovelnose-pallid sturgeon hybrids, or their roe associated with or related to a commercial fishing activity is prohibited. Capture of shovelnose sturgeon or shovelnose-pallid sturgeon hybrids in commercial fishing gear is not prohibited if it is accidental or incidental to otherwise legal commercial fishing

activities, such as commercial fishing targeting nonsturgeon species, provided the animal is released immediately upon discovery, with all roe intact, at the point of capture.

(2) The shovelnose and shovelnose-pallid sturgeon hybrid populations covered by this special rule occur in portions of Arkansas, Iowa, Illinois, Kansas, Kentucky, Louisiana, Missouri, Mississippi, Montana, North Dakota, Nebraska, South Dakota, and Tennessee. The specific areas are:

(i) The portion of the Missouri River in Iowa, Kansas, Missouri, Montana, North Dakota, Nebraska, and South Dakota;

(ii) The portion of the Mississippi River downstream from the Melvin Price Locks and Dam (Lock and Dam 26) in Arkansas, Illinois, Kentucky, Louisiana, Missouri, Mississippi, and Tennessee;

(iii) The Platte River downstream of the Elkhorn River confluence in Nebraska;

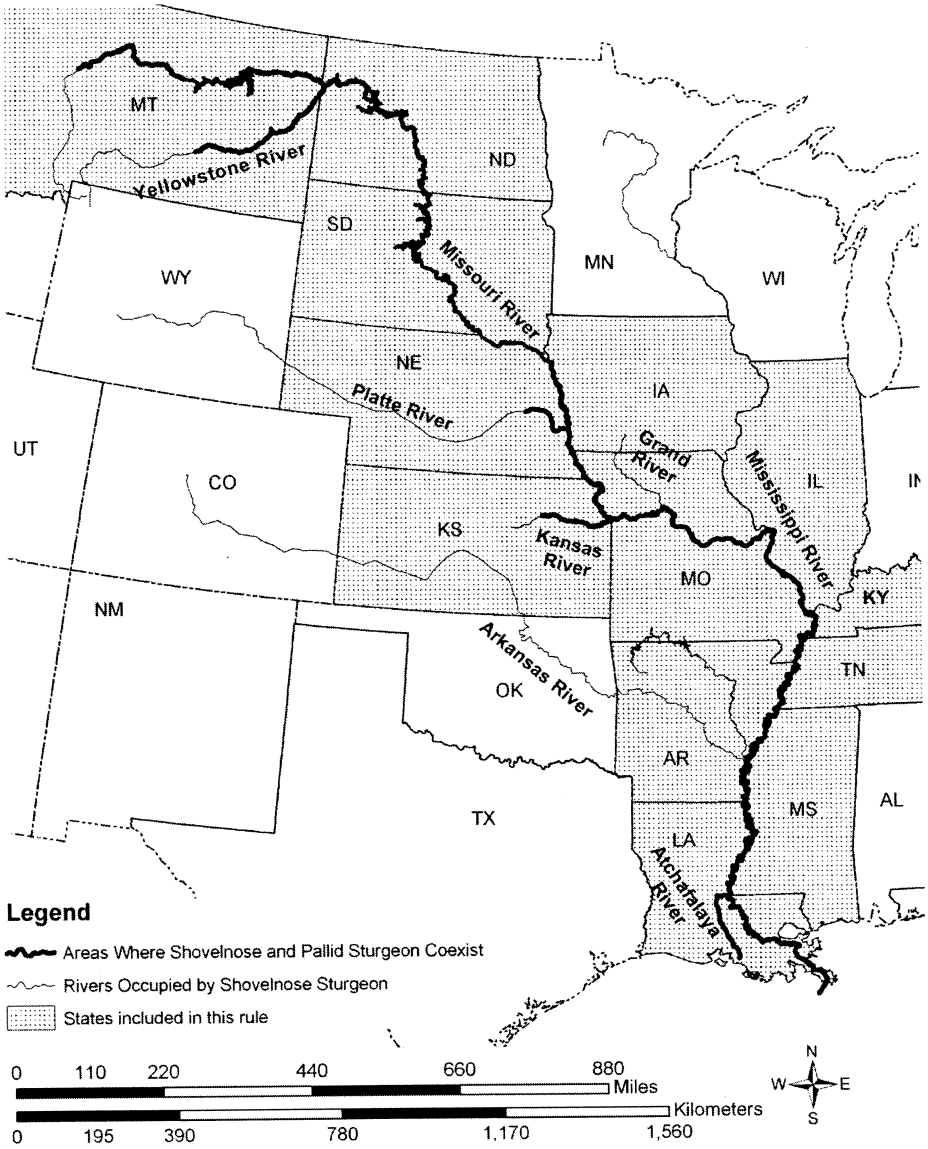
(iv) The portion of the Kansas River downstream from the Bowersock Dam in Kansas;

(v) The Yellowstone River downstream of the Bighorn River confluence in North Dakota and Montana; and

(vi) The Atchafalaya River in Louisiana.

(3) A map showing the area covered by this special rule (the area of shared habitat between shovelnose and pallid sturgeon) follows:

Figure 1: Areas Where Pallid and Shovelnose Sturgeon Commonly Coexist in the Missouri and Mississippi River Basins



(bb) Okaloosa darter (*Etheostoma okaloosae*).

(1) Except as noted in paragraphs (bb)(2) and (bb)(3) of this section, all prohibitions of 50 CFR 17.31 and exemptions of 50 CFR 17.32 apply to the Okaloosa darter.

(i) No person may possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any

Okaloosa darters taken in violation of this section or in violation of applicable State fish and wildlife conservation laws or regulations.

(ii) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense listed in this special rule.

(2) The following activities, which may result in incidental take of the Okaloosa darter, are allowed on Eglin Air Force Base (AFB), provided that the activities occur in accordance with applicable Federal, State, and local laws, and are consistent with a Service-approved Integrated Natural Resources Management Plan by Eglin AFB and with Eglin AFB's Threatened and Endangered Species Component Plan:

(i) Prescribed fire for land management to promote a healthy ecosystem;

(ii) Instream habitat restoration;

(iii) Unpaved range road stabilization; and

(iv) Removal or replacement of culverts for the purpose of road decommissioning, improving fish passage, or enhancing stream habitat.

(3) Scientific research and monitoring activities that may result in incidental take of the Okaloosa darter are allowed, provided these activities are consistent with a Service-approved Okaloosa darter recovery plan, or otherwise approved by the Service, whether those activities occur on or off of Eglin AFB.

(4) Take caused by any activities not listed in paragraph (bb)(2) and (bb)(3) of this section is prohibited.

[40 FR 44415, Sept. 26, 1975]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §17.44, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 17.45 Special rules—snails and clams. [Reserved]

§ 17.46 Special rules—crustaceans.

(a) Madison Cave isopod (*Antrolana lira*). (1) All provisions of §17.31 (a) and (b) apply to this species except that it may be taken for scientific purposes without Federal permits issued pursuant to these regulations: *Provided,* that all other Federal, State, or local laws, regulations, ordinances or other restrictions or limitations have been complied with.

(b) [Reserved]

[47 FR 43701, Oct. 4, 1982]

§ 17.47 Special rules—insects.

(a) Cassius blue butterfly (*Leptotes cassius theonus*), Ceraunus blue butterfly (*Hemiargus ceraunus antibubastus*), and Nickerbean blue butterfly (*Cyclargus ammon*).

(1) The provisions of §17.31(c) apply to these species (cassius blue butterfly, ceraunus blue butterfly, nickerbean blue butterfly), regardless of whether in the wild or in captivity, and also apply to the progeny of any such butterfly.

(2) Any violation of State law will also be a violation of the Act.

(3) Incidental take, that is, take that results from, but is not the purpose of, carrying out an otherwise lawful activity, will not apply to the cassius blue butterfly, ceraunus blue butterfly, and nickerbean blue butterfly.

(4) Collection of the cassius blue butterfly, ceraunus blue butterfly, and nickerbean blue butterfly is prohibited in coastal counties south of Interstate 4 and extending to the boundaries of the State of Florida at the endpoints of Interstate 4 at Tampa and Daytona Beach. Specifically, such activities are prohibited in the following counties: Brevard, Broward, Charlotte, Collier, De Soto, Hillsborough, Indian River, Lee, Manatee, Pinellas, Sarasota, St. Lucie, Martin, Miami-Dade, Monroe, Palm Beach, and Volusia.

(b) Dakota skipper (*Hesperia dacotae*). (1) *Which populations of the Dakota skipper are covered by this special rule?* This rule covers the distribution of Dakota skipper in the United States.

(2) *Prohibitions.* Except as noted in paragraph (b)(3) of this section, all prohibitions and provisions of §§17.31 and 17.32 apply to the Dakota skipper.

(3) *Exemptions from prohibitions.* Incidental take of Dakota skipper will not be a violation of section 9 of the Act if it occurs as a result of the following activities (except where explicitly stated otherwise, these activities must be associated with livestock ranching):

(i) *Fence construction and maintenance.*

(ii) *Livestock gathering and management.* The installation and maintenance of corrals, loading chutes, and other livestock working facilities must be carefully sited with respect to the location and distribution of important Dakota skipper habitat.

(iii) *Development and maintenance of livestock watering facilities.*

(iv) *Noxious weed control.* Incidental take of Dakota skipper that results from spraying of herbicides is not a violation of section 9 of the Act, except such take that results from broadcast spraying, which is the application of herbicides evenly across the entire application area. Incidental take that results from mowing to control one or more noxious weed species would also not be a violation of section 9 of the Act.

(v) *Haying.* For the purposes of this rule, native haylands do not include lands that had previously been plowed and were then replanted to native or nonnative vegetation, but native haylands do include areas within transportation (e.g., road, highway, railroad) rights-of-ways and corridors where native grasses are mowed for hay. Haying of native haylands no earlier than July 16 (after July 15) would not be a violation of section 9 of the Act. Mowing of replanted grasslands (grasslands replanted on formerly plowed or cultivated lands) or tame haylands or grasslands (planted hayland or grassland comprising primarily nonnative grass species, such as smooth brome (*Bromus inermis inermis*)) would also not be a violation of section 9 of the Act at any time of the year.

(vi) *Mowing section line rights-of-way and recreational trails.* Mowing of section line rights-of-way (typically disturbed soil that has been contoured for a roadway) would not be a violation of section 9 of the Act. Mowing of recreational trails (travelways established either through construction or use that are intended for and passable by foot traffic, bicycles, in-line skates, wheelchairs, or cross-country skis) would not be a violation of section 9 of the Act, regardless of whether the trails are associated with livestock ranching.

(vii) *Livestock (cattle, bison, or horse) grazing on private, State, or tribal land.*

[77 FR 20986, Apr. 6, 2012, as amended at 79 FR 67348, Oct. 24, 2014]

§ 17.48 Special rules—common sponges and other forms. [Reserved]

Subpart E—Similarity of Appearance

SOURCE: 42 FR 32377, June 24, 1977, unless otherwise noted.

§ 17.50 General.

(a) Whenever a species which is not Endangered or Threatened closely resembles an Endangered or Threatened species, such species may be treated as either Endangered or Threatened if the director makes such determination in accordance with section 4(e) of the Act and the criteria of paragraph (b) of this section. After the Director has made such determination in accordance with the notification procedures specified in the Act, such species shall appear in the list in §17.11 (Wildlife) or §17.12 (Plants) with the notation ''(S/A)'' (similarity of appearance) in the ''Status'' column, following either a letter ''E'' or a letter ''T'' to indicate whether the species is being treated as Endangered or Threatened.

(b) In determining whether to treat a species as Endangered or Threatened due to similarity of appearance, the Director shall consider the criteria in section 4(e) of the Act, as indicated below:

(1) The degree of difficulty enforcement personnel would have in distinguishing the species, at the point in question, from an Endangered or Threatened species (including those cases where the criteria for recognition of a species are based on geographical boundaries);

(2) The additional threat posed to the Endangered or Threatened species by the loss of control occasioned because of the similarity of appearance; and

(3) The probability that so designating a similar species will substantially facilitate enforcement and further the purposes and policy of the Act.

Example 1. The ABC sparrow is Endangered wildlife. The ABD sparrow is a subspecies

that is so similar to the ABC sparrow that when found outside their normal habitat, the two cannot readily be distinguished by law enforcement personnel. The ABD sparrow is listed in §17.11, after following the proper procedures as follows:

SPECIES AND RANGE

Common name	Scientific name	Population	Known distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
ABC sparrow	*ABCus*	NA	North America	Entire	E	7	NA
ABD sparrow	*ABDus*	NA	do	NA	E(S/A)	7	NA

Example 2. Suppose the ABC sparrow is listed as Endangered in only a portion of its range. Within the meaning of the Act, the ABC sparrow as defined by geographic boundaries is a species. The ABC sparrow which occurs beyond those boundaries is a different species, even though it is identical, except in location, to the listed species. If the criteria of this section were met, the two species would be listed as follows:

SPECIES AND RANGE

Common name	Scientific name	Population	Known distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
ABC sparrow	*ABCus*	Idaho	Idaho	Entire	E	7	NA
Do	do	NA	United States	NA	E(S/A)	7	NA

Example 3. The XY cactus has been determined to be an Endangered species. The XZ cactus so closely resembles the XY cactus that enforcement personnel cannot distinguish between the two. The Endangered XY cactus could be illegally sold as the non-endangered XZ species, thus posing an additional threat to the Endangered species. After following the proper procedures, the XZ cactus would be placed on the list and treated as though it was an Endangered species. This entry would appear as follows:

SPECIES AND RANGE

Common name	Scientific name	Population	Known distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
XY*um*	XY cactus	Arizona	Entire		E	7	NA
XZ*um*	do	Arizona and Mexico.	NA		E(S/A)	8	NA

§ 17.51 Treatment as endangered or threatened.

(a) Any species listed in §17.11 or §17.12, pursuant to §17.50, shall be treated as Endangered or Threatened, as indicated in the ''Status'' column.

(b) All of the provisions of subparts C (Endangered Wildlife), D (Threatened Wildlife), F (Endangered Plants) or G (Threatened Plants), as appropriate, shall apply to any such species.

§ 17.52 Permits—similarity of appearance.

Upon receipt of a complete application and unless otherwise indicated in a special rule, the Director may issue permits for any activity otherwise prohibited with a species designated as Endangered or Threatened due to its similarity of appearance. Such a permit may authorize a single transaction, a series of transactions, or a number of activities over a specified period of time.

(a) *Application requirements.* An application for a permit under this section must be submitted to the Director by the person who wishes to engage in the prohibited activity. The permit for activities involving interstate commerce of plants must be obtained by the seller; in the case of wildlife, the permit

must be obtained by the buyer. The application must be submitted on an official application form (Form 3–200) provided by the Service, or must contain the general information and certification required by §13.12(a) of this subchapter. It must include, as an attachment, all of the following information: Documentary evidence, sworn affidavits, or other information to show species identification and the origin of the wildlife or plant in question. This information may be in the form of hunting licenses, hide seals, official stamps, export documents, bills of sales, certification, expert opinion, or other appropriate information.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria, in §13.21(b) of this subchapter, the following factors:

(1) Whether the information submitted by the applicant appears reliable;

(2) Whether the information submitted by the applicant adequately identifies the wildlife or plant in question so as to distinguish it from any Endangered or Threatened wildlife or plant.

(c) *Permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) If indicated in the permit, a special mark, to be specified in the permit, must be applied to the wildlife or plant, and remain for the time designated in the permit;

(2) A copy of the permit or an identification label, which includes the scientific name and the permit number, must accompany the wildlife or plant or its container during the course of any activity subject to these regulations.

(d) *Duration of permits.* The duration of a permit issued under this section shall be designated on the face of the permit.

Subpart F—Endangered Plants

§ 17.61 Prohibitions.

(a) Except as provided in a permit issued pursuant to §17.62 or §17.63, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or to cause to be committed, any of the acts described in paragraphs (b) through (e) of this section in regard to any Endangered plant.

(b) *Import or export.* It is unlawful to import or to export any Endangered plant. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Remove and reduce to possession.* (1) It is unlawful to remove and reduce to possession any endangered plant from an area under Federal jurisdiction.

(2) Notwithstanding paragraph (c)(1) of this section, any employee or agent of the Service, any other Federal land management agency, or a State conservation agency, who is designated by that agency for such purposes, may, when acting in the course of official duties, remove and reduce to possession endangered plants from areas under Federal jurisdiction without a permit if such action is necessary to:

(i) Care for a damaged or diseased specimen;

(ii) Dispose of a dead specimen; or

(iii) Salvage a dead specimen which may be useful for scientific study.

(3) Any removal and reduction to possession pursuant to paragraph (c)(2) of this section must be reported in writing to the U.S. Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 28006, Washington, DC 20005, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with written directions from the Service.

(4) Notwithstanding paragraph (c)(1) of this section, any qualified employee or agent of a State conservation agency which is a party to a Cooperative Agreement with the Service in accordance with section 6(c) of the Act, who is designated by that agency for such purposes, may, when acting in the

course of official duties, remove and reduce to possession from areas under Federal jurisdiction those endangered plants which are covered by an approved cooperative agreement for conservation programs in accordance with the Cooperative Agreement, provided that such removal is not reasonably anticipated to result in:

(i) The death or permanent damage of the specimens;

(ii) The removal of the specimen from the State where the removal occurred; or

(iii) The introduction of the specimen so removed, or of any propagules derived from such a specimen, into an area beyond the historical range of the species.

(d) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, an endangered plant.

(e) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered plant.

(2) An advertisement for the sale of any endangered plant which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the Service, shall not be considered an offer for sale within the meaning of this paragraph.

[44 FR 54060, Sept. 18, 1979, as amended at 50 FR 39690, Sept. 30, 1985]

§ 17.62 Permits for scientific purposes or for the enhancement of propagation or survival.

Upon receipt of a complete application the Director may issue a permit authorizing any activity otherwise prohibited by §17.61, in accordance with the issuance criteria of this section, for scientific purposes or for enhancing the propagation or survival of endangered plants. (See §17.72 for permits for threatened plants.) Such a permit may authorize a single transaction, a series of transactions, or a number of activities over a specified period of time.

(a) *Application requirements.* A person wishing to get a permit for an activity prohibited by §17.61 submits an application to conduct activities under this paragraph. For interstate commerce activities the seller gets the permit for plants coming from cultivated stock and the buyer gets the permit if the plants are taken from the wild. The Service provides application Form 3–200, or you may submit the general information and certification required by §13.12(a) of this subchapter. Application requirements differ for permits issued for plants taken from the wild (excluding seeds), seeds and cultivated plants, or herbarium specimens. You must attach the following information and any other information requested by the Director.

(1) For activities involving plants obtained from the wild (excluding seeds), provide the following information:

(i) The scientific names of the plants sought to be covered by the permit;

(ii) The estimated number of specimens sought to be covered by the permit;

(iii) The year, country, and approximate place where taking occurred or will occur;

(iv) If the activities would involve removal and reduction to possession of a plant from an area under Federal jurisdiction, the year, State, county, or any other description such as place name, township, and range designation that will precisely place the location where the proposed removal and reduction to possession will occur, the name of the Federal entity having jurisdiction over the area, and the name, title, address, and phone number of the person in charge of the area.

(v) The name and address of the institution or other facility where the plant sought to be covered by the permit will be used or maintained;

(vi) A brief description of the applicant's expertise and facilities as related to the proposed activity;

(vii) A statement of the applicant's willingness to participate in a cooperative propagation program, and to maintain or contribute data relating to such efforts; and

(viii) A statement of the reasons why the applicant is justified in obtaining the permit, including:

(A) The activities sought to be authorized by the permit and the relationship of such activities to scientific purposes or enhancing the propagation or survival of the species; and

(B) The planned disposition of such plant upon termination of the activities sought to be authorized.

(2) For activities involving seeds and cultivated plants, provide the following information:

(i) The scientific names of the plants sought to be covered by the permit;

(ii) A statement of the applicant's willingness to participate in a cooperative propagation program, and to maintain or contribute data relating to the success of such efforts;

(iii) A justification of the activities sought to be authorized by the permit and the relationship of such activities to scientific purposes or enhancing the propagation or survival of the species; and

(iv) If the activities would involve seeds obtained from the wild, additional information to evaluate the effects of such taking upon the reproductive potential of the species where the taking will occur.

(v) If the activities would involve removal and reduction to possession of seeds from an area under Federal jurisdiction, the year, State, county or any other description such as place name, township, and range designation that will precisely place the location where the proposed removal and reduction to possession will occur, the name of the Federal entity having jurisdiction over the area and the name, title, address, and phone number of the person in charge of the area.

(3) For importation or exportation involving the non-commercial loan, exchange, or donation of herbarium or other preserved, dried, or embedded museum specimens of any endangered species between scientists or scientific institutions, provide the following information:

(i) The name and address of the institution or other facility where the plants sought to be covered by the permit will be used or maintained; and

(ii) A justification of the activities sought to be authorized by the permit and the relationship of such activities to scientific purposes or enhancing the propagation or survival of the species.

(4) When the activity applied for involves a species also regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, additional requirements in part 23 of this subchapter must be met.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in §13.21(b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is requested will enhance the survival of the species in the wild;

(2) Whether the purpose for which the permit is requested will enhance the propagation of the species;

(3) The opinions or views of scientists or other persons or organizations having expertise concerning the plant or other matters germane to the application; and

(4) Whether the expertise, facilities, or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(c) *Permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) If requested, the permittee shall submit to the Director a written report of the activities authorized by the permit. Such report must be postmarked by the date specified in the permit or otherwise requested by the Director.

(2) A copy of the permit or an identification label, which includes the scientific name, the permit number, and a statement that the plant is of ''wild origin'' or ''cultivated origin'' must accompany the plant or its container during the course of any activity subject to these regulations, unless the specimens meet the special conditions referred to in paragraph (c)(3) of this section.

(3) In the case of plants that are herbarium specimens, or other preserved, dried or embedded museum specimens to be imported or exported as a noncommercial loan, exchange or donation between scientists or scientific institutions, the names and addresses of the consignor and consignee must be on each package or container. A description such as ''herbarium specimens''

and the code letters assigned by the Service to the scientists or scientific institution must be entered on the Customs declaration form affixed to each package or container. If the specimens are of taxa also regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, specific information must be entered on the Customs declaration label affixed to the outside of each shipping container or package. See part 23 of this subchapter for requirements for trade in CITES specimens between registered scientific institutions.

(d) *Duration of permit.* The duration of a permit issued under this section shall be designated on the face of the permit.

[44 FR 54060, Sept. 18, 1979, as amended at 50 FR 39690, Sept. 30, 1985; 63 FR 52635, Oct. 1, 1998; 79 FR 30419, May 27, 2014]

§ 17.63 Economic hardship permits.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by §17.61, in accordance with Section 10(b) of the Act and the issuance criteria of this section, in order to prevent undue economic hardship. No such exemption may be granted for the importation or exportation of a species also listed in Appendix I of the Convention on International Trade in endangered Species of Wild Fauna and Flora, if the specimen would be used in a commercial activity.

(a) *Application requirements.* An application for a permit under this section must be submitted to the Director by the person allegedly suffering undue economic hardship because his desired activity is prohibited. The application must be submitted on an official application form (Form 3–200) provided by the Service, or must contain the general information and certification required by §13.12(a) of this subchapter. It must include, as an attachment, all of the information required in §17.62 plus the following additional information.

(1) The possible legal or economic alternatives to the activity sought to be authorized by the permit.

(2) A full statement, accompanied by copies of all relevant correspondence, showing the applicant's involvement with the plant sought to be covered by the permit (as well as his involvement with similar plants). The applicant should include information on that portion of his income derived from activities involving such plants in relation to the balance of his income during the calendar year immediately preceding either the FEDERAL REGISTER notice of review of the status of the species or proposed rulemaking to list the species as Endangered, whichever is earlier.

(3) Where applicable, proof of a contract or other binding legal obligation which:

(i) Deals specifically with the plant sought to be covered by the permit;

(ii) Became binding prior to the date of the FEDERAL REGISTER notice of review of the status of the species or proposed rulemaking to list the species as endangered, whichever is earlier; and

(iii) Will cause monetary loss of a given dollar amount if the permit sought under this section is not granted.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued for economic hardship, as defined in section 10(b) of the Act. In making his decision, the Director shall consider, in addition to the general criteria in §13.21(b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is requested will significantly affect the survival of the species in the wild;

(2) The economic, legal, or other alternatives or relief available to the applicant;

(3) The amount of evidence that the applicant was in fact party to a contract or other binding legal obligation which:

(i) Deals specifically with the plant sought to be covered by the permit; and

(ii) Became binding prior to the date of the FEDERAL REGISTER notice of review of the status of the species or proposed rulemaking to list the species as endangered, whichever is earlier;

(4) The severity of economic hardship which the contract or other binding

legal obligation referred to in paragraph (b)(3) of this section would cause if the permit were denied;

(5) Where applicable, the portion of the applicant's income which would be lost if the permit were denied, and the relationship of that portion to the balance of his income.

(c) *Permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this section may be subject to any of the following special conditions:

(1) If requested, the permittee shall submit to the Director a written report of the activities authorized by the permit. Such report must be postmarked by the date specified in the permit or otherwise requested by the Director.

(2) If requested, the permittee shall report to the Service's office designated in the permit the death, destruction or loss of all living plants covered by the permit. Such report must be postmarked by the date specified in the permit or otherwise requested by the Director.

(d) *Duration of permit.* The duration of a permit issued under this section shall be designated on the face of the permit. No permit issued under this section shall be valid for more than one year from the date of a FEDERAL REGISTER notice of review of the status of the species or proposed rulemaking to list the species as endangered, whichever is earlier.

[44 FR 54060, Sept. 18, 1979]

Subpart G—Threatened Plants

§ 17.71 Prohibitions.

(a) Except as provided in subpart A of this part, or in a permit issued under this subpart, all of the provisions in § 17.61 shall apply to threatened plants, with the following exception. Seeds of cultivated specimens of species treated as threatened shall be exempt from all the provisions of § 17.61, provided that a statement that the seeds are of ''cultivated origin'' accompanies the seeds or their container during the course of any activity otherwise subject to these regulations.

(b) In addition to any provisions of this part 17, any employee or agent of the Service or of a State Conservation Agency which is operating a conservation program pursuant to the terms of a Cooperative Agreement with the Service in accordance with section 6(c) of the Act, who is designated by that agency for such purposes, may, when acting in the course of official duties, remove and reduce to possession from areas under Federal jurisdiction those threatened species of plants which are covered by an approved Cooperative Agreement to carry out conservation programs.

(c) Whenever a special rule in §§ 17.73 to 17.78 applies to a threatened species, none of the provisions of paragraph (a) of this section will apply. The special rule will contain all the applicable prohibitions and exceptions. If indicated by special rule, the exception for seeds in paragraph (a) of this section shall not apply to the threatened species.

[42 FR 32380, June 24, 1977, as amended at 50 FR 39691, Sept. 30, 1985]

§ 17.72 Permits—general.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited with regard to threatened plants. The permit shall be governed by the provisions of this section unless a special rule applicable to the plant is provided in §§ 17.73 to 17.78. A permit issued under this section must be for one of the following: scientific purposes, the enhancement of the propagation or survival of threatened species, economic hardship, botanical or horticultural exhibition, educational purposes, or other activities consistent with the purposes and policy of the Act. Such a permit may authorize a single transaction, a series of transactions, or a number of activities over a specified period of time.

(a) *Application requirements.* A person wishing to get a permit for an activity prohibited by § 17.71 submits an application to conduct activities under this paragraph. For interstate commerce activities the seller gets the permit for plants coming from cultivated stock and the buyer gets the permit if the plants are taken from the wild. The

Service provides Form 3–200 for the application or you may submit the general information and certification required by §13.12(a) of this subchapter. Application requirements differ for permits issued for plants taken from the wild (excluding seeds), seeds and cultivated plants, or herbarium specimens. You must attach the following information and any other information requested by the Director.

(1) For activities involving plants obtained from the wild (excluding seeds), provide the following information:

(i) The scientific names of the plants sought to be covered by the permit;

(ii) The estimated number of specimens sought to be covered by the permit;

(iii) The year, country, and approximate place where taking occurred or will occur;

(iv) If the activities would involve removal and reduction to possession of a plant from an area under Federal jurisdiction, the year, State, county or any other description such as place name, township, and range designation that will precisely place the location where the proposed removal and reduction to possession will occur, the name of the Federal entity having jurisdiction over the area and the name, title, address, and phone number of the person in charge of the area.

(v) A brief description of the applicant's expertise and facilities as related to the proposed activity;

(vi) A justification of the activities sought to be authorized by the permit and the relationship of such activities to scientific purposes, enhancing the propagation or survival of the species, or other objectives consistent with the purposes and policy of the Act; and

(vii) A statement of the applicant's willingness to participate in a cooperative propagation program, and to maintain or contribute data relating to such efforts.

(2) For activities involving seeds obtained from the wild and cultivated plants, provide the following information:

(i) The scientific names of the plants sought to be covered by the permit;

(ii) A statement of the applicant's willingness to participate in a cooperative propagation program, and to maintain or contribute data relating to the success of such efforts; and

(iii) A justification of the activities sought to be authorized by the permit and the relationship of such activities to scientific purposes, enhancing the propagation or survival of the species, or other objectives consistent with the purposes and policy of the Act.

(iv) If the activities would involve removal and reduction to possession of seeds from an area under Federal jurisdiction, the year, State, county, or any other description such as place name, township, and range designation that will precisely place the location where the proposed removal and reduction to possession will occur, the name of the Federal entity having jurisdiction over the area and the name, title, address, and phone number of the person in charge of the area.

(3) For importation or exportation involving the non-commercial loan, exchange or donation of herbarium or other preserved, dried or embedded museum specimens of all threatened species between scientists or scientific institutions, provide the following information:

(i) The name and address of the institution or other facility where the plants sought to be covered by the permit will be used or maintained; and

(ii) A justification of the activities sought to be authorized by the permit and the relationship of such activities to scientific purposes, enhancing the propagation or survival of the species, or other objectives consistent with the purposes and policy of the Act.

(4) When the activity applied for involves a species also regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, additional requirements in part 23 of this subchapter must be met.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in §13.21(b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is requested will enhance the survival of the species in the wild;

(2) Whether the purpose for which the permit is requested will enhance the propagation of the species;

(3) The opinions or views of scientists or other persons or organizations having expertise concerning the plant or other matters germane to the application; and

(4) Whether the expertise, facilities, or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(c) *Permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) If requested, the permittee shall submit to the Director a written report of the activities authorized by the permit. Such report must be postmarked by the date specified in the permit or otherwise requested by the Director.

(2) A copy of the permit or an identification label, which includes the scientific name, the permit number, and a statement that the plant is of ''wild orgin'' or ''cultivated origin'' must accompany the plant or its container during the course of any activity subject to these regulations, unless the specimens meet the special conditions referred to in paragraph (c)(3) of this section.

(3) In the case of plants that are herbarium specimens, or other preserved, dried, or embedded museum specimens to be imported or exported as a noncommercial loan exchange or donation between scientists or scientific institutions, the names and addresses of the consignor and consignee must be on each package or container. A description such as ''herbarium specimens'' and the code letters assigned by the Service to the scientist or scientific institution must be entered on the Customs declaration form affixed to each package or container. If the specimens are of taxa also regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, specific information must be entered on the Customs declaration label affixed to the outside of each shipping container or package. See part 23 of this subchapter for requirements for trade in CITES specimens between registered scientific institutions.

(d) *Duration of permit.* The duration of a permit issued under this section shall be designated on the face of the permit.

[42 FR 32380, June 24, 1977, as amended at 50 FR 39691, Sept. 30, 1985; 63 FR 52636, Oct. 1, 1998; 79 FR 30419, May 27, 2014]

§§ 17.73–17.78 [Reserved]

Subpart H—Experimental Populations

SOURCE: 49 FR 33893, Aug. 27, 1984, unless otherwise noted.

§ 17.80 Definitions.

(a) The term *experimental population* means an introduced and/or designated population (including any off-spring arising solely therefrom) that has been so designated in accordance with the procedures of this subpart but only when, and at such times as the population is wholly separate geographically from nonexperimental populations of the same species. Where part of an experimental population overlaps with natural populations of the same species on a particular occasion, but is wholly separate at other times, specimens of the experimental population will not be recognized as such while in the area of overlap. That is, experimental status will only be recognized outside the areas of overlap. Thus, such a population shall be treated as experimental only when the times of geographic separation are reasonably predictable; e.g., fixed migration patterns, natural or man-made barriers. A population is not treated as experimental if total separation will occur solely as a result of random and unpredictable events.

(b) The term *essential experimental population* means an experimental population whose loss would be likely to appreciably reduce the likelihood of the survival of the species in the wild. All other experimental populations are to be classified as *nonessential.*

§ 17.81 Listing.

(a) The Secretary may designate as an experimental population a population of endangered or threatened species that has been or will be released

into suitable natural habitat outside the species' current natural range (but within its probable historic range, absent a finding by the Director in the extreme case that the primary habitat of the species has been unsuitably and irreversibly altered or destroyed), subject to the further conditions specified in this section; *provided*, that all designations of experimental populations must proceed by regulation adopted in accordance with 5 U.S.C. 553 and the requirements of this subpart.

(b) Before authorizing the release as an experimental population of any population (including eggs, propagules, or individuals) of an endangered or threatened species, and before authorizing any necessary transportation to conduct the release, the Secretary must find by regulation that such release will further the conservation of the species. In making such a finding the Secretary shall utilize the best scientific and commercial data available to consider:

(1) Any possible adverse effects on extant populations of a species as a result of removal of individuals, eggs, or propagules for introduction elsewhere;

(2) The likelihood that any such experimental population will become established and survive in the foreseeable future;

(3) The relative effects that establishment of an experimental population will have on the recovery of the species; and

(4) The extent to which the introduced population may be affected by existing or anticipated Federal or State actions or private activities within or adjacent to the experimental population area.

The Secretary may issue a permit under section 10(a)(1)(A) of the Act, if appropriate under the standards set out in subsections 10(d) and (j) of the Act, to allow acts necessary for the establishment and maintenance of an experimental population.

(c) Any regulation promulgated under paragraph (a) of this section shall provide:

(1) Appropriate means to identify the experimental population, including, but not limited to, its actual or proposed location, actual or anticipated migration, number of specimens released or to be released, and other criteria appropriate to identify the experimental population(s);

(2) A finding, based solely on the best scientific and commercial data available, and the supporting factual basis, on whether the experimental population is, or is not, essential to the continued existence of the species in the wild;

(3) Management restrictions, protective measures, or other special management concerns of that population, which may include but are not limited to, measures to isolate and/or contain the experimental population designated in the regulation from natural populations; and

(4) A process for periodic review and evaluation of the success or failure of the release and the effect of the release on the conservation and recovery of the species.

(d) The Fish and Wildlife Service shall consult with appropriate State fish and wildlife agencies, local governmental entities, affected Federal agencies, and affected private landowners in developing and implementing experimental population rules. When appropriate, a public meeting will be conducted with interested members of the public. Any regulation promulgated pursuant to this section shall, to the maximum extent practicable, represent an agreement between the Fish and Wildlife Service, the affected State and Federal agencies and persons holding any interest in land which may be affected by the establishment of an experimental population.

(e) Any population of an endangered species or a threatened species determined by the Secretary to be an experimental population in accordance with this subpart shall be identified by special rule in §§17.84–17.86 as appropriate and separately listed in §17.11(h) (wildlife) or §17.12(h) (plants) as appropriate.

(f) The Secretary may designate critical habitat as defined in section (3)(5)(A) of the Act for an essential experimental population as determined pursuant to paragraph (c)(2) of this section. Any designation of critical habitat for an essential experimental population will be made in accordance with section 4 of the Act. No designation of

critical habitat will be made for nonessential populations. In those situations where a portion or all of an essential experimental population overlaps with a natural population of the species during certain periods of the year, no critical habitat shall be designated for the area of overlap unless implemented as a revision to critical habitat of the natural population for reasons unrelated to the overlap itself.

§ 17.82 Prohibitions.

Any population determined by the Secretary to be an experimental population shall be treated as if it were listed as a threatened species for purposes of establishing protective regulations under section 4(d) of the Act with respect to such population. The Special rules (protective regulations) adopted for an experimental population under § 17.81 will contain applicable prohibitions, as appropriate, and exceptions for that population.

§ 17.83 Interagency cooperation.

(a) Any experimental population designated for a listed species (1) determined pursuant to § 17.81(c)(2) of this subpart not to be essential to the survival of that species and (2) not occurring within the National Park System or the National Wildlife Refuge System, shall be treated for purposes of section 7 (other than subsection (a)(1) thereof) as a species proposed to be listed under the Act as a threatened species.

(b) Any experimental population designated for a listed species that either (1) has been determined pursuant to § 17.81(c)(2) of this subpart to be essential to the survival of that species, of (2) occurs within the National Park System or the National Wildlife Refuge System as now or hereafter constituted, shall be treated for purposes of section 7 of the Act as a threatened species. Notwithstanding the foregoing, any biological opinion prepared pursuant to section 7(b) of the Act and any agency determination made pursuant to section 7(a) of the Act shall consider any experimental and nonexperimental populations to constitute a single listed species for the purposes of conducting the analyses under such sections.

§ 17.84 Special rules—vertebrates.

(a) Delmarva Peninsula fox squirrel (*Sciurus niger cinereus*). (1) The Delmarva Peninsula fox squirrel population identified in paragraph (a)(6) of this section is a nonessential experimental population.

(2) No person shall take this species, except:

(i) For educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act and in accordance with applicable State fish and wildlife conservation laws and regulations; or

(ii) Incidental to recreational activities.

(3) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species (other than incidental taking as described in paragraph (a)(2)(ii) of this section) will also be a violation of the Endangered Species Act.

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

(5) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraph (a)(2) or (4) of this section.

(6) The site for reintroduction of Delmarva Peninsula fox squirrel is totally isolated from existing populations of this species. The nearest extant population is in the Chincoteague National Wildlife Refuge approximately 50 miles from the reintroduction site. The reintroduction site is within the historic range of this species and is located at the Assawoman Wildlife Area, Sussex County, Delaware. Observation of previous releases have shown that fox squirrels have not traveled more than 2 or 3 miles from release sites, therefore, the possibility of this population contacting extant wild populations is unlikely.

(7) The reintroduced population will be checked periodically to determine

its condition and the success of the reintroduction. Of special concern will be the establishment of breeding pairs and the reproductive success of the population. The movement patterns of the released individuals and the overall health of the population will also be observed.

(b) Colorado squawfish (*Ptychocheilus lucius*) and woundfin (*Plagopterus* argentissimus). (1) The Colorado squawfish and woundfin populations identified in paragraph (b)(6) of this section, are experimental, nonessential populations.

(2) No person shall take the species, except in accordance with applicable State or Tribal fish and wildlife conservation laws and regulations in the following instances:

(i) For educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act; or

(ii) Incidental to otherwise lawful activities, provided that the individual fish taken, if still alive, is immediately returned to its habitat.

(3) Any violation of applicable State or Tribal fish and wildlife conservation laws or regulations with respect to the taking of this species (other than incidental taking as described in paragraph (b)(2)(ii) of this section) will also be a violation of the Endangered Species Act.

(4) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State or Tribal fish and wildlife laws or regulations.

(5) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (b) (2) through (4) of this section.

(6) All of the sites for reintroduction of Colorado squawfish and woundfin are totally isolated from existing populations of these species. The nearest population of Colorado squawfish is above Lake Powell in the Green and Colorado Rivers, an upstream distance of at least 800 miles including 6 mainstream dams, and 200 miles of dry riverbed. Woundfin are similarly isolated (450 miles distant, 200 miles of dry streambed and 5 mainstream dams). All reintroduction sites are within the probable historic range of these species and are as follows:

Colorado Squawfish

(i) *Arizona: Gila County*. Salt River from Roosevelt Dam upstream to U.S Highway 60 bridge.

(ii) *Arizona: Gila and Yavapai Counties*. Verde River from Horseshoe Dam upstream to Perkinsville.

The lower segments of large streams which flow into these two sections of river may, from time to time, be inhabited by Colorado squawfish. Downstream movement of squawfish in these areas will be restricted by dams and upstream movement is limited by lack of suitable habitat.

Woundfin

(i) *Arizona: Gila and Yavapai Counties*. Verde River from backwaters of Horseshoe Reservoir upstream to Perkinsville.

(ii) *Arizona: Graham and Greenlee Counties*. Gila River from backwaters of San Carlos Reservoir upstream to Arizona/New Mexico State line.

(iii) *Arizona: Greenlee County*. San Francisco River from its junction with the Gila River upstream to the Arizona/New Mexico State line.

(iv) *Arizona: Gila County*. Tonto Creek, from Punkin Center upstream to Gisela.

(v) *Arizona: Yavapai County*. Hassayampa River, from Red Cliff upstream to Wagoner.

The movement of woundfin beyond these areas will be limited to the lower portion of larger tributaries where suitable habitat exists. Downstream movement is limited by dams, reservoirs, and dry streambed. Upstream movement from these areas is restricted due to the absence of habitat. Upstream areas are too cold and the gradient is too steep to support populations of woundfin.

(7) The reintroduced populations will be checked annually to determine their condition. A seining survey will be used to determine population expansion or contraction, reproduction success, and general health condition of the fish.

(c) Red wolf (*Canis rufus*). (1) The red wolf populations identified in paragraphs (c)(9)(i) and (c)(9)(ii) of this section are nonessential experimental populations.

(2) No person may take this species, except as provided in paragraphs (c)(3) through (5) and (10) of this section.

(3) Any person with a valid permit issued by the Service under §17.32 may take red wolves for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act and in accordance with applicable State fish and wildlife conservation laws and regulations;

(4)(i) Any person may take red wolves found on private land in the areas defined in paragraphs (c)(9) (i) and (ii) of this section, *Provided* that such taking is not intentional or willful, or is in defense of that person's own life or the lives of others; and that such taking is reported within 24 hours to the refuge manager (for the red wolf population defined in paragraph (c)(9)(i) of this section), the Park superintendent (for the red wolf population defined in paragraph (c)(9)(ii) of this section), or the State wildlife enforcement officer for investigation.

(ii) Any person may take red wolves found on lands owned or managed by Federal, State, or local government agencies in the areas defined in paragraphs (c)(9) (i) and (ii) of this section, *Provided* that such taking is incidental to lawful activities, is unavoidable, unintentional, and not exhibiting a lack of reasonable due care, or is in defense of that person's own life or the lives of others, and that such taking is reported within 24 hours to the refuge manager (for the red wolf population defined in paragraph (c)(9)(i) of this section), the Park superintendent (for the red wolf population defined in paragraph (c)(9)(ii) of this section), or the State wildlife enforcement officer for investigation.

(iii) Any private landowner, or any other individual having his or her permission, may take red wolves found on his or her property in the areas defined in paragraphs (c)(9) (i) and (ii) of this section when the wolves are in the act of killing livestock or pets, *Provided* that freshly wounded or killed livestock or pets are evident and that all such taking shall be reported within 24 hours to the refuge manager (for the red wolf population defined in paragraph (c)(9)(i) of this section), the Park superintendent (for the red wolf population defined in paragraph (c)(9)(ii) of this section), or the State wildlife enforcement officer for investigation.

(iv) Any private landowner, or any other individual having his or her permission, may harass red wolves found on his or her property in the areas defined in paragraphs (c)(9) (i) and (ii) of this section, *Provided* that all such harassment is by methods that are not lethal or physically injurious to the red wolf and is reported within 24 hours to the refuge manager (for the red wolf population defined in paragraph (c)(9)(i) of this section), the Park superintendent (for the red wolf population defined in paragraph (c)(9)(ii) of this section), or the State wildlife enforcement officer, as noted in paragraph (c)(6) of this section for investigation.

(v) Any private landowner may take red wolves found on his or her property in the areas defined in paragraphs (c)(9) (i) and (ii) of this section after efforts by project personnel to capture such animals have been abandoned, *Provided* that the Service project leader or biologist has approved such actions in writing and all such taking shall be reported within 24 hours to the Service project leader or biologist, the refuge manager (for the red wolf population defined in paragraph (c)(9)(i) of this section), the Park superintendent (for the red wolf population defined in paragraph (c)(9)(ii) of this section), or the State wildlife enforcement officer for investigation.

(vi) The provisions of paragraphs (4) (i) through (v) of this section apply to red wolves found in areas outside the areas defined in paragraphs (c)(9) (i) and (ii) of this section, with the exception that reporting of taking or harassment to the refuge manager, Park superintendent, or State wildlife enforcement officer, while encouraged, is not required.

(5) Any employee or agent of the Service or State conservation agency who is designated for such purposes, when acting in the course of official duties, may take a red wolf if such action is necessary to:

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

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

(iii) Take an animal that constitutes a demonstrable but non-immediate threat to human safety or that is responsible for depredations to lawfully present domestic animals or other personal property, if it has not been possible to otherwise eliminate such depredation or loss of personal property, *Provided* That such taking must be done in a humane manner, and may involve killing or injuring the animal only if it has not been possible to eliminate such threat by live capturing and releasing the specimen unharmed on the refuge or Park;

(iv) Move an animal for genetic purposes.

(6) Any taking pursuant to paragraphs (c) (3) through (5) of this section must be immediately reported to either the Refuge Manager, Alligator River National Wildlife Refuge, Manteo, North Carolina, telephone 919/473–1131, or the Superintendent, Great Smoky Mountains National Park, Gatlinburg, Tennessee, telephone 615/436–1294. Either of these persons will determine disposition of any live or dead specimens.

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

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

(9)(i) The Alligator River reintroduction site is within the historic range of the species in North Carolina, in Dare, Hyde, Tyrrell, and Washington Counties; because of its proximity and potential conservation value, Beaufort County is also included in the experimental population designation.

(ii) The red wolf also historically occurred on lands that now comprise the Great Smoky Mountains National Park. The Park encompasses properties within Haywood and Swain Counties in North Carolina, and Blount, Cocke, and Sevier Counties in Tennessee. Graham, Jackson, and Madison Counties in North Carolina, and Monroe County in Tennessee, are also included in the experimental designation because of the close proximity of these counties to the Park boundary.

(iii) Except for the three island propagation projects and these small reintroduced populations, the red wolf is extirpated from the wild. Therefore, there are no other extant populations with which the refuge or Park experimental populations could come into contact.

(10) The reintroduced populations will be monitored closely for the duration of the project, generally using radio telemetry as appropriate. All animals released or captured will be vaccinated against diseases prevalent in canids prior to release. Any animal that is determined to be in need of special care or that moves onto lands where the landowner requests their removal will be recaptured, if possible, by Service and/or Park Service and/or designated State wildlife agency personnel and will be given appropriate care. Such animals will be released back into the wild as soon as possible, unless physical or behavioral problems make it necessary to return the animals to a captive-breeding facility.

(11) The status of the Alligator River National Wildlife Refuge project will be reevaluated by October 1, 1992, to determine future management status and needs. This review will take into account the reproductive success of the mated pairs, movement patterns of individual animals, food habits, and overall health of the population. The duration of the first phase of the Park project is estimated to be 10 to 12 months. After that period, an assessment of the reintroduction potential of the Park for red wolves will be made. If a second phase of reintroduction is attempted, the duration of that phase will be better defined during the assessment. However, it is presently thought that a second phase would last for 3 years, after which time the red wolf would be treated as a resident species within the Park. Throughout these periods, the experimental and nonessential designation of the animals will remain in effect.

(d) Topeka shiner (*Notropis topeka*).

(1) *Where is the Topeka shiner designated as a nonessential experimental population (NEP)?* (i) The NEP area for

the Topeka shiner is within the species' historical range and includes those waters within the Missouri counties of Adair, Gentry, Harrison, Putnam, Sullivan, and Worth identified below in paragraph (d)(5) of this section.

(ii) The Topeka shiner is not known to currently exist in Adair, Gentry, Putnam, Sullivan, and Worth Counties in Missouri, or in those portions of Harrison County, Missouri, where the NEP is being designated. Based on its habitat requirements and potential predation by other fish predators, we do not expect this species to become established outside this NEP area, although there is a remote chance it may.

(iii) We will not change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP area without a public rulemaking. Additionally, we will not designate critical habitat for this NEP, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What activities are not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (d)(3) of this section, all the prohibitions of §17.21 apply to the Topeka shiner NEP.

(ii) Any manner of take not described under paragraph (d)(3) of this section is prohibited in the NEP area.

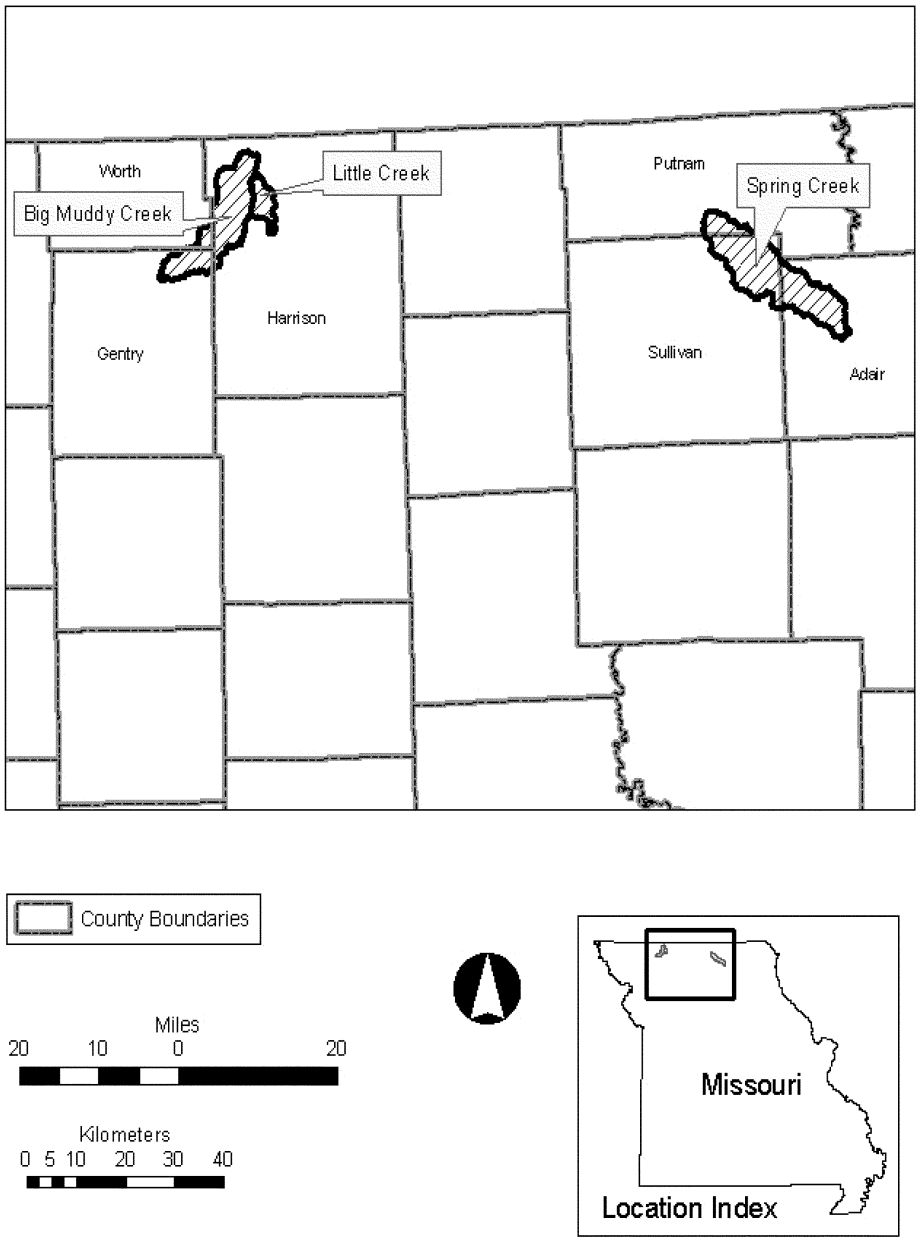
(iii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means, Topeka shiners, or parts thereof, that are taken or possessed in violation of paragraph (d)(3) of this section or in violation of the applicable State fish and wildlife laws or regulations or the Act.

(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (d)(2)(iii) of this section.

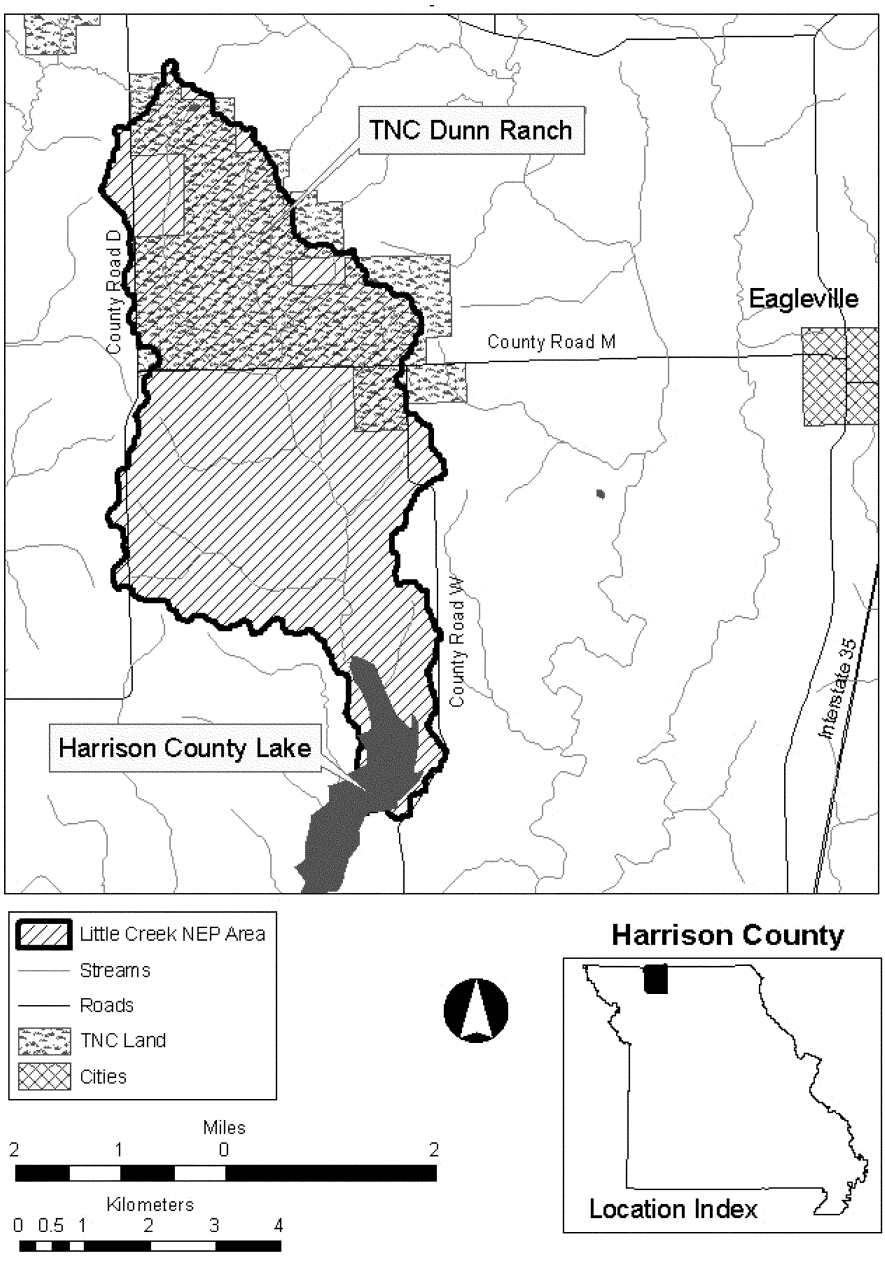
(3) *What take is allowed in the NEP area?* Take of this species that is incidental to an otherwise legal activity, such as agriculture, forestry and wildlife management, land development, recreation, and other activities, is allowed provided that the activity is not in violation of any applicable State fish and wildlife laws or regulations.

(4) *How will the effectiveness of these reintroductions be monitored?* We will monitor reintroduction efforts to assess changes in distribution within each watershed by sampling ponds and streams where releases occur for 10 years after reintroduction. Streams will be sampled annually, and ponds will be sampled annually for the first 3 years and biennially thereafter.

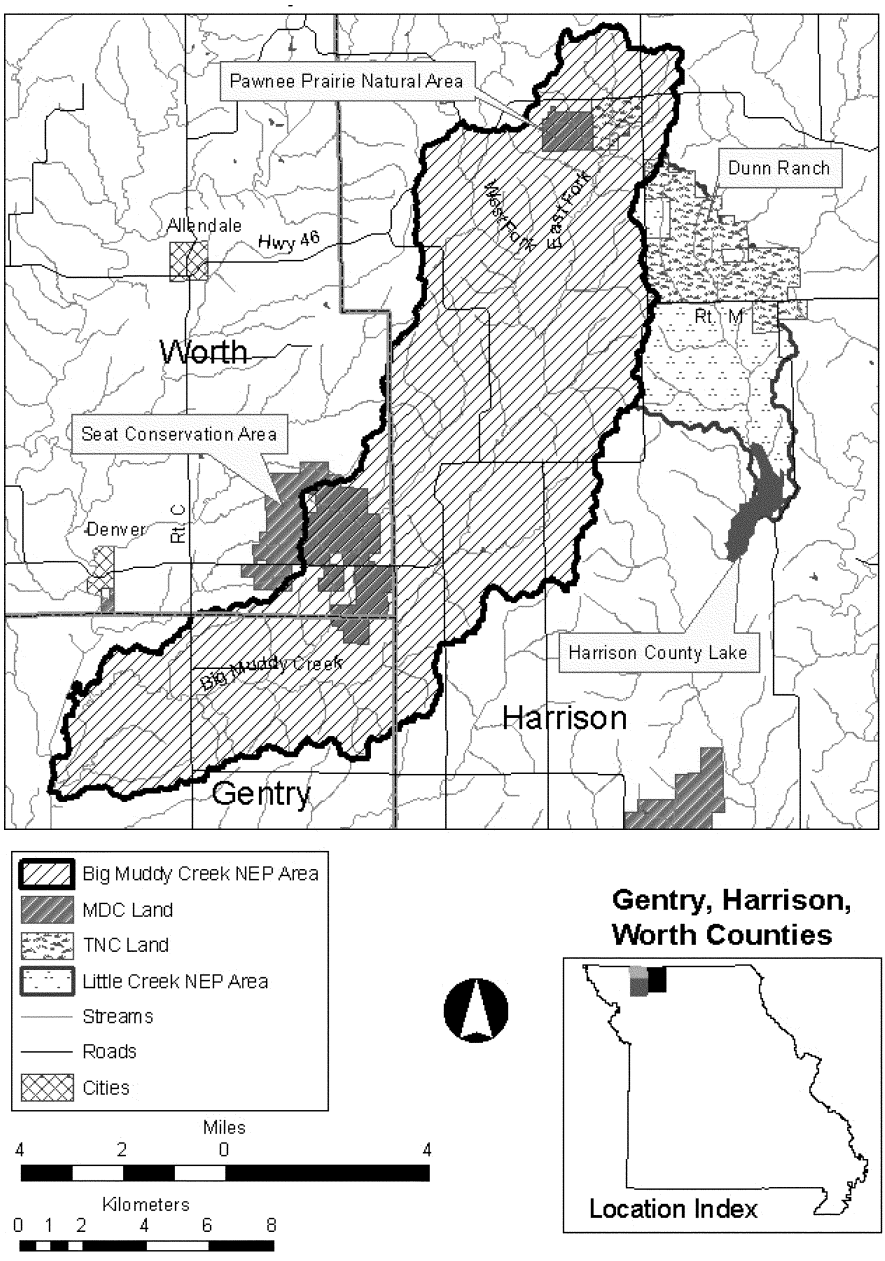
(5) *Note:* Map of the NEP areas [Big Muddy Creek (Gentry, Harrison, and Worth Counties), Little Creek (Harrison County), and Spring Creek (Adair, Putnam, and Sullivan Counties)] for the Topeka shiner, follows:



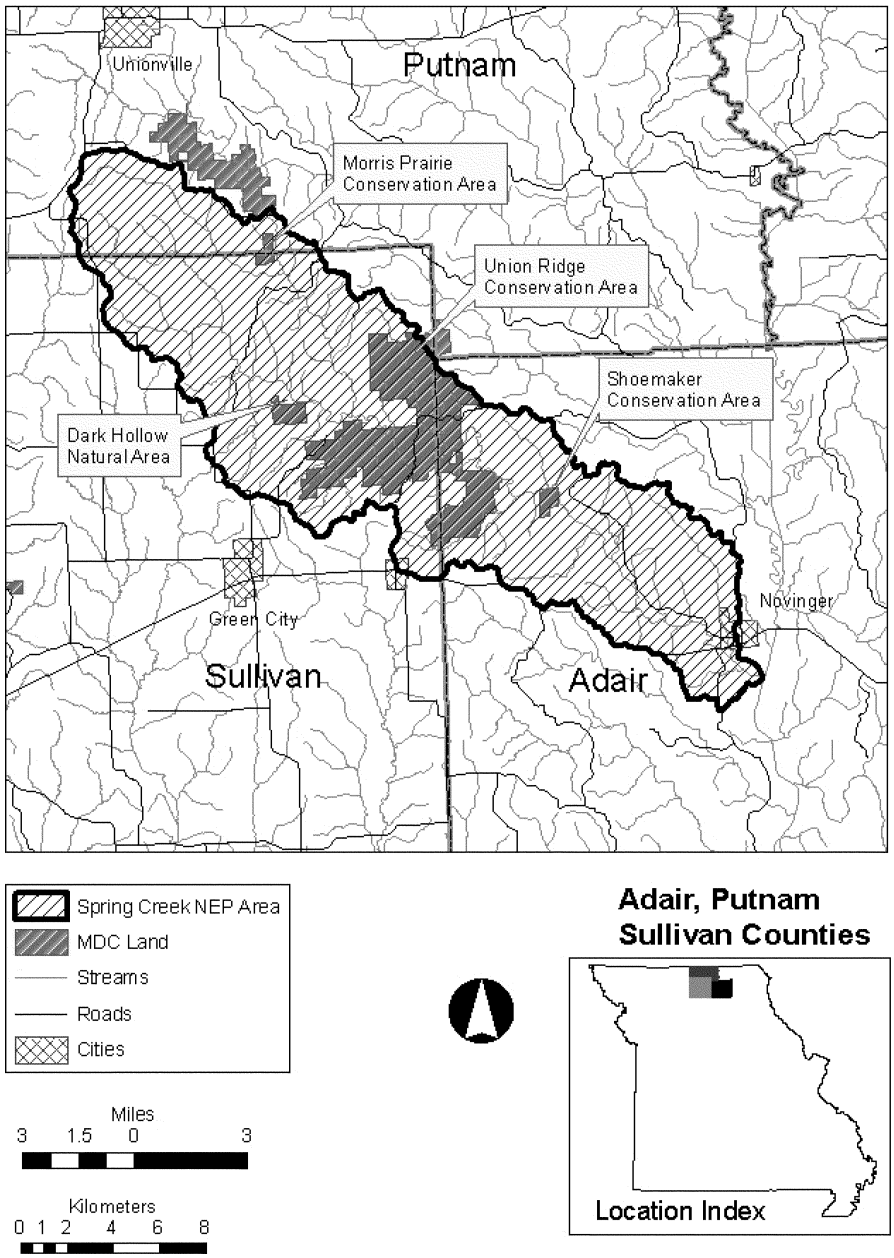
(6) *Note:* Map of the NEP area for the Topeka shiner in Little Creek watershed, Harrison County, follows:



(7) *Note:* Map of the NEP area for the Topeka shiner in Big Muddy Creek watershed, Gentry, Harrison, and Worth Counties, follows:



(8) *Note:* Map of the NEP area for the Topeka shiner in Spring Creek watershed, Adair, Putnam, and Sullivan Counties, follows:



(e) Yellowfin madtom (*Noturus flavipinnis*). (1) *Where is the yellowfin madtom designated as a nonessential experimental population (NEP)?* We have designated three populations of this species as NEPs: the North Fork Holston River Watershed NEP, the

Tellico River NEP, and the French Broad River and Holston River NEP.

(i) The North Fork Holston River Watershed NEP area is within the species' historic range and is defined as follows: The North Fork Holston River watershed, Washington, Smyth, and Scott Counties, Virginia; South Fork Holston River watershed upstream to Ft. Patrick Henry Dam, Sullivan County, Tennessee; and the Holston River from the confluence of the North and South Forks downstream to the John Sevier Detention Lake Dam, Hawkins County, Tennessee. This site is totally isolated from existing populations of this species by large Tennessee River tributaries and reservoirs. As the species is not known to inhabit reservoirs and because individuals of the species are not likely to move 100 river miles through these large reservoirs, the possibility that this population could come in contact with extant wild populations is unlikely.

(ii) The Tellico River NEP area is within the species' historic range and is defined as follows: The Tellico River, between the backwaters of the Tellico Reservoir (approximately Tellico River mile 19 (30.4 kilometers) and Tellico River mile 33 (52.8 kilometers), near the Tellico Ranger Station, Monroe County, Tennessee. This species is not currently known to exist in the Tellico River or its tributaries. Based on its habitat requirements, we do not expect this species to become established outside this NEP area. However, if individuals of this population move upstream or downstream or into tributaries outside the designated NEP area, we would presume that they came from the reintroduced population. We would then amend this regulation to enlarge the boundaries of the NEP area to include the entire range of the expanded population.

(iii) The French Broad River and Holston River NEP area is within the species' historic range and is defined as follows: the French Broad River, Knox and Sevier Counties, Tennessee, from the base of Douglas Dam (river mile (RM) 32.3 (51.7 km)) downstream to the confluence with the Holston River; then up the Holston River, Knox, Grainger, and Jefferson Counties, Tennessee, to the base of Cherokee Dam (RM 52.3 (83.7 km)); and the lower 5 RM (8 km) of all tributaries that enter these river reaches. This species is not known to exist in any of the tributaries to the free-flowing reaches of the French Broad River below Douglas Dam, Knox and Sevier Counties, Tennessee, or of the Holston River below the Cherokee Dam, Knox, Grainger, and Jefferson Counties, Tennessee. Based on its habitat requirements, we do not expect this species to become established outside this NEP area. However, if individuals of this population move upstream or downstream or into tributaries outside the designated NEP area, we would presume that they came from the reintroduced population. We would then amend this regulation to enlarge the boundaries of the NEP area to include the entire range of the expanded population.

(iv) We do not intend to change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP areas. Additionally, we will not designate critical habitat for these NEPs, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What activities are not allowed in the NEP areas?* (i) Except as expressly allowed in paragraph (e)(3) of this section, all the prohibitions of §17.31(a) and (b) apply to the yellowfin madtom.

(ii) Any manner of take not described under paragraph (e)(3) of this section is prohibited in the NEP area. We may refer unauthorized take of this species to the appropriate authorities for prosecution.

(iii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified fishes, or parts thereof, that are taken or possessed in violation of paragraph (e)(2) of this section or in violation of the applicable State fish and wildlife laws or regulations or the Act.

(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (e)(2) of this section.

(3) *What take is allowed in the NEP area?* Take of this species that is accidental and incidental to an otherwise legal activity, such as recreation (e.g., fishing, boating, wading, trapping, or swimming), forestry, agriculture, and

other activities that are in accordance with Federal, State, and local laws and regulations, is allowed.

(4) *How will the effectiveness of these reintroductions be monitored?* We will prepare periodic progress reports and fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

(5) *Note:* Map of the NEP area for the yellowfin madtom in the Tellico River, Tennessee, appears immediately following paragraph (m)(5) of this section.

(6) *Note:* Map of the NEP area for the yellowfin madtom in the French Broad River and Holston River, Tennessee, appears immediately following paragraph (m)(7) of this section.

(f) Guam rail (*Rallus owstoni*). (1) The Guam rail population identified in paragraph (f)(7) of this section is a nonessential experimental population.

(2) No person shall take this species, except:

(i) In accordance with a valid permit issued by the Service under §17.32 for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act; or

(ii) As authorized by the laws and regulations of the Commonwealth of the Northern Mariana Islands, after the Service has made the determination that the experimental population has become well established and occupies all suitable habitat island-wide.

(3) Any employee of the Service, the Commonwealth of the Northern Mariana Islands Division of Fish and Wildlife, or the Guam Division of Aquatic and Wildlife Resources who is designated for such purposes, may, when acting in the course of official duties, take a Guam rail without a permit if such action is necessary to:

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

(ii) Dispose of a dead specimen;

(iii) Salvage a dead specimen that may be useful for scientific study; or

(iv) Take an animal that is responsible for depredations to personal property if it has not been possible to otherwise eliminate such depredations and/or loss of personal property, provided that such taking must be done in a humane manner and may involve injuring or killing the bird only if it has not been possible to eliminate depredations by live capturing and releasing the specimen unharmed in other suitable habitats.

(4) Any violation of applicable commonwealth of the Northern Mariana Islands fish and wildlife conservation laws or regulations with respect to the taking of this species (other than taking as described in paragraph (f)(2)(ii) of this section) will also be a violation of the Endangered Species Act.

(5) No person shall possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable Commonwealth of the Northern Mariana Islands fish and wildlife laws or regulations or the Endangered Species Act.

(6) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (f) (2) through (5) of this section.

(7) The sites for introduction of Guam rails on Rota, Commonwealth of the Northern Mariana Islands, are on an island separated from Guam by 50 kilometers of ocean. The last known observation of an individual of this species occurred near the northern tip of Guam, which is closest to the island of Rota. No intermingling of these populations will occur since this species has been extirpated in the wild on Guam. The Rota release sites are of necessity outside the historic range of the Guam rail, as described in this regulation, because its primary range has been unsuitably and irreversibly destroyed by the brown tree snake.

(8) The nonessential experimental population on Rota will be checked periodically by staff of the Commonwealth of the Northern Mariana Islands Division of Fish and Wildlife and cooperating staff from the University of Tennessee to determine dispersal patterns, mortality, and reproductive success. The overall success of the releases and general health of the population will also be assessed.

(g) Black-footed ferret (*Mustela nigripes*). (1) The black-footed ferret populations identified in paragraph

(g)(9)(i) through (vii) of this section are nonessential experimental populations. We will manage each of these populations in accordance with their respective management plans.

(2) No person may take this species in the wild in the experimental population area, except as provided in paragraphs (g)(3), (4), (5), and (10) of this section.

(3) Any person with a valid permit issued by the U.S. Fish and Wildlife Service (Service) under section 17.32 may take black-footed ferrets in the wild in the experimental population areas.

(4) Any employee or agent of the Service or appropriate State wildlife agency designated for such purposes, acting in the course of official duties, may take a black-footed ferret in the wild in the experimental population areas if such action is necessary:

(i) For scientific purposes;

(ii) To relocate a ferret to avoid conflict with human activities;

(iii) To relocate a ferret that has moved outside the Little Snake Black-footed Ferret Management Area/Coyote Basin Primary Management Zone or the Rosebud Sioux Reservation Experimental Population Area when that relocation is necessary to protect the ferret or is requested by an affected landowner or land manager, or whose removal is requested pursuant to paragraph (g)(12) of this section.

(iv) To relocate ferrets within the experimental population area to improve ferret survival and recovery prospects;

(v) To relocate ferrets from the experimental population areas into other ferret reintroduction areas or captivity;

(vi) To aid a sick, injured, or orphaned animal; or

(vii) To salvage a dead specimen for scientific purposes.

(5) A person may take a ferret in the wild within the experimental population areas, provided such take is incidental to and not the purpose of, the carrying out of an otherwise lawful activity and if such ferret injury or mortality was unavoidable, unintentional, and did not result from negligent conduct. Such conduct is not considered intentional or ''knowing take'' for the purposes of this regulation, and the Service will not take legal action for such conduct. However, we will refer cases of knowing take to the appropriate authorities for prosecution.

(6) You must report any taking pursuant to paragraphs (g)(3), (4)(vi) and (vii), and (5) of this section to the appropriate Service Field Supervisor, who will determine the disposition of any live or dead specimens.

(i) Report such taking in the Shirley Basin/Medicine Bow experimental population area to the Field Supervisor, Ecological Services, Fish and Wildlife Service, Cheyenne, Wyoming (telephone: 307/772–2374).

(ii) Report such taking in the Conata Basin/Badlands experimental population area to the Field Supervisor, Ecological Services, Fish and Wildlife Service, Pierre, South Dakota (telephone: 605/224–8693).

(iii) Report such taking in the northcentral Montana experimental population area to the Field Supervisor, Ecological Services, Fish and Wildlife Service, Helena, Montana (telephone: 406/449–5225).

(iv) Report such taking in the Aubrey Valley experimental population area to the Field Supervisor, Ecological Services, Fish and Wildlife Service, Phoenix, Arizona (telephone: 602/640–2720).

(v) Report such taking in the northwestern Colorado/northeastern Utah experimental population area to the appropriate Field Supervisor, Ecological Services, U.S. Fish and Wildlife Service, Lakewood, Colorado (telephone: 303/275–2370), or Salt Lake City, Utah (telephone: 801/524–5001).

(vi) Report such taking in the Cheyenne River Sioux Tribe Experimental Population Area to the Field Supervisor, Ecological Services, U.S. Fish and Wildlife Service, Pierre, South Dakota (telephone 605/224–8693).

(vii) Report such taking in the Rosebud Sioux Reservation Experimental Population Area to the Field Supervisor, Ecological Services, U.S. Fish and Wildlife Service, Pierre, South Dakota (telephone 605/224–8693).

(7) No person shall possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any ferret or part thereof from the experimental populations taken in violation of these regulations or in violation of

applicable State fish and wildlife laws or regulations or the Endangered Species Act.

(8) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to commit, any offense defined in paragraphs (g)(2) and (7) of this section.

(9) The sites for reintroduction of black-footed ferrets are within the historical range of the species.

(i) We consider the Shirley Basin/Medicine Bow Management Area on the attached map of Wyoming to be the core recovery area for this species in southeastern Wyoming. The boundaries of the nonessential experimental population are that part of Wyoming south and east of the North Platte River within Natrona, Carbon, and Albany Counties (see Wyoming map). All marked ferrets found in the wild within these boundaries prior to the first breeding season following the first year of releases constituted the nonessential experimental population during this period. All ferrets found in the wild within these boundaries during and after the first breeding season following the first year of releases comprise the nonessential experimental population, thereafter.

(ii) We consider the Conata Basin/Badlands Reintroduction Area on the attached map for South Dakota to be the core recovery area for this species in southwestern South Dakota. The boundaries of the nonessential experimental population area occur north of State Highway 44 and BIA Highway 2 east of the Cheyenne River and BIA Highway 41, south of I–90, and west of State Highway 73 within Pennington, Shannon, and Jackson Counties, South Dakota. Any black-footed ferret found in the wild within these boundaries is part of the nonessential experimental population after the first breeding season following the first year of releases of black-footed ferret in the Reintroduction Area. A black-footed ferret occurring outside the experimental population area in South Dakota is considered as endangered but may be captured for genetic testing. We will dispose of the captured animal in one of the following ways if necessary:

(A) We may return an animal genetically related to the experimental population to the Reintroduction Area or to a captive facility.

(B) Under an existing contingency plan, we will use up to nine black-footed ferrets genetically unrelated to the experimental population in the captive-breeding program. If a landowner outside the experimental population area wishes to retain black-footed ferrets on his property, we will develop a conservation agreement or easement with the landowner.

(iii) We consider the Northcentral Montana Reintroduction Area shown on the attached map for Montana to be the core recovery area for this species in northcentral Montana. The boundaries of the nonessential experimental population are those parts of Phillips and Blaine Counties, Montana, described as the area bounded on the north beginning at the northwest corner of the Fort Belknap Indian Reservation on the Milk River; east following the Milk River to the east Phillips County line; then south along said line to the Missouri River; then west along the Missouri River to the west boundary of Phillips County; then north along said county line to the west boundary of Fort Belknap Indian Reservation; then further north along said boundary to the point of origin at the Milk River. All marked ferrets found in the wild within these boundaries prior to the first breeding season following the first year of releases constituted the nonessential experimental population during this period. All ferrets found in the wild within these boundaries during and after the first breeding season following the first year of releases comprise the nonessential experimental population thereafter. A black-footed ferret occurring outside the experimental area in Montana is initially considered as endangered but may be captured for genetic testing. We will dispose of the captured animal in one of the following ways if necessary:

(A) We may return an animal genetically related to the experimental population to the reintroduction area or to a captive facility.

(B) Under an existing contingency plan, we will use up to nine black-footed ferrets genetically unrelated to the

experimental population in the captive-breeding program. If a landowner outside the experimental population area wishes to retain black-footed ferrets on his property, we will develop a conservation agreement or easement with the landowner.

(iv) We consider the Aubrey Valley Experimental Population Area shown on the attached map for Arizona to be the core recovery area for this species in northwestern Arizona. The boundary of the nonessential experimental population area is those parts of Coconino, Mohave, and Yavapai Counties that include the Aubrey Valley west of the Aubrey Cliffs, starting from Chino Point, north along the crest of the Aubrey cliffs to the Supai Road (State Route 18), southwest along the Supai Road to Township 26 North, then west to Range 11 West, then south to the Hualapai Indian Reservation boundary, then east and northeast along the Hualapai Indian Reservation boundary to U.S. Highway Route 66; then southeast along Route 66 for approximately 6 km (2.3 miles) to a point intercepting the east boundary of section 27, Township 25 North, Range 9 West; then south along a line to where the Atchison-Topeka Railroad enters Yampa Divide Canyon; then southeast along the Atchison-Topeka Railroad alignment to the intersection of the Range 9 West/Range 8 West boundary; then south to the SE corner of section 12, Township 24 North, Range 9 West; then southeast to SE corner section 20, Township 24 West, Range 8 West; then south to the SE corner section 29, Township 24 North, Range 8 West; then southeast to the half section point on the east boundary line of section 33, Township 24 North, Range 8 West; then northeast to the SE corner of section 27, Township 24 North, Range 8 West; then southeast to the SE corner Section 35, Township 24 North, Range 8 West; then southeast to the half section point on the east boundary line of section 12, Township 23 North, Range 8 West; then southeast to the SE corner of section 8, Township 23 North, Range 7 West; then southeast to the SE corner of section 16, Township 23 North, Range 7 West; then east to the half section point of the north boundary line of section 14, Township 23 North, Range 7 West; then south to the half section point on the north boundary line of section 26, Township 23 North, Range 7 West; then east along section line to route 66; then southeast along route 66 to the point of origin at Chino Point. Any black-footed ferrets found in the wild within these boundaries is part of the nonessential experimental population after the first breeding season following the first year of releases of ferrets into the reintroduction area. A black-footed ferret occurring outside the experimental area in Arizona is initially considered as endangered but may be captured for genetic testing. We will dispose of the captured animal in one of the following ways if necessary:

(A) We may return an animal genetically related to the experimental population to the reintroduction area or to a captive facility. If a landowner outside the experimental population area wishes to retain black-footed ferrets on his property, we will develop a conservation agreement or easement with the landowner.

(B) Under an existing contingency plan, we will use up to nine black-footed ferrets genetically unrelated to the experimental population in the captive-breeding program. If a landowner outside the experimental population area wishes to retain black-footed ferrets on his property, we will develop a conservation agreement or easement with the landowner.

(v) We consider the Little Snake Black-footed Ferret Management Area in Colorado and the Coyote Basin Black-footed Ferret Primary Management Zone in Utah as the initial recovery sites for this species within the Northwestern Colorado/Northeastern Utah Experimental Population Area (see Colorado/Utah map). The boundaries of the nonessential Experimental Population Area will be all of Moffat and Rio Blanco Counties in Colorado west of Colorado State Highway 13; all of Uintah and Duchesne Counties in Utah; and in Sweetwater County, Wyoming, the line between Range 96 and 97 West (eastern edge), Range 102 and 103 West (western edge), and Township 14 and 15 North (northern edge). All marked ferrets found in the wild within these boundaries prior to the first breeding season following the first year

of release will constitute the nonessential experimental population during this period. All ferrets found in the wild within these boundaries during and after the first breeding season following the first year of releases of ferrets into the reintroduction area will comprise the nonessential experimental population thereafter. A black-footed ferret occurring outside the Experimental Population Area is initially considered as endangered but may be captured for genetic testing. We will dispose of the captured animal in one of the following ways if necessary:

(A) We may return an animal genetically related to the experimental population to the Reintroduction Area or to a captive facility.

(B) Under an existing contingency plan, we will use up to nine black-footed ferrets genetically unrelated to the experimental population in the captive-breeding program. If a landowner outside the experimental population area wishes to retain black-footed ferrets on his property, we will develop a conservation agreement or easement with the landowner.

(vi) The Cheyenne River Sioux Tribe Reintroduction Area is shown on the map of north-central South Dakota at the end of paragraph (g) of this section. The boundaries of the nonessential experimental population area are the exterior boundaries of the Cheyenne River Sioux Reservation which includes all of Dewey and Ziebach Counties, South Dakota. Any black-footed ferret found in the wild within these counties will be considered part of the nonessential experimental population after the first breeding season following the first year of black-footed ferret release. A black-footed ferret occurring outside the Experimental Population Area in north-central South Dakota would initially be considered as endangered but may be captured for genetic testing. When a ferret is found outside the Experimental Population Area, the following may occur:

(A) If an animal is genetically determined to have originated from the experimental population, we may return it to the reintroduction area or to a captive-breeding facility.

(B) If an animal is determined to be genetically unrelated to the experimental population, we will place it in captivity under an existing contingency plan. Up to nine black-footed ferrets may be taken for use in the captive-breeding program.

(vii) The Rosebud Sioux Reservation Experimental Population Area is shown on the map of south-central South Dakota at the end of paragraph (g) of this section. The boundaries of the nonessential experimental population area include all of Gregory, Mellette, Todd, and Tripp Counties in South Dakota. Any black-footed ferret found within these four counties will be considered part of the nonessential experimental population after the first breeding season following the first year of black-footed ferret release. A black-footed ferret occurring outside the nonessential experimental population area in south-central South Dakota will initially be considered as endangered but may be captured for genetic testing. If necessary, disposition of the captured animal may occur in the following ways:

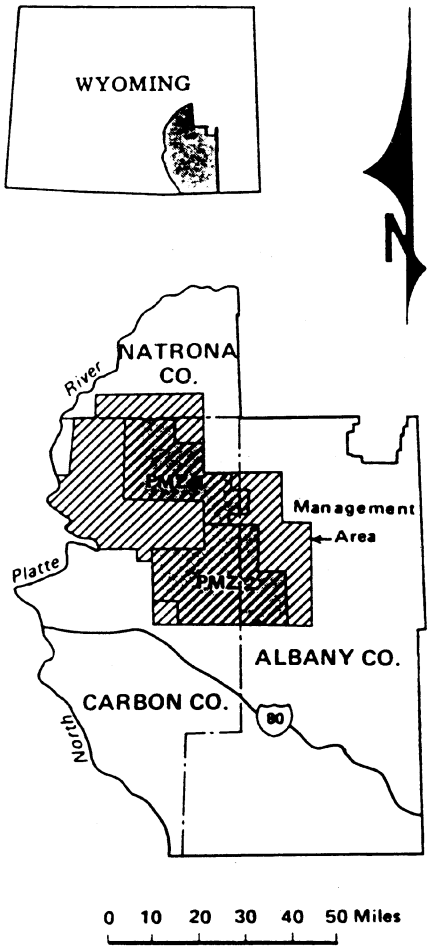
(A) If an animal is genetically determined to have originated from the experimental population, we may return it to the reintroduction area or to a captive-breeding facility.

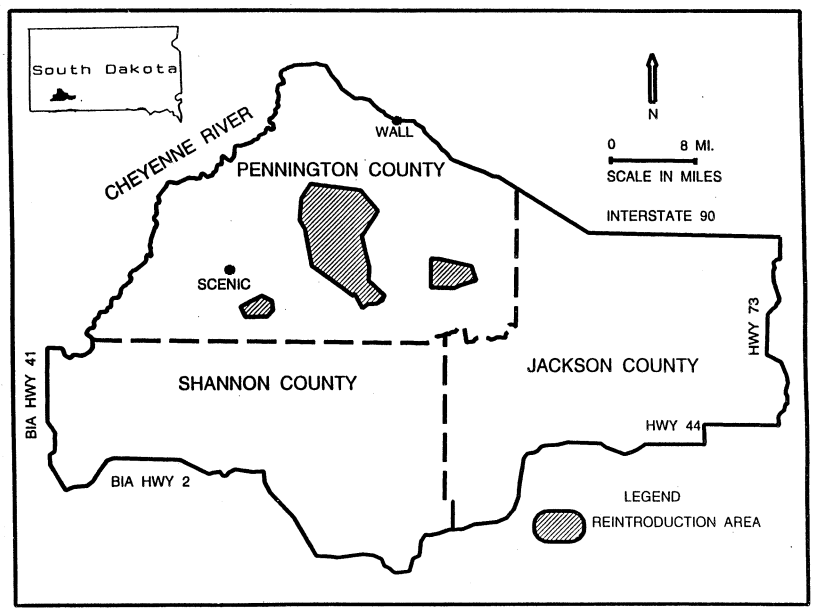
(B) If an animal is determined to be genetically unrelated to the experimental population, we will place it in captivity under an existing contingency plan. Up to nine black-footed ferrets may be taken for use in the captive-breeding program.

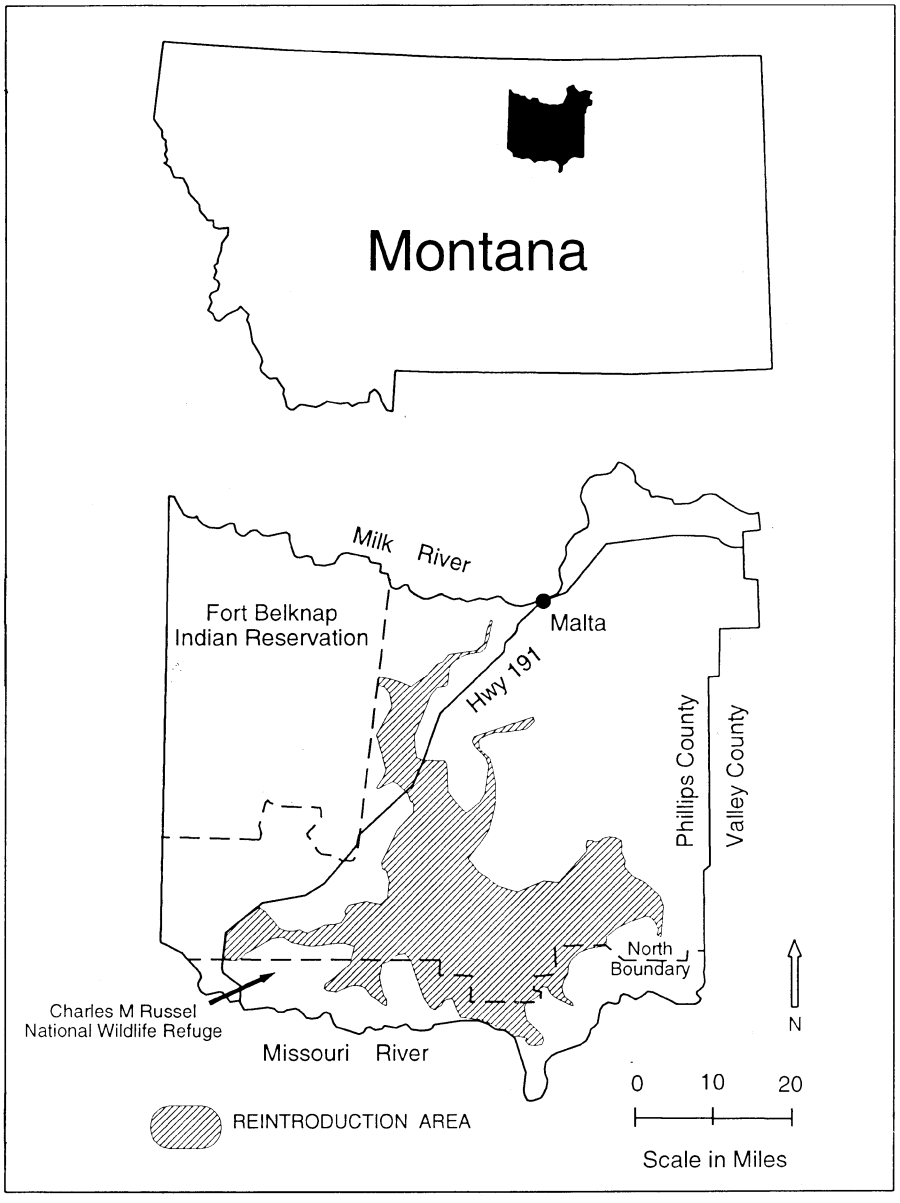
(10) Monitoring the reintroduced populations will occur continually during the life of the project, including the use of radio telemetry and other remote sensing devices, as appropriate. Vaccination of all released animals will occur prior to release, as appropriate, to prevent diseases prevalent in mustelids. Any animal that is sick, injured, or otherwise in need of special care may be captured by authorized personnel of the Service or appropriate State wildlife agency or their agents and given appropriate care. Such an animal may be released back to its appropriate reintroduction area or another authorized site as soon as possible, unless physical or behavioral problems make it necessary to return the animal to captivity.

(11) We will reevaluate the status of the experimental population within the first five years after the first year of release of black-footed ferrets to determine future management needs. This review will take into account the reproductive success and movement patterns of the individuals released into the area, as well as the overall health of the experimental population and the prairie dog ecosystem in the above described areas. We will propose reclassification of the black-footed ferret when we meet the appropriate recovery objectives for the species.

(12) We will not include a reevaluation of the ''nonessential experimental'' designation for these populations during our review of the initial five year reintroduction program. We do not foresee any likely situation justifying alteration of the nonessential experimental status of these populations. Should any such alteration prove necessary and it results in a substantial modification to black-footed ferret management on non-Federal lands, any private landowner who consented to the introduction of black-footed ferrets on their lands may rescind their consent, and at their request, we will relocate the ferrets pursuant to paragraph (g)(4)(iii) of this section.




South Dakota
CHEYENNE RIVER
WALL
PENNINGTON COUNTY
N
0 8 MI.
SCALE IN MILES
INTERSTATE 90
SCENIC
HWY 73
BIA HWY 41
SHANNON COUNTY
JACKSON COUNTY
HWY 44
BIA HWY 2
LEGEND
REINTRODUCTION AREA


Montana
Milk River
Fort Belknap
Indian Reservation
Malta
Hwy 191
Phillips County
Valley County
North
Boundary
N
Charles M Russel
National Wildlife Refuge
Missouri River
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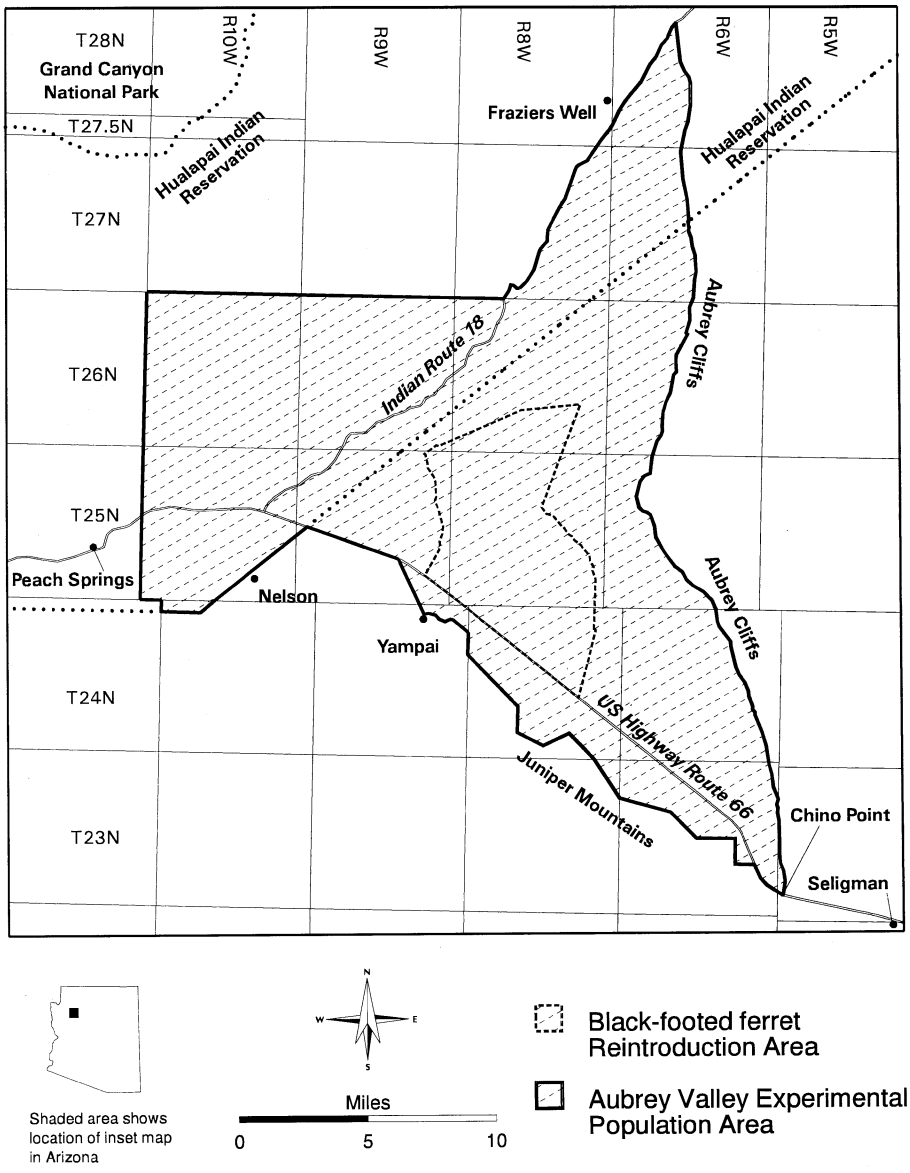
REINTRODUCTION AREA
Scale in Miles


T28N
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R8W
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Grand Canyon National Park
Hualapai Indian Reservation
Hualapai Indian Reservation
Fraziers Well
Indian Route 18
Aubrey Cliffs
Aubrey Cliffs
Peach Springs
Nelson
Yampai
US Highway Route 66
Juniper Mountains
Chino Point
Seligman
Shaded area shows location of inset map in Arizona
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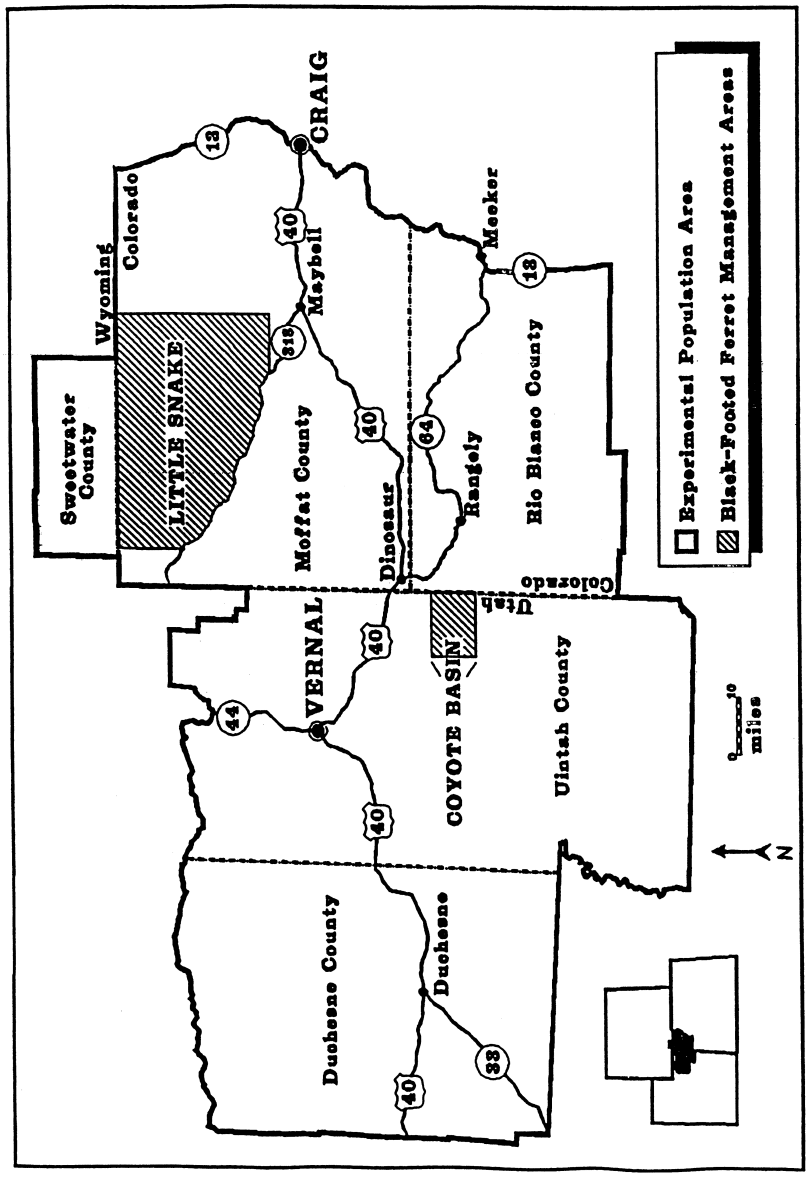
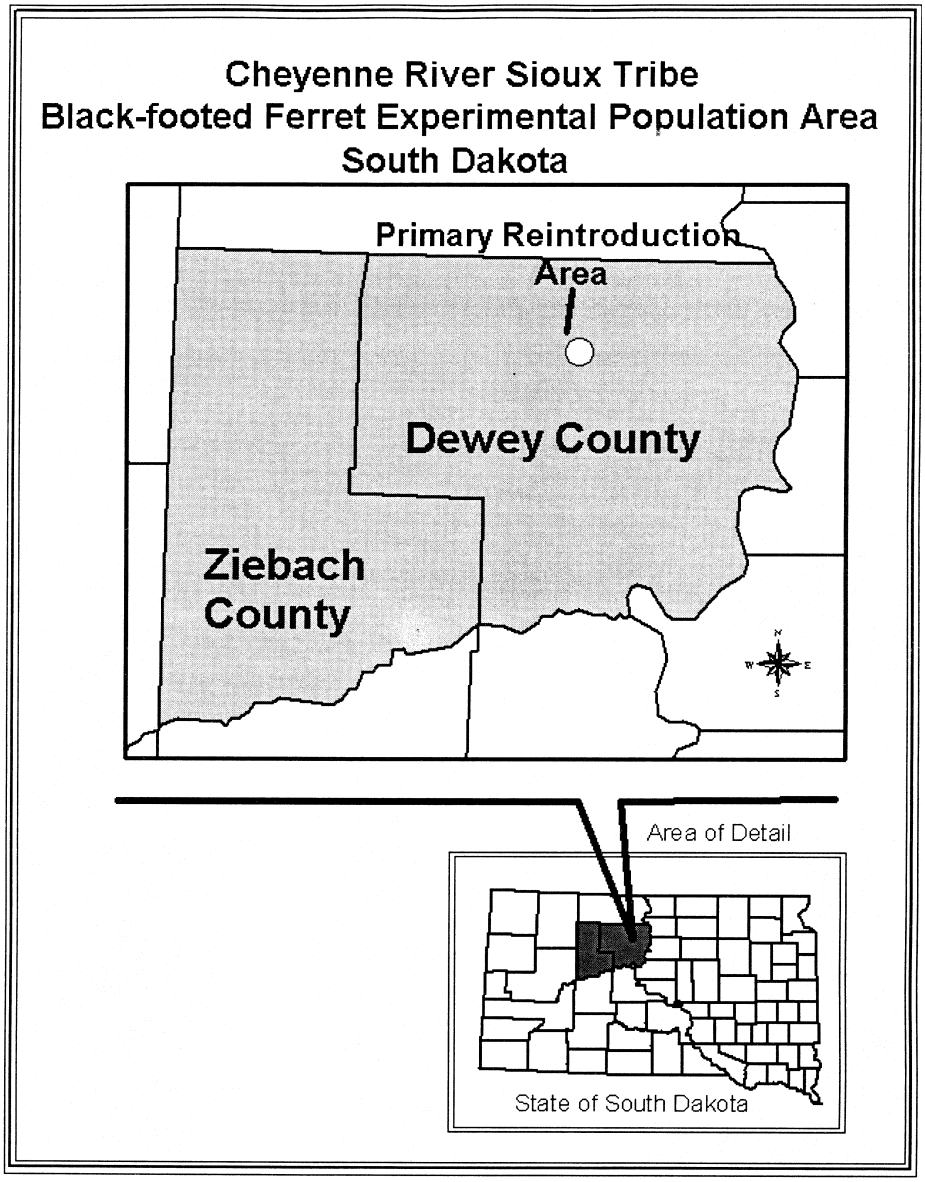
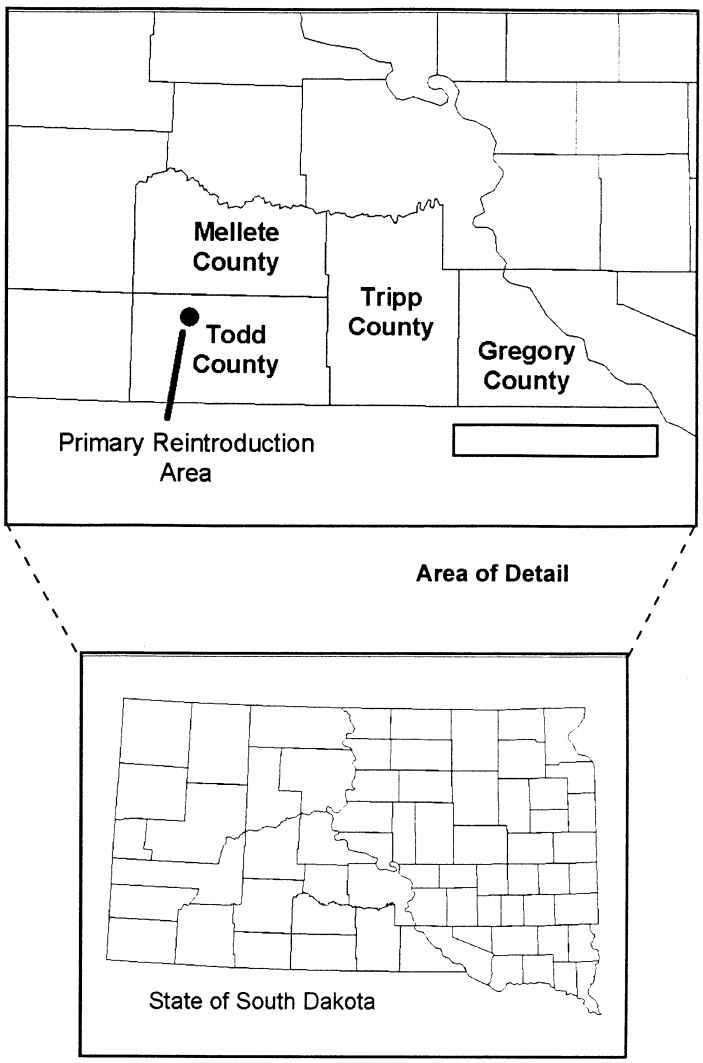
10
Black-footed ferret Reintroduction Area
Aubrey Valley Experimental Population Area



Map Showing the Boundaries of the Black-footed Ferret Experimental Population Area and the Management Area/PMZ for Northwestern Colorado/Northeastern Utah.


Cheyenne River Sioux Tribe
Black-footed Ferret Experimental Population Area
South Dakota
Primary Reintroduction Area
Dewey County
Ziebach County
Area of Detail
State of South Dakota



Rosebud Sioux Tribe ITOPA SAPA KIN (Black-footed Ferret) Experimental Population Area - South Dakota

(h) Whooping crane (*Grus americana*). (1) The whooping crane populations identified in paragraphs (h)(9)(i) through (iv) of this section are non-essential experimental populations (NEPs) as defined in §17.80.

(i) The only natural extant population of whooping cranes, known as

the Aransas/Wood Buffalo National Park population, occurs well west of the Mississippi River. This 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.

(ii) No natural populations of whooping cranes are likely to come into contact with the NEPs set forth in paragraphs (h)(9)(i) through (iv) of this section. Whooping cranes adhere to ancestral breeding grounds, leaving little possibility that individuals from the extant Aransas/Wood Buffalo National Park population will stray into the NEPs. Studies of whooping cranes have shown that migration is a learned rather than an innate behavior.

(2) No person may take this species in the wild in the experimental population areas, except when such take is accidental and incidental to an otherwise lawful activity, or as provided in paragraphs (h)(3) and (4) of this section. Examples of otherwise lawful activities include, but are not limited to, oil and gas exploration and extraction, aquacultural practices, agricultural practices, pesticide application, water management, construction, recreation, trapping, or hunting, when such activities are in full compliance with all applicable laws and regulations.

(3) Any person with a valid permit issued by the Fish and Wildlife Service (Service) under §17.32 may take whooping cranes in the wild in the experimental population areas for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, and other conservation purposes consistent with the ESA 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 areas 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 any of the areas identified in paragraphs (h)(9)(i) through (iv) of this section, when removal is necessary or requested and is authorized by a valid permit under §17.22;

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

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

(v) Aid a sick, injured, or orphaned whooping crane; or

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

(5) Any taking pursuant to paragraphs (h)(3) and (4) of this section must be immediately reported to the National Whooping Crane Coordinator, U.S. Fish and Wildlife Service, P.O. Box 100, Austwell, TX 77950 (Phone: 361–286–3559), 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 populations 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 Service will not mandate any closure of areas, including National Wildlife Refuges, during hunting or conservation order seasons, or closure or modification of hunting or conservation order seasons, in the following situations:

(i) For the purpose of avoiding take of whooping cranes in the NEPs identified in paragraphs (h)(9)(i) through (iv) of this section;

(ii) If a clearly marked whooping crane from the NEPs identified in paragraphs (h)(9)(i) through (iv) of this section wanders outside the designated NEP areas. In this situation, the Service will attempt to capture the stray

bird and return it to the appropriate area if removal is requested by the State.

(9) All whooping cranes found in the wild within the boundaries listed in paragraphs (h)(9)(i) through (iv) of this section will be considered nonessential experimental animals. Geographic areas the nonessential experimental populations may inhabit are within the historic range of the whooping crane in the United States and include the following:

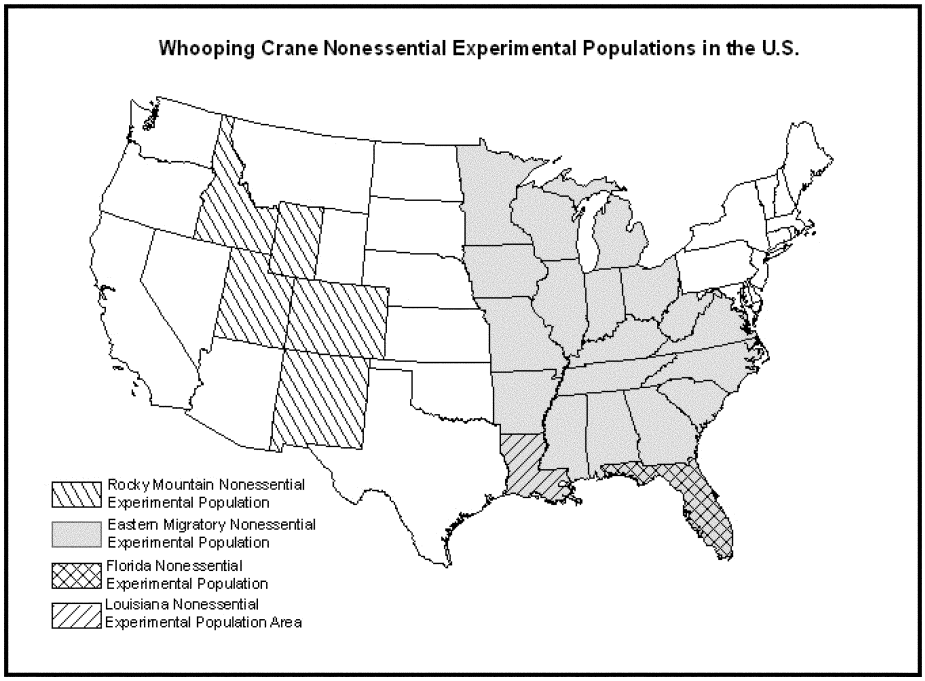
(i) The entire State of Florida (the Kissimmee Prairie NEP). The reintroduction site is the Kissimmee Prairie portions of Polk, Osceola, Highlands, and Okeechobee Counties. The experimental population released at Kissimmee Prairie is expected to remain mostly within the prairie region of central Florida.

(ii) The States of Colorado, Idaho, New Mexico, and Utah, and the western half of the State of Wyoming (the Rocky Mountain NEP).

(iii) That portion of the eastern contiguous United States that includes the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin (the Eastern Migratory NEP). Whooping cranes within this population are expected to occur mostly within the States of Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Georgia, and Florida. The additional States included within the experimental population area are those expected to receive occasional use by the cranes, or which may be used as breeding or wintering areas in the event of future population expansion.

(iv) The entire State of Louisiana (the Louisiana Nonmigratory NEP). The reintroduction site is the White Lake Wetlands Conservation Area of southwestern Louisiana in Vermilion Parish. Current information indicates that White Lake is the historic location of a resident nonmigratory population of whooping cranes that bred and reared young in Louisiana. Whooping cranes within this nonmigratory population are expected to occur mostly within the White Lake Wetlands Conservation Area and the nearby wetlands in Vermilion Parish. The marshes and wetlands of southwestern Louisiana are expected to receive occasional use by the cranes and may be used in the event of future population expansion.

(v) A map of all NEP areas in the United States for whooping cranes follows:



(10) The reintroduced populations will be monitored during the duration of the projects by the use of radio telemetry and other appropriate measures. Any animal that is determined to be sick, injured, or otherwise in need of special care will be recaptured to the extent possible by Service and/or State wildlife personnel or their designated agent 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.

(11) The Service will reevaluate the status of the experimental populations periodically to determine future management needs. This review will take into account the reproductive success and movement patterns of the individuals released within the experimental population areas.

(i) Gray wolf *(Canis lupus).* (1) The gray wolves (wolf) identified in paragraph (i)(7) of this section are nonessential experimental. These wolves will be managed in accordance with the respective provisions of this paragraph (i).

(2) The Service finds that reintroduction of nonessential experimental gray wolves, as defined in paragraph (i)(7) of this section, will further the conservation of the species.

(3) No person may take this species in the wild in an experimental population area except as provided in paragraphs (i)(3), (7), and (8) of this section.

(i) Landowners on their private land and livestock producers (*i.e.*, producers of cattle, sheep, horses, and mules or as defined in State and tribal wolf management plans as approved by the Service) who are legally using public land (Federal land and any other public lands designated in State and tribal wolf management plans as approved by the Service) may harass any wolf in an opportunistic (the wolf cannot be purposely attracted, tracked, waited for, or searched out, then harassed) and noninjurious (no temporary or permanent physical damage may result) manner at any time, provided that such

harassment is nonlethal or is not physically injurious to the gray wolf and is reported within 7 days to the Service project leader for wolf reintroduction or agency representative designated by the Service.

(ii) Any livestock producers on their private land may take (including to kill or injure) a wolf in the act of killing, wounding, or biting livestock (cattle, sheep, horses, and mules or as defined in State and tribal wolf management plans as approved by the Service), provided that such incidents are reported within 24 hours to the Service project leader for wolf reintroduction or agency representative designated by the Service, and livestock freshly (less than 24 hours) wounded (torn flesh and bleeding) or killed by wolves must be evident. Service or other Service-authorized agencies will confirm if livestock were wounded or killed by wolves. The taking of any wolf without such evidence may be referred to the appropriate authorities for prosecution.

(iii) Any livestock producer or permittee with livestock grazing allotments on public land may receive a written permit, valid for up to 45 days, from the Service or other agencies designated by the Service, to take (including to kill or injure) a wolf that is in the act of killing, wounding, or biting livestock (cattle, sheep, horses, and mules or as defined in State and tribal wolf management plans as approved by the Service), provided that six or more breeding pairs of wolves have been documented in the experimental population area and the Service or other agencies authorized by the Service has confirmed that the livestock losses were caused by wolves and has completed agency efforts to resolve the problem. Such take must be reported within 24 hours to the Service project leader for wolf reintroduction or agency representative designated by the Service. There must be evidence of freshly wounded or killed livestock by wolves. Service or other Service-authorized agencies will investigate and determine if the livestock were wounded or killed by wolves. The taking of any wolf without such evidence may be referred to the appropriate authorities for prosecution.

(iv) Potentially affected States and tribes may capture and translocate wolves to other areas within an experimental population area as described in paragraph (i)(7) of this section, provided the level of wolf predation is negatively impacting localized ungulate populations at an unacceptable level. Such translocations cannot inhibit wolf population recovery. The States and tribes will define such unacceptable impacts, how they would be measured, and identify other possible mitigation in their State or tribal wolf management plans. These plans must be approved by the Service before such movement of wolves may be conducted.

(v) The Service, or agencies authorized by the Service, may promptly remove (place in captivity or kill) any wolf that the Service or agency authorized by the Service determines to present a threat to human life or safety.

(vi) Any person may harass or take (kill or injure) a wolf in self defense or in defense of others, provided that such take is reported within 24 hours to the Service reintroduction project leader or Service-designated agent. The taking of a wolf without an immediate and direct threat to human life may be referred to the appropriate authorities for prosecution.

(vii) The Service or agencies designated by the Service may take wolves that are determined to be ''problem'' wolves. Problem wolves are defined as wolves that in a calendar year attack livestock (cattle, sheep, horses, and mules or as defined by State and tribal wolf management plans approved by the Service) or wolves that twice in a calendar year attack domestic animals (all domestic animals other than livestock). Authorized take includes, but is not limited to, nonlethal measures such as: Aversive conditioning, nonlethal control, and/or translocating wolves. Such taking may be done when five or fewer breeding pairs are established in an experimental population area. If the take results in a wolf mortality, then evidence that the mortality was nondeliberate, accidental, nonnegligent, and unavoidable must be provided. When six or more breeding pairs are established in the experimental population

area, lethal control of problem wolves or permanent placement in captivity will be authorized but only after other methods to resolve livestock depredations have been exhausted. Depredations occurring on Federal lands or other public lands identified in State or tribal wolf management plans and prior to six breeding pairs becoming established in an experimental population area may result in capture and release of the female wolf and her pups at or near the site of capture prior to October 1. All wolves on private land, including female wolves with pups, may be relocated or moved to other areas within the experimental population area if continued depredation occurs. Wolves attacking domestic animals other than livestock, including pets on private land, two or more times in a calendar year will be relocated. All chronic problem wolves (wolves that depredate on domestic animals after being moved once for previous domestic animal depredations) will be removed from the wild (killed or placed in captivity). The following three criteria will be used in determining the status of problem wolves within the nonessential experimental population area:

(A) There must be evidence of wounded livestock or partial remains of a livestock carcass that clearly shows that the injury or death was caused by wolves. Such evidence is essential since wolves may feed on carrion that they found and did not kill. There must be reason to believe that additional livestock losses would occur if no control action is taken.

(B) There must be no evidence of artificial or intentional feeding of wolves. Improperly disposed of livestock carcasses in the area of depredation will be considered attractants. Livestock carrion or carcasses on public land, not being used as bait under an agency-authorized control action, must be removed or otherwise disposed of so that it will not attract wolves.

(C) On public lands, animal husbandry practices previously identified in existing approved allotment plans and annual operating plans for allotments must have been followed.

(viii) Any person may take a gray wolf found in an area defined in paragraph (i)(7) of this section, provided that the take is incidental to an otherwise lawful activity, accidental, unavoidable, unintentional, not resulting from negligent conduct lacking reasonable due care, and due care was exercised to avoid taking a gray wolf. Such taking is to be reported within 24 hours to a Service or Service-designated authority. Take that does not conform with such provisions may be referred to the appropriate authorities for prosecution.

(ix) Service or other Federal, State, or tribal personnel may receive written authorization from the Service to take animals under special circumstances. Wolves may be live-captured and translocated to resolve demonstrated conflicts with ungulate populations or with other species listed under the Act, or when they are found outside of the designated experimental population area. Take procedures in such instances would involve live-capture and release to a remote area or placement in a captive facility, if the animal is clearly unfit to remain in the wild. Killing of wolves will be a last resort and is only authorized when live-capture attempts have failed or there is clear endangerment to human life.

(x) Any person with a valid permit issued by the Service under §17.32 may take wolves in the wild in the experimental population area, pursuant to terms of the permit.

(xi) Any employee or agent of the Service or appropriate Federal, State, or tribal agency, who is designated in writing for such purposes by the Service, when acting in the course of official duties, may take a wolf from the wild within the experimental population area, if such action is for:

(A) Scientific purposes;

(B) To relocate wolves to avoid conflict with human activities;

(C) To relocate wolves within the experimental population areas to improve wolf survival and recovery prospects;

(D) To relocate wolves that have moved outside the experimental population area back into the experimental population area;

(E) To aid or euthanize sick, injured, or orphaned wolves;

(F) To salvage a dead specimen that may be used for scientific study; or

(G) To aid in law enforcement investigations involving wolves.

(xii) Any taking pursuant to this section must be reported within 24 hours to the appropriate Service or Service-designated agency, which will determine the disposition of any live or dead specimens.

(4) Human access to areas with facilities where wolves are confined may be restricted at the discretion of Federal, State, and tribal land management agencies. When five or fewer breeding pairs are in an experimental population area, land-use restrictions may also be employed on an as-needed basis, at the discretion of Federal land management and natural resources agencies to control intrusive human disturbance around active wolf den sites. Such temporary restrictions on human access, when five or fewer breeding pairs are established in an experimental population area, may be required between April 1 and June 30, within 1 mile of active wolf den or rendezvous sites and would apply only to public lands or other such lands designated in State and tribal wolf management plans. When six or more breeding pairs are established in an experimental population area, no land-use restrictions may be employed outside of national parks or national wildlife refuges, unless wolf populations fail to maintain positive growth rates toward population recovery levels for 2 consecutive years. If such a situation arose, State and tribal agencies would identify, recommend, and implement corrective management actions within 1 year, possibly including appropriate land-use restrictions to promote growth of the wolf population.

(5) No person shall possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any wolf or part thereof from the experimental populations taken in violation of the regulations in paragraph (i) of this section or in violation of applicable State or tribal fish and wildlife laws or regulations or the Endangered Species Act.

(6) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed any offense defined in this paragraph (i).

(7) The sites for reintroduction are within the historic range of the species:

(i) The nonessential experimental population area includes all of Wyoming.

(ii) All wolves found in the wild within the boundaries of this paragraph (i)(7) will be considered nonessential experimental animals. In the conterminous United States, a wolf that is outside an experimental area (as defined in paragraph (i)(7) of this section) would take on the status for wolves in the area in which it is found unless it is marked or otherwise known to be an experimental animal; such a wolf may be captured for examination and genetic testing by the Service or Service-designated agency. Disposition of the captured animal may take any of the following courses:

(A) If the animal was not involved in conflicts with humans and is determined likely to be an experimental wolf, it may be returned to the reintroduction area.

(B) If the animal is determined likely to be an experimental wolf and was involved in conflicts with humans as identified in the management plan for the closest experimental area, it may be relocated, placed in captivity, or killed.

(C) If the animal is determined not likely to be an experimental animal, it will be managed according to any Service-approved plans for that area or will be marked and released near its point of capture.

(D) If the animal is determined not to be a wild gray wolf or if the Service or agencies designated by the Service determine the animal shows physical or behavioral evidence of hybridization with other canids, such as domestic dogs or coyotes, or of being an animal raised in captivity, it may be returned to captivity or killed.

(8) The reintroduced wolves will be monitored during the life of the project, including by the use of radio telemetry and other remote sensing devices as appropriate. All released animals will be vaccinated against diseases and parasites prevalent in canids, as appropriate, prior to release and

during subsequent handling. Any animal that is sick, injured, or otherwise in need of special care may be captured by authorized personnel of the Service or Service-designated agencies and given appropriate care. Such an animal will be released back into its respective reintroduction area as soon as possible, unless physical or behavioral problems make it necessary to return the animal to captivity or euthanize it.

(9) The Service does not intend to reevaluate the ''nonessential experimental'' designation. The Service does not foresee any likely situation that would result in changing the nonessential experimental status until the gray wolf is recovered and delisted in the northern Rocky Mountains according to provisions outlined in the Act.

(j) California condor (*Gymnogyps californianus*). (1) The California condor (*Gymnogyps californianus*) population identified in paragraph (j)(8) of this section is a nonessential experimental population, and the release of such population will further the conservation of the species.

(2) You must not take any California condor in the wild in the experimental population area except as provided by this rule:

(i) Throughout the entire California condor experimental population area, you will not be in violation of the Endangered Species Act (Act) if you unavoidably and unintentionally take (including killing or injuring) a California condor, provided such take is non-negligent and incidental to a lawful activity, such as hunting, driving, or recreational activities, and you report the take as soon as possible as provided under paragraph 5 below.

(ii) [Reserved]

(3) If you have a valid permit issued by the Service under §17.32, you may take California condors in the wild in the experimental population area, pursuant to the terms of the permit.

(4) Any employee or agent of the Fish and Wildlife Service (Service), Bureau of Land Management or appropriate State wildlife agency, who is designated for such purposes, when acting in the course of official duties, may take a California condor from the wild in the experimental population area and vicinity if such action is necessary:

(i) For scientific purposes;

(ii) To relocate California condors within the experimental population area to improve condor survival, and to address conflicts with ongoing or proposed activities, or with private landowners, when removal is necessary to protect the condor, or is requested by an adversely affected landowner or land manager, or other adversely affected party. Adverse effects and requests for condor relocation will be documented, reported and resolved in as an expedient manner as appropriate to the specific situation to protect condors and avoid conflicts. Prior to any efforts to relocate condors, the Service will obtain permission from the appropriate landowner(s);

(iii) To relocate California condors that have moved outside the experimental population area, by returning the condor to the experimental population area or moving it to a captive breeding facility. All captures and relocations from outside the experimental population area will be coordinated with Service Cooperators, and conducted with the permission of the landowner(s) or appropriate land management agency(s).

(iv) To aid a sick, injured, or orphaned California condor;

(v) To salvage a dead specimen that may be useful for scientific study; or

(vi) To dispose of a dead specimen.

(5) Any taking pursuant to paragraphs (j)(2), (j)(4)(iv), (j)(4)(v), and (j)(4)(vi), of this section must be reported as soon as possible to the Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services, Arizona Field Office, Phoenix, 2321 W. Royal Palm Road, Suite 103, Arizona (telephone 602/640–2720) who will determine the disposition of any live or dead specimens.

(6) You must not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any California condor or part thereof from the experimental population taken in violation of this paragraph (j) or in violation of applicable State or Tribal laws or regulations or the Act.

(7) It is unlawful for you to attempt to commit, solicit another to commit, or cause to be committed, any offense

defined in paragraphs (j)(2) and (j)(6) of this section.

(8) The designated experimental population area of the California condor includes portions of three states—Arizona, Nevada, and Utah. The southern boundary is Interstate Highway 40 in Arizona from its junction with Highway 191 west across Arizona to Kingman; the western boundary starts at Kingman, goes northwest on Highway 93 to Interstate Highway 15, continues northeasterly on Interstate Highway 15 in Nevada and Utah, to Interstate Highway 70 in Utah; where the northern boundary starts and goes across Utah to Highway 191; where the eastern boundary starts and goes south through Utah until Highway 191 meets Interstate Highway 40 in Arizona (See map at end of this paragraph (j)).

(i) All California condors released into the experimental population area, and their offspring, are to be marked and visually identifiable by colored and coded patagial wing markers.

(ii) The Service has designated the experimental population area to accommodate the potential future movements of a wild population of condors. All released condors and their progeny are expected to remain in the experimental area due to the geographic extent of the designation.

(9) The nonessential experimental population area includes the entire highway rights-of-way of the highways in paragraph (j)(8) of this section that constitute the perimeter boundary. All California condors found in the wild within these boundaries will comprise the experimental population.

(i) The experimental population is to be monitored during the reintroduction project. All California condors are to be given physical examinations before being released.

(ii) If there is any evidence that the condor is in poor health or diseased, it will not be released to the wild.

(iii) Any condor that displays signs of illness, is injured, or otherwise needs special care may be captured by authorized personnel of the Service, Bureau of Land Management, or appropriate State wildlife agency or their agents, and given the appropriate care. These condors are to be re-released into the reintroduction area as soon as possible, unless physical or behavioral problems make it necessary to keep them in captivity for an extended period of time, or permanently.

(10) The status of the reintroduction project is to receive an informal review on an annual basis and a formal evaluation within the first 5 years after the initial release, and every 5 years thereafter. This evaluation will include, but not be limited to: a review of management issues; compliance with agreements; assessment of available carrion; dependence of older condors on supplemental food sources; post release behavior; causes and rates of mortality; alternative release sites; project costs; public acceptance; and accomplishment of recovery tasks prescribed in California Condor Recovery Plan. The number of variables that could affect this reintroduction project make it difficult to develop criteria for success or failure after 5 years. However, if after 5 years the project is experiencing a 40 percent or greater mortality rate or released condors are not finding food on their own, serious consideration will be given to terminating the project.

(11) The Service does not intend to pursue a change in the nonessential experimental population designation to experimental essential, threatened, or endangered, or modify the experimental population area boundaries without consulting with and obtaining the full cooperation of affected parties located within the experimental population area, the reintroduction program cooperators identified in the memorandum of understanding (MOU) for this program, and the cooperators identified in the agreement for this program.

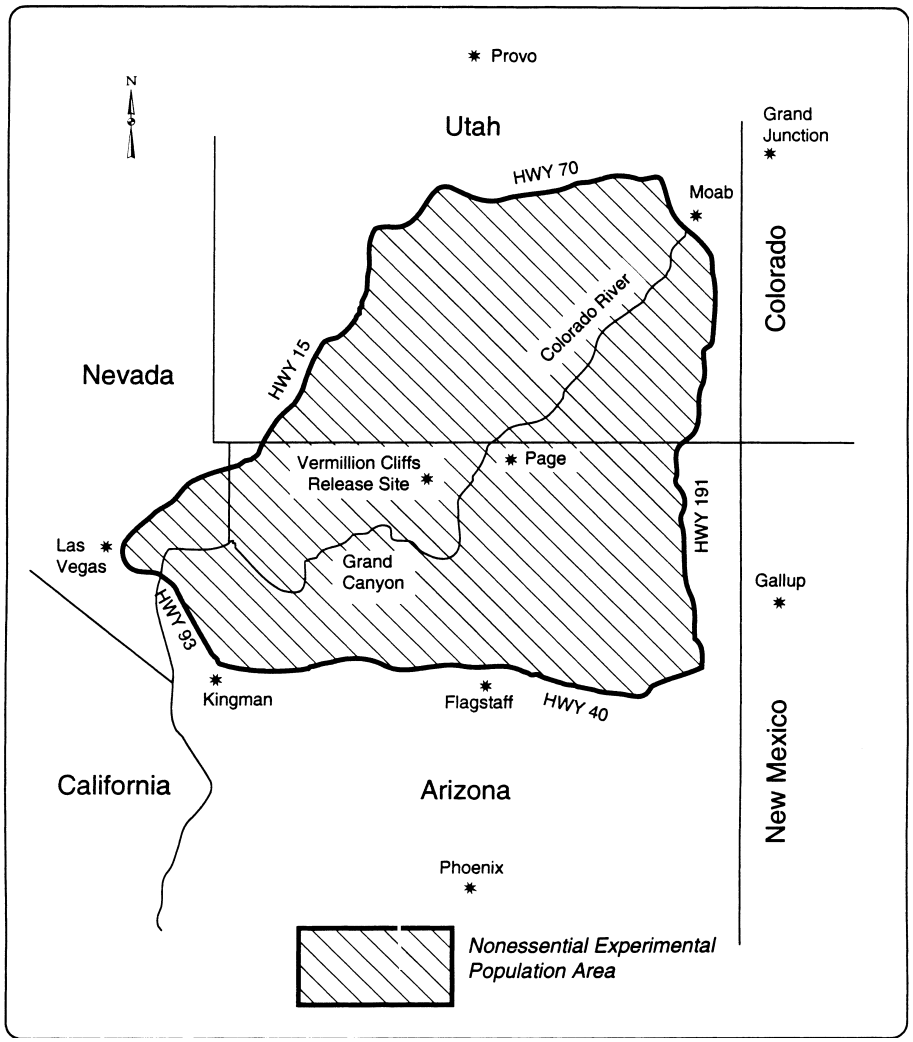
(i) The Service does not intend to change the status of this nonessential population until the California condor is recovered and delisted in accordance with the Act or if the reintroduction is not successful and the rule is revoked. No designation of critical habitat will be made for nonessential populations (16 U.S.C. §1539(j)(2)(C)(ii).

(ii) Legal actions or other circumstances may compel a change in this nonessential experimental population's legal status to essential, threatened, or endangered, or compel

the Service to designate critical habitat for the California condors within the experimental population area defined in this rule. If this happens, all California condors will be removed from the area and this experimental population rule will be revoked, unless the parties to the MOU and agreement existing at that time agree that the birds should remain in the wild. Changes in the legal status and/or removal of this population of California condors will be made in compliance with any applicable Federal rulemaking and other procedures.

CALIFORNIA CONDOR

Nonessential Experimental
Population Area And Release Site



(k) Mexican wolf (*Canis lupus baileyi*). This paragraph (k) sets forth the provisions of a rule to establish an experimental population of Mexican wolves.

(1) *Purpose of the rule.* The U.S. Fish and Wildlife Service (Service) finds that reestablishment of an experimental population of Mexican wolves

into the subspecies' probable historical range will further the conservation of the Mexican wolf subspecies. The Service found that the experimental population was not essential under §17.81(c)(2).

(2) *Determinations.* The Mexican wolf population reestablished in the Mexican Wolf Experimental Population Area (MWEPA), identified in paragraph (k)(4) of this section, is one nonessential experimental population. This nonessential experimental population will be managed according to the provisions of this rule. The Service does not intend to change the nonessential experimental designation to essential experimental, threatened, or endangered. Critical habitat cannot be designated under the nonessential experimental classification, 16 U.S.C. 1539(j)(2)(C)(ii).

(3) *Definitions.* Key terms used in this rule have the following definitions:

Active den means a den or a specific site above or below ground that is used by Mexican wolves on a daily basis to bear and raise pups, typically between approximately April 1 and July 31. More than one den site may be used in a single season.

Cross-foster means the removal of offspring from their biological parents and placement with surrogate parents.

Depredation means the confirmed killing or wounding of lawfully present domestic animals by one or more Mexican wolves. The Service, Wildlife Services, or other Service-designated agencies will confirm cases of wolf depredation on lawfully present domestic animals. Cattle trespassing on Federal lands are not considered lawfully present domestic animals.

Designated agency means a Federal, State, or tribal agency designated by the Service to assist in implementing this rule, all or in part, consistent with a Service-approved management plan, special management measure, conference opinion pursuant to section 7(a)(4) of the Act, section 6 of the Act as described in §17.31 for State game and fish agencies with authority to manage Mexican wolves, or a valid permit issued by the Service through §17.32.

Disturbance-causing land-use activity means any activity on Federal lands within a 1-mi (1.6-km) radius around release pens when Mexican wolves are in them, around active dens between April 1 and July 31, and around active Mexican wolf rendezvous sites between June 1 and September 30, which the Service determines could adversely affect reproductive success, natural behavior, or persistence of Mexican wolves. Such activities may include, but are not limited to, timber or wood harvesting, prescribed fire, mining or mine development, camping outside designated campgrounds, livestock husbandry activities (e.g., livestock drives, roundups, branding, vaccinating, etc.), off-road vehicle use, hunting, and any other use or activity with the potential to disturb wolves. The following activities are specifically excluded from this definition:

(A) Lawfully present livestock and use of water sources by livestock;

(B) Livestock drives if no reasonable alternative route or timing exists;

(C) Vehicle access over established roads to non-Federal land where legally permitted activities are ongoing if no reasonable alternative route exists;

(D) Use of lands within the National Park or National Wildlife Refuge Systems as safety buffer zones for military activities and Department of Homeland Security border security activities;

(E) Fire-fighting activities associated with wildfires; and

(F) Any authorized, specific land use that was active and ongoing at the time Mexican wolves chose to locate a den or rendezvous site nearby.

Domestic animal means livestock as defined in this paragraph (k)(3) and non-feral dogs.

Federal land means land owned and under the administration of Federal agencies including, but not limited to, the Service, National Park Service, Bureau of Land Management, U.S. Forest Service, Department of Energy, or Department of Defense.

Feral dog means any dog (*Canis familiaris*) or wolf–dog hybrid that, because of absence of physical restraint or conspicuous means of identifying it at a distance as non-feral, is reasonably thought to range freely without discernible, proximate control by any

person. Feral dogs do not include domestic dogs that are penned, leashed, or otherwise restrained (e.g., by shock collar) or which are working livestock or being lawfully used to trail or locate wildlife.

Harass means intentional or negligent actions or omissions that create the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to, breeding, feeding, or sheltering.

In the act of biting, killing, or wounding means grasping, biting, wounding, or feeding upon a live domestic animal on non-Federal land or live livestock on Federal land. The term does not include feeding on an animal carcass.

Initial release means the release of Mexican wolves to the wild within Zone 1, as defined in this paragraph (k)(3), or in accordance with tribal or private land agreements in Zone 2, as defined in this paragraph (k)(3), that have never been in the wild, or releasing pups that have never been in the wild and are less than 5 months old within Zones 1 or 2. The initial release of pups less than 5 months old into Zone 2 allows for the cross-fostering of pups from the captive population into the wild, as well as enables translocation-eligible adults to be rereleased in Zone 2 with pups born in captivity.

Intentional harassment means deliberate, preplanned harassment of Mexican wolves, including by less-than-lethal means (such as 12-gauge shotgun rubber-bullets and bean-bag shells) designed to cause physical discomfort and temporary physical injury, but not death. Intentional harassment includes situations where the Mexican wolf or wolves may have been unintentionally attracted—or intentionally tracked, waited for, chased, or searched out—and then harassed. Intentional harassment of Mexican wolves is only allowed under a permit issued by the Service or its designated agency.

Livestock means domestic alpacas, bison, burros (donkeys), cattle, goats, horses, llamas, mules, and sheep, or other domestic animals defined as livestock in Service-approved State and tribal Mexican wolf management plans. Poultry is not considered livestock under this rule.

Mexican Wolf Experimental Population Area (MWEPA) means an area in Arizona and New Mexico including Zones 1, 2, and 3, as defined in this paragraph (k)(3), that lies south of Interstate Highway 40 to the international border with Mexico.

Non-Federal land means any private, State-owned, or tribal trust land.

Occupied Mexican wolf range means an area of confirmed presence of Mexican wolves based on the most recent map of occupied range posted on the Service's Mexican Wolf Recovery Program Web site at *http://www.fws.gov/southwest/es/mexicanwolf/*. Specific to the prohibitions at paragraphs (k)(5)(iii) and (k)(5)(vii)(D) of this section, Zone 3, as defined in this paragraph (k)(3), and tribal trust lands are not considered occupied range.

Opportunistic harassment means scaring any Mexican wolf from the immediate area by taking actions such as discharging firearms or other projectile-launching devices in proximity to, but not in the direction of, the wolf, throwing objects at it, or making loud noise in proximity to it. Such harassment might cause temporary, non-debilitating physical injury, but is not reasonably anticipated to cause permanent physical injury or death. Opportunistic harassment of Mexican wolves can occur without a permit issued by the Service or its designated agency.

Problem wolves mean Mexican wolves that, for purposes of management and control by the Service or its designated agent(s), are:

(A) Individuals or members of a group or pack (including adults, yearlings, and pups greater than 4 months of age) that were involved in a depredation on lawfully present domestic animals;

(B) Habituated to humans, human residences, or other facilities regularly occupied by humans; or

(C) Aggressive when unprovoked toward humans.

Rendezvous site means a gathering and activity area regularly used by Mexican wolf pups after they have emerged from the den. Typically, these sites are used for a period ranging from about 1 week to 1 month in the first

summer after birth during the period from June 1 to September 30. Several rendezvous sites may be used in succession within a single season.

Service-approved management plan means management plans approved by the Regional Director or Director of the Service through which Federal, State, or tribal agencies may become a designated agency. The management plan must address how Mexican wolves will be managed to achieve conservation goals in compliance with the Act, this experimental population rule, and other Service policies. If a Federal, State, or tribal agency becomes a designated agency through a Service-approved management plan, the Service will help coordinate their activities while retaining authority for program direction, oversight, guidance, and authorization of Mexican wolf removals.

Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (16 U.S.C. 1532(19)).

Translocate means the release of Mexican wolves into the wild that have previously been in the wild. In the MWEPA, translocations will occur only in Zones 1 and 2, as defined in this paragraph (k)(3).

Tribal trust land means any lands title to which is either: Held in trust by the United States for the benefit of any Indian tribe or individual; or held by any Indian tribe or individual subject to restrictions by the United States against alienation. For purposes of this rule, tribal trust land does not include land purchased in fee title by a tribe. We consider fee simple land purchased by tribes to be private land.

Unacceptable impact to a wild ungulate herd will be determined by a State game and fish agency based upon ungulate management goals, or a 15 percent decline in an ungulate herd as documented by a State game and fish agency, using their preferred methodology, based on the preponderance of evidence from bull to cow ratios, cow to calf ratios, hunter days, and/or elk population estimates.

Unintentional take means the take of a Mexican wolf by any person if the take is unintentional and occurs while engaging in an otherwise lawful activity, occurs despite the use of due care, is coincidental to an otherwise lawful activity, and is not done on purpose. Taking a Mexican wolf by poisoning or shooting will not be considered unintentional take.

Wild ungulate herd means an assemblage of wild ungulates (bighorn sheep, bison, deer, elk, or pronghorn) living in a given area.

Wildlife Services means the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services.

Wounded means exhibiting scraped or torn hide or flesh, bleeding, or other evidence of physical damage caused by a Mexican wolf bite.

Zone 1 means an area within the MWEPA in Arizona and New Mexico into which Mexican wolves will be allowed to naturally disperse and occupy and where Mexican wolves may be initially released from captivity or translocated. Zone 1 includes all of the Apache, Gila, and Sitgreaves National Forests; the Payson, Pleasant Valley, and Tonto Basin Ranger Districts of the Tonto National Forest; and the Magdalena Ranger District of the Cibola National Forest.

Zone 2 is an area within the MWEPA into which Mexican wolves will be allowed to naturally disperse and occupy, and where Mexican wolves may be translocated.

(A) On Federal land in Zone 2, initial releases of Mexican wolves are limited to pups less than 5 months old, which allows for the cross-fostering of pups from the captive population into the wild, as well as enables translocation-eligible adults to be re-released with pups born in captivity. On private and tribal land in Zone 2, Mexican wolves of any age, including adults, can also be initially released under a Service- and State-approved management agreement with private landowners or a Service-approved management agreement with tribal agencies.

(B) The northern boundary of Zone 2 is Interstate Highway 40; the western boundary extends south from Interstate Highway 40 and follows Arizona State Highway 93, Arizona State Highway 89/60, Interstate Highway 10, and Interstate Highway 19 to the United States-Mexico international border; the southern boundary is the United

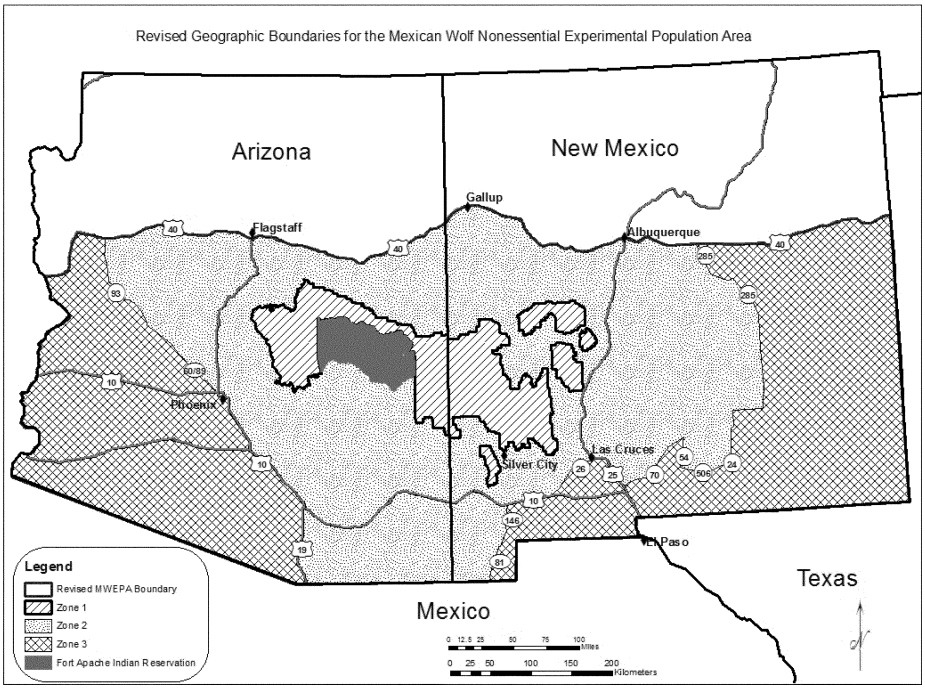
States-Mexico international border heading east, then follows New Mexico State Highway 81/146 north to Interstate Highway 10, then along New Mexico State Highway 26 to Interstate Highway 25; the boundary continues along New Mexico State Highway 70/54/506/24; the eastern boundary follows the eastern edge of Otero County, New Mexico, to the north and then along the southern and then eastern edge of Lincoln County, New Mexico, until it intersects with New Mexico State Hwy 285 and follows New Mexico State Highway 285 north to the northern boundary of Interstate Highway 40. Zone 2 excludes the area in Zone 1, as defined in this paragraph (k)(3).

Zone 3 means an area within the MWEPA into which Mexican wolves will be allowed to disperse and occupy, but neither initial releases nor translocations will occur there.

(A) Zone 3 is an area of less suitable Mexican wolf habitat where Mexican wolves will be more actively managed under the authorities of this rule to reduce human conflict. We expect Mexican wolves to occupy areas of suitable habitat where ungulate populations are adequate to support them and conflict with humans and their livestock is low. If Mexican wolves move outside of areas of suitable habitat, they will be more actively managed.

(B) Zone 3 is two separate geographic areas on the eastern and western sides of the MWEPA. One area of Zone 3 is in western Arizona, and the other is in eastern New Mexico. In Arizona, the northern boundary of Zone 3 is Interstate Highway 40; the eastern boundary extends south from Interstate Highway 40 and follows State Highway 93, State Highway 89/60, Interstate Highway 10, and Interstate Highway 19 to the United States–Mexico international border; the southern boundary is the United States–Mexico international border; the western boundary is the Arizona–California State border. In New Mexico, the northern boundary of Zone 3 is Interstate Highway 40; the eastern boundary is the New Mexico–Texas State border; the southern boundary is the United States–Mexico international border heading west, then follows State Highway 81/146 north to Interstate Highway 10, then along State Highway 26 to Interstate Highway 25, the southern boundary continues along State Highway 70/54/506/24; the western boundary follows the eastern edge of Otero County to the north and then along the southern and then eastern edge of Lincoln County until it follows State Highway 285 north to the northern boundary of Interstate Highway 40.

(4) *Designated area.* The designated experimental population area for Mexican wolves classified as a nonessential experimental population by this rule is within the subspecies' probable historical range and is wholly separate geographically from the current range of any known Mexican wolves. The boundaries of the MWEPA are the portions of Arizona and New Mexico that are south of Interstate Highway 40 to the international border with Mexico. A map of the MWEPA follows:



(5) *Prohibitions.* Take of any Mexican wolf in the experimental population is prohibited, except as provided in paragraph (k)(7) of this section. Specifically, the following actions are prohibited by this rule:

(i) No person may possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any Mexican wolf or wolf part from the experimental population except as authorized in this rule or by a valid permit issued by the Service under §17.32. If a person kills or injures a Mexican wolf or finds a dead or injured wolf or wolf parts, the person must not disturb them (unless instructed to do so by the Service or a designated agency), must minimize disturbance of the area around them, and must report the incident to the Service's Mexican Wolf Recovery Coordinator or a designated agency of the Service within 24 hours as described in paragraph (k)(6) of this section.

(ii) No person may attempt to commit, solicit another to commit, or cause to be committed, any offense defined in this rule.

(iii) Taking a Mexican wolf with a trap, snare, or other type of capture device within occupied Mexican wolf range is prohibited (except as authorized in paragraph (k)(7)(iv) of this section) and will not be considered unintentional take, unless due care was exercised to avoid injury or death to a wolf. With regard to trapping activities, due care includes:

(A) Following the regulations, proclamations, recommendations, guidelines, and/or laws within the State or tribal trust lands where the trapping takes place.

(B) Modifying or using appropriately sized traps, chains, drags, and stakes that provide a reasonable expectation that the wolf will be prevented from either breaking the chain or escaping with the trap on the wolf, or using sufficiently small traps (less than or equal to a Victor #2 trap) that allow a reasonable expectation that the wolf will either immediately pull free from the

trap or span the jaw spread when stepping on the trap.

(C) Not taking a Mexican wolf using neck snares.

(D) Reporting the capture of a Mexican wolf (even if the wolf has pulled free) within 24 hours to the Service as described in paragraph (k)(6) of this section.

(E) If a Mexican wolf is captured, trappers can call the Interagency Field Team (1–888–459–WOLF [9653]) as soon as possible to arrange for radio-collaring and releasing of the wolf. Per State regulations for releasing nontarget animals, trappers may also choose to release the animal alive and subsequently contact the Service or Interagency Field Team.

(6) *Reporting requirements.* Unless otherwise specified in this rule or in a permit, any take of a Mexican wolf must be reported to the Service or a designated agency within 24 hours. We will allow additional reasonable time if access to the site is limited. Report any take of Mexican wolves, including opportunistic harassment, to the Mexican Wolf Recovery Program, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna Road, NE., Albuquerque, NM 87113; by telephone 505–761–4704; or by facsimile 505–346–2542. Additional contact information can also be found on the Mexican Wolf Recovery Program's Web site at *http://www.fws.gov/southwest/es/mexicanwolf/*. Unless otherwise specified in a permit, any wolf or wolf part taken legally must be turned over to the Service, which will determine the disposition of any live or dead wolves.

(7) *Allowable forms of take of Mexican wolves.* Take of Mexican wolves in the experimental population is allowed as follows:

(i) *Take in defense of human life.* Under section 11(a)(3) of the Act and §17.21(c)(2), any person may take (which includes killing as well as nonlethal actions such as harassing or harming) a Mexican wolf in self-defense or defense of the lives of others. This take must be reported as specified in accordance with paragraph (k)(6) of this section. If the Service or a designated agency determines that a Mexican wolf presents a threat to human life or safety, the Service or the designated agency may kill the wolf or place it in captivity.

(ii) *Opportunistic harassment.* Anyone may conduct opportunistic harassment of any Mexican wolf at any time provided that Mexican wolves are not purposefully attracted, tracked, searched out, or chased and then harassed. Such harassment of Mexican wolves might cause temporary, non-debilitating physical injury, but is not reasonably anticipated to cause permanent physical injury or death. Any form of opportunistic harassment must be reported as specified in accordance with paragraph (k)(6) of this section.

(iii) *Intentional harassment.* After the Service or its designated agency has confirmed Mexican wolf presence on any land within the MWEPA, the Service or its designated agency may issue permits valid for not longer than 1 year, with appropriate stipulations or conditions, to allow intentional harassment of Mexican wolves. The harassment must occur in the area and under the conditions specifically identified in the permit. Permittees must report this take as specified in accordance with paragraph (k)(6) of this section.

(iv) *Take on non-Federal lands.* (A) On non-Federal lands anywhere within the MWEPA, domestic animal owners or their agents may take (including kill or injure) any Mexican wolf that is in the act of biting, killing, or wounding a domestic animal, as defined in paragraph (k)(3) of this section. After the take of a Mexican wolf, the Service must be provided evidence that the wolf was in the act of biting, killing, or wounding a domestic animal at the time of take, such as evidence of freshly wounded or killed domestic animals. This take must be reported as specified in accordance with paragraph (k)(6) of this section. The take of any Mexican wolf without evidence of biting, killing, or wounding domestic animals may be referred to the appropriate authorities for investigation.

(B) Take of Mexican wolves by livestock guarding dogs, when used to protect livestock on non-Federal lands, is allowed. If such take by a guard dog occurs, it must be reported as specified in accordance with paragraph (k)(6) of this section.

(C) Based on the Service's or a designated agency's discretion and in conjunction with a removal action authorized by the Service, the Service or designated agency may issue permits to domestic animal owners or their agents (e.g., employees, land manager, local officials) to take (including intentional harassment or killing) any Mexican wolf that is present on non-Federal land where specified in the permit. Permits issued under this provision will specify the number of days for which the permit is valid and the maximum number of Mexican wolves for which take is allowed. Take by permittees under this provision will assist the Service or designated agency in completing control actions. Domestic animal owners or their agents must report this take as specified in accordance with paragraph (k)(6) of this section.

(v) *Take on Federal land.* (A) Based on the Service's or a designated agency's discretion and in conjunction with a removal action authorized by the Service, the Service may issue permits to livestock owners or their agents (e.g., employees, land manager, local officials) to take (including intentional harassment or killing) any Mexican wolf that is in the act of biting, killing, or wounding livestock on Federal land where specified in the permit.

(*1*) Permits issued under this provision will specify the number of days for which the permit is valid and the maximum number of Mexican wolves for which take is allowed. Take by permittees under this provision will assist the Service or designated agency in completing control actions. Livestock owners or their agents must report this take as specified in accordance with paragraph (k)(6) of this section.

(*2*) After the take of a Mexican wolf, the Service must be provided evidence that the wolf was in the act of biting, killing, or wounding livestock at the time of take, such as evidence of freshly wounded or killed livestock. The take of any Mexican wolf without evidence of biting, killing, or wounding domestic animals may be referred to the appropriate authorities for investigation.

(B) Take of Mexican wolves by livestock guarding dogs, when used to protect livestock on Federal lands, is allowed. If such take by a guard dog occurs, it must be reported as specified in accordance with paragraph (k)(6) of this section.

(C) This provision for take on Federal land does not exempt Federal agencies and their contractors from complying with sections 7(a)(1) and 7(a)(4) of the Act, the latter of which requires a conference with the Service if they propose an action that is likely to jeopardize the continued existence of the Mexican wolf. In areas within the National Park System and National Wildlife Refuge System, Federal agencies must treat Mexican wolves as a threatened species for purposes of complying with section 7 of the Act.

(vi) *Take in response to unacceptable impacts to a wild ungulate herd.* If the Arizona or New Mexico game and fish agency determines that Mexican wolf predation is having an unacceptable impact to a wild ungulate herd, as defined in paragraph (k)(3) of this section, the respective State game and fish agency may request approval from the Service that Mexican wolves be removed from the area of the impacted wild ungulate herd. Upon written approval from the Service, the State (Arizona or New Mexico) or any designated agency may be authorized to remove (capture and translocate in the MWEPA, move to captivity, transfer to Mexico, or lethally take) Mexican wolves. These management actions must occur in accordance with the following provisions:

(A) The Arizona or New Mexico game and fish agency must prepare a science-based document that:

(*1*) Describes what data indicate that the wild ungulate herd is below management objectives, what data indicate that the impact on the wild ungulate herd is influenced by Mexican wolf predation, why Mexican wolf removal is a warranted solution to help restore the wild ungulate herd to State game and fish agency management objectives, the type (level and duration) of Mexican wolf removal management action being proposed, and how wild ungulate herd response to wolf removal will be measured and control actions adjusted for effectiveness;

(*2*) Demonstrates that attempts were and are being made to identify other

causes of wild ungulate herd declines and possible remedies or conservation measures in addition to wolf removal;

(*3*) If appropriate, identifies areas of suitable habitat for Mexican wolf translocation; and

(*4*) Has been subjected to peer review and public comment prior to its submittal to the Service for written concurrence. In order to comply with this requirement, the State game and fish agency must:

(*i*) Conduct the peer review process in conformance with the Office of Management and Budget's most recent Final Information and Quality Bulletin for Peer Review and include in their proposal an explanation of how the bulletin's standards were considered and satisfied; and

(*ii*) Obtain at least three independent peer reviews from individuals with relevant expertise other than staff employed by the State (Arizona or New Mexico) requesting approval from the Service that Mexican wolves be removed from the area of the affected wild ungulate herd.

(B) Before the Service will allow Mexican wolf removal in response to impacts to wild ungulates, the Service will evaluate the information provided by the requesting State (Arizona or New Mexico) and provide a written determination to the requesting State game and fish agency on whether such actions are scientifically based and warranted.

(C) If all of the provisions above are met, the Service will, to the maximum extent allowable under the Act, make a determination providing for Mexican wolf removal. If the request is approved, the Service will include in the written determination which management action (capture and translocate in MWEPA, move to captivity, transfer to Mexico, lethally take, or no action) is most appropriate for the conservation of the Mexican wolf subspecies.

(D) Because tribes are able to request the capture and removal of Mexican wolves from tribal trust lands at any time, take in response to impacts to wild ungulate herds is not applicable on tribal trust lands.

(vii) *Take by Service personnel or a designated agency.* The Service or a designated agency may take any Mexican wolf in the experimental population in a manner consistent with a Service-approved management plan, special management measure, biological opinion pursuant to section 7(a)(2) of the Act, conference opinion pursuant to section 7(a)(4) of the Act, section 6 of the Act as described in §17.31 for State game and fish agencies with authority to manage Mexican wolves, or a valid permit issued by the Service through §17.32.

(A) The Service or designated agency may use leg-hold traps and any other effective device or method for capturing or killing Mexican wolves to carry out any measure that is a part of a Service-approved management plan, special management measure, or valid permit issued by the Service under §17.32, regardless of State law. The disposition of all Mexican wolves (live or dead) or their parts taken as part of a Service-approved management activity must follow provisions in Service-approved management plans or interagency agreements or procedures approved by the Service on a case-by-case basis.

(B) The Service or designated agency may capture; kill; subject to genetic testing; place in captivity; or euthanize any feral wolf-like animal or feral wolf hybrid found within the MWEPA that shows physical or behavioral evidence of: Hybridization with other canids, such as domestic dogs or coyotes; being a wolf-like animal raised in captivity, other than as part of a Service-approved wolf recovery program; or being socialized or habituated to humans. If determined to be a pure Mexican wolf, the wolf may be returned to the wild.

(C) The Service or designated agency may carry out intentional or opportunistic harassment, nonlethal control measures, translocation, placement in captivity, or lethal control of problem wolves. To determine the presence of problem wolves, the Service will consider all of the following:

(*1*) Evidence of wounded domestic animal(s) or remains of domestic animal(s) that show that the injury or death was caused by Mexican wolves;

(*2*) The likelihood that additional Mexican wolf-caused depredations or attacks of domestic animals may occur if no harassment, nonlethal control,

translocation, placement in captivity, or lethal control is taken;

(*3*) Evidence of attractants or intentional feeding (baiting) of Mexican wolves; and

(*4*) Evidence that Mexican wolves are habituated to humans, human residences, or other facilities regularly occupied by humans, or evidence that Mexican wolves have exhibited unprovoked and aggressive behavior toward humans.

(D) Wildlife Services will not use M–44's and choking-type snares in occupied Mexican wolf range. Wildlife Services may restrict or modify other predator control activities pursuant to a Service-approved management agreement or a conference opinion between Wildlife Services and the Service.

(viii) *Unintentional take.* (A) Take of a Mexican wolf by any person is allowed if the take is unintentional and occurs while engaging in an otherwise lawful activity. Such take must be reported as specified in accordance with paragraph (k)(6) of this section. Hunters and other shooters have the responsibility to identify their quarry or target before shooting; therefore, shooting a Mexican wolf as a result of mistaking it for another species will not be considered unintentional take. Take by poisoning will not be considered unintentional take.

(B) Federal, State, or tribal agency employees or their contractors may take a Mexican wolf or wolf-like animal if the take is unintentional and occurs while engaging in the course of their official duties. This includes, but is not limited to, military training and testing and Department of Homeland Security border security activities. Take of Mexican wolves by Federal, State, or tribal agencies must be reported as specified in accordance with paragraph (k)(6) of this section.

(C) Take of Mexican wolves by Wildlife Services employees while conducting official duties associated with predator damage management activities for species other than Mexican wolves may be considered unintentional if it is coincidental to a legal activity and the Wildlife Services employees have adhered to all applicable Wildlife Services' policies, Mexican wolf standard operating procedures, and reasonable and prudent measures or recommendations contained in Wildlife Service's biological and conference opinions.

(ix) *Take for research purposes.* The Service may issue permits under §17.32, and designated agencies may issue permits under State and Federal laws and regulations, for individuals to take Mexican wolves pursuant to scientific study proposals approved by the agency or agencies with jurisdiction for Mexican wolves and for the area in which the study will occur. Such take should lead to management recommendations for, and thus provide for the conservation of, the Mexican wolf.

(8) *Disturbance-causing land-use activities.* For any activity on Federal lands that the Service determines could adversely affect reproductive success, natural behavior, or persistence of Mexican wolves, the Service will work with Federal agencies to use their authorities to temporarily restrict human access and disturbance-causing land-use activities within a 1-mi (1.6-km) radius around release pens when Mexican wolves are in them, around active dens between approximately April 1 and July 31, and around active Mexican wolf rendezvous sites between approximately June 1 and September 30, as necessary.

(9) *Management.* (i) On private land within Zones 1 and 2, as defined in paragraph (k)(3) of this section, of the MWEPA, the Service or designated agency may develop and implement management actions to benefit Mexican wolf recovery in cooperation with willing private landowners, including initial release and translocation of Mexican wolves onto such lands in Zones 1 or 2 if requested by the landowner and with the concurrence of the State game and fish agency.

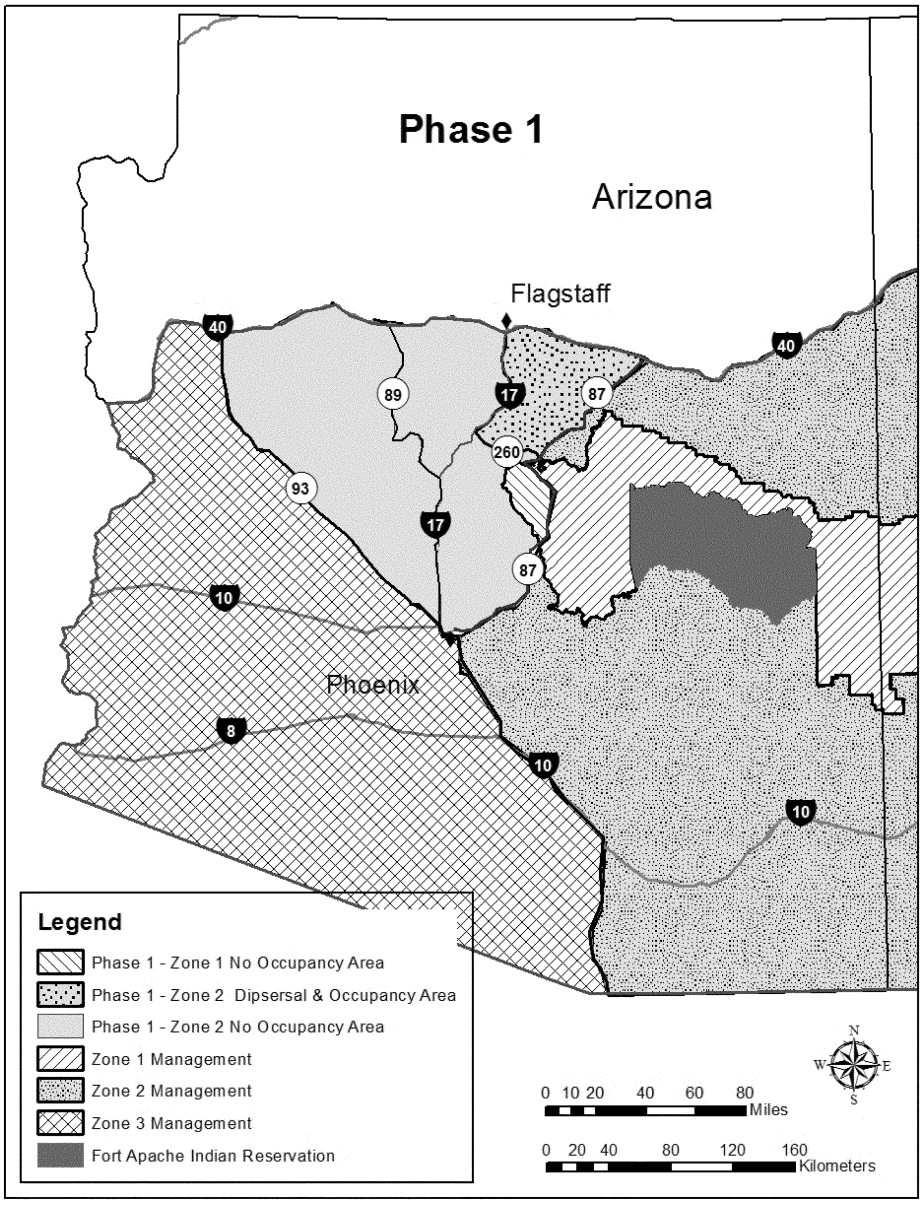
(ii) On tribal trust land within Zones 1 and 2, as defined in paragraph (k)(3) of this section, of the MWEPA, the Service or a designated agency may develop and implement management actions in cooperation with willing tribal governments, including: occupancy by natural dispersal, initial release, and translocation of Mexican wolves onto such lands. No agreement between the Service and a Tribe is necessary for the capture and removal of Mexican wolves

from tribal trust lands if requested by the tribal government.

(iii) Based on end-of-year counts, we will manage for a population objective of 300 to 325 Mexican wolves in the MWEPA in Arizona and New Mexico. So as not to exceed this population objective, we will exercise all management options with preference for translocation to other Mexican wolf populations to further the conservation of the subspecies. The Service may change this provision as necessary to accommodate a new recovery plan.

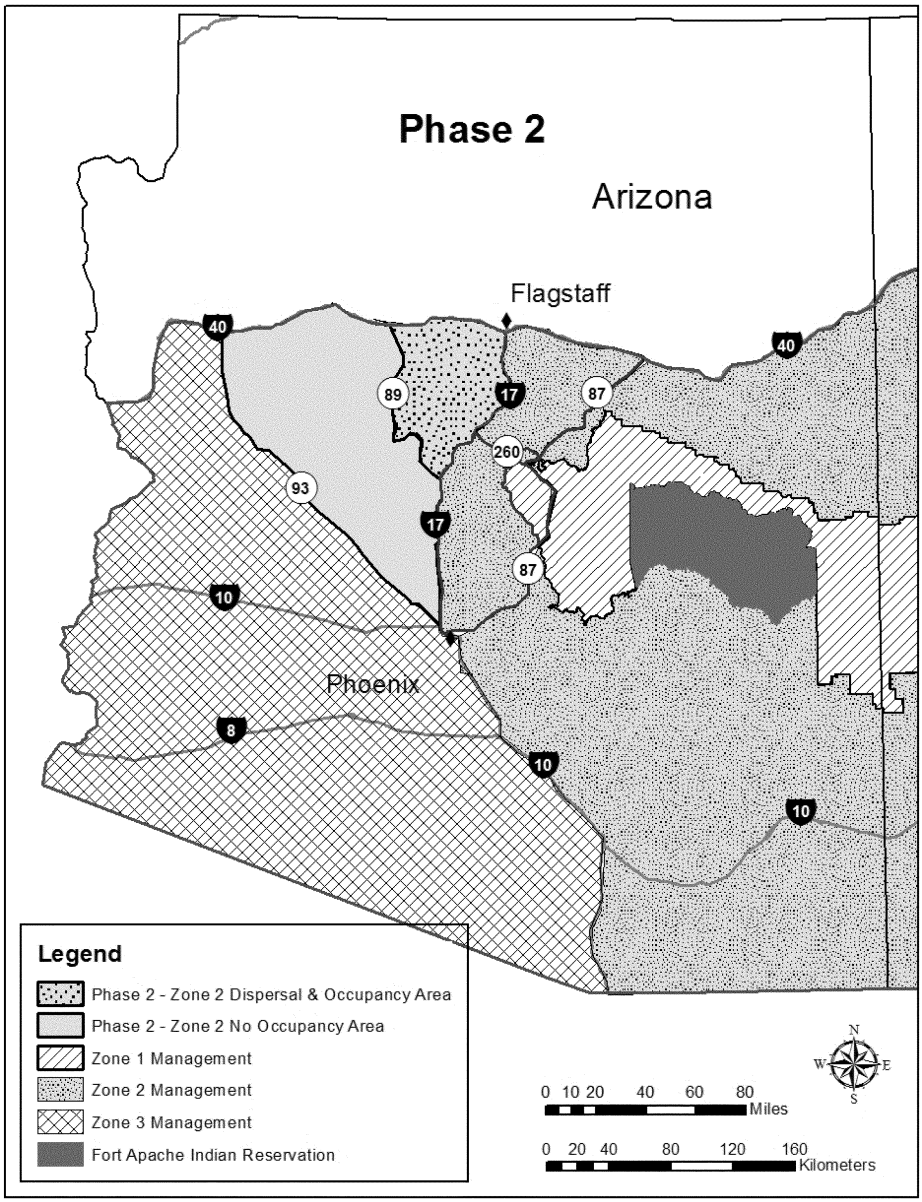
(iv) We are implementing a phased approach to Mexican wolf management within the MWEPA in western Arizona as follows:

(A) Phase 1 will be implemented for the first 5 years following February 17, 2015. During this phase, initial releases and translocation of Mexican wolves can occur throughout Zone 1 with the exception of the area west of State Highway 87 in Arizona. No translocations can be conducted west of State Highway 87 in Arizona in Zone 2. Mexican wolves can disperse naturally from Zones 1 and 2 into, and occupy, the MWEPA (Zones 1, 2, and 3, as defined in paragraph (k)(3) of this section). However, during Phase 1, dispersal and occupancy in Zone 2 west of State Highway 87 will be limited to the area north of State Highway 260 and west to Interstate 17. A map of Phase 1 follows:

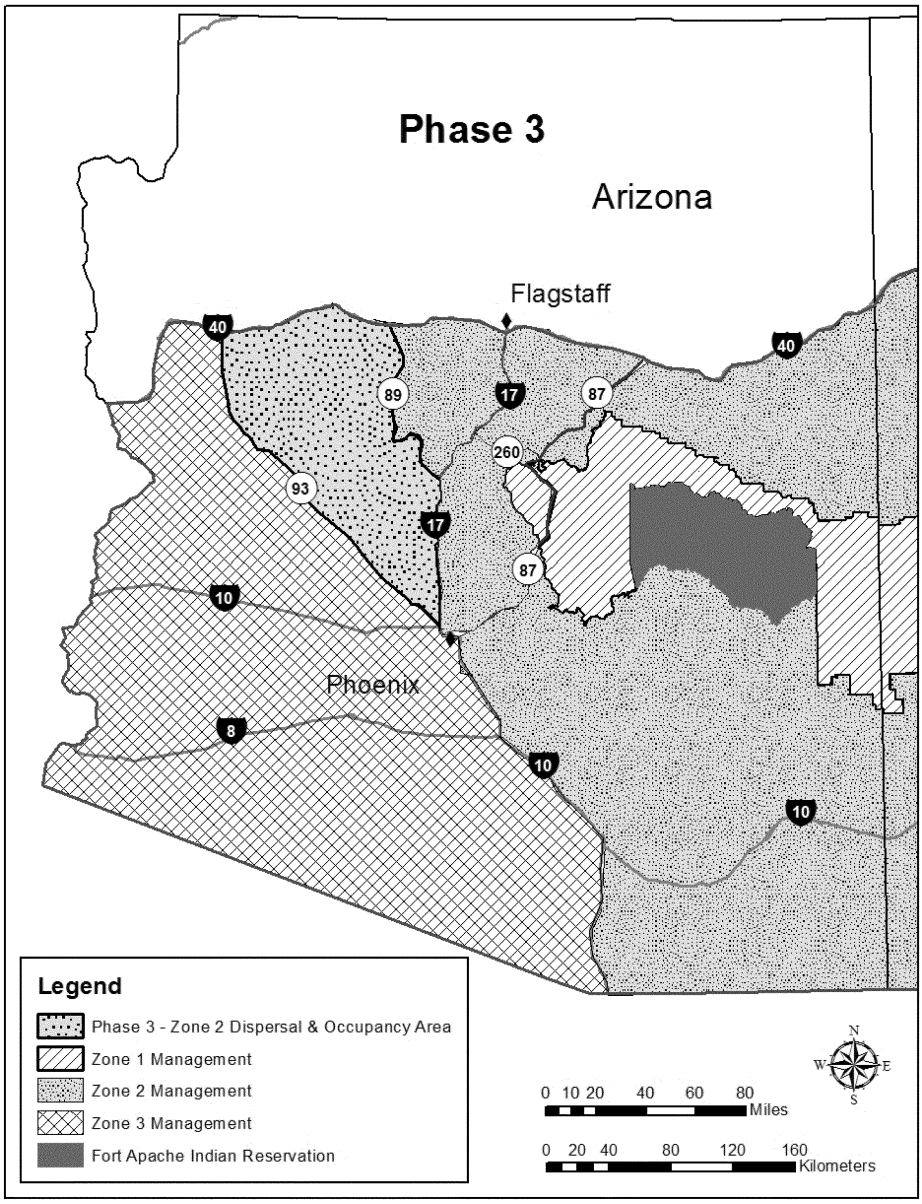


(B) In Phase 2, initial releases and translocation of Mexican wolves can occur throughout Zone 1 including the area west of State Highway 87 in Arizona. No translocations can be conducted west of Interstate Highway 17 in Arizona. Mexican wolves can disperse naturally from Zones 1 and 2 into, and occupy, the MWEPA (Zones 1, 2, and 3, as defined in paragraph (k)(3) of this

section). However, during Phase 2, dispersal and occupancy west of Interstate Highway 17 will be limited to the area east of Highway 89 in Arizona. A map of Phase 2 follows:



(C) In Phase 3, initial release and translocation of Mexican wolves can occur throughout Zone 1. No translocations can be conducted west of State Highway 89 in Arizona. Mexican wolves can disperse naturally from Zones 1 and 2 into, and occupy, the MWEPA (Zones 1, 2, and 3, as defined in paragraph (k)(3) of this section). A map of Phase 3 follows:



(D) While implementing this phased approach, two evaluations will be conducted: The first evaluation will cover the first 5 years and the second evaluation will cover the first 8 years after February 17, 2015 in order to determine if we will move forward with the next phase.

(*1*) Each phase evaluation will consider adverse human interactions with Mexican wolves, impacts to wild ungulate herds, and whether or not the Mexican wolf population in the MWEPA is achieving a population number consistent with a 10 percent annual growth rate based on end-of-year counts, such that 5 years after February 17, 2015, the population of Mexican wolves in the wild is at least 150, and 8 years after February 17, 2015, the population of Mexican wolves in the wild is at least 200.

(*2*) If we have not achieved this population growth, we will move forward to the next phase. Regardless of the outcome of the two evaluations, by the beginning of year 12 from February 17, 2015, we will move to full implementation of this rule throughout the MWEPA, and the phased management approach will no longer apply.

(E) The phasing may be expedited with the concurrence of participating State game and fish agencies.

(10) *Evaluation.* The Service will evaluate Mexican wolf reestablishment progress and prepare periodic progress reports and detailed annual reports. In addition, approximately 5 years after February 17, 2015, the Service will prepare a one-time overall evaluation of the experimental population program that focuses on modifications needed to improve the efficacy of this rule, reestablishment of Mexican wolves to the wild, and the contribution the experimental population is making to the recovery of the Mexican wolf.

(l) Grizzly bear (*Ursus arctos horribilis*). (1) *Where does this special rule apply?* The special rule in this paragraph (l) applies to the designated Bitterroot Grizzly Bear Experimental Population Area (Experimental Population Area), which is found within the species' historic range and is defined as follows:

The boundaries of the Experimental Population Area are delineated by U.S. 93 from its junction with the Bitterroot River near Missoula, Montana, to Challis, Idaho; Idaho 75 from Challis to Stanley, Idaho; Idaho 21 from Stanley to Lowman, Idaho; State Highway 17 from Lowman to Banks, Idaho; Idaho 55 from Banks to New Meadows, Idaho; U.S. 95 from New Meadows to Coeur d'Alene, Idaho; Interstate 90 from Coeur d'Alene, Idaho, to its junction with the Clark Fork River near St. Regis, Montana; the Clark Fork River from its junction with Interstate 90 near St. Regis to its confluence with the Bitterroot River near Missoula, Montana; and the Bitterroot River from its confluence with the Clark Fork River to its junction with U.S. Highway 93, near Missoula, Montana (See map at the end of this paragraph (l)).

(2) *What is the legal status of the grizzly bear?* (i) The grizzly bear is listed as ''threatened'' in §17.11 (h) and protected under this part. However, the grizzly bear population to which this paragraph (l) applies is considered a nonessential experimental population in accordance with section 10(j) of the Act.

(ii) We have determined that, as of December 18, 2000, no grizzly bear population exists in the Experimental Population Area. We find, in accordance with §17.81 (b), that the reintroduction of grizzly bears as a nonessential experimental population, as defined in §17.81 (b), will further the conservation of the species and will be consistent with provisions of section 10(j) of the Act, which requires that an experimental population be geographically separate from other nonexperimental populations of the same species. We also find, in accordance with §17.81 (c)(2), that the experimental population of grizzly bears in the Experimental Population Area is not essential to the survival of the species in the wild.

(iii) Grizzly bears within the Experimental Population Area and the Recovery Area will be accommodated through management provisions provided for in this paragraph (l) and through management plans and policies developed by the Citizen Management Committee (Committee; see paragraph (l)(6) of this section). After reintroduction, every grizzly bear found within the Experimental Population Area will be considered a member of the nonessential experimental population.

(iv) In the conterminous United States, a grizzly bear that is outside

the Experimental Population Area identified in paragraph (l)(1) of this section will be considered as threatened.

(3) *Where will grizzly bears be released, and where will recovery be emphasized?* The Bitterroot Grizzly Bear Recovery Area identifies the area of recovery emphasis within the Experimental Population Area. The Recovery Area consists of the Selway-Bitterroot Wilderness and the Frank Church-River of No Return Wilderness (See map at the end of paragraph (l) of this section). All reintroductions will take place in the Selway-Bitterroot Wilderness unless it is later determined that reintroduction in the Frank Church-River of No Return Wilderness is appropriate. If, in the future, new wilderness areas are designated adjacent to the Recovery Area, the Committee may recommend to the Secretary their addition to the Recovery Area. The Secretary would have to amend this paragraph (l) to change the definition of the Recovery Area.

(4) *What activities are prohibited in the Experimental Population Area?* (i) You may not take (see definition in §10.12 of this subchapter) any grizzly bear in the Experimental Population Area, except as provided in this paragraph (l). We may refer unauthorized take of grizzly bears to the appropriate authorities for prosecution.

(ii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any grizzly bear or parts thereof that are taken from the Experimental Population Area or possessed in violation of the regulations in this paragraph (l) or in violation of applicable State wildlife conservation laws or regulations or the Act.

(iii) You may not attempt to commit, solicit another to commit, or cause to be committed, any offense defined in this paragraph (l).

(5) *What activities are allowed in the Experimental Population Area?* (i) For purposes of this paragraph (l), except for persons engaged in hunting or shooting activities, you will not be in violation of the Act for ''unavoidable and unintentional take'' (see definition in paragraph (l)(16) of this section) of grizzly bears within the Experimental Population Area when such take is incidental to a legal activity and is not a result of negligent conduct lacking reasonable due care, and when due care was exercised to avoid the taking. Any taking must be reported within 24 hours to appropriate authorities as listed in paragraph (l)(5)(iii) of this section. Persons lawfully engaged in hunting or shooting activities must correctly identify their target before shooting in order to avoid illegally shooting a grizzly bear. Shooting a grizzly bear as a result of mistaking it for another species is considered a lack of reasonable due care. The act of taking a grizzly bear that is wrongly identified as another species may be referred to appropriate authorities for prosecution.

(ii) Any person with a valid permit issued by us may take grizzly bears in the Experimental Population Area for scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes. Such permits must be consistent with the Act, with management plans adopted for the nonessential experimental population, and with applicable State wildlife conservation laws and regulations.

(iii) You may take grizzly bears in the Experimental Population Area in self-defense or in defense of the lives of others. Such taking must be reported within 24 hours as to date, exact location, and circumstances to the Grizzly Bear Recovery Coordinator, University Hall, Room 309, University of Montana, Missoula, Montana 59812 (406–243–4903); or the Assistant Regional Director for Law Enforcement, Eastside Federal Complex, 911 NE 11th Avenue, Portland, Oregon 97232–4181 (503–231–6125); or the Assistant Regional Director for Law Enforcement, P.O. Box 25486, DFC, Denver, Colorado 80225 (303–236–7540); and either the Idaho Department of Fish and Game, P.O. Box 25, Boise Idaho 83707 (208–334–3700); or the Montana Department of Fish, Wildlife and Parks, 1420 E. Sixth Avenue, Helena, Montana 59620 (406–444–2535); and Nez Perce Tribal authorities (208–843–2253) (as appropriate).

(iv) Livestock owners may obtain a permit from the Service, and the Idaho Department of Fish and Game, the

Montana Department of Fish, Wildlife and Parks, or appropriate Tribal authorities to harass (see definition in §17.3) grizzly bears found in the Experimental Population Area that are actually pursuing or killing livestock (to include permitting the use of livestock guard dogs around livestock to harass such grizzly bears). Prior to issuance of such a permit, authorized State, Federal, or Tribal officials must document pursuit or killing of livestock. All such harassment must be accomplished by an opportunistic, noninjurious method (see definition of ''opportunistic, noninjurious harassment'' in paragraph (l)(16) of this section) to the grizzly bear, and such harassment must be reported within 24 hours as to date, exact location, and circumstances to the authorities listed under paragraph (l)(5)(iii) of this section.

(v) Livestock owners may obtain a permit from the Service, and the Idaho Department of Fish and Game, the Montana Department of Fish, Wildlife and Parks or appropriate Tribal authorities to take grizzly bears on private lands found in the Experimental Population Area in a manner other than harassment as defined in this paragraph (l), in order to protect livestock actually pursued or being killed on private property. Prior to issuance of such a permit, authorized State, Federal, or Tribal officials must document pursuit or killing of livestock. Any response protocol established by the Committee must have been satisfied and efforts to capture depredating grizzly bears by Service or State or Tribal wildlife agency personnel must have proven unsuccessful. All such taking must be reported as to date, exact location, and circumstances within 24 hours to the authorities listed under paragraph (l)(5)(iii) of this section.

(vi) Any authorized employee or agent of the Service or appropriate State wildlife agency or Nez Perce Tribe who is lawfully designated for such purposes, when acting in the course of official duties, may take a grizzly bear from the wild in the Experimental Population Area if such action is necessary to:

(A) Aid a sick, injured, or orphaned grizzly bear;

(B) Dispose of a dead grizzly bear, or salvage a dead grizzly bear that may be useful for scientific study;

(C) Take a grizzly bear that constitutes a demonstrable but nonimmediate threat to human safety or that is responsible for depredations to lawfully present domestic animals or other personal property, if otherwise eliminating such depredation or loss of personal property has not been possible, and after eliminating such threat by live-capturing and releasing the grizzly bear unharmed in the area defined in paragraph (l)(2) of this section or other areas approved by the Committee has been demonstrated not to be possible;

(D) Move a grizzly bear for genetic management purposes;

(E) Relocate grizzly bears within the Experimental Population Area to improve grizzly bear survival and recovery prospects; or (F) Relocate a grizzly bear to avoid conflict with human activities. However, grizzly bears in the Experimental Population Area will not be disturbed unless they demonstrate a real and imminent threat to human safety, livestock, or bees. Unless the Committee determines otherwise, this rule provides that on private lands outside the national forest boundary in the Bitterroot Valley, Montana (exclusion area), any human/grizzly conflicts will be considered unacceptable. Grizzly bear occupancy will be discouraged in the exclusion area, and grizzly bears found there will be captured and returned to the Recovery Area, or placed in captivity, or destroyed, depending on the history of each bear. If a grizzly bear enters the exclusion area, State and Federal wildlife management agencies will attempt to capture it immediately and notify the public of its presence as soon as possible. The public will be kept updated until the bear is caught. Further, any grizzly bear that occupies inhabited human settlement areas on private land within the Experimental Population Area that, in the judgment of the management agencies or Committee, presents a clear threat to human safety or whose behavior indicates that it may become habituated to humans, will be relocated or destroyed by management agencies.

(6) *How will local citizens be involved in the management of the Bitterroot nonessential experimental grizzly bear population?* (i) The Secretary will establish a Citizen Management Committee for the Bitterroot grizzly bear experimental population and will authorize management implementation responsibility as described in paragraph (l)(9) of this section, in consultation with the Governors of Idaho and Montana. As soon as possible after the effective date of this rule, the Secretary will organize the Committee by requesting nominations of citizen members from the Governors of Idaho and Montana and the Nez Perce Tribe and nominations of agency members by represented agencies.

(ii) The Committee will be composed of 15 members serving 6-year terms. Appointments may initially be of lesser terms to ensure staggered replacement.

(A) Membership will consist of seven individuals appointed by the Secretary based upon the recommendations of the Governor of Idaho, five members appointed by the Secretary based upon the recommendations of the Governor of Montana, one member representing the Nez Perce Tribe appointed by the Secretary based on the recommendation of the Nez Perce Tribe, one member representing the Forest Service appointed by the Secretary of Agriculture, and one member representing the Fish and Wildlife Service appointed by the Secretary. Members recommended by the Governors of Idaho and Montana will be based on the recommendations of interested parties and will include at least one representative each from the appropriate State wildlife agencies. If either Governor or the Tribe fails to make recommendations within 60 days, the Secretary (or his/her designee) will accept recommendations from interested parties, and will make the appointments.

(B) The Committee will consist of a cross-section of interests reflecting a balance of viewpoints, and members are to be selected for their diversity of knowledge and experience in natural resource issues, and for their commitment to collaborative decision-making. In their recommendations to the Secretary, the Governors of Idaho and Montana will attach written documentation of the qualifications of those nominated relating to their knowledge of, and experience in, natural resource issues and their commitment to collaborative decision-making.

(C) Except for the representatives from Federal agencies, the Committee will be selected from communities within and adjacent to the Recovery and Experimental Population Areas.

(D) The Secretary will fill vacancies as they occur with the appropriate members based on the recommendation of the appropriate Governor, the Nez Perce Tribe, or agency.

(7) *Will independent scientific information be readily available to the Committee?* The Secretary will appoint two scientific advisors to the Committee as nonvoting members to attend all meetings of the Committee and to provide scientific expertise to the Committee. These scientific advisors will not be employed by Federal agencies involved in grizzly bear recovery. The Secretary will contact the Wildlife Society Chapters in Idaho and Montana and the Universities of Idaho and Montana for nominations and will select one wildlife scientist representing each State and appoint them as advisors to the Committee.

(8) *What is the overall mission of the Committee, and how will it operate?* (i) The mission of the Committee is to facilitate recovery of the grizzly bear in the Bitterroot ecosystem by assisting in implementing the Bitterroot ecosystem chapter of the recovery plan (Bitterroot Ecosystem Recovery Plan Chapter—Supplement to the Grizzly Bear Recovery Plan, U.S. Fish and Wildlife Service, Missoula, Montana, 1996). The Committee will make recommendations to land and wildlife management agencies that it believes will lead to recovery of the grizzly bear. Decisions on, and implementation of, these recommendations are the responsibility of the land and wildlife management agencies.

(ii) The Committee will meet a minimum of two times per year. These meetings will be open to the public. Additionally, the committee will provide reasonable public notice of meetings, produce and provide written minutes of meetings to interested persons,

and involve the public in its decision-making process. This public participation process will allow members of the public and/or special interest groups to have input to Committee decisions and management actions.

(9) *What authority will the Committee have, and what will be its primary tasks?* The Committee will have the authority and the responsibility to carry out the following functions:

(i) Developing a process for obtaining the best biological, social, and economic data. This process will include an explicit mechanism for soliciting peer-reviewed, scientific articles on grizzly bears and their management, and holding periodic public meetings not less than every 2 years, in which qualified scientists may submit comments to and be questioned by the Committee. The two scientific advisors will lead this process. The Committee will base its decisions upon the best scientific and commercial data available. All decisions of the Committee, including components of its management plans, must lead toward recovery of the grizzly bear in the Bitterroot ecosystem and minimize social and economic impacts to the extent practicable within the context of the existing recovery goals for the species.

(ii) Soliciting technical advice and guidance from outside experts. The scientific advisors will lead the development of an ongoing process to provide the Committee with the best scientific and commercial data available. The scientific advisors will provide this information in the form of peer-reviewed scientific articles on grizzly bears and their management, Committee meetings with presentations by scientific experts, and requests to State and Federal management agencies and the private sector for scientific expertise and advice.

(iii) Implementing the Bitterroot Ecosystem Chapter of the Grizzly Bear Recovery Plan consistent with this paragraph (l). The Committee will develop recommendations on existing management plans and policies of land and wildlife management agencies, as necessary, for the management of grizzly bears in the Experimental Population Area. The Committee will make recommendations to land and wildlife management agencies regarding changes to plans and policies, but the final decision on implementation of those recommendations will be made by those agencies. If Committee recommendations require significant changes to existing plans and policy, and the agencies tentatively agree to accept those recommendations, then the requirements of the National Environmental Policy Act may apply. Such management plans and policies will be in accordance with applicable State and Federal laws. The Committee will give full consideration to Service comments and opinions and those of the Forest Service, Idaho Department of Fish and Game, the Montana Department of Fish, Wildlife and Parks, and the Nez Perce Tribe.

(iv) Providing means by which the public may participate in, review, and comment on the decisions of the Committee. The Committee must thoroughly consider and respond to public input prior to making decisions.

(v) Developing its internal processes, where appropriate, such as governance, decision-making, quorum, terms of members, officers, meeting schedules and location, public notice of meetings, and minutes.

(vi) Requesting staff support from the Service, the Idaho Department of Fish and Game, Montana Department of Fish, Wildlife and Parks, Forest Service, other affected Federal agencies, and the Nez Perce Tribe, when necessary to perform administrative functions, and requesting reimbursement from us for non-Federal Committee members for costs associated with travel, lodging, and incidentals.

(vii) Reviewing existing grizzly bear standards and guidelines used by the Forest Service and other agencies and landowners. The Committee will perform an annual review of grizzly bear mortalities and the number and location of bear/human conflicts. This review will be the primary mechanism to assess the adequacy of existing management techniques and standards. If the Committee deems such standards and guidelines inadequate for recovery of grizzly bears, the Committee may recommend changes to the Forest Service and other agencies and landowners.

(viii) Developing grizzly bear guidance for proper camping and sanitation within the Experimental Population Area and making recommendations to land management agencies for adoption of such guidelines. Existing camping and sanitation procedures developed in other ecosystems with grizzly bears will serve as a basis for such guidelines.

(ix) Developing a protocol for responding to grizzly/human encounters, livestock depredations, damage to lawfully present property, and other grizzly/human conflicts within the Experimental Population Area. Any response protocol developed by the Committee will have to undergo public comment and be revised as appropriate based on comments received. Any conflicts or mortalities associated with these activities will result in review by the Committee to determine what the Committee may do to help prevent future conflicts or mortalities. The Committee will recommend, as necessary, policy changes on trail restrictions for human safety to appropriate wildlife and land management agencies.

(x) Recommending to the Service changes to recovery criteria, including mortality limits, population determinations, and other criteria for recovery as appropriate.

(xi) Reviewing all human-caused grizzly bear mortalities to determine whether new measures for avoiding future occurrences are required and make recommendations on such measures to appropriate land and wildlife management agencies. If grizzly bear mortalities occur as a result of black bear hunting, the Committee will work with the State Fish and Game Departments in both Idaho and Montana to develop solutions to minimize the effects on grizzly bears of black bear hunting.

(xii) Developing strategies to emphasize recovery inside the Recovery Area and to accommodate grizzly bears inside other areas of the Experimental Population Area.

(A) Grizzly bears may range outside the Recovery Area because grizzly bear habitat exists throughout the Experimental Population Area. The Committee will not recommend that bears be disturbed or moved unless conflicts are both significant and cannot be corrected as determined by the Committee. This provision includes conflicts associated with livestock, for which the Committee will develop strategies to discourage grizzly bear occupancy in portions of the Experimental Population Area outside of the Recovery Area.

(B) Unless the Committee determines otherwise, this rule provides that private land outside the national forest boundary in the Bitterroot Valley, Montana (exclusion area), is an area where any human/grizzly conflicts will be considered unacceptable. Grizzly bear occupancy will be discouraged in these areas, and grizzly bears will be captured and returned to the Recovery Area. If a grizzly bear enters the exclusion area, State and Federal wildlife management agencies will attempt to capture it immediately and notify the public of its presence as soon as possible. The public will be kept updated until the bear is caught. Further, any grizzly bear that occupies the exclusion area or other inhabited human settlement areas on private land within the Experimental Population Area that, in the judgment of the management agencies or Committee, presents a clear threat to human safety or whose behavior indicates that it may become habituated to humans, will be relocated or destroyed by management agencies.

(xiii) Establishing standards for determining whether the experimental reintroduction has been successful and making recommendations on the inclusion of such standards in the Grizzly Bear Recovery Plan. These standards will be based on the best scientific and commercial information available and will reflect that, absent extraordinary circumstances, the success or failure of the program cannot be measured in fewer than 20 years. General guidelines for the standards by which failure will be measured include, but are not limited to, one or more of the following conditions:

(A) If, within the number of years established by the Committee following initial reintroduction, no relocated

grizzly bear remains within the Experimental Population Area and the reasons for emigration or mortality cannot be identified and/or remedied; or

(B) If, within the number of years established by the Committee following initial reintroduction, no cubs of the year or yearlings exist and the relocated bears are not showing signs of successful reproduction as evidenced by no cubs of the year or yearlings.

(xiv) Developing procedures for the expeditious issuance of permits described in paragraphs (l)(5)(iv) and (l)(5)(v) of this section, and making recommendations on such procedures to appropriate agencies.

(xv) Developing 2-year work plans for the recovery effort for submittal to the Secretary pursuant to paragraph (l)(11)(i) of this section.

(xvi) Establishing, based on the best available science, a refined interim recovery goal for the Bitterroot Ecosystem Chapter of the Grizzly Bear Recovery Plan and a final recovery goal when sufficient information is available and after grizzly bears are reintroduced and occupy suitable habitats in the Experimental Population Area. As this information becomes available, the Committee may recommend the recovery goal to the Secretary along with procedures for determining how this goal will be measured. The recovery goal for the Bitterroot grizzly bear population will be consistent with the habitat available within the Recovery Area. Additional adjacent areas of public land can be considered for contribution of suitable habitat when setting the recovery goal if additional land is shown to be necessary by the best scientific and commercial data available. Any recommendations for revised recovery goals developed by the Committee will require public review and our approval as appropriate prior to revision of any recovery plan. Grizzly bears outside the Recovery Area and within the Experimental Population Area can contribute to meeting the recovery goal if their long-term occupancy in such habitats outside the Recovery Area is reasonably certain.

(10) *What agencies will be responsible for day-to-day management activities?* The Idaho Department of Fish and Game, the Montana Department of Fish, Wildlife and Parks, the Nez Perce Tribe, and the Forest Service, in coordination with us, will exercise day-to-day management responsibility within the Experimental Population Area in accordance with this paragaraph (l). The Service and these cooperating agencies will share management responsibility as per agreements with, and in consideration of, recommendations from the Committee.

(11) *How will progress of the Committee be monitored; and what process will be followed by the Secretary to resolve disputes over whether Committee actions are leading to recovery?* (i) The Secretary or our representative on the Committee will review the Committee's 2-year work plans (see paragraph (l)(9)(xv) of this section). If the Secretary determines, through our representative on the Committee, that the Committee's decisions, work plans, or the implementation of those plans are not leading to the recovery of the grizzly bear within the Experimental Population Area or are not in compliance with this paragraph (l), our representative will ask the Committee to determine whether such a decision, plan, or implementation of a plan is leading to recovery and is in compliance with this paragraph (l). The Secretary, who retains final responsibility and authority for implementation of the Act, will review the Committee's determination, as provided in paragraphs (l)(11)(ii) through (iv) of this section, and then make a final determination. Should the Secretary find that a decision, work plan, or implementation of a plan by the Committee is inadequate for recovery of the grizzly bear or is not in compliance with this paragraph (l), the Secretary may assume lead management responsibility.

(ii) The Service representative will consider Committee input before making any determination that Committee actions are not leading to recovery or are not in compliance with this paragraph (l). In the event that our representative on the Committee determines that the actions of the Committee are not leading to recovery of the Bitterroot grizzly bear population or are not in compliance with this paragraph (l), he or she will recommend to the Committee, based on

the best scientific and commercial data available, alternative or corrective actions and provide 6 months for the Committee to accomplish those actions. Should the Committee reject these corrective actions, our representative will convene a Scientific Review Panel of three and will submit to the panel for review those Committee actions or decisions that he or she has determined are not leading to recovery or are not in compliance with this paragrpah (l). The Service representative will consider the views of all Committee members prior to convening a Scientific Review Panel.

(iii) Members of the Scientific Review Panel will be professional scientists who have had no involvement with the Committee and are not employed by Federal agencies responsible for grizzly bear recovery efforts. The Secretary will select one member of the panel, and the Governors of Idaho and Montana in consultation with the Universities of Idaho and Montana (respectively), will select one panel member each. The Scientific Review Panel will review Committee actions or decisions, solicit additional information if necessary and, using the best scientific and commercial data available, make timely recommendations to the Committee as to whether Committee actions will lead to recovery of the grizzly bear in the Bitterroot ecosystem and are in compliance with paragraph (l). Examples of Committee actions, decisions, or lack of actions that can be submitted to the Scientific Review Panel include, but are not limited to, the following: sufficiency of public involvement in Committee activities; decisions involving sanitation and outreach activities; management of nuisance bears; adequacy of recommendations to land and wildlife management agencies; adequacy of Committee actions in addressing issues such as excessive human-caused grizzly bear mortality; and other actions important to recovery of the grizzly bear in the Bitterroot ecosystem. Committee compliance with paragraph (l) provides the basis for the recommendations of the Scientific Review Panel.

(iv) If, after timely review, the Committee rejects the recommendations of the Scientific Review Panel, and our representative determines that Committee actions are not leading to recovery of the Bitterroot population, he or she will notify the Secretary. The Secretary will review the Panel's recommendations and determine the disposition of the Committee.

(A) If the Secretary determines that the Committee should maintain lead management responsibility, the Committee will continue to operate according to the provisions of this paragraph (l) until the recovery objectives under paragraph (l)(9)(xvi) of this section or the Bitterroot Ecosystem Chapter of the Recovery Plan have been met and the Secretary has completed delisting.

(B) If the Secretary decides to assume lead management responsibility, the Secretary will consult with the Governors of Idaho and Montana regarding that decision and further attempt to resolve the disagreement. If, after such consultation, the Secretary assumes lead management responsibility, the Secretary will publish a notice in the FEDERAL REGISTER explaining the rationale for the determination and notify the Governors of Idaho and Montana. The Committee will disband, and all requirements identified in this paragraph (l) regarding the Committee will be nullified.

(12) *How will the Bitterroot grizzly bear population be monitored?* The reintroduced population will be monitored closely by Federal and State agencies in cooperation with the Committee for the duration of the recovery process, generally by use of radio telemetry as appropriate.

(13) *How will success or failure of the project be evaluated?* The status of Bitterroot grizzly bear recovery will be reevaluated separately by the Committee and by the Secretary at 5-year intervals. This review will take into account the reproductive success of the grizzly bears released, human-caused mortality, movement patterns of individual bears, food habits, and overall health of the population and will recommend changes and improvements in the recovery program. Evaluating these parameters will assist in determining success or failure of the restoration.

(14) *What process will be followed if the Secretary determines the project has*

failed? (i) If, based on the criteria established by the Committee, the Secretary, after consultation with the Committee, the Governors of Idaho and Montana, the Idaho Department of Fish and Game, the Montana Department of Fish, Wildlife and Parks, and the Nez Perce Tribe, determines that the reintroduction has failed to produce a self-sustaining population, this paragraph (l) will not be used to reintroduce additional bears. Any remaining bears will retain their experimental status.

(ii) Prior to declaring the experimental reintroduction a failure, we will investigate the probable causes of the failure. If the causes can be determined, and legal and reasonable remedial measures identified and implemented, we will consider continuing the recovery effort and maintaining the relocated population. If such reasonable measures cannot be identified and implemented, we will publish the results of our evaluation in the FEDERAL REGISTER in a proposed rulemaking to terminate the authority for additional experimental grizzly bear reintroductions in the Bitterroot ecosystem.

(15) *Will the legal status of grizzly bears in the Experimental Population Area change?* We do not intend to change the ''nonessential experimental'' designation to ''essential experimental,'' ''threatened,'' or ''endangered'' and foresee no likely situation that would result in such changes. Critical habitat cannot be designated under the nonessential experimental classification, 16 U.S.C. 1539(j)(2)(C)(ii).

(16) *What are the definitions of key terms used in the special rule in this paragraph (l)?* In addition to terms defined in §10.12 and 17.3 of this subchapter, the following terms apply to this paragraph (l):

Accommodate means allowing grizzly bears that move outside the Recovery Area onto public land in the Experimental Population Area to remain undisturbed unless they demonstrate a real and imminent threat to human safety or livestock.

Citizen Management Committee (Committee) means that Committee described in paragraph (l)(6) of this section.

Current range means the area inside or within 10 miles of the recovery zone line of currently occupied grizzly bear recovery zones or any area where there is a grizzly bear population, as defined in this paragraph (l)(16).

Exclusion area (Bitterroot Valley) means those private lands in Montana lying within the Bitterroot Experimental Population Area in the Bitterroot Valley outside the Bitterroot National Forest boundary south of U.S. Highway 12 to Lost Trail Pass and west of Highway 93.

Experimental Population Area (Bitterroot Grizzly Bear Experimental Population Area) means that area delineated in paragraph (l)(1) of this section within which management plans developed as part of the Committee described in paragraph (l)(9) of this section will be in effect. This area includes the Recovery Area. The Experimental Population Area is within the historic range of the grizzly bear, but geographically separate from the current range of the grizzly bear.

Geographically separate means separated by more than 10 miles. The term refers to ''wholly separate geographically'' in section 10(j)(2) of the Act. The Experimental Population Area and the recovery zone boundary of any existing grizzly bear population must be geographically separate.

Grizzly bear population is defined by verified evidence within the previous 6 years which consists of photos within the area, verified tracks, or sightings by reputable scientists or agency personnel of at least two different female grizzly bears with young or one female with different litters in 2 different years in an area geographically separate from other grizzly bear populations. Verifiable evidence of females with young, to be geographically separate, would have to occur greater than 10 miles from the nearest nonexperimental grizzly bear population recovery zone boundary.

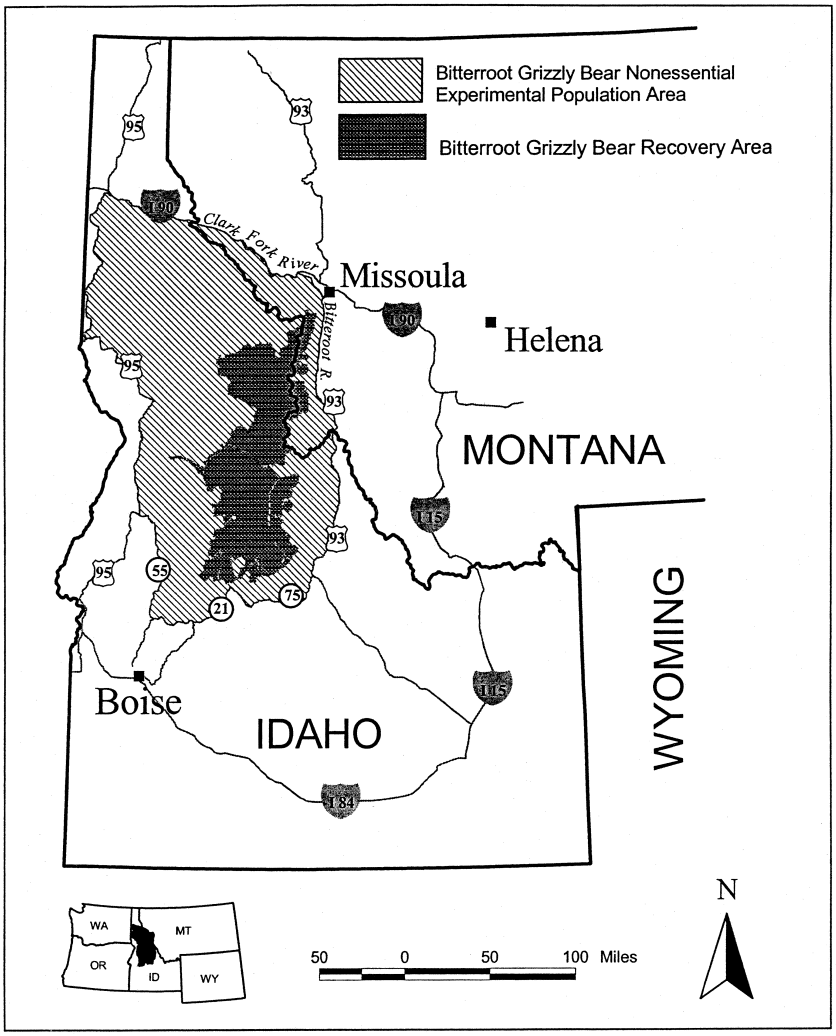
Opportunistic, noninjurious harassment means harassment (see definition of ''harass'' in §17.3) that occurs when the grizzly bear presents itself (for example, the bear travels onto and is observed on private land or near livestock). This paragraph (l) permits only this type of harassment. You cannot

track, attract, search out, or chase a grizzly bear and then harass it. Any harassment must not cause bodily injury or death to the grizzly bear. The intent of harassment permitted by this definitioin is to scare bears away from the immediate area.

Recovery Area (Bitterroot Grizzly Bear Recovery Area) means the area of recovery emphasis within the Experimental Population Area, and is delineated in paragraph (l)(2) of this section. This area consists of the Selway-Bitterroot and Frank Church-River of No Return Wilderness areas. The Recovery Area is within the historic range of the species.

Recovery emphasis means grizzly bear management decisions in the Recovery Area will favor bear recovery so that this area can serve as core habitat for survival, reproduction, and dispersal of the recovering population. Reintroduction of grizzly bears is planned to occur within the Selway-Bitterroot Wilderness portion of the Recovery Area unless it is later determined that reintroduction in the Frank Church-River of No Return Wilderness is appropriate.

Unavoidable and unintentional take means accidental, unintentional take (see definition of take in §10.12 of this subchapter) that occurs despite reasonable care, is incidental to an otherwise lawful activity, and is not done on purpose. An example would be striking a grizzly bear with an automobile. Taking a grizzly bear by shooting will not be considered unavoidable and unintentional take. Shooters have the responsibility to be sure of their targets.



(m) Spotfin chub (=turquoise shiner) (*Erimonax monachus*)—(1) *Where is the spotfin chub designated as a nonessential experimental population (NEP)?* We have designated three populations of this species as NEPs: the Tellico River NEP, the Shoal Creek NEP, and the French Broad River and Holston River NEP. This species is not currently known to exist in the Tellico River or its tributaries, the Shoal Creek or its tributaries, or any of the tributaries to the free-flowing reaches of the French Broad River below Douglas Dam, Knox and Sevier Counties, Tennessee, or of the Holston River below the Cherokee Dam, Knox, Grainger, and Jefferson

Counties, Tennessee. Based on its habitat requirements, we do not expect this species to become established outside the NEP areas. However, if individuals move upstream or downstream or into tributaries outside any of the designated NEP areas, we would presume that those individuals came from the closest reintroduced population. We would then amend this regulation and enlarge the boundaries of the NEP area to include the entire range of the expanded population.

(i) The Tellico River NEP area is within the species' probable historic range and is defined as follows: The Tellico River, between the backwaters of the Tellico Reservoir (approximately Tellico River mile 19 (30.4 kilometers (km)) and Tellico River mile 33 (52.8 km), near the Tellico Ranger Station, Monroe County, Tennessee.

(ii) The Shoal Creek NEP area is within the species' historic range and is defined as follows: Shoal Creek (from Shoal Creek mile 41.7 (66.7 km)) at the mouth of Long Branch, Lawrence County, TN, downstream to the backwaters of Wilson Reservoir (Shoal Creek mile 14 (22 km)) at Goose Shoals, Lauderdale County, AL, including the lower 5 miles (8 km) of all tributaries that enter this reach.

(iii) The French Broad River and Holston River NEP area is within the species' historic range and is defined as follows: the French Broad River, Knox and Sevier Counties, Tennessee, from the base of Douglas Dam (river mile (RM) 32.3 (51.7 km)) downstream to the confluence with the Holston River; then up the Holston River, Knox, Grainger, and Jefferson Counties, Tennessee, to the base of Cherokee Dam (RM 52.3 (83.7 km)); and the lower 5 RM (8 km) of all tributaries that enter these river reaches.

(iv) We do not intend to change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP area. Additionally, we will not designate critical habitat for these NEPs, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What activities are not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (m)(3) of this section, all the provisions of §17.31(a) and (b) apply to the spotfin chub.

(ii) Any manner of take not described under paragraph (m)(3) of this section is prohibited in the NEP area. We may refer unauthorized take of this species to the appropriate authorities for prosecution.

(iii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified fishes, or parts thereof, that are taken or possessed in violation of paragraph (m)(2) of this section or in violation of the applicable State fish and wildlife laws or regulations or the Act.

(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (m)(2) of this section.

(3) *What take is allowed in the NEP area?* Take of this species that is accidental and incidental to an otherwise legal activity, such as recreation (e.g., fishing, boating, wading, trapping, or swimming), forestry, agriculture, and other activities that are in accordance with Federal, State, and local laws and regulations, is allowed.

(4) *How will the effectiveness of these reintroductions be monitored?* (i) In the Tellico River NEP area, we will prepare periodic progress reports and fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

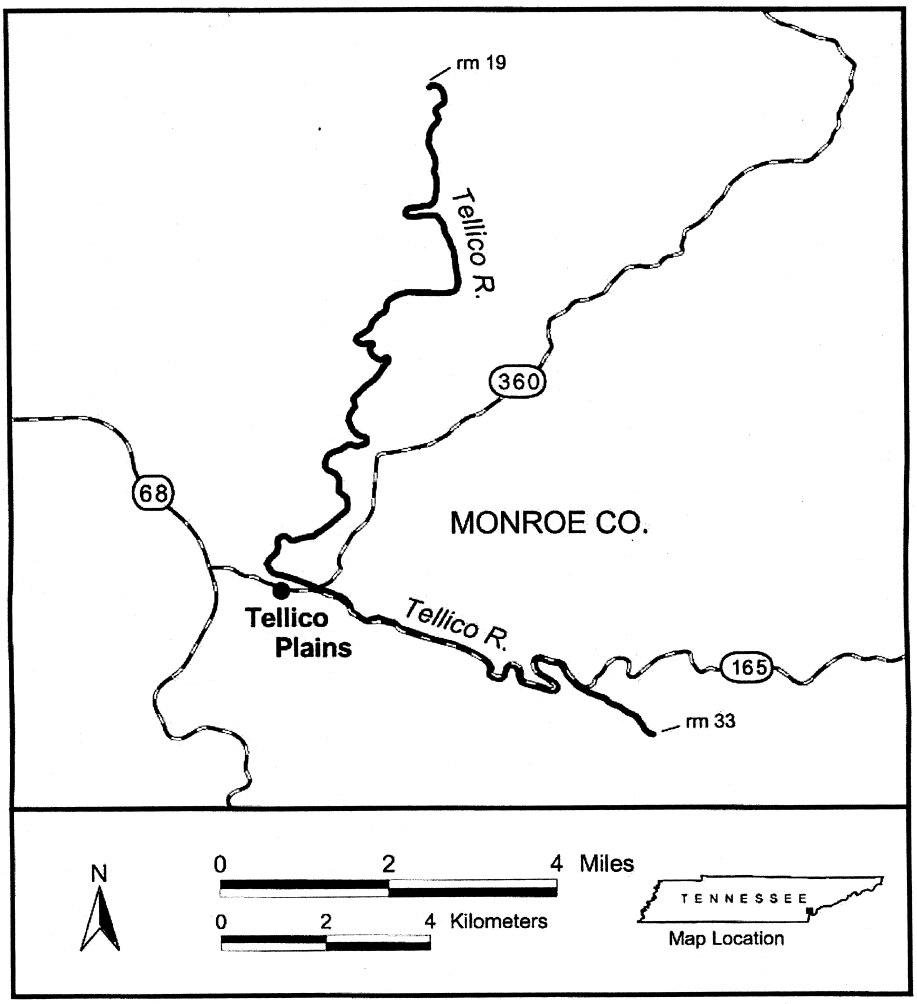
(ii) In the Shoal Creek NEP area, after the initial stocking of fish, we will monitor annually their presence or absence and document any spawning behavior or young-of-the-year fish that might be present. This monitoring will be conducted primarily by snorkeling or seining and will be accomplished by contracting with the appropriate species experts. We will produce annual reports detailing the stocking rates and monitoring activities that took place during the previous year. We will also fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

(iii) *In the Lower French Broad and Lower Holston Rivers NEP area*, after the initial stocking of these species, we will monitor annually their presence or absence and document any spawning behavior or young-of-the-year that

might be present. This monitoring will be conducted primarily by snorkeling or seining and will be accomplished by contracting with the appropriate species experts. Annual reports will be produced detailing the stocking rates and monitoring activities that took place during the previous year. We will also fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

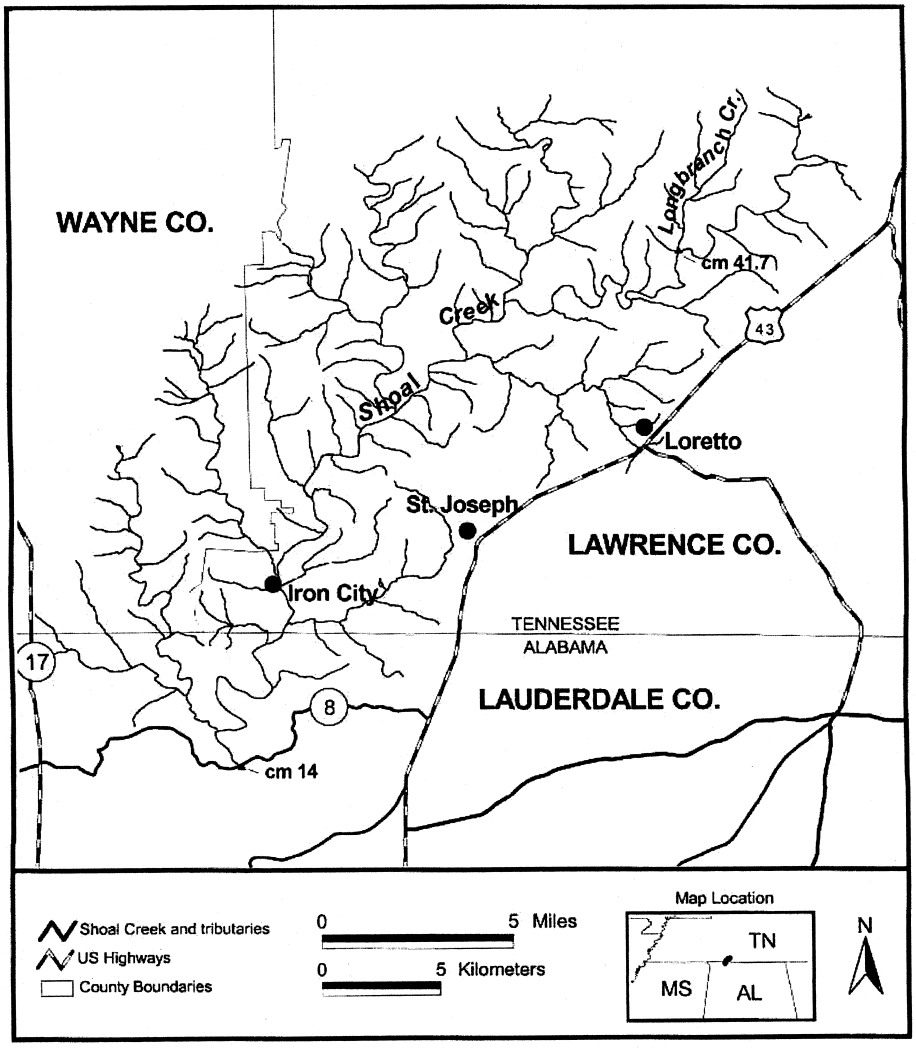
(5) *Note:* Map of the Tellico River NEP area for spotfin chub, dusky darter, smoky madtom, and yellowfin madtom in Tennessee follows:

Portion of the Tellico River Covered by the Spotfin Chub, Duskytail Darter, Smoky Madtom and Yellowfin Madtom Nonessential Experimental Population Designation



(6) *Note:* Map of the Shoal Creek NEP area for spotfin chub and boulder darter in Tennessee and Alabama follows:

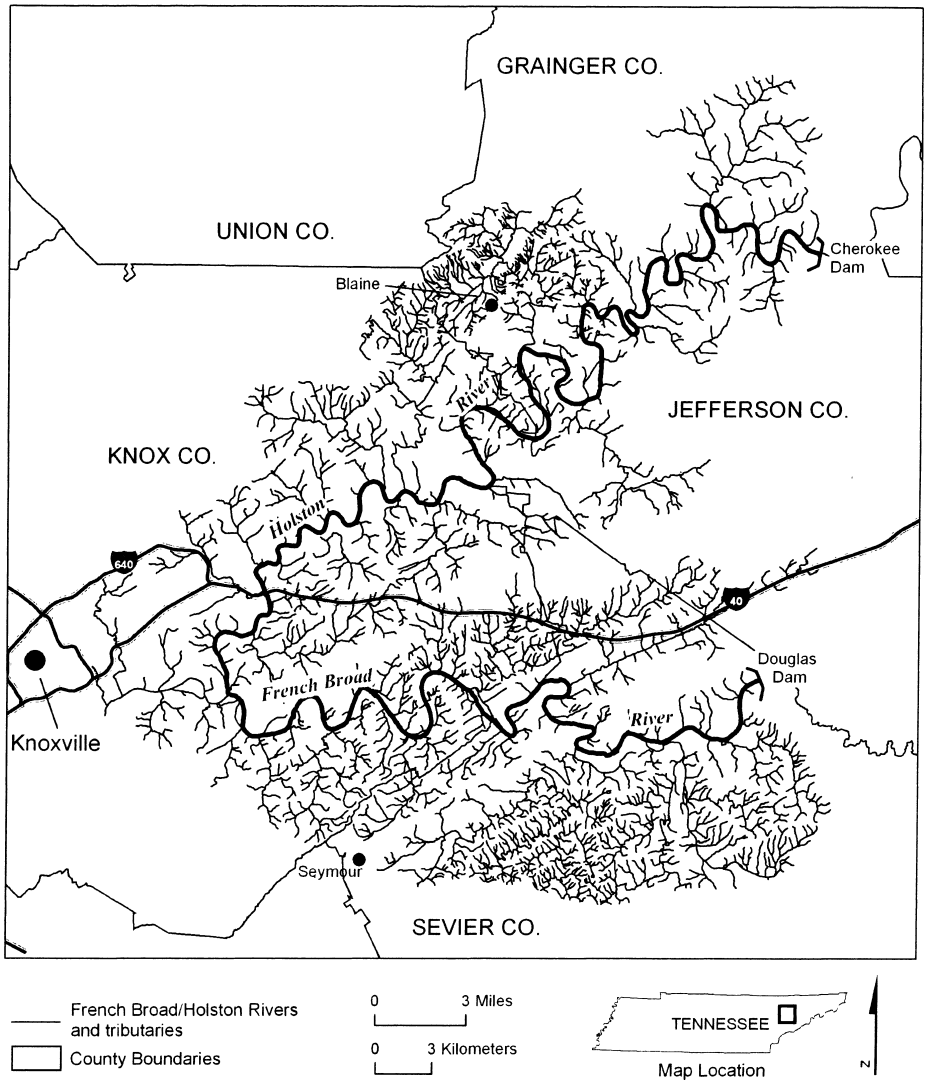
Portion of Shoal Creek Watershed Covered by the Spotfin Chub and Boulder Darter Nonessential Experimental Population Designation



(7) *Note:* Map of the French Broad River and Holston River NEP area for spotfin chub, slender chub, duskytail

darter, pygmy madtom, and yellowtail madtom in Tennessee follows:

Portion of the Lower French Broad River Watershed and the Lower Holston River Watershed Covered by the 2 Federally Listed Endangered Fishes: Duskytail Darter and Pygmy Madtom; and 3 Federally Listed Threatened Fishes: Slender Chub, Spotfin Chub, and Yellowfin Madtom Nonessential Experimental Population Designation.



(n) Gray wolf (*Canis lupus*). (1) The gray wolves (wolf) identified in paragraph (n)(9)(i) of this section are a nonessential experimental population.

These wolves will be managed in accordance with the respective provisions of this paragraph (n) in the boundaries of the nonessential experimental population (NEP) areas within any State or Tribal reservation that has a wolf management plan that has been approved by the Service, as further provided in this paragraph (n). Furthermore, any State or Tribe that has a wolf management plan approved by the Service can petition the Secretary of the Department of the Interior (DOI) to assume the lead authority for wolf management under this rule within the borders of the NEP areas in their respective State or reservation.

(2) The Service finds that management of nonessential experimental gray wolves, as defined in this paragraph (n), will further the conservation of the species.

(3) Definitions of terms used in paragraph (n) of this section follow:

Active den site—A den or a specific above-ground site that is being used on a daily basis by wolves to raise newborn pups during the period April 1 to June 30.

Breeding pair—An adult male and an adult female wolf that, during the previous breeding season, produced at least two pups that survived until December 31 of the year of their birth.

Designated agent—Includes Federal agencies authorized or directed by the Service, and States or Tribes with a wolf management plan approved by the Director of the Service and with established cooperative agreements with us or Memoranda of Agreement (MOAs) approved by the Secretary of the DOI. Federal agencies, States, or Tribes may become ''designated agents'' through cooperative agreements with the Service whereby they agree to assist the Service to implement some portions of this rule. If a State or Tribe becomes a ''designated agent'' through a cooperative agreement, the Service will help coordinate their activities and retain authority for program direction, oversight, and guidance. States and Tribes with approved plans also may become ''designated agents'' by submitting a petition to the Secretary to establish an MOA under this rule. Once accepted by the Secretary, the MOA may allow the State or Tribe to assume lead authority for wolf management and to implement the portions of their State or Tribal plans that are consistent with this rule. The Service oversight (aside from Service law enforcement investigations) under an MOA is limited to monitoring compliance with this rule, issuing written authorizations for wolf take on reservations without approved wolf management plans, and an annual review of the State or Tribal program to ensure the wolf population is being maintained above recovery levels.

Domestic animals—Animals that have been selectively bred over many generations to enhance specific traits for their use by humans, including use as pets. This includes livestock (as defined below) and dogs.

Intentional harassment—The deliberate and pre-planned harassment of wolves, including by less-than-lethal munitions (such as 12-gauge shotgun rubber-bullets and bean-bag shells), that are designed to cause physical discomfort and temporary physical injury but not death. The wolf may have been tracked, waited for, chased, or searched out and then harassed.

In the act of attacking—The actual biting, wounding, grasping, or killing of livestock or dogs, or chasing, molesting, or harassing by wolves that would indicate to a reasonable person that such biting, wounding, grasping, or killing of livestock or dogs is likely to occur at any moment.

Landowner—An owner of private land, or his/her immediate family members, or the owner's employees who are currently employed to actively work on that private land. In addition, the owner(s) (or his/her employees) of livestock that are currently and legally grazed on that private land and other lease-holders on that private land (such as outfitters or guides who lease hunting rights from private landowners), are considered landowners on that private land for the purposes of this regulation. Private land, under this regulation, also includes all non-Federal land and land within Tribal reservations. Individuals legally using Tribal lands in States with approved plans are considered landowners for the purposes of this rule. ''Landowner'' in this regulation includes legal grazing

permittees or their current employees on State, county, or city public or Tribal grazing lands.

Legally present—A person is legally present when:

(i) On his or her own property;

(ii) Not trespassing and has the landowner's permission to bring his or her stock animal or dog on the property; or

(iii) Abiding by regulations governing legal presence on public lands.

Livestock—Cattle, sheep, horses, mules, goats, domestic bison, and herding and guarding animals (llamas, donkeys, and certain breeds of dogs commonly used for herding or guarding livestock). Livestock excludes dogs that are not being used for livestock guarding or herding.

Noninjurious—Does not cause either temporary or permanent physical damage or death.

Opportunistic harassment—Harassment without the conduct of prior purposeful actions to attract, track, wait for, or search out the wolf.

Private land—All land other than that under Federal Government ownership and administration and including Tribal reservations.

Problem wolves—Wolves that have been confirmed by the Service or our designated agent(s) to have attacked or been in the act of attacking livestock or dogs on private land or livestock on public land within the past 45 days. Wolves that we or our designated agent(s) confirm to have attacked any other domestic animals on private land twice within a calendar year are considered problem wolves for purposes of agency wolf control actions.

Public land—Federal land such as that administered by the National Park Service, Bureau of Land Management, USDA Forest Service, Bureau of Reclamation, Department of Defense, or other agencies with the Federal Government.

Public land permittee—A person or that person's employee who has an active, valid *Federal land*-use permit to use specific Federal lands to graze livestock, or operate an outfitter or guiding business that uses livestock. This definition does not include private individuals or organizations who have Federal permits for other activities on public land such as collecting firewood, mushrooms, antlers, or Christmas trees; logging; mining; oil or gas development; or other uses that do not require livestock. In recognition of the special and unique authorities of Tribes and their relationship with the U.S. Government, for the purposes of this rule, the definition includes Tribal members who legally graze their livestock on ceded public lands under recognized Tribal treaty rights.

Remove—Place in captivity, relocate to another location, or kill.

Research—Scientific studies resulting in data that will lend to enhancement of the survival of the gray wolf.

Rule–Federal regulations—''This rule'' or ''this regulation'' refers to this final NEP regulation.

Stock animal—A horse, mule, donkey, llama, or goat used to transport people or their possessions.

Unacceptable impact—Impact to ungulate population or herd where a State or Tribe has determined that wolves are one of the major causes of the population or herd not meeting established State or Tribal management goals.

Ungulate population or herd—An assemblage of wild ungulates living in a given area.

Wounded—Exhibiting scraped or torn hide or flesh, bleeding, or other evidence of physical damage caused by a wolf bite.

(4) *Allowable forms of take of gray wolves.* The following activities, only in the specific circumstances described under this paragraph (n)(4), are allowed: Opportunistic harassment; intentional harassment; take on private land; take on public land except land administered by National Parks; take in response to impacts on wild ungulate populations; take in defense of human life; take to protect human safety; take by designated agents to remove problem wolves; incidental take; take under permits; take per authorizations for employees of designated agents; take for research purposes; and take to protect stock animals and dogs. Other than as expressly provided in this rule, all other forms of take are considered a violation of section 9 of the Act. Any wolf or wolf part taken legally must be turned over to the Service unless otherwise specified in

this paragraph (n). Any take of wolves must be reported as outlined in paragraph (n)(6) of this section.

(i) *Opportunistic harassment.* Anyone may conduct opportunistic harassment of any gray wolf in a noninjurious manner at any time. Opportunistic harassment must be reported to the Service or our designated agent(s) within 7 days as outlined in paragraph (n)(6) of this section.

(ii) *Intentional harassment.* After we or our designated agent(s) have confirmed wolf activity on private land, on a public land grazing allotment, or on a Tribal reservation, we or our designated agent(s) may issue written take authorization valid for not longer than 1 year, with appropriate conditions, to any landowner or public land permittee to intentionally harass wolves. The harassment must occur in the area and under the conditions as specifically identified in the written take authorization.

(iii) *Take by landowners on their private land.* Landowners may take wolves on their private land in the following two additional circumstances:

(A) Any landowner may immediately take a gray wolf in the act of attacking livestock or dogs on his or her private land, provided the landowner provides evidence of livestock or dogs recently (less than 24 hours) wounded, harassed, molested, or killed by wolves, and we or our designated agent(s) are able to confirm that the livestock or dogs were wounded, harassed, molested, or killed by wolves. The carcass of any wolf taken and the area surrounding it should not be disturbed in order to preserve physical evidence that the take was conducted according to this rule. The take of any wolf without such evidence of a direct and immediate threat may be referred to the appropriate authorities for prosecution.

(B) A landowner may take wolves on his or her private land if we or our designated agent issued a ''shoot-on-sight'' written take authorization of limited duration (45 days or less), and if:

(*1*) This landowner's property has had at least one depredation by wolves on livestock or dogs that has been confirmed by us or our designated agent(s) within the past 30 days; and

(*2*) We or our designated agent(s) have determined that problem wolves are routinely present on that private property and present a significant risk to the health and safety of other livestock or dogs; and

(*3*) We or our designated agent(s) have authorized lethal removal of problem wolves from that same property. The landowner must conduct the take in compliance with the written take authorization issued by the Service or our designated agent(s).

(iv) *Take on public land.* Any livestock producer and public land permittee (see definitions in paragraph (n)(3) of this section) who is legally using public land under a valid Federal land-use permit may immediately take a gray wolf in the act of attacking his or her livestock on the person's allotment or other area authorized for his or her use without prior written authorization, provided that that producer or permittee provides evidence of livestock recently (less than 24 hours) wounded, harassed, molested, or killed by wolves, and we or our designated agent(s) are able to confirm that the livestock were wounded, harassed, molested, or killed by wolves. The carcass of any wolf taken and the area surrounding it should not be disturbed, in order to preserve physical evidence that the take was conducted according to this rule. The take of any wolf without such evidence may be referred to the appropriate authorities for prosecution.

(A) At our or our designated agent(s)' discretion, we or our designated agent(s) also may issue a shoot-onsight written take authorization of limited duration (45 days or less) to a public land grazing permittee to take problem wolves on that permittee's active livestock grazing allotment if:

(*1*) The grazing allotment has had at least one depredation by wolves on livestock that has been confirmed by us or our designated agent(s) within the past 30 days; and

(*2*) We or our designated agent(s) have determined that problem wolves are routinely present on that allotment and present a significant risk to the health and safety of livestock; and

(*3*) We or our designated agent(s) have authorized lethal removal of problem wolves from that same allotment.

(B) The permittee must conduct the take in compliance with the written take authorization issued by the Service or our designated agent(s).

(v) *Take in response to wild ungulate impacts.* If wolf predation is having an unacceptable impact on wild ungulate populations (deer, elk, moose, bighorn sheep, mountain goats, antelope, or bison) as determined by the respective State or Tribe, a State or Tribe may lethally remove the wolves in question.

(A) In order for this provision to apply, the State or Tribes must prepare a science-based document that:

(*1*) Describes the basis of ungulate population or herd management objectives, what data indicate that the ungulate population or herd is below management objectives, what data indicate that wolves are a major cause of the unacceptable impact to the ungulate population or herd, why wolf removal is a warranted solution to help restore the ungulate population or herd to State or Tribal management objectives, the level and duration of wolf removal being proposed, and how ungulate population or herd response to wolf removal will be measured and control actions adjusted for effectiveness;

(*2*) Demonstrates that attempts were and are being made to address other identified major causes of ungulate herd or population declines or the State or Tribe commits to implement possible remedies or conservation measures in addition to wolf removal; and

(*3*) Provides an opportunity for peer review and public comment on their proposal prior to submitting it to the Service for written concurrence. The State or Tribe must:

(*i*) Conduct the peer review process in conformance with the Office of Management and Budget's Final Information Quality Bulletin for Peer Review (70 FR 2664, January 14, 2005) and include in their proposal an explanation of how the bulletin's standards were considered and satisfied; and

(*ii*) Obtain at least five independent peer reviews from individuals with relevant expertise other than staff employed by a State, Tribal, or Federal agency directly or indirectly involved with predator control or ungulate management in Idaho, Montana, or Wyoming.

(B) Before we authorize lethal removal, we must determine that an unacceptable impact to wild ungulate populations or herds has occurred. We also must determine that the proposed lethal removal is science-based, will not contribute to reducing the wolf population in the State below 20 breeding pairs and 200 wolves, and will not impede wolf recovery.

(vi) *Take in defense of human life.* Any person may take a gray wolf in defense of the individual's life or the life of another person. The unauthorized taking of a wolf without demonstration of an immediate and direct threat to human life may be referred to the appropriate authorities for prosecution.

(vii) *Take to protect human safety.* We or our designated agent(s) may promptly remove any wolf that we or our designated agent(s) determines to be a threat to human life or safety.

(viii) *Take of problem wolves by Service personnel or our designated agent(s).* We or our designated agent(s) may carry out harassment, nonlethal control measures, relocation, placement in captivity, or lethal control of problem wolves. To determine the presence of problem wolves, we or our designated agent(s) will consider all of the following:

(A) Evidence of wounded livestock, dogs, or other domestic animals, or remains of livestock, dogs, or domestic animals that show that the injury or death was caused by wolves, or evidence that wolves were in the act of attacking livestock, dogs, or domestic animals;

(B) The likelihood that additional wolf-caused losses or attacks may occur if no control action is taken;

(C) Evidence of unusual attractants or artificial or intentional feeding of wolves; and

(D) Evidence that animal husbandry practices recommended in approved allotment plans and annual operating plans were followed.

(ix) *Incidental take.* Take of a gray wolf is allowed if the take is accidental and incidental to an otherwise lawful

activity and if reasonable due care was practiced to avoid such take, and such take is reported within 24 hours. Incidental take is not allowed if the take is not accidental or if reasonable due care was not practiced to avoid such take, or it was not reported within 24 hours (we may allow additional time if access to the site of the take is limited), and we may refer such taking to the appropriate authorities for prosecution. Shooters have the responsibility to identify their target before shooting. Shooting a wolf as a result of mistaking it for another species is not considered accidental and may be referred to the appropriate authorities for prosecution.

(x) *Take under permits.* Any person with a valid permit issued by the Service under §17.32, or our designated agent(s), may take wolves in the wild, pursuant to terms of the permit.

(xi) *Additional take authorization for agency employees.* When acting in the course of official duties, any employee of the Service or our designated agent(s) may take a wolf or wolf-like canid for the following purposes:

(A) Scientific purposes;

(B) To avoid conflict with human activities;

(C) To further wolf survival and recovery;

(D) To aid or euthanize sick, injured, or orphaned wolves;

(E) To dispose of a dead specimen;

(F) To salvage a dead specimen that may be used for scientific study;

(G) To aid in law enforcement investigations involving wolves; or

(H) To prevent wolves or wolf-like canids with abnormal physical or behavioral characteristics, as determined by the Service or our designated agent(s), from passing on or teaching those traits to other wolves.

(I) Such take must be reported to the Service within 7 days as outlined in paragraph (n)(6) of this section, and specimens are to be retained or disposed of only in accordance with directions from the Service.

(xii) *Take for research purposes.* We may issue permits under §17.32, or our designated agent(s) may issue written authorization, for individuals to take wolves in the wild pursuant to approved scientific study proposals. Scientific studies should be reasonably expected to result in data that will lend to development of sound management of the gray wolf, and lend to enhancement of its survival as a species.

(xiii) *Take to protect stock animals and dogs.* Any person legally present on private or public land, except land administered by the National Park Service, may immediately take a wolf that is in the act of attacking the individual's stock animal or dog, provided that there is no evidence of intentional baiting, feeding, or deliberate attractants of wolves. The person must be able to provide evidence of stock animals or dogs recently (less than 24 hours) wounded, harassed, molested, or killed by wolves, and we or our designated agents must be able to confirm that the stock animals or dogs were wounded, harassed, molested, or killed by wolves. To preserve evidence that the take of a wolf was conducted according to this rule, the person must not disturb the carcass and the area surrounding it. The take of any wolf without such evidence of a direct and immediate threat may be referred to the appropriate authorities for prosecution.

(5) *Federal land use.* Restrictions on the use of any Federal lands may be put in place to prevent the take of wolves at active den sites between April 1 and June 30. Otherwise, no additional land-use restrictions on Federal lands, except for National Parks or National Wildlife Refuges, may be necessary to reduce or prevent take of wolves solely to benefit gray wolf recovery under the Act. This prohibition does not preclude restricting land use when necessary to reduce negative impacts of wolf restoration efforts on other endangered or threatened species.

(6) *Reporting requirements.* Except as otherwise specified in paragraph (n) of this section or in a permit, any take of a gray wolf must be reported to the Service or our designated agent(s) within 24 hours. We will allow additional reasonable time if access to the site is limited. Report any take of wolves, including opportunistic harassment, to U.S. Fish and Wildlife Service, Montana Ecological Services Office (585 Shepard Way, Suite 1, Helena,

Montana 59601, 406–449–5225; facsimile 406–449–5339), or a Service-designated agent of another Federal, State, or Tribal agency. Unless otherwise specified in paragraph (n) of this section, any wolf or wolf part taken legally must be turned over to the Service, which will determine the disposition of any live or dead wolves.

(7) No person shall possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any wolf or part thereof from the experimental populations taken in violation of the regulations in paragraph (n) of this section or in violation of applicable State or Tribal fish and wildlife laws or regulations or the Act.

(8) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed any offense defined in this section.

(9) The sites for these experimental populations are within the historic range of the species as designated in paragraph (i)(7) of this section:

(i) The nonessential experimental population area includes all of Wyoming.

(ii) All wolves found in the wild within the boundaries of this experimental area are considered nonessential experimental animals.

(10) Wolves in the experimental population areas will be monitored by radio-telemetry or other standard wolf population monitoring techniques as appropriate. Any animal that is sick, injured, or otherwise in need of special care may be captured by authorized personnel of the Service or our designated agent(s) and given appropriate care. Such an animal will be released back into its respective area as soon as possible, unless physical or behavioral problems make it necessary to return the animal to captivity or euthanize it.

(11) *Memoranda of Agreement (MOAs).* Any State or Tribe with gray wolves, subject to the terms of this paragraph (n), may petition the Secretary for an MOA to take over lead management responsibility and authority to implement this rule by managing the nonessential experimental gray wolves in that State or on that Tribal reservation, and implement all parts of their approved State or Tribal plan that are consistent with this rule, provided that the State or Tribe has a wolf management plan approved by the Secretary.

(i) A State or Tribal petition for wolf management under an MOA must show:

(A) That authority and management capability resides in the State or Tribe to conserve the gray wolf throughout the geographical range of all experimental populations within the State or within the Tribal reservation.

(B) That the State or Tribe has an acceptable conservation program for the gray wolf, throughout all of the NEP areas within the State or Tribal reservation, including the requisite authority and capacity to carry out that conservation program.

(C) A description of exactly what parts of the approved State or Tribal plan the State or Tribe intends to implement within the framework of this rule.

(D) A description of the State or Tribal management progress will be reported to the Service on at least an annual basis so the Service can determine if State or Tribal management has maintained the wolf population above recovery levels and was conducted in full compliance with this rule.

(ii) The Secretary will approve such a petition upon a finding that the applicable criteria are met and that approval is not likely to jeopardize the continued existence of the endangered gray wolf, as defined in §17.11(h).

(iii) If the Secretary approves the petition, the Secretary will enter into an MOA with the Governor of that State or appropriate Tribal representative.

(iv) An MOA for State or Tribal management as provided in this section may allow a State or Tribe to become designated agents and lead management of nonessential experimental gray wolf populations within the borders of their jurisdictions in accordance with the State's or Tribe's wolf management plan approved by the Service, except that:

(A) The MOA may not provide for any form of management inconsistent with the protection provided to the species under this rule, without further opportunity for appropriate public comment and review and amendment of this rule;

(B) The MOA cannot vest the State or Tribe with any authority over matters concerning section 4 of the Act (determining whether a species warrants listing);

(C) The MOA may not provide for public hunting or trapping absent a finding by the Secretary of an extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved; and

(D) In the absence of a Tribal wolf management plan or cooperative agreement, the MOA cannot vest a State with the authority to issue written authorizations for wolf take on reservations. The Service will retain the authority to issue these written authorizations until a Tribal wolf management plan is approved.

(v) The MOA for State or Tribal wolf management must provide for joint law enforcement responsibilities to ensure that the Service also has the authority to enforce the State or Tribal management program prohibitions on take.

(vi) The MOA may not authorize wolf take beyond that stated in the experimental population rules but may be more restrictive.

(vii) The MOA will expressly provide that the results of implementing the MOA may be the basis upon which State or Tribal regulatory measures will be judged for delisting purposes.

(viii) The authority for the MOA will be the Act, the Fish and Wildlife Act of 1956 (16 U.S.C. 742a–742j), and the Fish and Wildlife Coordination Act (16 U.S.C. 661–667e), and any applicable treaty.

(ix) In order for the MOA to remain in effect, the Secretary must find, on an annual basis, that the management under the MOA is not jeopardizing the continued existence of the endangered gray wolf as defined in §17.11(h). The Secretary or State or Tribe may terminate the MOA upon 90 days notice if:

(A) Management under the MOA is likely to jeopardize the continued existence of the endangered gray wolf as defined in §17.11(h); or

(B) The State or Tribe has failed materially to comply with this rule, the MOA, or any relevant provision of the State or Tribal wolf management plan; or

(C) The Service determines that biological circumstances within the range of the gray wolf indicate that delisting the species is not warranted; or

(D) The States or Tribes determine that they no longer want the wolf management authority vested in them by the Secretary in the MOA.

(o) Boulder darter (*Etheostoma wapiti*). (1) *Where is the boulder darter designated as a nonessential experimental population (NEP)?* (i) The NEP area for the boulder darter is within the species' historic range and is defined as follows: Shoal Creek (from Shoal Creek mile 41.7 (66.7 km)) at the mouth of Long Branch, Lawrence County, TN, downstream to the backwaters of Wilson Reservoir (Shoal Creek mile 14 (22 km)) at Goose Shoals, Lauderdale County, AL, including the lower 5 miles (8 km) of all tributaries that enter this reach.

(ii) The boulder darter is not currently known to exist in Shoal Creek or its tributaries. Based on the habitat requirements of this fish, we do not expect it to become established outside the NEP area. However, if any individuals of the species move upstream or downstream or into tributaries outside the designated NEP area, we would presume that they came from the reintroduced population. We would then amend this rule through our normal rulemaking process in order to enlarge the boundaries of the NEP area to include the entire range of the expanded population.

(iii) We do not intend to change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP area. Additionally, we will not designate critical habitat for these NEPs, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What activities are not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (o)(3) of this section, all the provisions of §17.31(a) and (b) apply to the boulder darter.

(ii) Any manner of take not described under paragraph (o)(3) of this section is prohibited in the NEP area. We may refer unauthorized take of these species to the appropriate authorities for prosecution.

(iii) You may not possess, sell, deliver, carry, transport, ship, import, or

export by any means whatsoever any of the identified fishes, or parts thereof, that are taken or possessed in violation of paragraph (o)(2) of this section or in violation of the applicable State fish and wildlife laws or regulations or the Act.

(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (o)(2) of this section.

(3) *What take is allowed in the NEP area?* Take of this species that is accidental and incidental to an otherwise legal activity, such as recreation (e.g., fishing, boating, wading, trapping, or swimming), forestry, agriculture, and other activities that are in accordance with Federal, State, and local laws and regulations, is allowed.

(4) *How will the effectiveness of these reintroductions be monitored?* After the initial stocking of fish, we will monitor annually their presence or absence and document any spawning behavior or young-of-the-year fish that might be present. This monitoring will be conducted primarily by snorkeling or seining and will be accomplished by contracting with the appropriate species experts. We will produce annual reports detailing the stocking rates and monitoring activities that took place during the previous year. We will also fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

(5) *Note:* Map of the NEP area for the boulder darter in the Shoal Creek, Tennessee and Alabama, appears immediately following paragraph (m)(6) of this section.

(p) Northern aplomado falcon (*Falco femoralis septentrionalis*). (1) The northern aplomado falcon (*Falco femoralis septentrionalis*) (falcon) population identified in paragraph (p)(9)(i) of this section is a nonessential experimental population (NEP).

(2) No person may take this species, except as provided in paragraphs (p)(3) through (5) and (p)(10) of this section.

(3) Any person with a valid permit issued by the U.S. Fish and Wildlife Service (Service) under §17.32 may take falcons for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Endangered Species Act (Act);

(4) A falcon may be taken within the NEP area, provided that such take is not willful, knowing, or due to negligence, or is incidental to and not the purpose of the carrying out of an otherwise lawful activity; and that such taking is reported within 24 hours, as provided under paragraph (p)(6) of this section.

(5) Any employee of the Service, New Mexico Department of Game and Fish, or Arizona Game and Fish Department, who is designated for such purpose, or any person with a valid permit issued by the Service under 50 CFR 17.32, may, when acting in the course of official duties, take a falcon if such action is necessary to:

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

(ii) Dispose of a dead specimen, or salvage a dead specimen that may be useful for scientific study;

(iii) Move a bird within the NEP area for genetic purposes or to improve the health of the population;

(iv) Relocate falcons that have moved outside the NEP area, by returning the falcon to the NEP area or moving it to a captive breeding facility. All captures and relocations from outside the NEP area will be conducted with the permission of the landowner(s) or appropriate land management agencies; or

(v) Collect nesting data or band individuals.

(6) Any taking pursuant to paragraphs (p)(3) through (5) of this section must be reported within 24 hours by contacting the U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna NE, Albuquerque, NM 87113; (505) 346–2525. Upon contact, a determination will be made as to the disposition of any live or dead specimens.

(7) No person shall possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any such species taken in violation of these regulations.

(8) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any

offense defined in paragraphs (p)(2) and (p)(7) of this section.

(9)(i) The boundaries of the designated NEP area are based on county borders and include the entire States of New Mexico and Arizona. The reintroduction area is within the historical range of the species in New Mexico.

(ii) All falcons found in the wild within the boundaries of the NEP area after the first releases will be considered members of the NEP. A falcon occurring outside of the NEP area is considered endangered under the Act unless it is marked or otherwise known to be a member of the NEP.

(iii) The Service has designated the NEP area to accommodate the potential future movements of a wild population of falcons. All released birds and their progeny are expected to remain in the NEP area due to the geographic extent of the designation.

(10) The NEP will be monitored closely for the duration of the reintroduction program. Any bird that is determined to be sick, injured, or otherwise in need of special care will be recaptured to the extent possible by Service and/or State or permitted Tribal wildlife personnel and given appropriate care. Such birds 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 or they are euthanized if treatment would be unlikely to be effective.

(11) The Service plans to evaluate the status of the NEP every 5 years to determine future management status and needs, with the first evaluation expected to be not more than 5 years after the first release of birds into the NEP area. All reviews will take into account the reproductive success and movement patterns of individuals released, food habits, and overall health of the population. This evaluation will include a progress report.

(q) Duskytail darter (*Etheostoma percnurum*). (1) *Where is the duskytail darter designated as a nonessential experimental population (NEP)?* We have designated two populations of this species as NEPs: The Tellico River NEP and the French Broad River and Holston River NEP. This species is not currently known to exist in the Tellico River or its tributaries or in any of the tributaries to the free-flowing reaches of the French Broad River below Douglas Dam, Knox and Sevier Counties, Tennessee, or of the Holston River below the Cherokee Dam, Knox, Grainger, and Jefferson Counties, Tennessee. Based on its habitat requirements, we do not expect this species to become established outside these NEP areas. However, if individuals move upstream or downstream or into tributaries outside either of the designated NEP areas, we would presume that these individuals came from the reintroduced population. We would then amend this rule and enlarge the boundaries of the NEP area to include the entire range of the expanded population.

(i) The Tellico River NEP area is within the species' historic range and is defined as follows: The Tellico River, between the backwaters of the Tellico Reservoir (approximately Tellico River mile 19 (30.4 kilometers) and Tellico River mile 33 (52.8 kilometers), near the Tellico Ranger Station, Monroe County, Tennessee.

(ii) The French Broad River and Holston River NEP area is within the species' historic range and is defined as follows: the French Broad River, Knox and Sevier Counties, Tennessee, from the base of Douglas Dam (river mile (RM) 32.3 (51.7 km)) downstream to the confluence with the Holston River; then up the Holston River, Knox, Grainger, and Jefferson Counties, Tennessee, to the base of Cherokee Dam (RM 52.3 (83.7 km)); and the lower 5 RM (8 km) of all tributaries that enter these river reaches.

(iii) We do not intend to change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP area. Additionally, we will not designate critical habitat for these NEPs, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What activities are not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (q)(3) of this section, all the prohibitions of §17.31(a) and (b) apply to the duskytail darter.

(ii) Any manner of take not described under paragraph (q)(3) of this section is prohibited in the NEP area. We may refer unauthorized take of this species

to the appropriate authorities for prosecution.

(iii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified fishes, or parts thereof, that are taken or possessed in violation of paragraph (q)(2) of this section or in violation of the applicable State fish and wildlife laws or regulations or the Act.

(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (q)(2) of this section.

(3) *What take is allowed in the NEP area?* Take of this species that is accidental and incidental to an otherwise legal activity, such as recreation (e.g., fishing, boating, wading, trapping, or swimming), forestry, agriculture, and other activities that are in accordance with Federal, State, and local laws and regulations, is allowed.

(4) *How will the effectiveness of these reintroductions be monitored?* We will prepare periodic progress reports and fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

(5) *Note:* Map of the NEP area for the duskytail darter in the Tellico River, Tennessee, appears immediately following paragraph (m)(5) of this section.

(6) *Note:* Map of the NEP area for the duskytail darter in the French Broad River and Holston River, Tennessee, appears immediately following paragraph (m)(7) of this section.

(r) Smoky madtom (*Noturus baileyi*). (1) *Where is the smoky madtom designated as a nonessential experimental population (NEP)?*

(i) The NEP area for the smoky madtom is within the species' probable historic range and is defined as follows: The Tellico River, between the backwaters of the Tellico Reservoir (approximately Tellico River mile 19 (30.4 kilometers) and Tellico River mile 33 (52.8 kilometers), near the Tellico Ranger Station, Monroe County, Tennessee.

(ii) The smoky madtom is not currently known to exist in the Tellico River or its tributaries. Based on the habitat requirements of this fish, we do not expect it to become established outside the NEP area. However, if any individuals of the species move upstream or downstream or into tributaries outside the designated NEP area, we would presume that they came from the reintroduced population. We would then amend paragraph (r)(1)(i) of this section and enlarge the boundaries of the NEP area to include the entire range of the expanded population.

(iii) We do not intend to change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP area. Additionally, we will not designate critical habitat for this NEP, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What activities are not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (r)(3) of this section, all the prohibitions of §17.31(a) and (b) apply to the smoky madtom.

(ii) Any manner of take not described under paragraph (r)(3) of this section is prohibited in the NEP area. We may refer unauthorized take of this species to the appropriate authorities for prosecution.

(iii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified fishes, or parts thereof, that are taken or possessed in violation of paragraph (r)(2) of this section or in violation of the applicable State fish and wildlife laws or regulations or the Act.

(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (r)(2) of this section.

(3) *What take is allowed in the NEP area?* Take of this species that is accidental and incidental to an otherwise legal activity, such as recreation (e.g., fishing, boating, wading, trapping, or swimming), forestry, agriculture, and other activities that are in accordance with Federal, State, and local laws and regulations, is allowed.

(4) *How will the effectiveness of these reintroductions be monitored?* We will prepare periodic progress reports and fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

(5) *Note:* Map of the NEP area for the smoky madtom in the Tellico River,

Tennessee, appears immediately following paragraph (m)(6) of this section.

(s) Slender chub (*Erimystax cahni*). (1) *Where is the slender chub designated as a nonessential experimental population (NEP)?*

(i) The NEP area for the slender chub is within the species' historic range and is defined as follows: the French Broad River, Knox and Sevier Counties, Tennessee, from the base of Douglas Dam (river mile (RM) 32.3 (51.7 km)) downstream to the confluence with the Holston River; then up the Holston River, Knox, Grainger, and Jefferson Counties, Tennessee, to the base of Cherokee Dam (RM 52.3 (83.7 km)); and the lower 5 RM (8 km) of all tributaries that enter these river reaches.

(ii) The slender chub is not known to exist in any of the tributaries to the free-flowing reaches of the French Broad River below Douglas Dam, Knox and Sevier Counties, Tennessee, or of the Holston River below the Cherokee Dam, Knox, Grainger, and Jefferson Counties, Tennessee. Based on its habitat requirements, we do not expect this species to become established outside this NEP area. However, if individuals of this population move upstream or downstream or into tributaries outside the designated NEP area, we would presume that they came from the reintroduced population. We would then amend this regulation to enlarge the boundaries of the NEP area to include the entire range of the expanded population.

(iii) We do not intend to change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP area. Additionally, we will not designate critical habitat for this NEP, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What activities are not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (s)(3) of this section, all the prohibitions of §17.31(a) and (b) apply to the slender chub.

(ii) Any manner of take not described under paragraph (s)(3) of this section is prohibited in the NEP area. We may refer unauthorized take of this species to the appropriate authorities for prosecution.

(iii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified fishes, or parts thereof, that are taken or possessed in violation of paragraph (s)(2) of this section or in violation of the applicable State fish and wildlife laws or regulations or the Act.

(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (s)(2) of this section.

(3) *What take is allowed in the NEP area?* Take of this species that is accidental and incidental to an otherwise legal activity, such as recreation (e.g., fishing, boating, wading, trapping, or swimming), forestry, agriculture, and other activities that are in accordance with Federal, State, and local laws and regulations, is allowed.

(4) *How will the effectiveness of these reintroductions be monitored?* We will prepare periodic progress reports and fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

(5) *Note:* Map of the NEP area for the slender chub in the French Broad River and Holston River, Tennessee, appears immediately following paragraph (m)(7) of this section.

(t) Pygmy madtom (*Noturus stanauli*). (1) *Where is the pygmy madtom designated as a nonessential experimental population (NEP)?*

(i) The NEP area for the pygmy madtom is within the species' historic range and is defined as follows: the French Broad River, Knox and Sevier Counties, Tennessee, from the base of Douglas Dam (river mile (RM) 32.3 (51.7 km)) downstream to the confluence with the Holston River; then up the Holston River, Knox, Grainger, and Jefferson Counties, Tennessee, to the base of Cherokee Dam (RM 52.3 (83.7 km)); and the lower 5 RM (8 km) of all tributaries that enter these river reaches.

(ii) The pygmy madtom is not known to exist in any of the tributaries to the free-flowing reaches of the French Broad River below Douglas Dam, Knox and Sevier Counties, Tennessee, or of the Holston River below the Cherokee Dam, Knox, Grainger, and Jefferson Counties, Tennessee. Based on its habitat requirements, we do not expect this

species to become established outside this NEP area. However, if individuals of this population move upstream or downstream or into tributaries outside the designated NEP area, we would presume that they came from the reintroduced population. We would then amend this regulation to enlarge the boundaries of the NEP area to include the entire range of the expanded population.

(iii) We do not intend to change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP area. Additionally, we will not designate critical habitat for this NEP, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What activities are not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (t)(3) of this section, all the prohibitions of §17.31(a) and (b) apply to the pygmy madtom.

(ii) Any manner of take not described under paragraph (t)(3) of this section is prohibited in the NEP area. We may refer unauthorized take of this species to the appropriate authorities for prosecution.

(iii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified fishes, or parts thereof, that are taken or possessed in violation of paragraph (t)(2) of this section or in violation of the applicable State fish and wildlife laws or regulations or the Act.

(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (t)(2) of this section.

(3) *What take is allowed in the NEP area?* Take of this species that is accidental and incidental to an otherwise legal activity, such as recreation (e.g., fishing, boating, wading, trapping, or swimming), forestry, agriculture, and other activities that are in accordance with Federal, State, and local laws and regulations, is allowed.

(4) *How will the effectiveness of these reintroductions be monitored?* We will prepare periodic progress reports and fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

(5) *Note:* Map of the NEP area for the pygmy madtom in the French Broad River and Holston River, Tennessee, appears immediately following paragraph (m)(7) of this section.

(u) Rio Grande silvery minnow (*Hybognathus amarus*)—(1) *Where are populations of this fish designated as nonessential experimental populations (NEP)?*

(i) The NEP area for the Rio Grande silvery minnow is within the species' historical range and is defined as follows: Rio Grande, from Little Box Canyon downstream of Fort Quitman, Hudspeth County, Texas, through Big Bend National Park and the Rio Grande Wild and Scenic River, to Amistad Dam; and on the Pecos River, from its confluence with Independence Creek to its confluence with the Rio Grande.

(ii) The Rio Grande silvery minnow is not currently known to exist in the Rio Grande or Pecos River in Texas. Based on the habitat requirements of this fish, we do not expect it to become established outside the NEP area. However, if any individuals of this species move upstream or downstream or into tributaries outside the designated NEP area, we would presume that they came from the reestablished populations. We would then amend paragraph (u)(1)(i) of this section to enlarge the boundaries of the NEP to include the entire range of the expanded population.

(iii) We do not intend to change the NEP designation to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP area. Additionally, we will not designate critical habitat for this NEP, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What take is allowed of this species in the NEP area?* (i) A Rio Grande silvery minnow may be taken within the NEP area, provided that such take is either not willful, knowing, or due to negligence, or is incidental to and not the purpose of the carrying out of an otherwise lawful activity, such as recreation (e.g., fishing, boating, wading, trapping, or swimming), agriculture, and other activities that are in accordance with Federal, State, and local laws and regulations. However, Federal agencies, must consult under section 7 of the Act on their activities

that may affect the Rio Grande silvery minnow within Big Bend National Park or the Wild and Scenic River.

(ii) Any person with a valid permit issued by the U.S. Fish and Wildlife Service (Service) under 50 CFR 17.32 may take Rio Grande silvery minnows for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act;

(iii) Any taking pursuant to paragraph (u)(2)(i) of this section must be reported within 7 days by contacting the Service, Austin Ecological Services Field Office, 107011 Burnet Road, Suite 200, Austin, TX 78758; (512) 490-0057. Once the Service is contacted, a determination will be made as to the disposition of any live or dead specimens. Reporting requirements for take pursuant to paragraph (u)(2)(ii) of this section will be specifically defined in the permit issued by the Service.

(3) *What take of this species is not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (u)(2) of this section, all the provisions of 50 CFR 17.31(a) and (b) apply to the fish identified in paragraph (u)(1) of this section.

(ii) Any manner of take not described under paragraph (u)(2) of this section is prohibited in the NEP area.

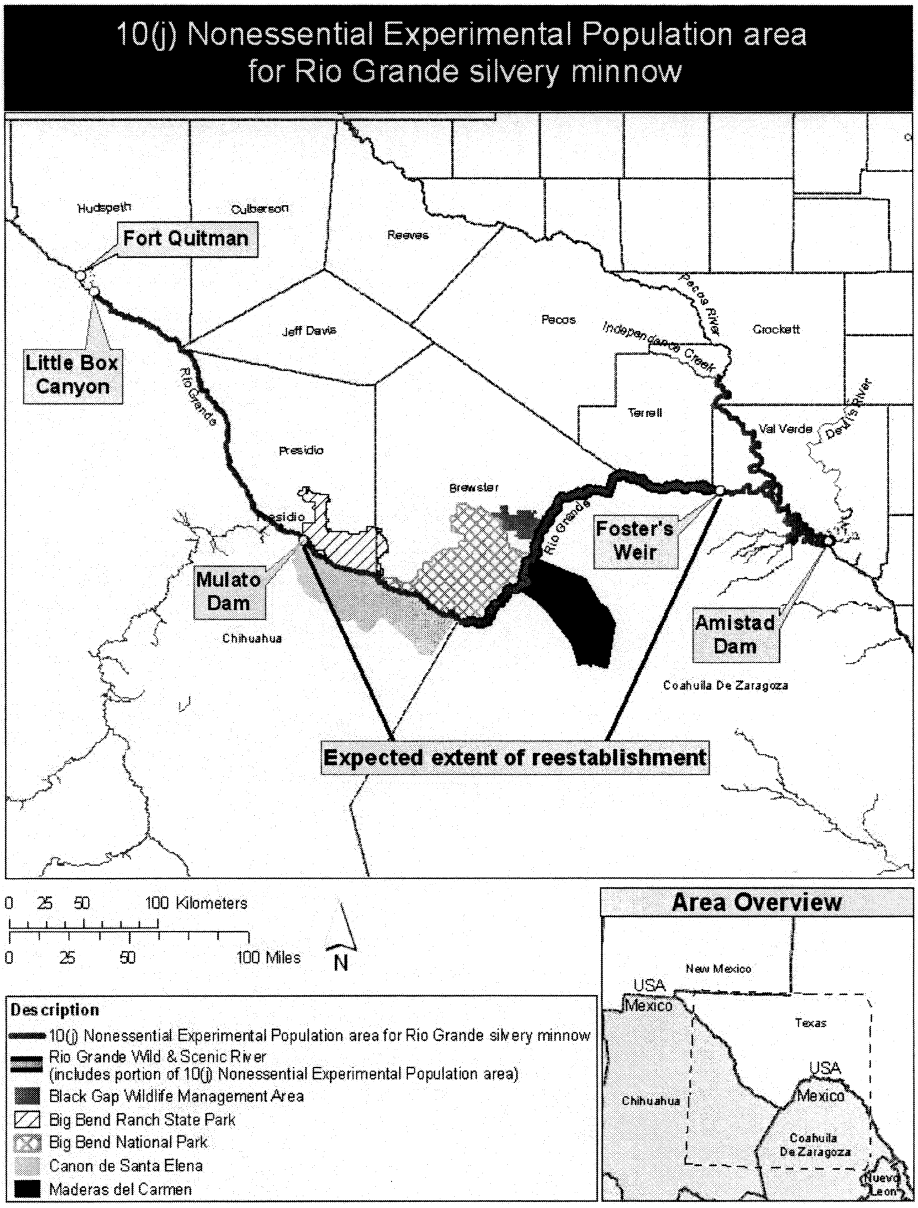
(iii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified fishes, or parts thereof, that are taken or possessed in violation of paragraph (u)(3) of this section or in violation of the applicable State or local fish and wildlife laws or regulations or the Act.

(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (u)(3) of this section.

(4) *How will the effectiveness of the reestablishment be monitored?* (i) After the initial stocking of this fish, we will monitor their presence or absence at least annually and document any spawning behavior or young-of-year fish that might be present. Depending on available resources, monitoring may occur more frequently, especially during the first few years of reestablishment efforts. This monitoring will be conducted primarily by seining and will be accomplished by Service, National Park Service, or State employees or by contracting with the appropriate species experts. Annual reports will be produced detailing stocking and monitoring activities that took place during the previous year.

(ii) The Service will fully evaluate these reestablishment efforts every 5 years to determine whether to continue or terminate them.

(iii) *Note:* Map of the NEP area for the Rio Grande silvery minnow in Texas follows:



(v) Sonoran pronghorn (*Antilocapra americana sonoriensis*). (1) The Sonoran pronghorn (*Antilocapra americana sonoriensis*) population identified in paragraph (v)(12) of this section is a nonessential experimental population (NEP).

(2) No person may take this species, except as provided in paragraphs (v)(3) through (v)(6) of this section.

(3) Any person with a valid permit issued by the U.S. Fish and Wildlife Service under §17.32 may take pronghorn within the NEP area for scientific purposes, the enhancement of propagation or survival of the species, and other conservation purposes consistent with the Endangered Species Act.

(4) A Sonoran pronghorn may be taken within the boundaries of Yuma Proving Grounds; Barry M. Goldwater Range; lands of the Arizona State Land Department; Bureau of Land Management lands; privately owned lands; and lands of the Tohono O'odham Nation, Colorado River Indian Tribes, Gila River Indian Reservation, Ak-Chin Indian Reservation, Pascua Yaqui Indian Reservation, and San Xavier Reservation within the NEP area, provided that such take is incidental to, and not the purpose of, carrying out any otherwise lawful activity; and provided that such taking is reported as soon as possible in accordance with paragraph (v)(6) of this section. Otherwise lawful activities are any activities in compliance with applicable land management regulations, hunting regulations, tribal law, and all other applicable law and regulations, and include, but are not limited to, military training and testing, border security and enforcement carried out by Federal law enforcement officials (e.g., U.S. Customs and Border Protection), agriculture, rural and urban development, livestock grazing, camping, hiking, hunting, recreational vehicle use, sightseeing, nature or scientific study, rockhounding, and geocaching, where such activities are permitted.

(5) Any employee or agent of the U.S. Fish and Wildlife Service, the Arizona Department of Game and Fish, and the tribes listed in paragraph (v)(4) of this section, who is designated for such purpose may, when acting in the course of official duties, take a Sonoran pronghorn if such action is necessary to:

(i) Aid a sick, injured, or orphaned Sonoran pronghorn, including rescuing such animals from canals;

(ii) Dispose of a dead Sonoran pronghorn specimen, or salvage a dead specimen that may be useful for scientific study;

(iii) Move a Sonoran pronghorn for genetic purposes or to improve the health of the population; or

(iv) Capture and release a Sonoran pronghorn for relocation, to collect biological data, or to attach, service, or detach radio-telemetry equipment.

(6) Any taking pursuant to paragraphs (v)(3) through (v)(5) of this section must be reported as soon as possible by calling the U.S. Fish and Wildlife Service, Arizona Ecological Services Office, 201 N Bonita Avenue, Suite 141, Tucson, AZ 85745 (520/670–6150), or the Cabeza Prieta National Wildlife Refuge, 1611 North Second Avenue, Ajo, AZ 85321 (520/387–6483). Upon contact, a determination will be made as to the disposition of any live or dead specimens.

(7) No person may possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any Sonoran pronghorn or Sonoran pronghorn parts taken in violation of these regulations.

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

(9) The boundaries of the designated NEP area are based on the maximum estimated range of pronghorn that are released in and become established within the NEP area. These boundaries are physical barriers to movements, including major freeways and highways, and the Colorado River. All release sites will be within the NEP area.

(i) All Sonoran pronghorn found in the wild within the boundaries of the NEP area will be considered members of the NEP. Any Sonoran pronghorn occurring outside of the NEP area are considered endangered under the Act.

(ii) The Service has designated the NEP area to accommodate the potential future movements of wild Sonoran pronghorn. All released Sonoran pronghorn and their progeny are expected to remain in the NEP area due to the geographical extent of the designation and substantial barriers to movement that form the boundaries of the NEP.

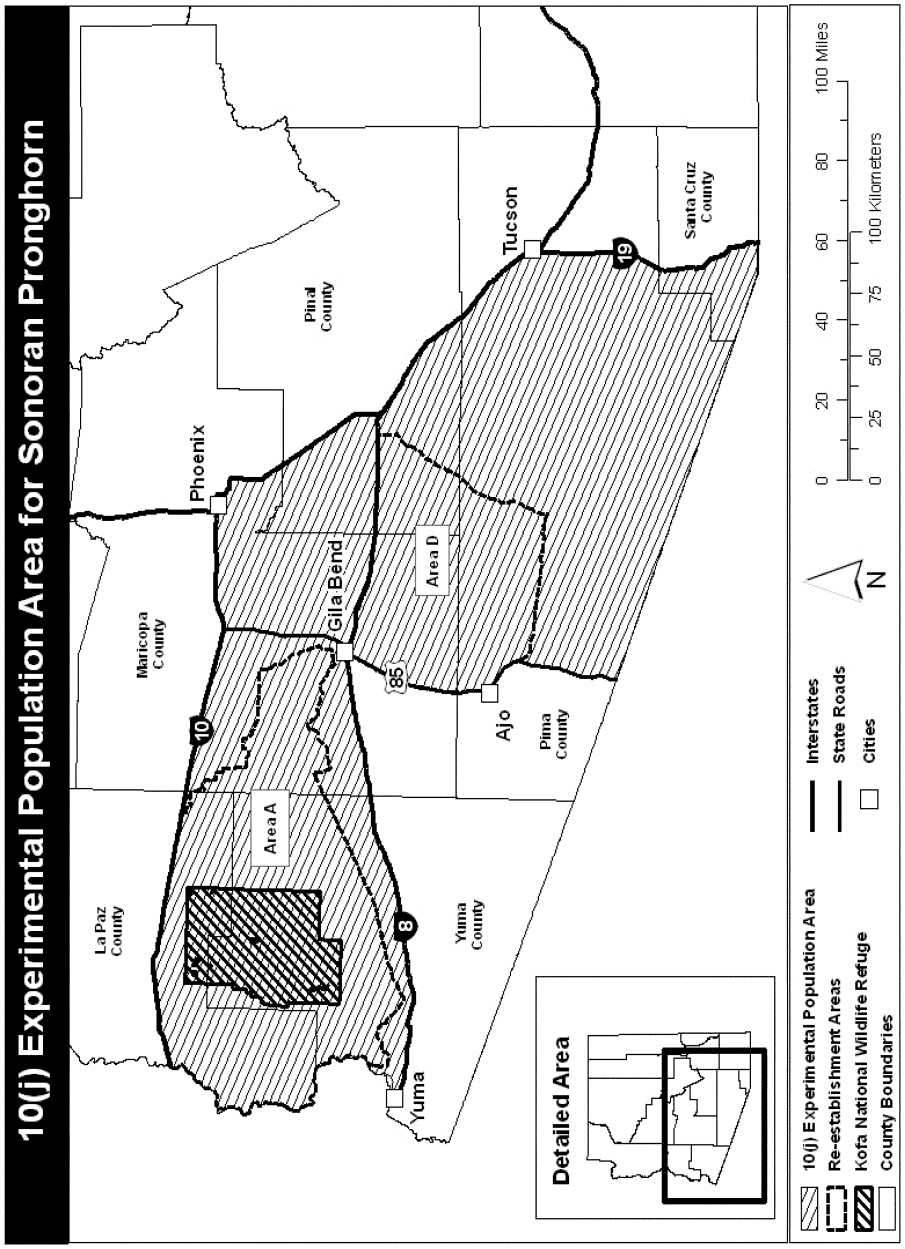
(10) The NEP will be monitored closely for the duration of the program. Any pronghorn that is determined to be

sick, injured, or otherwise in need of special care will be recaptured to the extent possible by Service and/or State or Tribal wildlife personnel or their designated agent and given appropriate care. Such pronghorn 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.

(11) The Service plans to evaluate the status of the NEP every 5 years to determine future management status and needs, with the first evaluation occurring not more than 5 years after the first release of pronghorn into the NEP area. All reviews will take into account the reproductive success and movement patterns of individuals released, food habits, and overall health of the population. This evaluation will include a progress report.

(12) The areas covered by this proposed nonessential experimental population designation are in Arizona. They include the area north of Interstate 8 and south of Interstate 10, bounded by the Colorado River on the west and Interstate 10 on the east, and an area south of Interstate 8, bounded by Highway 85 on the west, Interstates 10 and 19 on the east, and the U.S.-Mexico border on the south.

(13) *Note:* Map of the NEP area for the Sonoran pronghorn in southwestern Arizona follows:



(w) Bull Trout (*Salvelinus confluentus*)—(1) *Where are populations of this fish designated as nonessential experimental populations (NEPs)?*

(i) The NEP area for the bull trout is within the species' historical range and is defined as follows: the entire Clackamas River subbasin as well as

the mainstem Willamette River, from Willamette Falls to its points of confluence with the Columbia River, including Multnomah Channel.

(ii) Bull trout are not currently known to exist in the Clackamas River subbasin or the mainstem Willamette River, from Willamette Falls to its points of confluence with the Columbia River, including Multnomah Channel, in Oregon. Should any bull trout be found in the Willamette River within the NEP boundary, the U.S. Fish and Wildlife Service (Service) will assume the fish to be part of the reintroduced population, unless the fish is tagged or otherwise known to be from another population. Given the presence of suitable overwintering and forage habitat in the upper portion of the Clackamas River, as well as the geographic distance from spawning and rearing habitat in the upper Clackamas River to any overwintering and foraging habitat in the lower Clackamas and Willamette Rivers, we do not expect the reintroduced fish to become established outside the NEP. Bull trout found outside of the NEP boundary, but known to be part of the NEP, will assume the status of bull trout within the geographic area in which they are found.

(iii) We do not intend to change the NEP designation to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP area. Additionally, we will not designate critical habitat for the NEP, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What take is allowed of this species in the NEP area?* (i) Bull trout may be taken within the NEP area, provided that such take is:

(A) Not willful, knowing, or due to negligence.

(B) Incidental to and not the purpose of carrying out an otherwise lawful activity, such as recreation (e.g., fishing, boating, wading, trapping, or swimming), agriculture, hydroelectric power generation, and other activities that are in accordance with Federal, State, Tribal, and local laws and regulations.

(C) Consistent with Oregon Department of Fish and Wildlife (ODFW) fishing regulations that have been coordinated with the Service, if due to fishing.

(D) Incidental to any activities related to or associated with the operation and maintenance of the Clackamas River Hydroelectric Project (FERC Project No. 2195) by Portland General Electric (PGE) as administered under a license issued by FERC. Acceptable forms of taking of bull trout include, but are not limited to, mortality, stranding, injury, impingement and entrainment at project facilities, or delay in up- or downstream passage associated with or caused by any of the following activities. Activities related to the operation and maintenance of Project 2195 include, but are not limited to:

(*1*) Hydroelectric generation at any project facility;

(*2*) Maintenance of project facilities;

(*3*) Provision of upstream and downstream fish passage, whether through fish passage facilities, powerhouses, bypass facilities, bypass reaches, or spillways;

(*4*) Fish handling at fish separation and counting facilities;

(*5*) Fish removal from fish passage facilities and areas critical to downstream migrant passage testing at the time of testing (Bull trout removed for this testing do not need to be returned to the Clackamas River subbasin.);

(*6*) Fish conservation activities;

(*7*) Fish handling, tagging, and sampling in connection with FERC-approved studies; and

(*8*) Approved resource protection, mitigation, and enhancement measures.

(E) Consistent with the adaptive management process identified for this project including:

(*1*) The targeted relocation or possible removal of bull trout by the Service or our project partners, if bull trout are documented staging at the entrance to, within, or below, juvenile fish passage facilities within the Clackamas Hydroelectric Project; and

(*2*) Discontinuation of the reintroduction project and complete removal of bull trout from the Clackamas River if the Service determines, in consultation and coordination with the State of Oregon, NMFS, and other project partners, and based on project monitoring and evaluation, that the reintroduction

efforts cannot be carried out in a manner consistent with the recovery of threatened salmon and steelhead.

(ii) Any person with a valid permit issued by the Service under §17.32 and a valid State permit issued by ODFW may take bull trout for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act.

(3) *What take of this species is not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (w)(2) of this section, all the provisions of §17.31(a) and (b) apply to the fish identified in paragraph (w)(1) of this section.

(ii) Any manner of take not described under paragraph (w)(2) of this section or Oregon Revised Statute (ORS) 498.002 and Oregon Angling Regulations pursuant to ORS 498.002 is prohibited in the NEP area. Should State statutes or regulations change, take prohibitions will change accordingly. Any changes to State recreational fishing regulations pertaining to the experimental population of bull trout in the Clackamas River subbasin will be made by the State in collaboration with the Service. We may refer unauthorized take of this species to ODFW law enforcement authorities or Service law enforcement authorities for prosecution.

(iii) A person may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified fishes, or parts thereof, that are taken or possessed in a manner not expressly allowed in paragraph (w)(2) of this section, or in violation of the applicable State fish and wildlife laws or regulations or the Act.

(iv) A person may not attempt to commit, solicit another to commit, or cause to be committed any offense except the take expressly allowed in paragraph (w)(2) of this section.

(4) *How will the effectiveness of the reestablishment be monitored?* (i) Effectiveness monitoring of the project will be conducted jointly by the Service and ODFW, with assistance from the U.S. Forest Service (USFS) and PGE.

(ii) We will monitor the effectiveness of the reintroduction during phase 1 of the project (2011–2017) by annually assessing: Distribution and movement, relative survival of translocated bull trout via presence and absence surveys, occurrence of spawning and reproduction, and genetic health, as measured against the donor population. These monitoring objectives will be accomplished by methodologies that include Passive Integrated Transponder (PIT) tagging of all fish translocated to the Clackamas River, radio tagging of the adult and subadult life stages, snorkel surveys, redd surveys, and minnow trapping.

(iii) If successful reproduction of reintroduced bull trout is detected, we will incorporate monitoring to assess the distribution, movement, growth, and survival of the initial cohorts of naturally produced bull trout.

(iv) Monitoring activities in phase 2 (2018–2024) and phase 3 (2025–2030) will be informed by phase 1 monitoring and evaluation.

(v) Annual reports that summarize the implementation and monitoring activities that occurred the previous year will be collaboratively developed by the Service, ODFW, and USFS.

(vi) We will evaluate the implementation strategy annually, and we will evaluate the reestablishment effort at the completion of phase 1 to determine whether to continue translocation of bull trout in phase 2.

(5) *What safeguards are in place to ensure the protection of Federally listed salmon and steelhead in the NEP area?* (i) In consultation and coordination with the National Marine Fisheries Service (NMFS) and other project partners, we have developed a plan to facilitate management decisions associated with potential impacts from the bull trout reintroduction on listed anadromous salmonids. If specific bull trout and/or anadromous salmonid thresholds are triggered, we will follow the planned management actions to minimize impacts to salmon and steelhead from the reintroduction of bull trout in the Clackamas River.

(ii) Our management actions implemented and the frequency of those actions, will be informed by:

(A) The reintroduction project's monitoring and evaluation program, jointly implemented by the Service, ODFW, and USFS; and

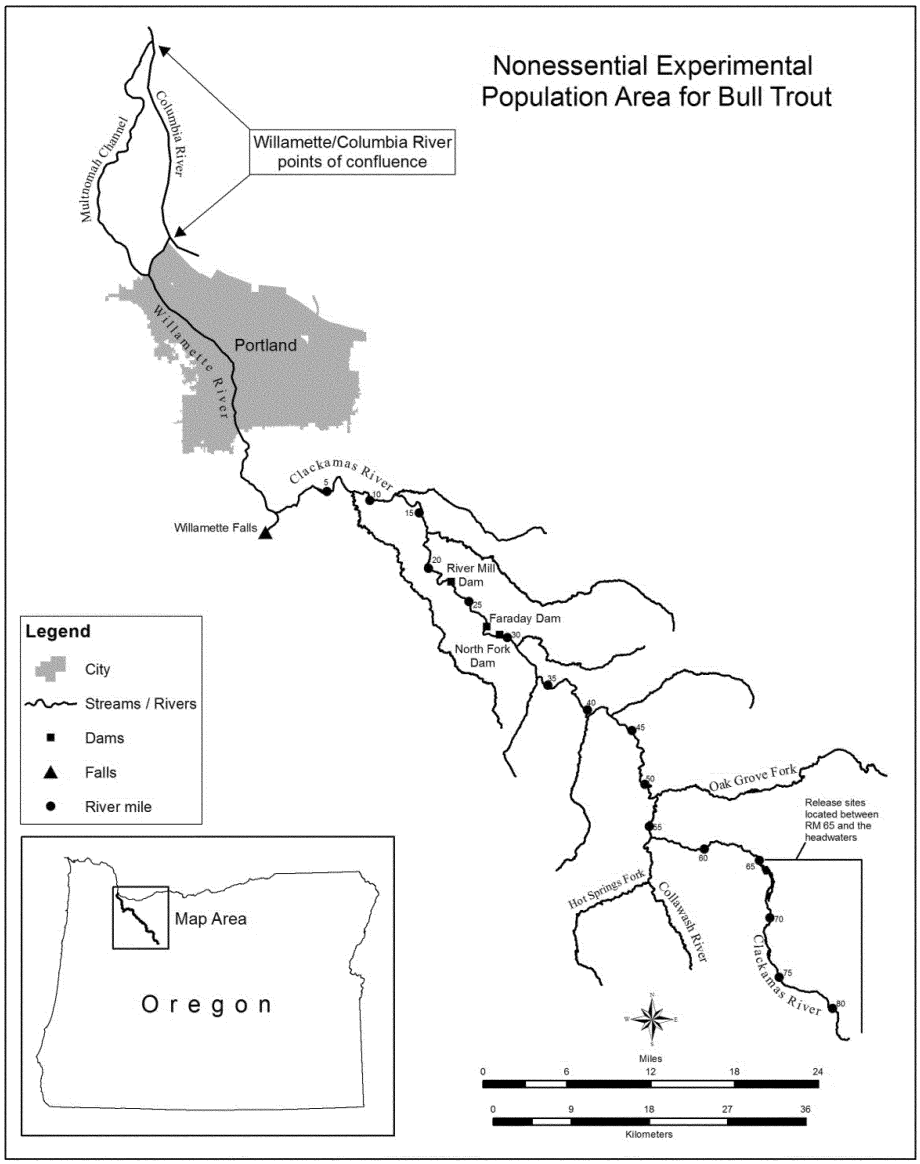
(B) The conservation status of the listed Clackamas River anadromous salmonid populations.

(iii) Because we cannot predict all likely impact scenarios and appropriate management responses, we will modify our plan as necessary, in consultation and coordination with NMFS, ODFW, and other project partners, consistent with the overall adaptive management of the project.

(iv) Although our analysis indicates a low likelihood for population-level impacts to Federally listed salmon and steelhead populations, if the Service determines, in consultation and coordination with the State of Oregon, NMFS, and other project partners, and based on project monitoring and evaluation, that the reintroduction efforts are not consistent with the recovery of salmon or steelhead, the reintroduction program will be discontinued and bull trout will be removed from the experimental population area.

(v) Prior to releasing bull trout into the Clackamas River, the Service will complete any required interagency cooperation with NMFS pursuant to section 7(a)(2) of the Act.

(6) *Note:* Map of the NEP area for bull trout in Oregon follows:



(x) Wood bison (*Bison bison athabascae*). (1) Wood bison within the area identified in paragraph (x)(2)(i) of this section are members of a nonessential experimental population (NEP) and will be managed primarily by the State of Alaska (State), through its Department of Fish and Game (ADF&G), in cooperation with the Service, in accordance with this rule and the respective management plans.

(2) *Where are wood bison in Alaska designated as an NEP?*

(i) The boundaries of the NEP area encompass the Yukon, Tanana, and Kuskokwim River drainages in Alaska

(Figure 1). The NEP area includes much of the wood bison's historical range in Alaska, and the release sites are within the species' historical range. The NEP area is defined as follows: the Yukon River drainage from the United States–Canada border downstream to its mouth; the Tanana River drainage from the United States–Canada border downstream to its confluence with the Yukon River; and the Kuskokwim River drainage from its headwaters downstream to its mouth at the Bering Sea.

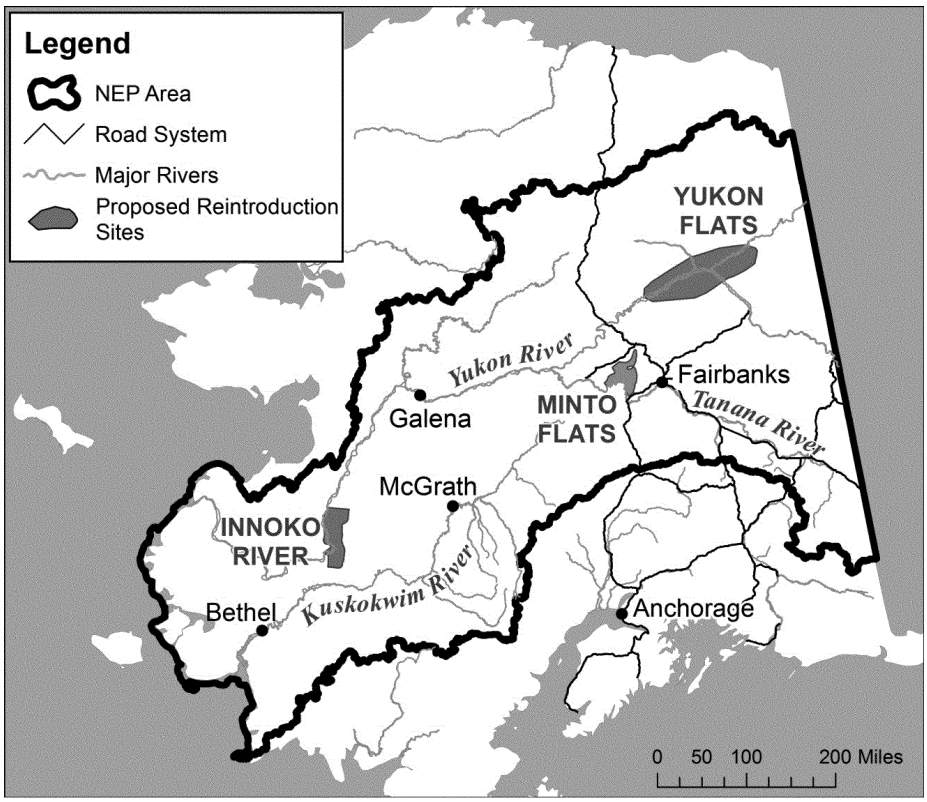


Figure 1. Boundaries of the wood bison NEP (black line) and location of the three sites for wood bison reintroduction in Alaska (gray areas).

(ii) Any wood bison found within the Alaska wood bison NEP area will be considered part of the NEP. The bison will be managed by the State to prevent establishment of any population outside the NEP area.

(3) *Under what circumstances might an Alaska wood bison NEP be eliminated?*

(i) We do not anticipate eliminating all individuals within an Alaska wood bison NEP unless:

(A) The State deems the reintroduction efforts a failure or most members of reintroduced populations have disappeared for any reason;

(B) Monitoring of wood bison in Alaska indicates appreciable harm to other

native wildlife, such as the introduction of disease or other unanticipated environmental consequences associated with their presence; or

(C) Legal or statutory changes reduce or eliminate the State's ability to complete the restoration effort as designed and intended in its management plans, with the management flexibility and protection of other land uses (including other resource development) provided in this NEP designation.

(ii) If any of the circumstances listed in paragraph (x)(3)(i) of this section occur, some or all wood bison may be removed from the wild in Alaska by any method deemed practicable by the State, including lethal removal. If the reintroduction of wood bison under this nonessential experimental designation is discontinued for any reason and no action is taken by the Service and the State to change the designation, all remaining wood bison in Alaska will retain their NEP status.

(4) *Which agency is the management lead for wood bison in Alaska?* The Alaska Department of Fish and Game will have primary responsibility for leading and implementing the wood bison restoration effort, in cooperation with the Service, and will keep the Service apprised of the status of the effort on an ongoing basis. The Service will retain responsibility for ensuring compliance with all provisions of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), including compliance with section 7 for actions occurring on National Wildlife Refuge and National Park Service lands.

(5) *What take of wood bison is allowed in the NEP area?* In the following instances, wood bison may be taken in accordance with applicable State fish and wildlife conservation laws and regulations:

(i) Hunting will be an allowed take based on sustained yield principles as established by ADF&G.

(ii) A wood bison may be taken within the NEP area, provided that such take is not willful, knowing, or due to negligence, or is incidental to and not the purpose of the carrying out of an otherwise lawful activity, including but not limited to recreation (e.g., trapping, hiking, camping, or shooting activities); forestry; agriculture; oil and gas exploration and development and associated activities; construction and maintenance of roads or railroads, buildings, facilities, energy projects, pipelines, and transmission lines of any kind; mining; mineral exploration; travel by any means, including vehicles, watercraft, snow machines, or aircraft; tourism; and other activities that are in accordance with Federal, State, and local laws and regulations and specific authorizations. Such conduct is not considered intentional or ''knowing take'' for purposes of this regulation, and neither the Service nor the State will take legal action for such conduct. Any cases of ''knowing take'' will be referred to the appropriate authorities for prosecution.

(iii) Any person with a valid permit issued by the Service under 50 CFR 17.32 or by ADF&G may take wood bison for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the ESA. Additionally, any employee or agent of the Service or ADF&G designated for such purposes, acting in the course of official duties, may take a wood bison if such action is necessary:

(A) For scientific purposes;

(B) To relocate a wood bison to avoid conflict with human activities;

(C) To relocate a wood bison if necessary to protect the wood bison;

(D) To relocate wood bison within the NEP area to improve wood bison survival and recovery prospects or for genetic purposes;

(E) To relocate wood bison from one population in the NEP area into another, or into captivity;

(F) To relocate wood bison that have moved outside the NEP area back into the NEP area or remove them;

(G) To aid or euthanize a sick, injured, or orphaned wood bison;

(H) To dispose of a dead wood bison, or salvage a dead wood bison for scientific purposes; or

(I) To aid in law enforcement investigations involving wood bison.

(iv) Any person may take a wood bison in defense of the individual's life or the life of another person. The Service, the State, or our designated agent(s) may also promptly remove

any wood bison that the Service, the State, or our designated agent(s) determine to be a threat to human life or safety. Any such taking must be reported within 24 hours to the location identified in paragraph (x)(5)(vi) of this section.

(v) In connection with otherwise lawful activities, including but not limited to the use and development of land, provided at paragraph (x)(5)(ii) of this section, the Federal Government, the State, municipalities of the State, other local governments, Native American Tribal Governments, and all landowners and their employees or authorized agents, tenants, or designees may harass wood bison in the areas defined in paragraph (x)(2)(i) of this section, provided that all such harassment is by methods that are not lethal or physically injurious to wood bison and is reported within 24 hours to the location identified in paragraph (x)(5)(vi) of this section.

(vi) Any taking pursuant to paragraph (x)(5)(ii) of this section must be reported within 14 days by contacting the Alaska Department of Fish and Game, 1300 College Road, Fairbanks, AK 99701; (907) 459–7206. ADF&G will determine the most appropriate course of action regarding any live or dead specimens.

(6) *What take of wood bison is not allowed in the NEP area?*

(i) Except as expressly allowed in paragraph (x)(5) of this section, all the provisions of 50 CFR 17.31(a) and (b) apply to the wood bison identified in paragraph (x)(1) of this section.

(ii) Any manner of take not described under paragraph (x)(5) of this section is prohibited in the NEP area.

(iii) A person may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified wood bison, or parts thereof, that are taken or possessed in a manner not expressly allowed in paragraph (x)(5) of this section or in violation of the applicable State or local fish and wildlife laws or regulations or the ESA.

(iv) A person may not attempt to commit, solicit another to commit, or cause to be committed any take of wood bison, except that take expressly allowed in paragraph (x)(5) of this section.

(7) *How will the effectiveness of the wood bison reintroduction be monitored?* ADF&G will monitor the population status of reintroduced bison herds at least annually and will document productivity, survival, and population size. The Service or other Federal agencies may also be involved in population monitoring, particularly where National Wildlife Refuge System or Bureau of Land Management lands are involved. Tribal governments or other organizations may also participate in population monitoring and other management activities. Depending on available resources, monitoring may occur more frequently, especially during the first few years of reestablishment efforts. This monitoring will be conducted primarily through aerial surveys and will be accomplished by State or Service employees, through cooperative efforts with local governments, or by contracting with other appropriate species experts.

(8) *What other provisions apply to this special rule?*

If any particular provision of this rule or the application of any particular provision to any entity or circumstance is held invalid, the remainder of this finding and rule and the application of such provisions to other entities or circumstances shall not be affected by such holding.

[49 FR 35954, Sept. 13, 1984; 50 FR 30194, July 24, 1985]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §17.84, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§17.85 Special rules—invertebrates.

(a) *Seventeen mollusks in the Tennessee River.* The species in the following table comprise nonessential experimental populations (NEPs):

Common name	Scientific name
Cumberland bean (pearlymussel).	*Villosa trabalis*
tubercled blossom (pearlymussel).	*Epioblasma torulosa torulosa*
turgid blossom (pearlymussel)	*Epioblasma turgidula*
yellow blossom (pearlymussel).	*Epioblasma florentina florentina*
catspaw (purple cat's paw pearlymussel).	*Epioblasma obliquata obliquata*

Common name	Scientific name
clubshell	*Pleurobema clava*
Cumberlandian combshell	*Epioblasma brevidens*
Alabama lampmussel	*Lampsilis virescens*
winged mapleleaf (mussel)	*Quadrula fragosa*
Cumberland monkeyface (pearlymussel).	*Quadrula intermedia*
oyster mussel	*Epioblasma capsaeformis*
birdwing pearlymussel	*Lemiox rimosus*
cracking pearlymussel	*Hemistena lata*
dromedary pearlymussel	*Dromus dromas*
fine-rayed pigtoe	*Fusconaia cuneolus*
shiny pigtoe	*Fusconaia cor*
Anthony's riversnail	*Athearnia anthonyi*

(1) *Where are these mollusks designated as nonessential experimental populations (NEPs)?* (i) The NEP Area for these 17 mollusks is within the species' historic ranges, and is defined as follows: The free-flowing reach of the Tennessee River from the base of Wilson Dam downstream to the backwaters of Pickwick Reservoir (river mile (RM) 259.4 [414.0 km] to RM 246.0 [393.6 km] and includes the lower 5 RM (8 km) of all tributaries to this reach in Colbert and Lauderdale Counties, Alabama.

(ii) None of the identified species are known to exist in any of the tributaries to the free-flowing reach of the Tennessee River below Wilson Dam or from below the backwaters of Pickwick Reservoir, Colbert and Lauderdale Counties, Alabama. In the future, if any of the 17 mollusks are found upstream of the lower 5 RM (8 km) of these tributaries or downstream into Pickwick Reservoir, we will presume the animals came from the reintroduced NEP, and we will amend this rule and enlarge the boundaries of the NEP Area to include the entire range of the expanded population.

(iii) We do not intend to change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP Area. Additionally, we will not designate critical habitat for these NEPs, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What activities are not allowed in the NEP Area?* (i) Except as expressly allowed in this rule, all the prohibitions of 17.31(a) and (b) apply to the mollusks identified in this special rule.

(ii) Any manner of take not described under paragraph (a)(3) of this section will not be allowed in the NEP Area. We may refer the unauthorized take of these species to the appropriate authorities for prosecution.

(iii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified 17 mollusks, or parts thereof, that are taken or possessed in violation of these regulations or in violation of the applicable State fish and wildlife laws or regulations or the Act.

(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in this paragraph (a).

(3) *What take is allowed in the NEP Area?* (i) Take of these species that is accidental and incidental to an otherwise lawful activity such as fishing, boating, commercial navigation, trapping, wading, or mussel harvesting, is allowed.

(ii) Any individual collecting or harvesting mussels must check their collection prior to leaving the immediate area and return any NEP mussels to the site where they were obtained.

(4) *How will the effectiveness of these reintroductions be monitored?* We will prepare periodic progress reports and fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

(b) *Sixteen mollusks in the French Broad and Holston Rivers.* The species in the following table comprise nonessential experimental populations (NEP):

Common name	Scientific name
Cumberland bean (pearlymussel).	*Villosa trabalis*
Cumberlandian combshell	*Epioblasma brevidens*
fanshell	*Cyprogenia stegaria*
Appalachian monkeyface (pearlymussel).	*Quadrula sparsa*
Cumberland monkeyface (pearlymussel).	*Quadrula intermedia*
oyster mussel	*Epioblasma capsaeformis*
birdwing pearlymussel	*Lemiox rimosus*
cracking pearlymussel	*Hemistena lata*
dromedary pearlymussel	*Dromus dromas*
fine-rayed pigtoe	*Fusconaia cuneolus*
rough pigtoe	*Pleurobema plenum*
shiny pigtoe	*Fusconaia cor*
orange-foot pimpleback (pearlymussel).	*Plethobasus cooperianus*
ring pink (mussel)	*Obovaria retusa*
white wartyback (pearlymussel).	*Plethobasus cicatricosus*
Anthony's riversnail	*Athearnia anthonyi*

(1) *Where are these mollusks designated as NEPs?* (i) The NEP area for these mollusks is within the species' historical range and is defined as follows:

The French Broad River, Knox and Sevier Counties, Tennessee, from the base of Douglas Dam (river mile (RM) 32.3 (51.7 kilometers (km)) downstream to the confluence with the Holston River; then up the Holston River, Knox, Grainger, and Jefferson Counties, Tennessee, to the base of Cherokee Dam (RM 52.3 (83.7 km)); and the lower 5 RM (8 km) of all tributaries that enter these river reaches. None of the species identified in paragraph (b) are known to exist in any of the tributaries to the free-flowing reaches of the French Broad River below Douglas Dam, Knox and Sevier Counties, Tennessee, or of the Holston River below the Cherokee Dam, Knox, Grainger, and Jefferson Counties, Tennessee. Based on their habitat requirements, we do not expect these species to become established outside this NEP area. However, if any individuals are found upstream or downstream or into tributaries outside the designated NEP area, we would presume that they came from the reintroduced populations. We would then amend paragraph (b)(1)(i) of this section to enlarge the boundaries of the NEP area to include the entire range of the expanded population.

(ii) Another NEP area for 10 of these mollusks (Cumberland bean, Cumberlandian combshell, Cumberland monkeyface, oyster mussel, birdwing pearlymussel, cracking pearlymussel, dromedary pearlymussel, fine-rayed pigtoe, shiny pigtoe, and Anthony's riversnail) is provided in paragraph (a) of this section.

(iii) We do not intend to change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP area. Additionally, we will not designate critical habitat for these NEPs, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What activities are not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (b)(3) of this section, all the prohibitions of §17.31(a) and (b) apply to the mollusks identified in paragraph (b) of this section.

(ii) Any manner of take not described under paragraph (b)(3) of this section will not be allowed in the NEP area. We may refer the unauthorized take of these species to the appropriate authorities for prosecution.

(iii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified mollusks, or parts thereof, that are taken or possessed in violation of paragraph (b)(2) of this section or in violation of the applicable State fish and wildlife laws or regulations or the Act.

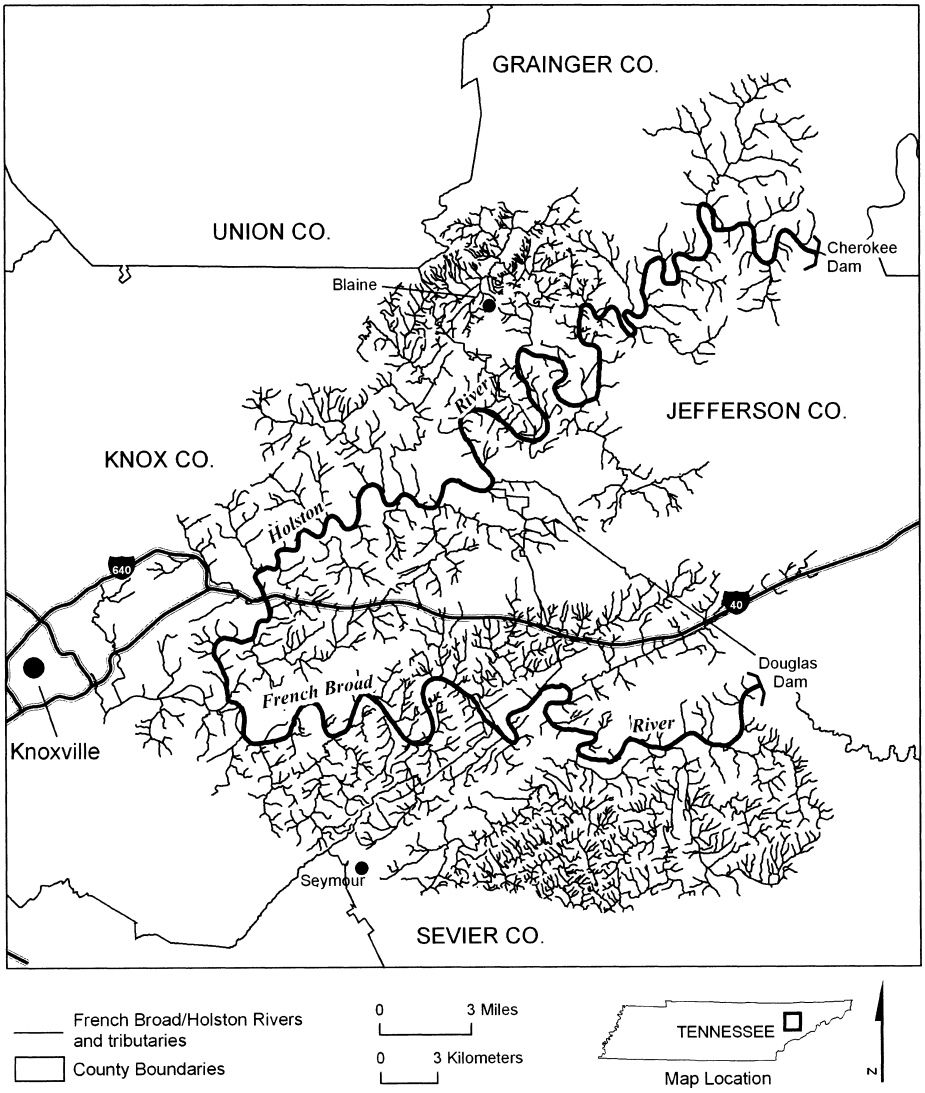
(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (b)(2) of this section.

(3) *What take is allowed in the NEP area?* Take of these species that is accidental and incidental to an otherwise legal activity, such as recreation (e.g., fishing, boating, wading, trapping, or swimming), forestry, agriculture, and other activities that are in accordance with Federal, State, and local laws and regulations, is allowed.

(4) *How will the effectiveness of these reintroductions be monitored?* We will prepare periodic progress reports and fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

(5) *Note:* Map of the NEP area in Tennessee for the 16 mollusks listed in paragraph (b) of this section follows:

Portion of the Lower French Broad River Watershed and the Lower Holston River Watershed Covered by the 15 freshwater mussels: Appalachian Monkeyface Pearlymussel, Birdwing Pearlymussel, Cracking Pearlymussel, Cumberland Bean Pearlymussel, Cumberlandian Combshell, Cumberland Monkeyface Pearlymussel, Dromedary Pearlymussel, Fanshell, Fine-rayed Pigtoe, Orange-foot Pimpleback Pearlymussel, Oyster Mussel, Ring Pink, Rough Pigtoe, Shiny Pigtoe, and White Wartyback Pearlymussel; and 1 Federally Listed Endangered Aquatic Snail: Anthonys Riversnail Nonessential Experimental Population Designation.



(c) American Burying Beetle (*Nicrophorus americanus*).

(1) *Where is the American burying beetle designated as a nonessential experimental population (NEP)?* (i) The NEP area for the American burying beetle is within the species' historical range and is defined as follows: The Missouri Counties of Cedar, St. Clair, Bates, and Vernon.

(ii) The American burying beetle is not known to exist in Cedar, St. Clair, Bates, or Vernon Counties in Missouri, as of the date of enacting this regulation. Based on its habitat requirements and movement patterns, we do not expect this species to become established outside this NEP area.

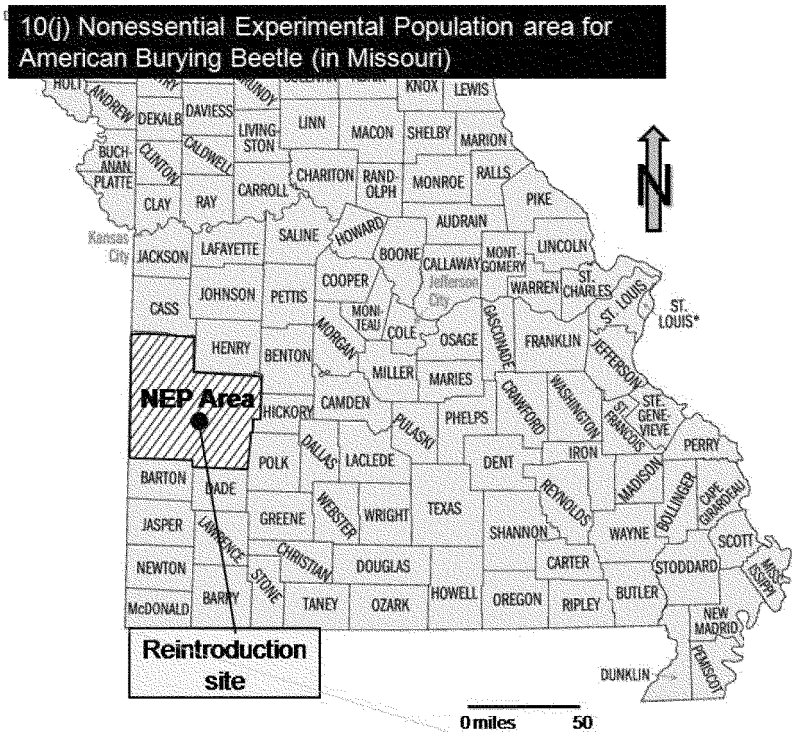
(2) *What activities are not allowed in the NEP area?* (i) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means, American burying beetles, or parts thereof, that are taken or possessed in violation of paragraph (c)(3) of this section or in violation of applicable State fish and wildlife laws or regulations or the Act.

(ii) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (c)(2)(i) of this section.

(3) *What take is allowed in the NEP area?* Take of this species that is accidental and incidental to an otherwise legal activity, such as agriculture, forestry and wildlife management, land development, recreation, and other activities, is allowed.

(4) *How will the effectiveness of these reintroductions be monitored?* We will prepare periodic progress reports and fully evaluate these reintroduction efforts after 5 years to determine whether to continue or terminate the reintroduction efforts.

(5) *Note:* Map of the NEP area for the American burying beetle follows:



[66 FR 32263, June 14, 2001, as amended at 72 FR 52459, Sept. 13, 2007; 77 FR 16717, Mar. 22, 2012]

§ 17.86 Special rules—plants. [Reserved]

Subpart I—Interagency Cooperation

§ 17.94 Critical habitats.

(a) The areas listed in § 17.95 (fish and wildlife) and § 17.96 (plants) and referred to in the lists at §§ 17.11 and 17.12 have been determined by the Director to be Critical Habitat. All Federal agencies must insure that any action authorized, funded, or carried out by them is not likely to result in the destruction or adverse modification of the constituent elements essential to the conservation of the listed species within these defined Critical Habitats. (See part 402 for rules concerning this prohibition; see also part 424 for rules concerning the determination of Critical Habitat).

(b)(1) For the critical habitat designations published and effective after May 31, 2012, the map provided by the Secretary of the Interior, as clarified or refined by any textual language within the rule, constitutes the definition of the boundaries of a critical habitat. Each critical habitat area will be shown on a map, with more-detailed information discussed in the preamble of the rulemaking documents published in the FEDERAL REGISTER and made available from the lead field office of the Service responsible for such designation. Each area will be referenced to the State(s), county(ies), or other local government units within which all or part of the critical habitat is located. General descriptions of the location and boundaries of each area may be provided to clarify or refine what is included within the boundaries depicted on the map, or to explain the exclusion of sites (e.g., paved roads, buildings) within the mapped area. Unless otherwise indicated within the critical habitat descriptions, the names of the State(s) and county(ies) are provided for informational purposes only and do not constitute the boundaries of the area.

(2) For critical habitat designations published and effective on or prior to May 31, 2012, the map provided by the Secretary of the Interior is for reference purposes to guide Federal Agencies and other interested parties in locating the general boundaries of the critical habitat. The map does not, unless otherwise indicated, constitute the definition of the boundaries of a critical habitat. Critical habitats are described by reference to surveyable landmarks found on standard topographic maps of the area and to the States and county(ies) within which all or part of the critical habitat is located. Unless otherwise indicated within the critical habitat description, the State and county(ies) names are provided for informational purposes only.

(c) Critical Habitat management focuses only on the biological or physical constituent elements within the defined area of Critical Habitat that are essential to the conservation of the species. Those major constituent elements that are known to require special management considerations or protection will be listed with the description of the Critical Habitat.

(d) The sequence of species within each list of Critical Habitats in §§ 17.95 and 17.96 will follow the sequences in the lists of Endangered and Threatened wildlife (§ 17.11) and plants (§ 17.12). Multiple entries for each species will be alphabetic by State.

[45 FR 13021, Feb. 27, 1980, as amended at 77 FR 25621, May 1, 2012]

§ 17.95 Critical habitat—fish and wildlife.

(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.

NOTE: No map.

MARIANA FRUIT BAT (*Pteropus mariannus mariannus*)

(1) The critical habitat unit for the Mariana fruit bat is depicted for the Territory of Guam on the maps below.

(2) Within this area, the primary constituent elements required by the Mariana fruit bat for the biological needs of foraging, sheltering, roosting, and rearing of young are found in areas supporting limestone, secondary, ravine, swamp, agricultural, and coastal forests composed of native or introduced plant species. These forest types provide the primary constituent elements of:

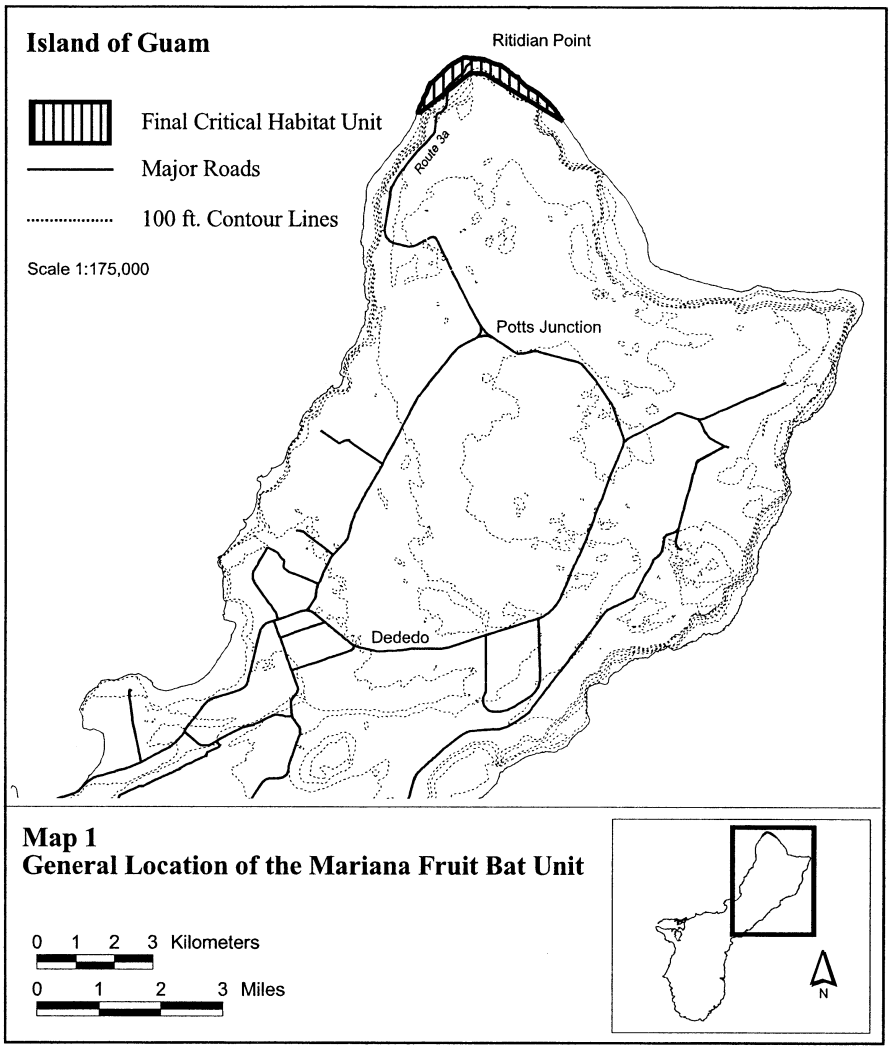
(i) Plant species used for foraging, such as *Artocarpus* sp. (breadfruit), *Carica papaya* (papaya), *Cycas circinalis* (fadang), *Ficus* spp. (fig), *Pandanus tectorius* (kafu), *Cocos nucifera* (coconut palm), and *Terminalia catappa* (talisai); and

(ii) Remote locations, often within 328 ft (100 m) of clifflines that are 260 to 590 ft (80 to 100 m) tall, with limited exposure to human disturbance; land that contains mature fig, *Mammea odorata* (chopak), *Casuarina equisetifolia* (gago), *Macaranga thompsonii* (pengua), *Guettarda speciosa* (panao), *Neisosperma oppositifolia* (fagot), and other tree species that are used for roosting and breeding.

(3) Critical habitat does not include existing features and structures within the boundaries of the mapped units, such as buildings, roads, aqueducts, antennas, water tanks, agricultural fields, paved areas, lawns, and other urban landscaped areas not containing one or more of the primary constituent elements.

(4) The critical habitat unit is described below. Coordinates are in UTM Zone 55 with units in meters using North American Datum of 1983 (NAD83)/World Geodetic System 1984 (WGS 84).

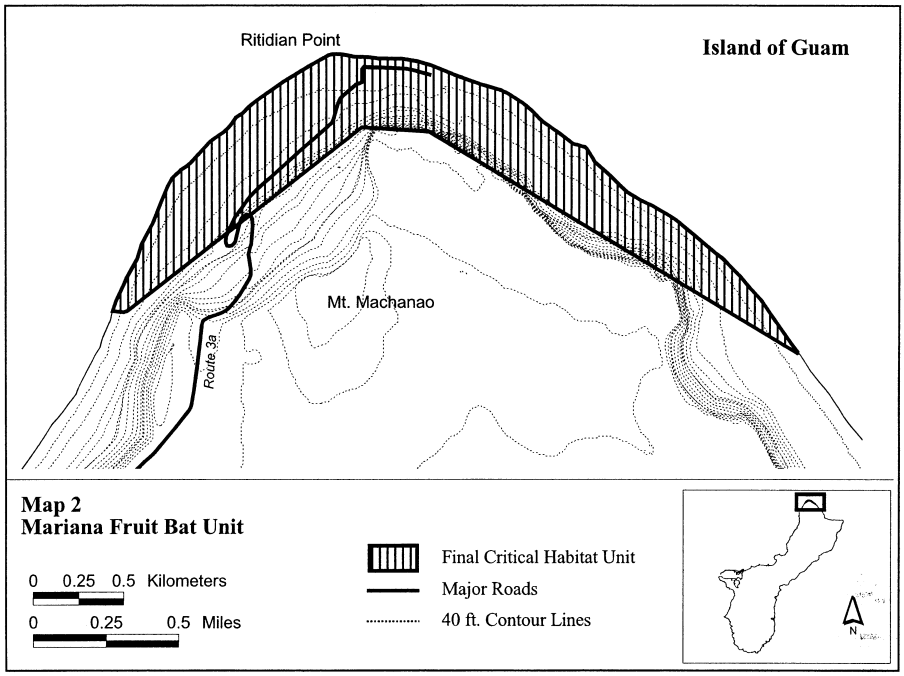
(i) NOTE: Map 1—General Location of the Mariana Fruit Bat Unit follows:



(ii) Guam, Mariana fruit bat (376 ac; 152 ha).

(A) Unit consists of the following nine boundary points: 267358, 1509113; 267338, 1509107; 267277, 1509113; 271077, 1508881; 271071, 1508878; 270766, 1509058; 269030, 1510105; 268659, 1510129; 267697, 1509376.

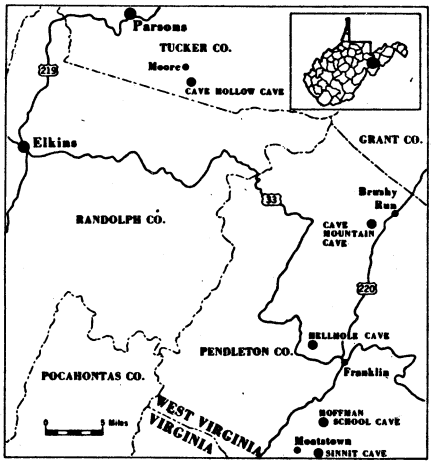
(B) NOTE: Map 2 showing Mariana Fruit Bat Unit follows:



VIRGINIA BIG-EARED BAT (*Plecotus townsendii virginianus*)

West Virginia. Cave Mountain Cave, Hellhole Cave, Hoffman School Cave, and Sinnit Cave, each in Pendleton County; Cave Hollow Cave, Tucker County.

NOTE: Map follows:



LOUISIANA BLACK BEAR (*Ursus americanus luteolus*)

(1) Critical habitat units are depicted for Avoyelles, East Carroll, Catahoula, Concordia, Franklin, Iberia, Iberville, Madison, Pointe Coupee, Richland, St. Martin, St. Mary, Tensas, West Carroll, and West Feliciana Parishes, Louisiana, on the maps below.

(2) The primary constituent elements of critical habitat for the Louisiana black bear are the habitat components that provide:

(i) Breeding habitat (*i.e.*, within or contiguous to the home range of females in a core breeding population) consisting of hardwood forest areas having a diversity of age class and species and containing sources of hard mast (acorns and nuts) produced by such species as mature oaks, hickories, and pecan, and that may include one or more of the following:

(A) Areas containing soft mast provided by a diversity of plant species, including, but not limited to, blackberry, grape, mulberry, sassafras, paw paw, etc., occurring primarily in forest openings, on spoil banks, and in areas adjacent to forested habitat.

(B) Areas within forested habitat providing protein sources consisting of beetles and

other colonial insects found in rotting and decaying wood found on the forest floor.

(C) Grasses and sedges found in forest openings, on spoil banks with open canopies, and in vegetated areas adjacent to forested habitats.

(D) Secure areas for reproduction, winter dormancy, day bedding, and escape. These include areas with den trees (e.g., bald cypress, overcup oak, American sycamore, etc.); areas with a thick understory, shrub-scrub habitat, openings along spoil banks, vegetated areas adjacent to forests, or any vegetation that provides cover, limits visibility, slows foot travel, or creates noise when traversed; early successional forests (0 to 12 years) with an open canopy and dense understory of shrubs, vines, and saplings; or areas with vegetation such as palmetto, greenbriars, blackberry, dewberry, and downed trees.

(ii) Corridors consisting of:

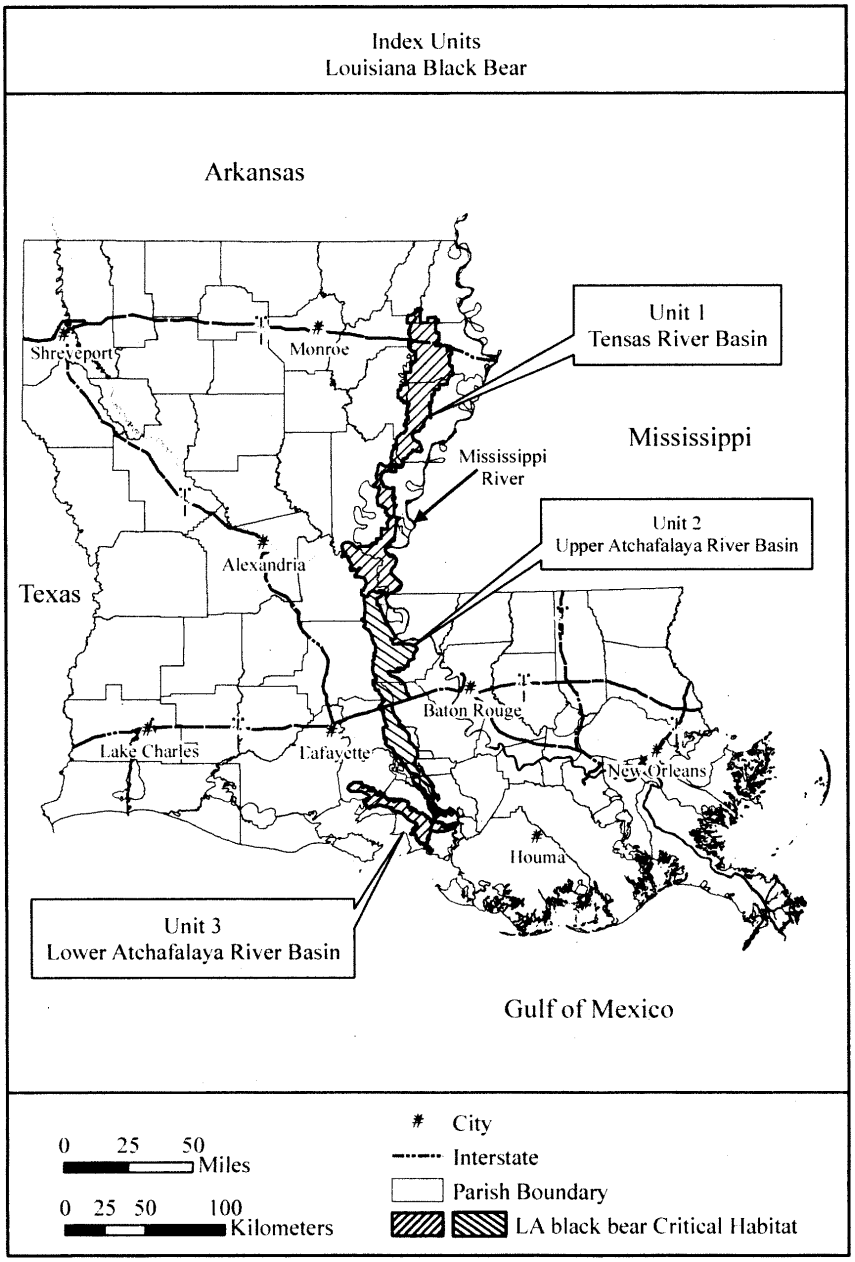
(A) Habitat patches 12 acres (5 hectares) or greater in size; or

(B) Forested areas greater than 150 feet (46 meters) wide along waterways and sloughs and having a diversity of plant species and age-classes of sufficient area, quality, and configuration, as described in paragraph (2)(i) of this entry, to provide dispersal habitat between breeding populations to maintain genetic variability and promote stable or increasing populations, and to provide habitat supporting safe movement, foraging, and denning.

(3) Critical habitat does not include man-made structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on the effective date of this rule.

(4) *Critical habitat map units.* Data layers defining map units were created on a base of USGS digital ortho-photo quarter-quadrangles, and critical habitat units were then mapped using Universal Transverse Mercator (UTM) Zone 15N coordinates.

(5) *Note:* Index map follows:



(6) Unit 1: Tensas River Basin. Avoyelles, East Carroll, Catahoula, Concordia, Franklin, Madison, Richland, Tensas, West Carroll, and West Feliciana Parishes, Louisiana.

(i) From USGS 1:24,000 scale digital orthophoto quarter-quadrangles: Acme SE; Acme SW; Big Bend NE; Big Bend NW; Big Bend SE; Big Bend SW; Como NE; Como SE;

Crowville NE; Crowville SE; Deer Park NW; Deer Park SW; Delhi NE; Delhi NW; Delhi SE; Delhi SW; Dunbarton NE; Dunbarton NW; Dunbarton SE; Dunbarton SW; Epps NE; Epps NW; Epps SE; Epps SW; Fairview NW; Fairview SW; Ferriday North NE; Ferriday North NW; Ferriday South NW; Ferriday South SW; Fort Adams NW; Fort Adams SE; Fort Adams SW; Fortune Fork NW; Fortune Fork SW; Foules NE; Foules NW; Foules SE; Foules SW; Frogmore NE; Frogmore NW; Frogmore SE; Frogmore SW; Gretna Green NE; Gretna Green NW; Gretna Green SE; Gretna Green SW; Ile Natchitoches NE; Ile Natchitoches NW; Ile Natchitoches SE; Ile Natchitoches SW; Indian Lake NE; Indian Lake NW; Indian Lake SE; Indian Lake SW; Innis NE; Lac Sainte Agnes NE; Lac Sainte Agnes NW; Lac Sainte Agnes SE; Lake Bruin NW; Lake Mary NW; Lake Mary SW; Lamar SE; Larto Lake South SE; Larto Lake South SW; Lower Sunk Lake NE; Lower Sunk Lake NW; Lower Sunk Lake SE; Lower Sunk Lake SW; Monterry NE; Monterry SE; Newlight NE; Newlight NW; Newlight SE; Newlight SW; Oakley NE; Oakley SE; Oakley SW; Panther Lake NE; Panther Lake NW; Panther Lake SE; Panther Lake SW; Saranac NW; Saranac SW; Simmesport NE; Simmesport NW; Slocum NE; Slocum NW; Slocum SE; Slocum SW; Somerset NW; Tallulah SW; Tendale NE; Tendal NW; Tendal SE; Tendal SW; Tensas Bluff NE; Tensas Bluff NW; Tensas Bluff SE; Tensas Bluff SW; Turnbull Island NE; Turnbull Island NW; Turnbull Island SE; Turnbull Island SW; Waterproof NE; Waterproof NW; Waterproof SE; Waterproof SW; Waverly SE NE; Waverly SE NW; Waverly SE SE; Waverly SE SW; Westwood NE; Westwood NW; Westwood SE; Westwood SW; Louisiana. 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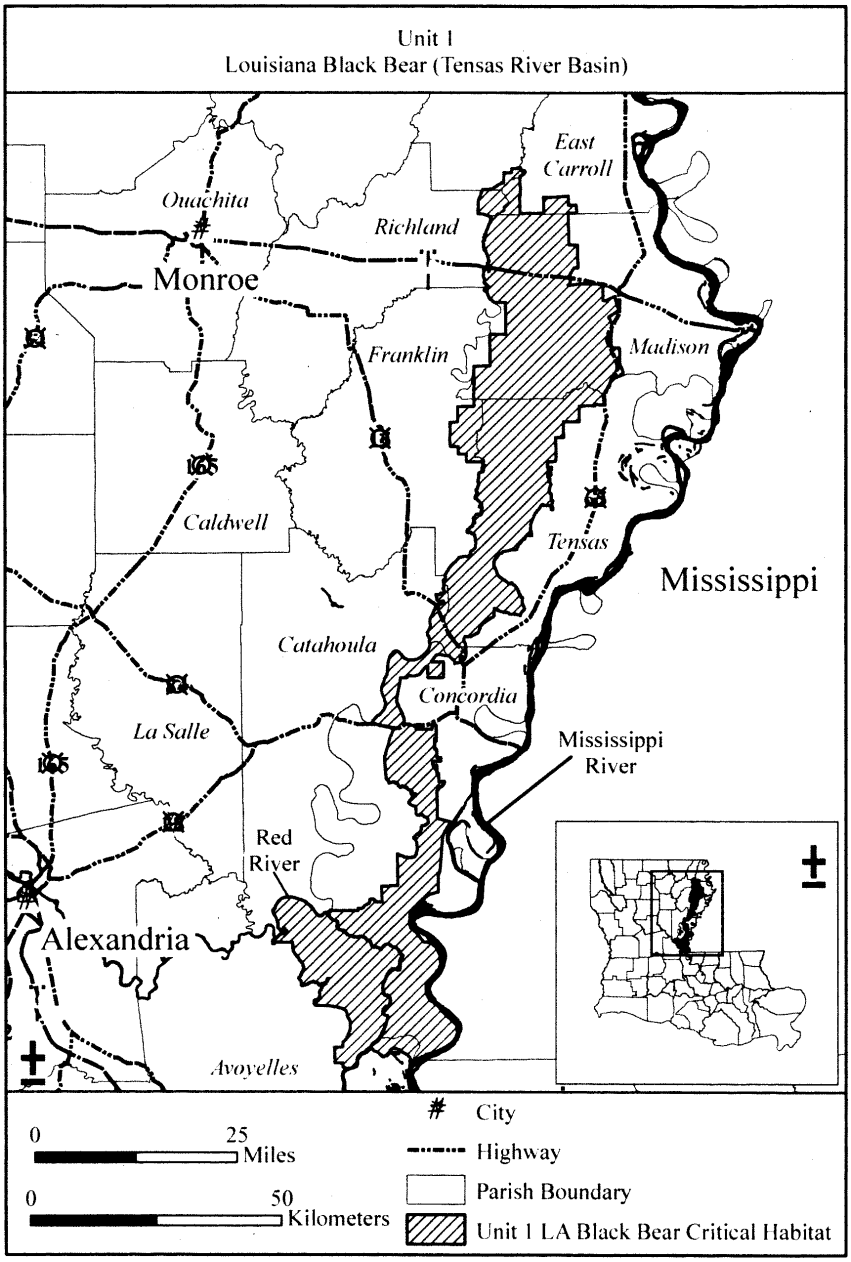
(ii) Note: Map of Unit 1, Tensas River Basin (Map 2), follows:



(7) Unit 2: Upper Atchafalaya River Basin. Iberia, Iberville, Pointe Coupee, St. Martin, and St. Mary Parishes, Louisiana.

(i) From USGS 1:24,000 scale digital orthophoto quarter-quadrangles: Batchelor NE; Batchelor NW; Batchelor SE; Batchelor SW; Bayou Current NE; Bayou Current NW;

Bayou Current SE; Big Bend SE; Butte La Rose NE; Butte La Rose NW; Butte La Rose SE; Butte La Rose SW; Catahoula NE; Catahoula NW; Catahoula SE; Catahoula SW; Centerville NE; Centerville NE SW; Centerville NW; Centerville NW NE; Centerville NW NW; Centerville NW SE; Centerville NW SW; Centerville SE; Charenton NE; Charenton SE; Cow Bayou NW; Cow Bayou SW; Erwinville NW; Fordoche NE; Fordoche NW; Fordoche SW; Grand River SW; Innis NE; Innis NW; Innis SE; Innis Jackass Bay NE; Jackass Bay NW; Jackass Bay SE; Jackass Bay SW; Krotz Springs NE; Krotz Springs SE; Lacour SW; Lake Chicot NW; Lake Chicot SW; Lake Mongoulois NE; Lake Mongoulois NW; Lake Mongoulois SE; Lake Mongoulois SW; Loreauville NE; Lottie NE; Lottie NW; Lottie SE; Lottie SW; Maringouin NE; Maringouin NW; Maringouin NW NE; Maringouin NW NW; Maringouin NW SE; Maringouin NW SW; Maringouin SE; Maringouin SW; Melville NE; Melville NW; Melville SE; Melville SW; Morganza NE; Morganza NW; Morganza SE; Morganza SW; New Roads NW; New Roads SW; North Bend NE; Patterson NE; Patterson NW; Portage NE; Simmesport NE; Simmesport SE; Swayze Lake NE; Tiger Island NW; Tiger Island SE; Tiger Island SW; Turnbull Island SE; Turnbull Island SW; Louisiana. 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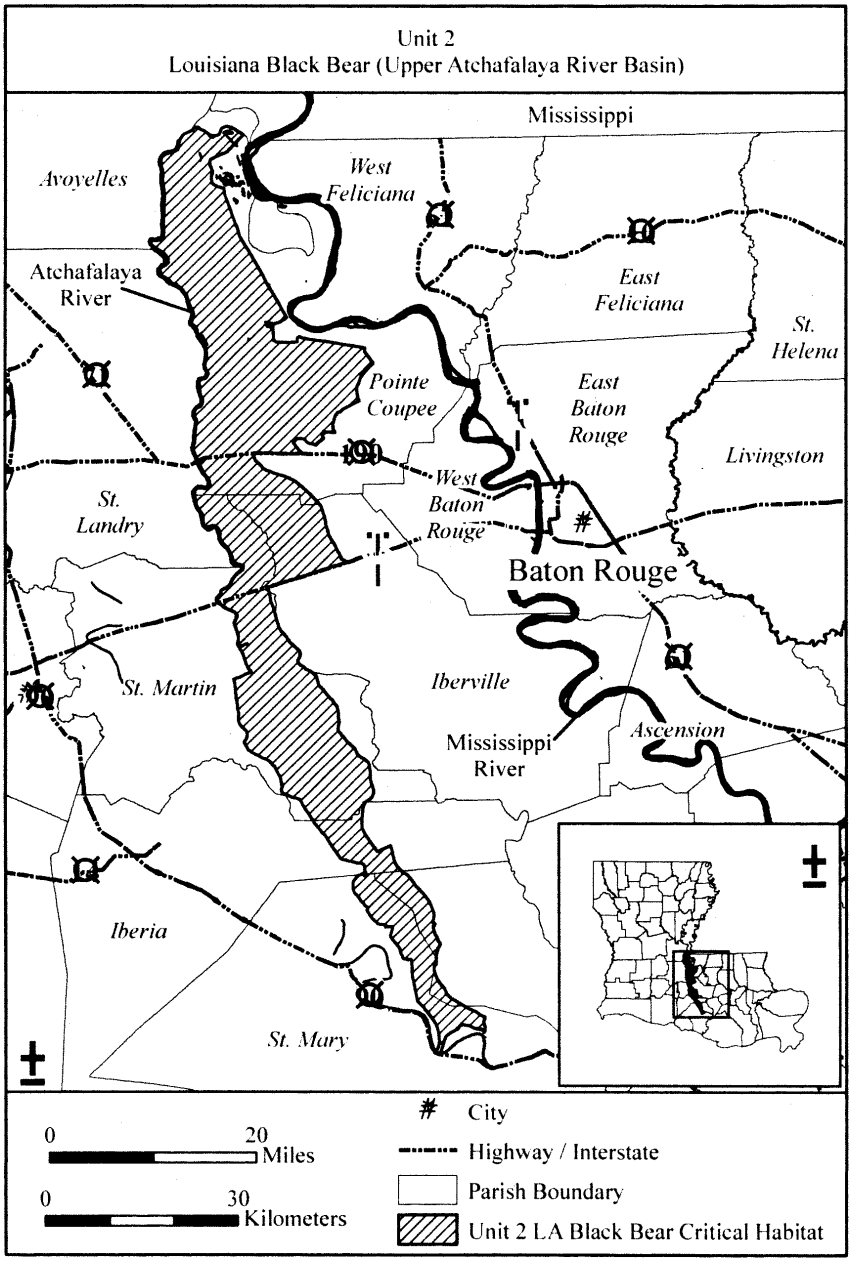
(ii) Note: Map of Unit 2, Upper Atchafalaya River Basin (Map 3), follows:



(8) Unit 3: Lower Atchafalaya River Basin. Iberia and St. Mary Parishes, Louisiana.

(i) From USGS 1:24,000 scale digital orthophoto quarter-quadrangles: Belle Isle NE; Belle Isle NW; Belle Isle SE; Centerville SW; Delcambre SE; Ellerslie NE; Ellerslie NW; Ellerslie SE; Franklin NE; Franklin NW; Franklin SE; Franklin SW; Jeanerette SW;

Kemper NE; Kemper NW; Kemper SE; Kemper SW; Morgan City NW; Morgan City SW; New Iberia South SE; New Iberia South SW; North Bend NE; North Bend NW; North Bend SE; North Bend SW; Patterson NW; Patterson SE; Patterson SW; Point Chevreuil NE; Weeks NE; Weeks NW; Weeks SE; Weeks SW; Louisiana. 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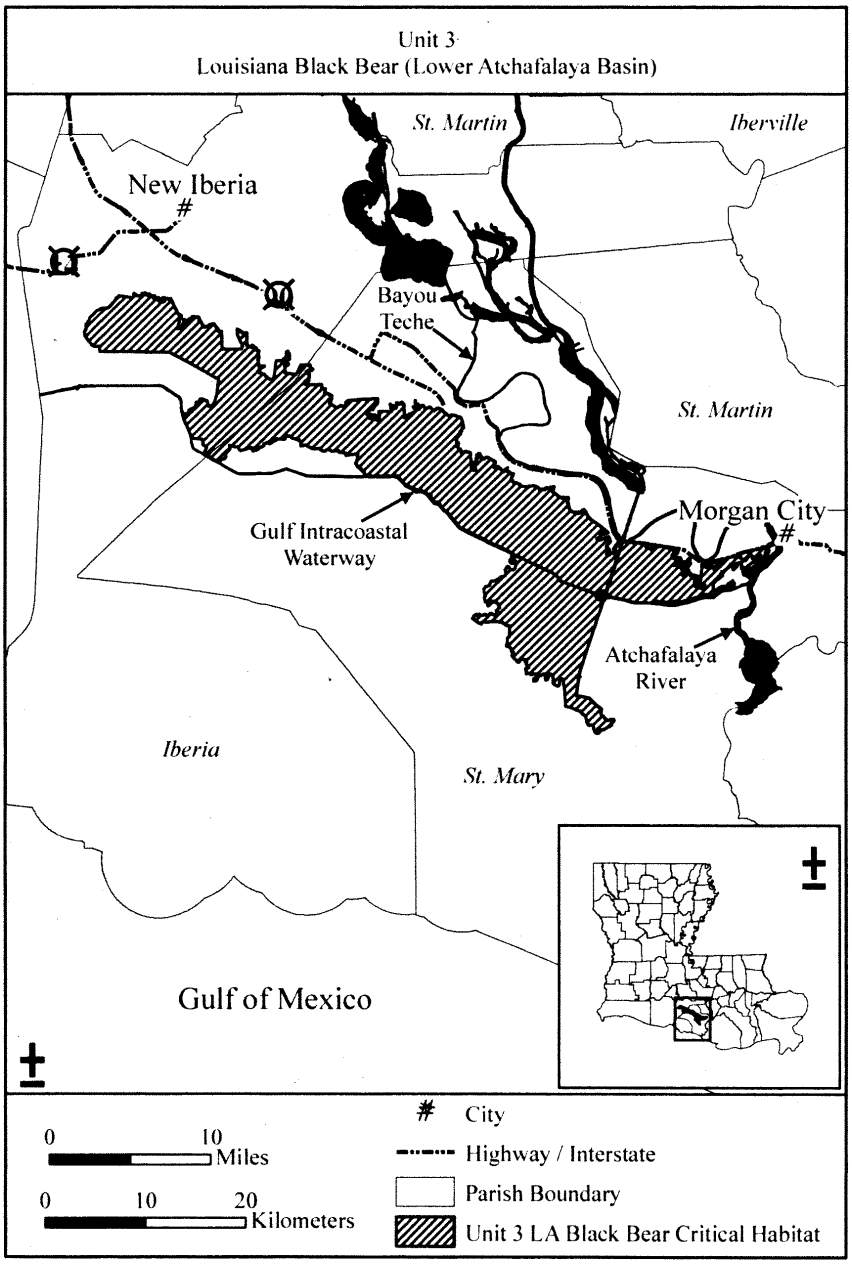
(ii) Note: Map of Unit 3, Lower Atchafalaya River Basin (Map 4), follows:


Unit 3
Louisiana Black Bear (Lower Atchafalaya Basin)
St. Martin
Iberville
New Iberia
#
Bayou
Teche
St. Martin
Morgan City
#
Gulf Intracoastal
Waterway
Atchafalaya
River
Iberia
St. Mary
Gulf of Mexico
0 10 Miles
0 10 20 Kilometers
City
Highway / Interstate
Parish Boundary
Unit 3 LA Black Bear Critical Habitat

POLAR BEAR (*Ursus maritimus*) IN THE UNITED STATES

(1) Critical habitat areas are in the State of Alaska, and adjacent territorial and U.S. waters, as described below.

(2) The primary constituent elements of critical habitat for the polar bear in the United States are:

(i) Sea-ice habitat used for feeding, breeding, denning, and movements, which is sea ice over waters 300 m (984.2 ft) or less in depth that occurs over the continental shelf with adequate prey resources (primarily ringed and bearded seals) to support polar bears.

(ii) Terrestrial denning habitat, which includes topographic features, such as coastal bluffs and river banks, with the following suitable macrohabitat characteristics:

(A) Steep, stable slopes (range 15.5–50.0°), with heights ranging from 1.3 to 34 m (4.3 to 111.6 ft), and with water or relatively level ground below the slope and relatively flat terrain above the slope;

(B) Unobstructed, undisturbed access between den sites and the coast;

(C) Sea ice in proximity to terrestrial denning habitat prior to the onset of denning during the fall to provide access to terrestrial den sites; and

(D) The absence of disturbance from humans and human activities that might attract other polar bears.

(iii) Barrier island habitat used for denning, refuge from human disturbance, and movements along the coast to access maternal den and optimal feeding habitat, which includes all barrier islands along the Alaska coast and their associated spits, within the range of the polar bear in the United States, and the water, ice, and terrestrial habitat within 1.6 km (1 mi) of these islands (no-disturbance zone).

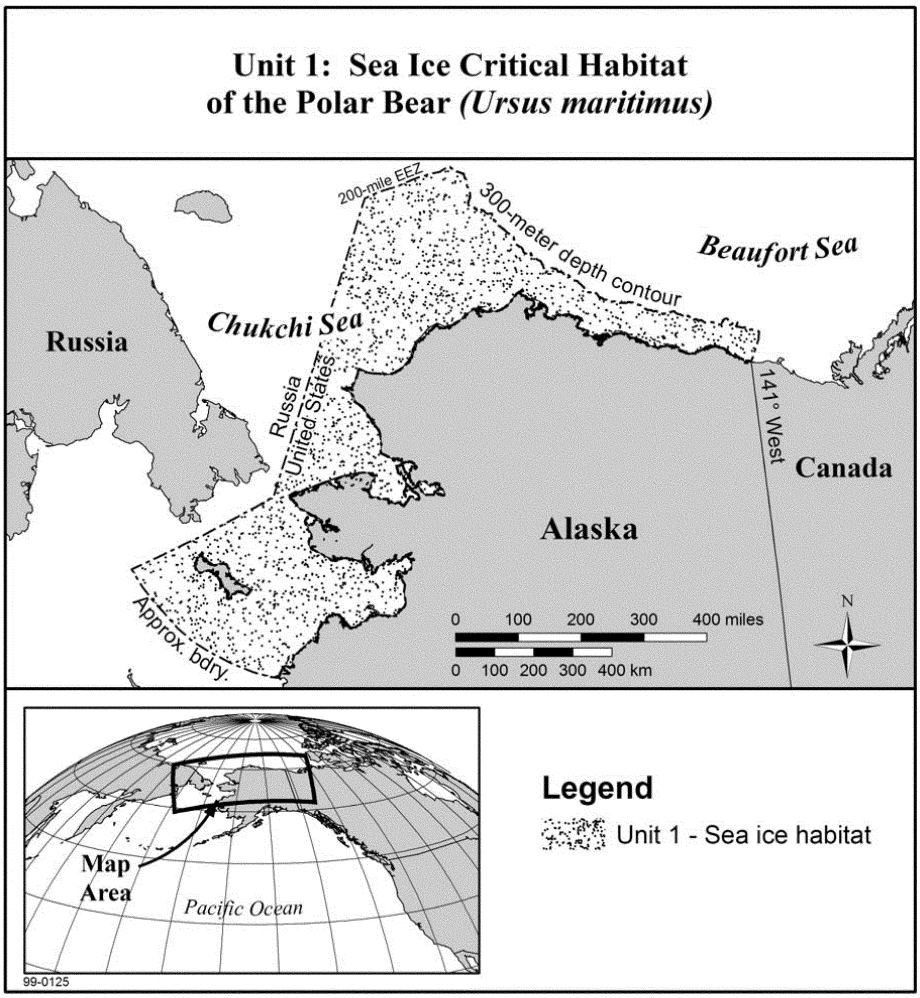
(3) Critical habitat does not include manmade structures (e.g., houses, gravel roads, generator plants, sewage treatment plants, hotels, docks, seawalls, pipelines) and the land on which they are located existing within the boundaries of designated critical habitat on the effective date of this rule.

(4) *Critical habitat map units.* Boundaries were derived from GIS data layers of the 1:63,360 scale digital coastline of the State of Alaska, created by the Alaska Department of Natural Resources from U.S. Geological Survey inch-to-the-mile topographic quadrangles. The International Bathymetric Chart of the Arctic Ocean, version 2.3, was used for the bathymetric data. The maritime boundaries to generate the 3-mile nautical line, U.S. territorial boundary, and Exclusive Economic Zone were from the National Oceanic and Atmospheric Administration's Office of Coast Survey Web site. The land status and ownership information at the section level scale was from the Alaska Department of Natural Resources, and was obtained from the Alaska State Office of the Bureau of Land Management. The detailed parcel-level land status was created by the U.S. Fish and Wildlife Service, Division of the Realty, by digitizing U.S. Bureau of Land Management Master Title Plots. The detailed denning habitat maps and the internal boundaries for the terrestrial denning habitat were provided by the U.S. Geological Survey, Alaska Science Center. The data were projected into Alaska Standard Albers Conical Equal Area using the North American Datum of 1983 to estimate the area of each critical habitat unit and determine overlap with land and water ownership.

(5) Unit 1: Sea-ice habitat.

(i) The critical sea-ice habitat area includes all the contiguous waters from the mean high tide line of the mainland coast of Alaska to the 300-m (984.2-ft) bathymetry contour. The critical sea-ice habitat is bounded on the east by the United States-Canada border (69.64892° N, 141.00533° W) and extends along the coastline to a point southwest of Hooper Bay (61.52859° N, 166.15476° W) on the western coast of Alaska. The eastern boundary extends offshore approximately 85 km (136 mi) from the coast (70.41526° N, 141.0076° W) at the United States-Canada border and then follows the 300-m (984.2-ft) bathymetry contour northwest until it intersects with the U.S. 200-nautical-mile EEZ (74.01403° N, 163.52341° W). The boundary then follows the EEZ boundary southwest to the intersection with the United States-Russian boundary (72.78333° N, 168.97694° W). From this point, the boundary follows the United States-Russia boundary south and southwest to the intersection with the southern boundary of the Chukchi-Bering Seas population southwest of Gambell, St Lawrence Island (62.55482° N, 173.68023° W). From this point, the boundary extends southeast to the coast of Alaska (61.52859° N, 166.15476° W).

(ii) The map of Unit 1, sea-ice habitat, follows:



(6) Unit 2: Terrestrial denning habitat.

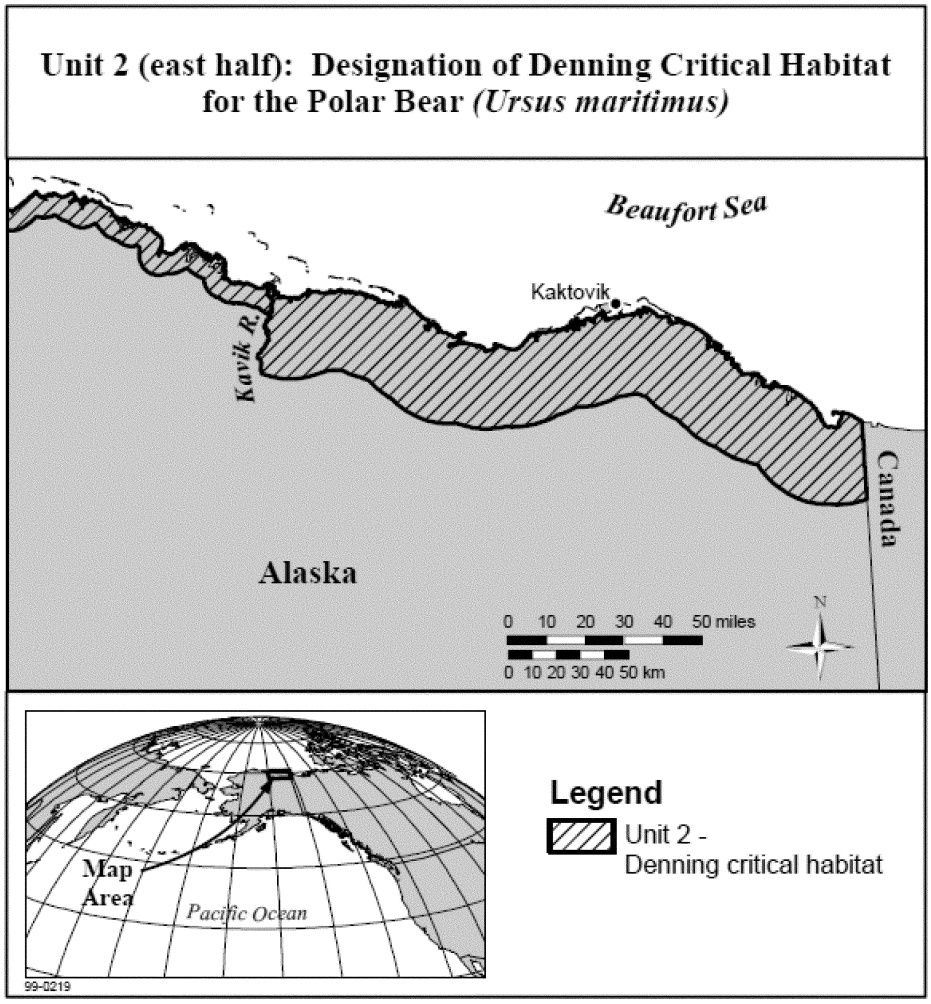
(i) The critical terrestrial denning habitat area extends from the mainland coast of Alaska 32 kilometers (20 mi) landward (primarily south) from the United States-Canada border to the Kavik River to the west. From the Kavik River to Barrow, the critical terrestrial denning habitat extends landward 8 kilometers (5 mi) south from the mainland coast of Alaska.

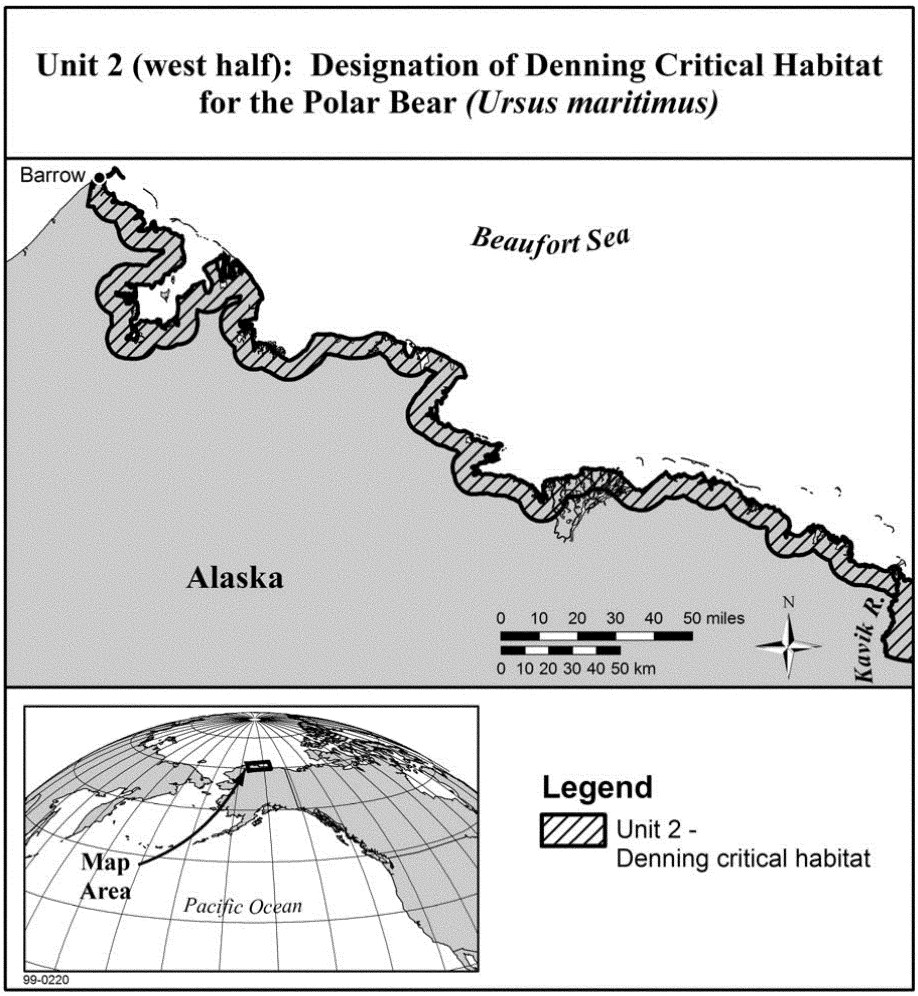
(ii) The village district of Barrow is excluded from the critical terrestrial denning habitat area. The excluded area is delineated as follows: Beginning at the southeast corner of the northeast ¼ of Section 29, Unsurveyed T22N, R18W, Umiat Meridian, Alaska; thence North to the southeast corner of the northeast ¼ of Section 17, Unsurveyed T22N, R18W; thence East to the southeast corner of the northeast ¼ of Section 16, Unsurveyed T22N, R18W, Umiat Meridian, Alaska; thence North to the northeast corner of Section 16, Unsurveyed T22N, R18W; thence East to the southeast corner of southwest ¼ of Section 10, Unsurveyed T22N, R18W; thence North to the northwest corner of the southwest ¼ of northeast ¼ of Section 34, Unsurveyed T23N, R18W; thence East to the southeast corner of the northeast ¼ of the northeast ¼ of Section 34, Unsurveyed T23N, R18W; thence North to the point where the section line common to Sections 14 and 15, Unsurveyed

T23N, R18W; intersects the mean low water line of the Chukchi Sea; thence in a southwesterly direction along the mean low water line of the Chukchi Sea to the point where the mean low water line of the Chukchi Sea intersects the east-west center line of Section 27, Unsurveyed T22N, R19W; thence East to the point of beginning, containing 21 square miles, more or less. You can view legal descriptions and detailed, colored maps of the exclusions in this final rule at *http://alaska.fws.gov/fisheries/mmm/polarbear/criticalhabitat.htm*.

(iii) The village district of Kaktovik is excluded from the critical terrestrial denning habitat area. The excluded area is delineated as follows: From the P.O.B. (which is also the point of beginning for the U.S. Survey No. 4234) at approximately 2,828 feet distant on a bearing of N 01° 40′ E from Tri. Sta. U. S. C. and G. S. ''Barter Astro''; the boundary thence shall run West for approximately 325′; thence South approximately 600′; thence West approximately 500′; thence South approximately 100′; thence West approximately 4,000′; thence South approximately 3,550′; thence East approximately 4,000′; thence in a northeasterly direction approximately 3,225′ to a point on the mean high water line of the Kaktovik Lagoon which is approximately 2,478′ distant on a bearing S 78 53′ E from Tri. Sta. U. S. C. and G. S. ''Barter Astro''; thence northerly along the meandering mean high water line of the Kaktovik Lagoon, around Pipsuk Point, and westerly continuing on the meandering mean high water line to a point on the mean high water line of the Kaktovik Lagoon which is approximately 477′ distant on a bearing of N 88 58′ E from another point which is approximately 1,503′ distant on a bearing of N 01 24′ W from the point of beginning; thence approximately 477′ in a westerly direction, a bearing of S 88; 58′ W; thence approximately 1,503′ in a southerly direction on a bearing of S 01 24′ E to the point of beginning, containing one square mile, more or less. You can view legal descriptions and detailed, colored maps of the exclusions in this final rule at *http://alaska.fws.gov/fisheries/mmm/polarbear/criticalhabitat.htm*.

(iv) The maps of Unit 2 (east and west), terrestrial denning habitat, follow:

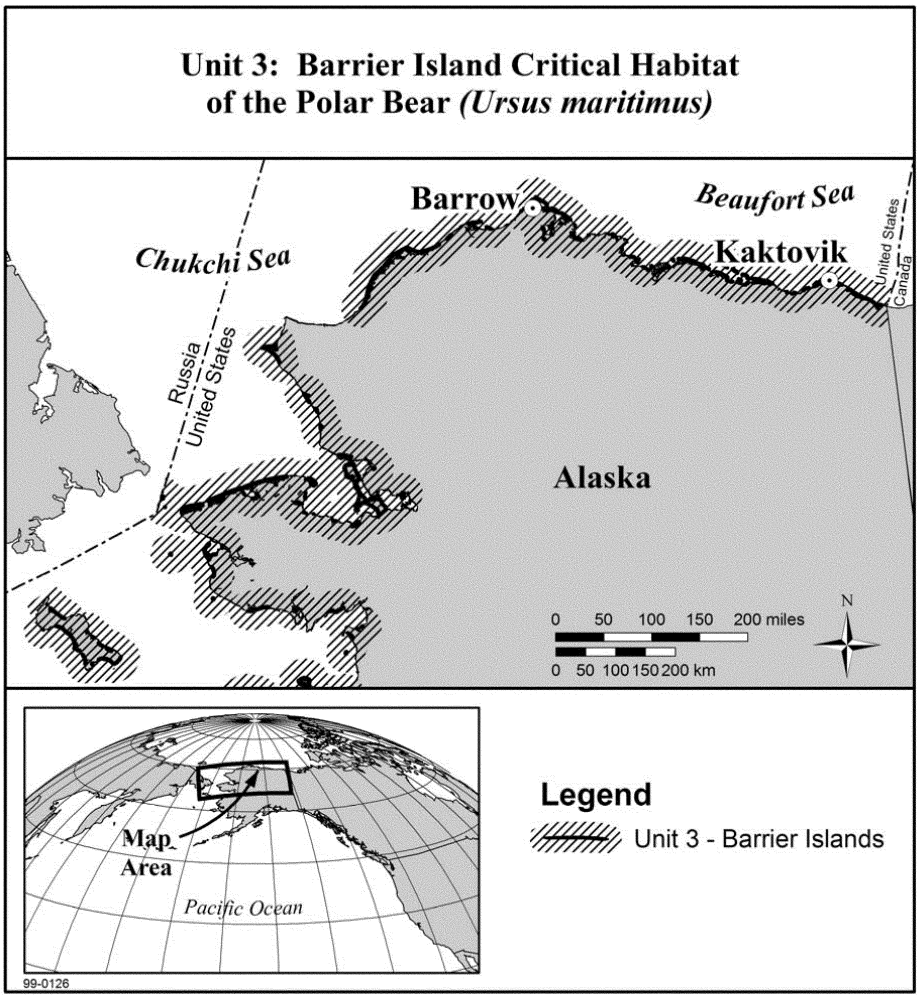

Unit 2 (east half): Designation of Denning Critical Habitat for the Polar Bear (Ursus maritimus)
Beaufort Sea
Kaktovik
Kavik R.
Canada
Alaska
0 10 20 30 40 50 miles
0 10 20 30 40 50 km
N
Map Area
Pacific Ocean
99-0219
Legend
Unit 2 - Denning critical habitat



(7) Unit 3: Barrier island habitat.

(i) The critical barrier island habitat includes off-shore islands offset from the mainland coast of Alaska starting at the United States-Canada border westward to Barrow, southwest to Cape Lisburne, south to Point Hope, southwest to Wales, southeast to Nome, and ending at Hooper Bay, AK, and water, sea ice, and land habitat within 1.6 kilometers (1 mile) of the barrier islands (no-disturbance zone).

(ii) The map of Unit 3, barrier island habitat, follows:



WOODLAND CARIBOU (*Rangifer tarandus caribou*) SOUTHERN SELKIRK MOUNTAINS POPULATION

(1) A critical habitat unit is depicted for Boundary County, Idaho, and Pend Oreille County, Washington, on the map below.

(2) Within this area, the primary constituent elements of the physical and biological features essential to the conservation of the southern Selkirk Mountains population of woodland caribou consist of five components:

(i) Mature to old-growth western hemlock (*Tsuga heterophylla*)/western red cedar (*Thuja plicata*) climax forest, and subalpine fir (*Abies lasiocarpa*)/Engelmann spruce (*Picea engelmanni*) climax forest at least 5,000 ft (1,520 m) in elevation; these habitats typically have 26–50 percent or greater canopy closure.

(ii) Ridge tops and high elevation basins that are generally 6,000 ft (1,830 m) in elevation or higher, associated with mature to old stands of subalpine fir (*Abies lasiocarpa*)/Engelmann spruce (*Picea engelmanni*) climax forest, with relatively open canopy.

(iii) Presence of arboreal hair lichens.

(iv) High-elevation benches and shallow slopes, secondary stream bottoms, riparian areas, and seeps, and subalpine meadows with succulent forbs and grasses, flowering plants, horsetails, willow, huckleberry,

dwarf birch, sedges and lichens. The southern Selkirk Mountains population of woodland caribou, including pregnant females, uses these areas for feeding during the spring and summer seasons.

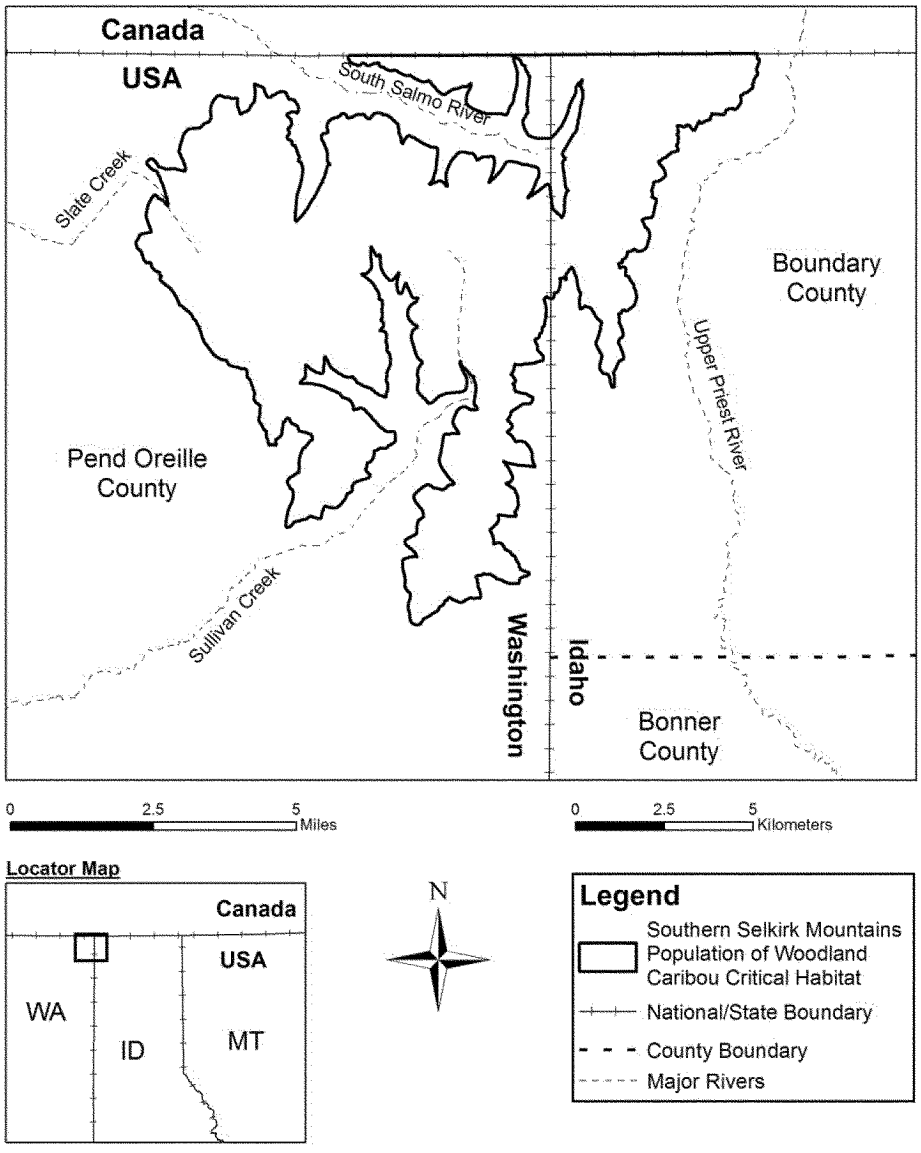
(v) Corridors/Transition zones that connect the habitats described above. If human activities occur, they are such that they do not impair the ability of caribou to use these areas.

(3) Critical habitat does not include manmade structures (such as buildings, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on December 28, 2012.

(4) *Critical habitat map unit.* Data layers defining the map unit were created using a 5,000-ft (1,520-m) elevation layer derived from 30m USGS DEM plus migration-corridor polygons, and units were then mapped using Universal Transverse Mercator (UTM) Zone 11N coordinates. The map in this entry establishes the boundaries of the critical habitat designation. The coordinates or plot points or both on which the map is based are available to the public at the field office Internet site (*http://www.fws.gov/idaho*), at *http://www.regulations.gov* at Docket No. FWS–R1–ES–2011–0096, and at the Service's Idaho Fish and Wildlife Office. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) *Note:* Unit 1: Boundary County, Idaho, and Pend Oreille County, Washington. The map of the critical habitat unit follows:

Critical Habitat for *Rangifer tarandus caribou*
(Southern Selkirk Mountains Population of Woodland Caribou)



SAN MIGUEL ISLAND FOX (*Urocyon littoralis littoralis*)

We have determined that no areas meet the definition of critical habitat under section 3(5)(A) of the Act for San Miguel Island fox. Therefore, no specific areas are designated as critical habitat for this subspecies.

SANTA CATALINA ISLAND FOX (*Urocyon littoralis catalinae*)

We have determined that no areas meet the definition of critical habitat under section 3(5)(A) of the Act for Santa Catalina Island fox. Therefore, no specific areas are designated as critical habitat for this subspecies.

SANTA CRUZ ISLAND FOX (*Urocyon littoralis santacruzae*)

We have determined that no areas meet the definition of critical habitat under section 3(5)(A) of the Act for Santa Cruz Island fox. Therefore, no specific areas are designated as critical habitat for this subspecies.

SANTA ROSA ISLAND FOX (*Urocyon littoralis santarosae*)

We have determined that no areas meet the definition of critical habitat under section 3(5)(A) of the Act for Santa Rosa Island fox. Therefore, no specific areas are designated as critical habitat for this subspecies.

JAGUAR (*Panthera onca*)

(1) Critical habitat units are depicted for Pima, Santa Cruz, and Cochise Counties, Arizona, and Hidalgo County, New Mexico, on the maps below.

(2) Within these areas, the primary constituent elements of the physical or biological feature essential to the conservation of jaguar consists of expansive open spaces in the southwestern United States of at least 100 km^2 (32 to 38.6 mi^2) in size which:

(i) Provide connectivity to Mexico;

(ii) Contain adequate levels of native prey species, including deer and javelina, as well as medium-sized prey such as coatis, skunks, raccoons, or jackrabbits;

(iii) Include surface water sources available within 20 km (12.4 mi) of each other;

(iv) Contain greater than 1 to 50 percent canopy cover within Madrean evergreen woodland, generally recognized by a mixture of oak (*Quercus* spp.), juniper (*Juniperus* spp.), and pine (*Pinus* spp.) trees on the landscape, or semidesert grassland vegetation communities, usually characterized by *Pleuraphis mutica* (tobosagrass) or *Bouteloua eriopoda* (black grama) along with other grasses;

(v) Are characterized by intermediately, moderately, or highly rugged terrain;

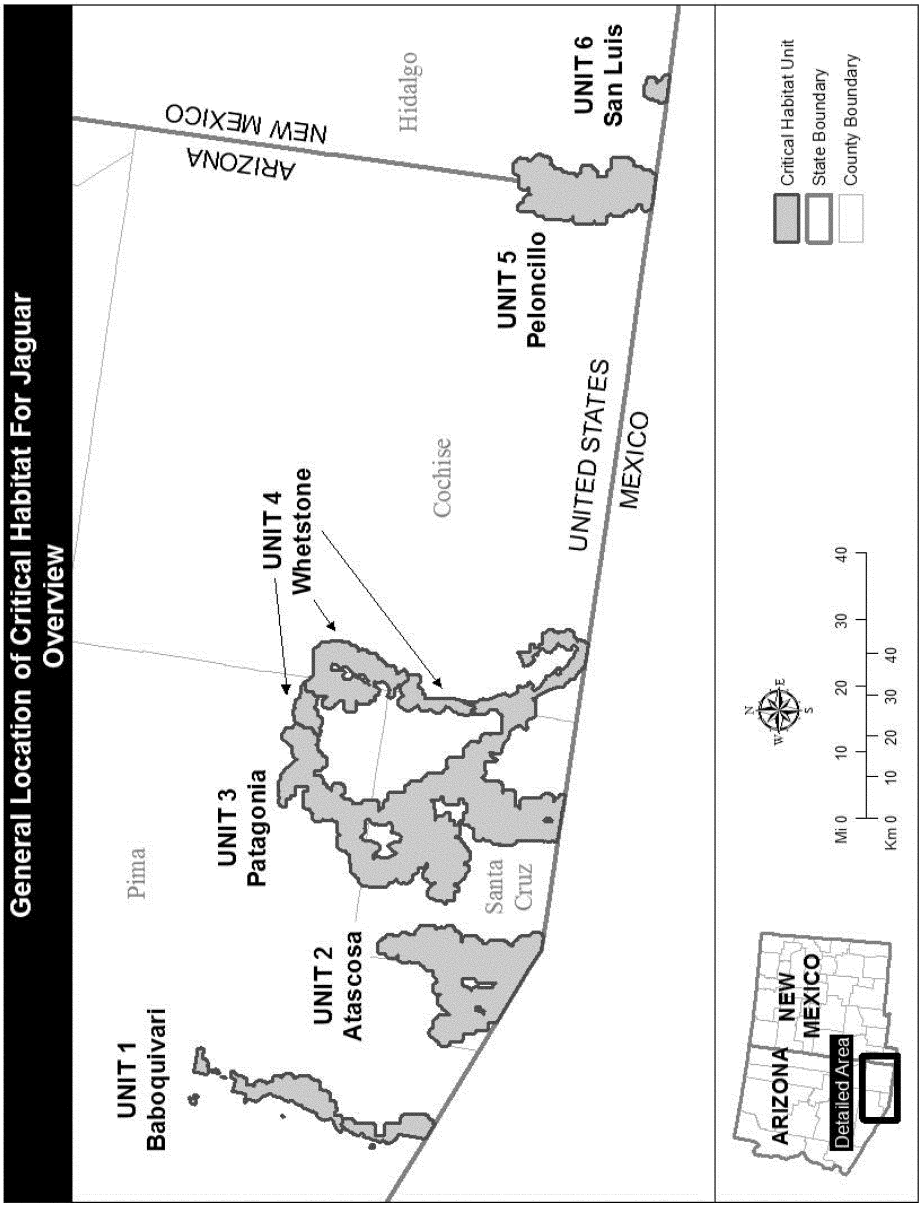
(vi) Are below 2,000 m (6,562 feet) in elevation; and

(vii) Are characterized by minimal to no human population density, no major roads, or no stable nighttime lighting over any 1-km^2 (0.4-mi^2) area.

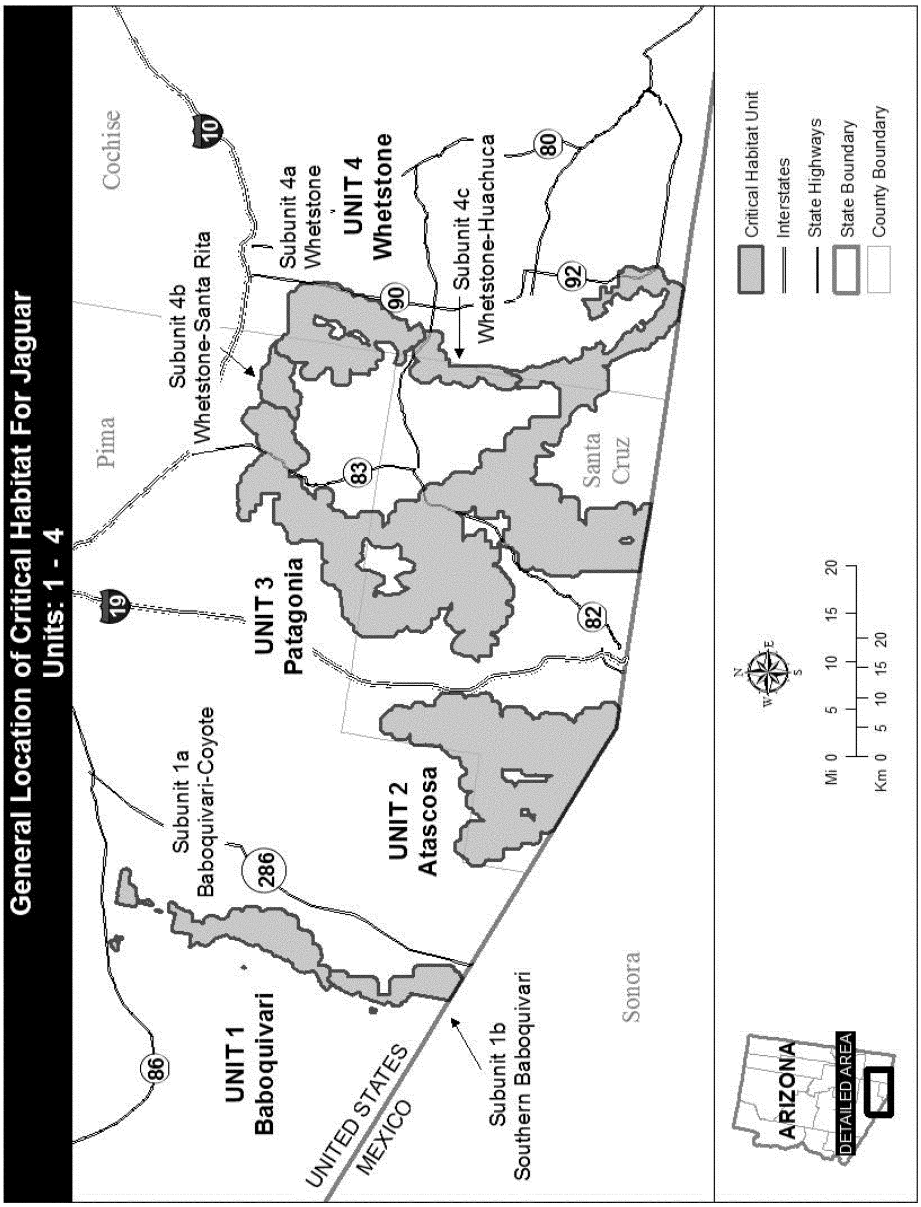
(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on April 4, 2014.

(4) *Critical habitat map units.* Data layers defining map units were created using hydrography data, vegetation biomes, tree cover, terrain ruggedness, elevation, Human Influence Index, and undisputed Class I jaguar records from 1962 to September 11, 2013, and were then mapped using Universal Transverse Mercator (UTM) coordinates.

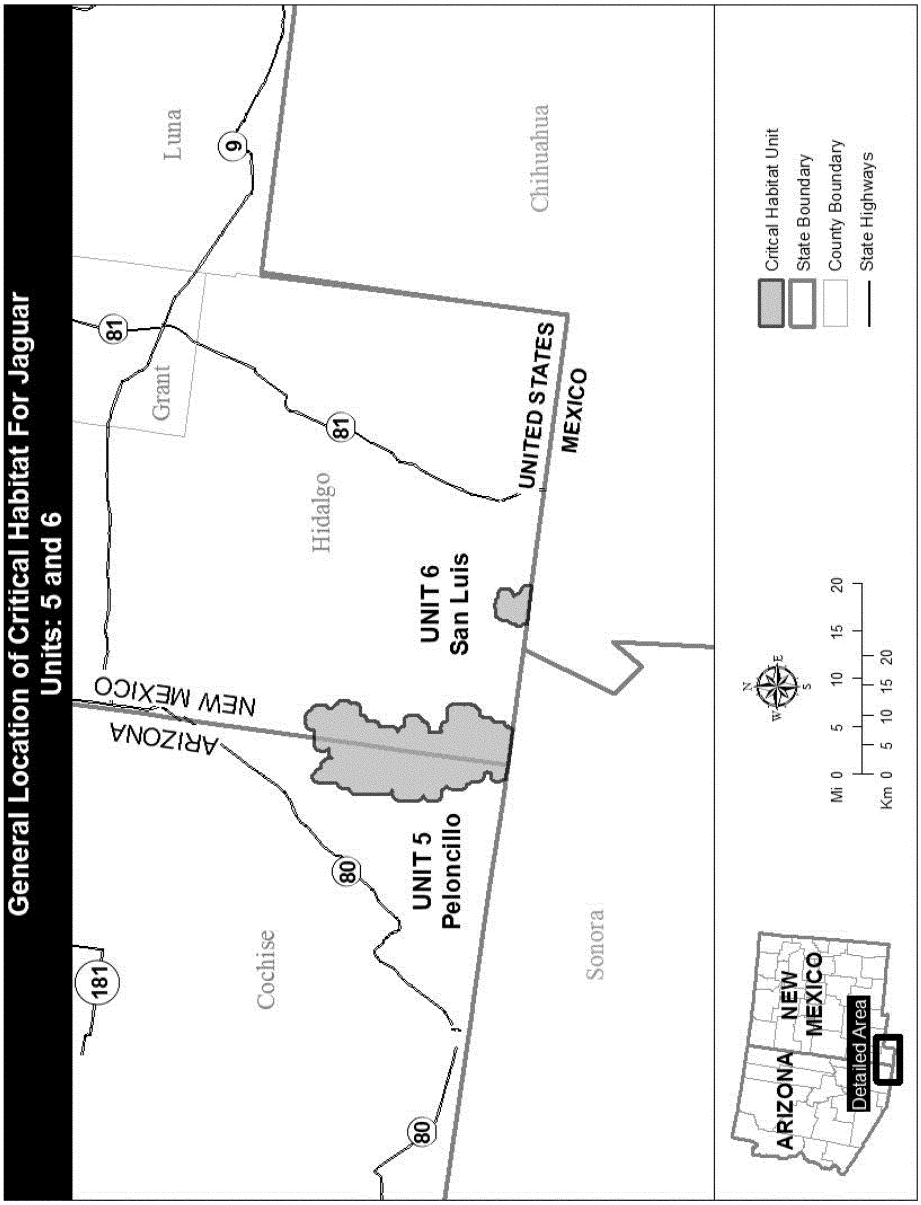
(5) Note: Index map follows:



(6) Units 1, 2, 3, and 4: Baboquivari, Atascosa, Patagonia, and Whetstone Units, Pima, Santa Cruz, and Cochise Counties, Arizona. Map of Units 1, 2, 3, and 4 follows:



(7) Units 5 and 6: Peloncillo and San Luis Units, Cochise County, Arizona, and Hidalgo County, New Mexico. Map of Units 5 and 6 follows:



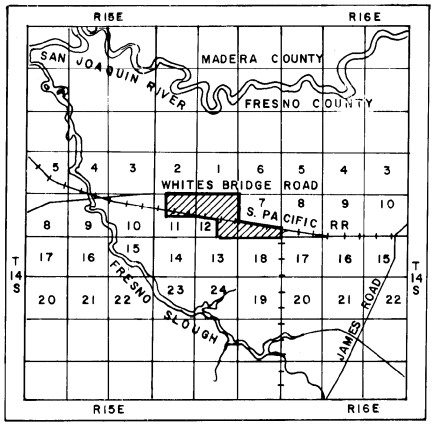
FRESNO KANGAROO RAT (*Dipodomys nitratoides exilis*)

California. An area of land, water, and airspace in Fresno County, with the following components (Mt. Diablo Base Meridian): T14S R15E, E½ NW¼ and NE¼ Sec. 11, that part of W½ Sec. 12 north of the Southern Pacific Railroad, E½ Sec. 12; T14S R16E, that part of Sec. 7 south of the Southern Pacific Railroad.

Within this area, the major constituent elements that are known to require special management considerations or protection

are the hummocks and substrate that provide sites for burrow construction, and the natural alkali sink-open grassland vegetation that provides food and escape cover.

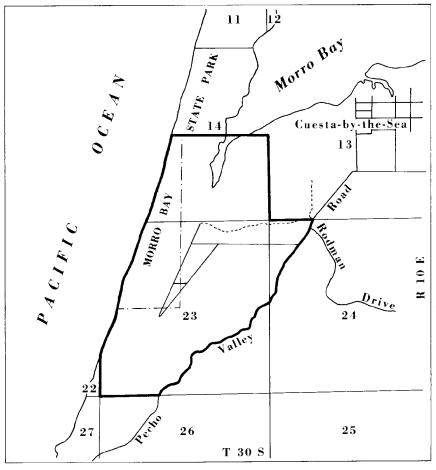
NOTE: Map follows:



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.

NOTE: Map follows:



SAN BERNARDINO KANGAROO RAT (*Dipodomys merriami parvus*)

(1) Critical habitat units are depicted for San Bernardino and Riverside Counties, California, on the maps below.

(2) The PCEs of critical habitat for the San Bernardino kangaroo rat are the habitat components that provide:

(i) Alluvial fans, washes, and associated floodplain areas containing soils consisting predominately of sand, loamy sand, sandy loam, and loam, which provide burrowing habitat necessary for sheltering and rearing offspring, storing food in surface caches, and movement between occupied patches;

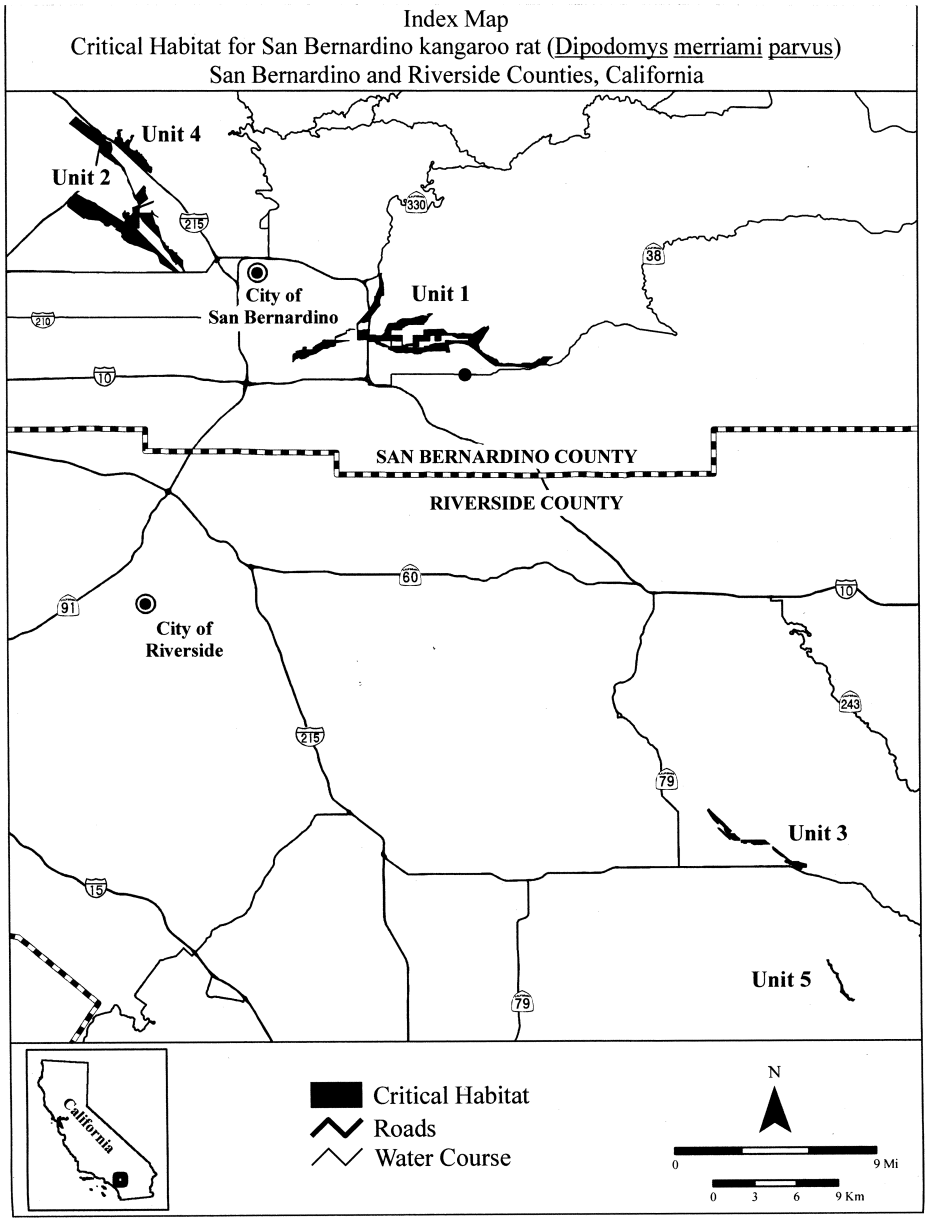
(ii) Upland areas adjacent to alluvial fans, washes, and associated floodplain areas containing alluvial sage scrub habitat and associated vegetation, such as coastal sage scrub and chamise chaparral, with up to approximately 50 percent canopy cover providing protection from predators, while leaving bare ground and open areas necessary for foraging and movement of this subspecies; and

(iii) Upland areas adjacent to alluvial fans, washes, and associated floodplain areas, which may include marginal habitat such as alluvial sage scrub with greater than 50 percent canopy cover with patches of suitable soils that support individuals for re-population of wash areas following flood events. These areas may include agricultural lands, areas of inactive aggregate mining activities, and urban/wildland interfaces.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, airports, roads, other paved areas, and the land on which such structures are located) existing on the effective date of this rule and not containing one or more of the PCEs.

(4) Data layers defining map units were created on a base of NAIP (USDA) 1:24,000 maps, and critical habitat units were then mapped using Universal Transverse Mercator (UTM) coordinates.

(5) Note: Index map of critical habitat units for the San Bernardino kangaroo rat follows:



(6) Unit 1: Santa Ana River Wash, San Bernardino County, California. From USGS 1:24,000 quadrangles San Bernardino North and Devore.

(i) Land bounded by the following Universal Transverse Mercator (UTM) North American Datum of 1983 (NAD83) coordinates (E, N): 482433, 3777208; 482510, 3777208; 482472, 3777140; 482478, 3776911; 482612, 3776482; 482627, 3776397; 482637, 3775622; 482488, 3775622; 482355, 3775366; 482348, 3775149; 482364, 3774946; 482386, 3774912; 482150, 3774673; 482081, 3774571; 481748,

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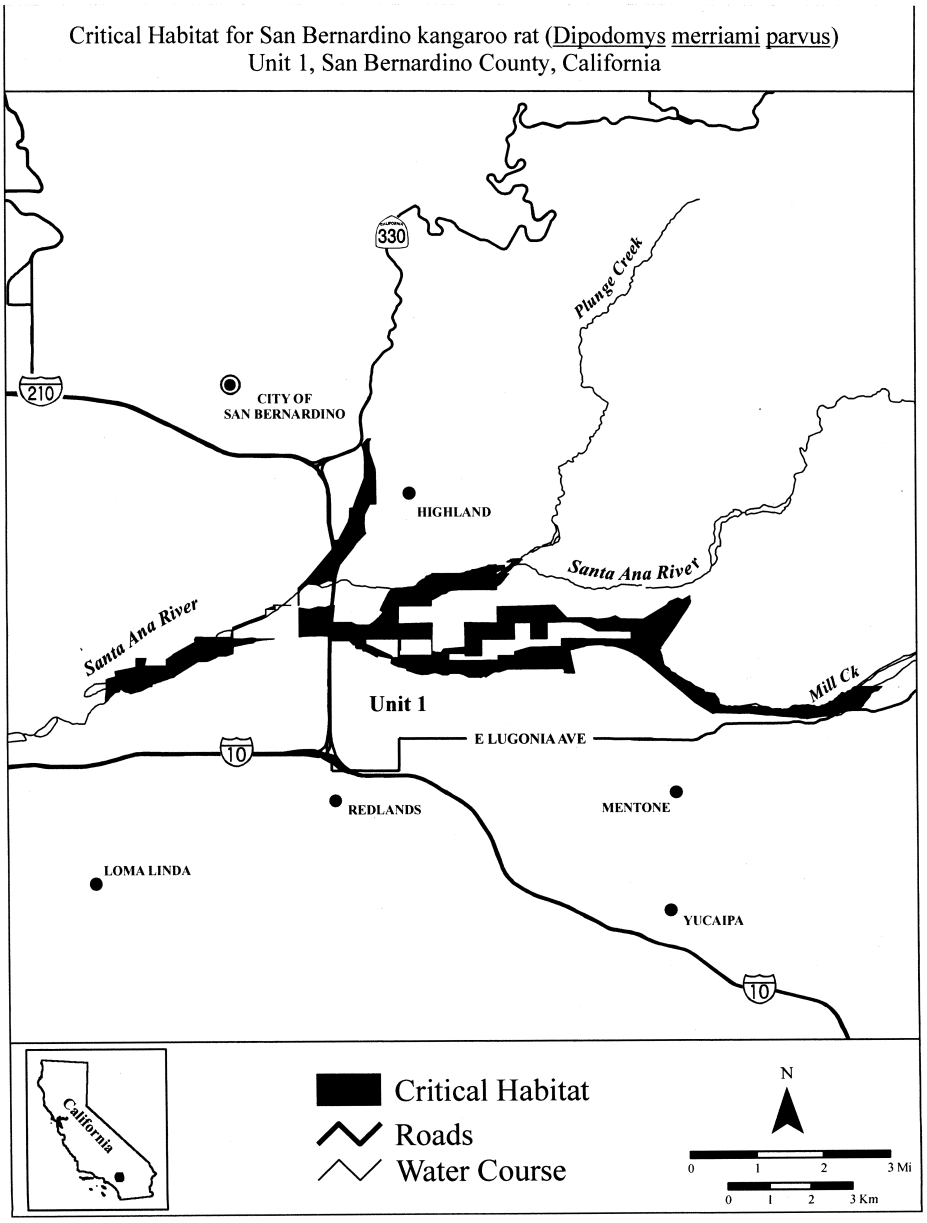
(ii) Note: Map of Unit 1—Santa Ana River Wash follows:



(7) Unit 2: Lytle/Cajon Creek Wash, San Bernardino County, California. From USGS 1:24,000 quadrangles San Bernardino South, Redlands, Yucaipa, and Harrison Mountain.

(i) Land bounded by the following Universal Transverse Mercator (UTM) North American Datum of 1983 (NAD83) coordinates (E, N): 459952, 3788034; 460404, 3788506; 460540, 3788401; 460651, 3788312; 460753, 3788234; 460844, 3788166; 461055, 3788012; 461159, 3787940; 461251, 3787876; 461287, 3787860; 461340, 3787819; 461597, 3787644; 461773, 3787530; 461793, 3787541; 461822,

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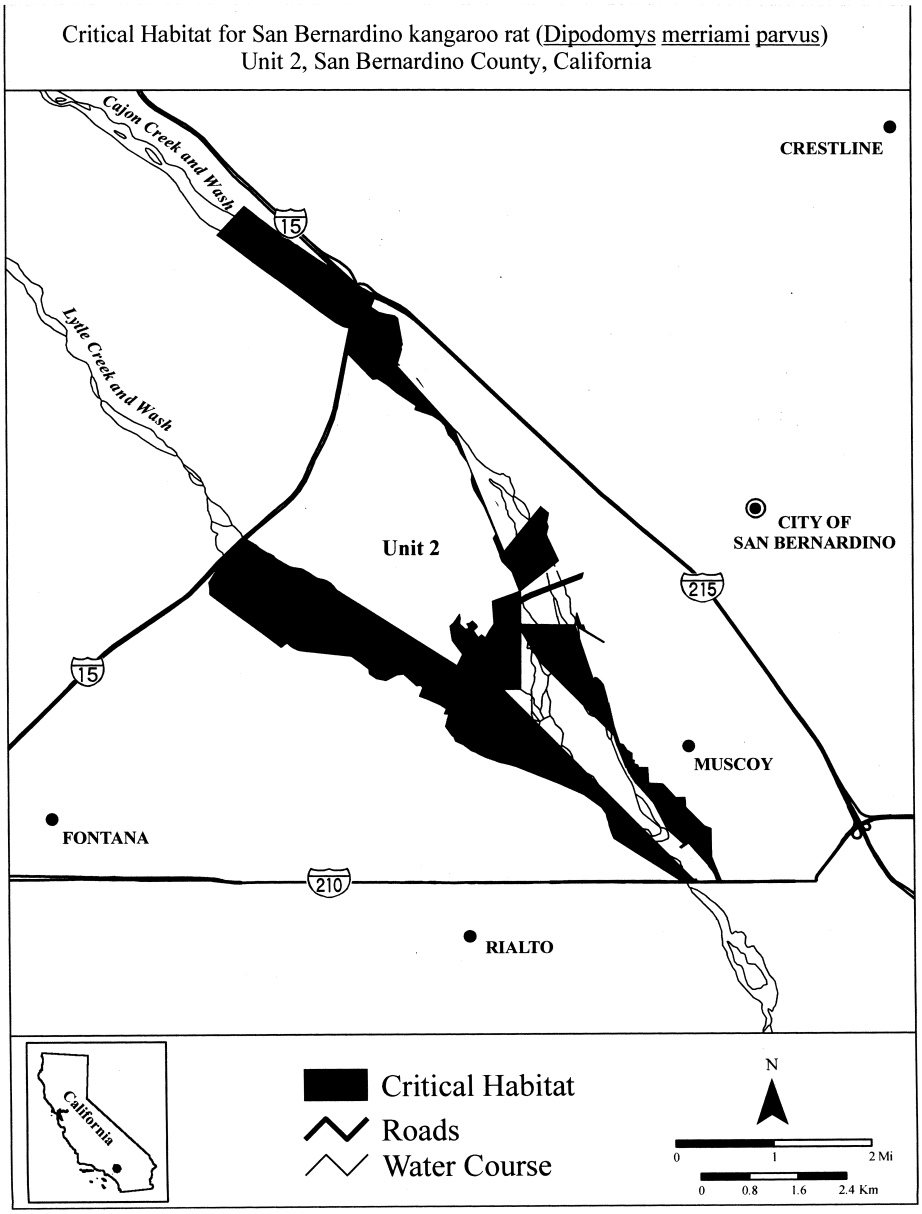
(ii) Note: Map of Unit 2—Lytle/Cajon Creek Wash follows:



(8) Unit 3: San Jacinto River Wash, Riverside County, California. From USGS 1:24,000 quadrangles San Jacinto, Lake Fulmor, and Blackburn Canyon.

(i) Land bounded by the following Universal Transverse Mercator (UTM) North American Datum of 1983 (NAD83) coordinates (E, N): 506626, 3737807; 506919, 3737520; 507441, 3737006; 507652, 3736797; 507652, 3736797; 507542, 3736682; 507439, 3736575; 507466, 3736575; 507466, 3736575; 507680, 3736576; 507877, 3736577; 507877, 3736577; 507915, 3736540; 507921, 3736534; 507968,

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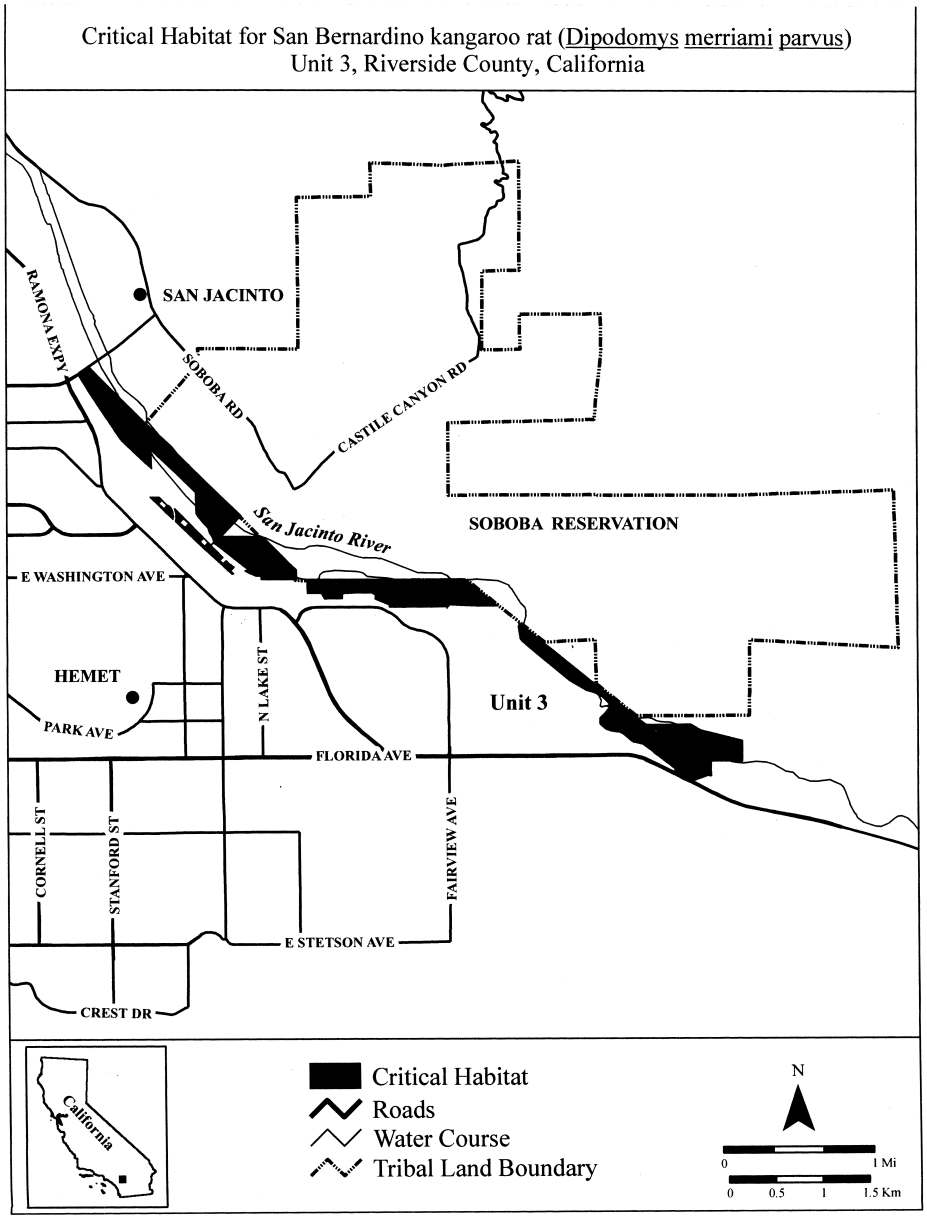
(ii) Note: Map of Unit 3—San Jacinto River Wash follows:

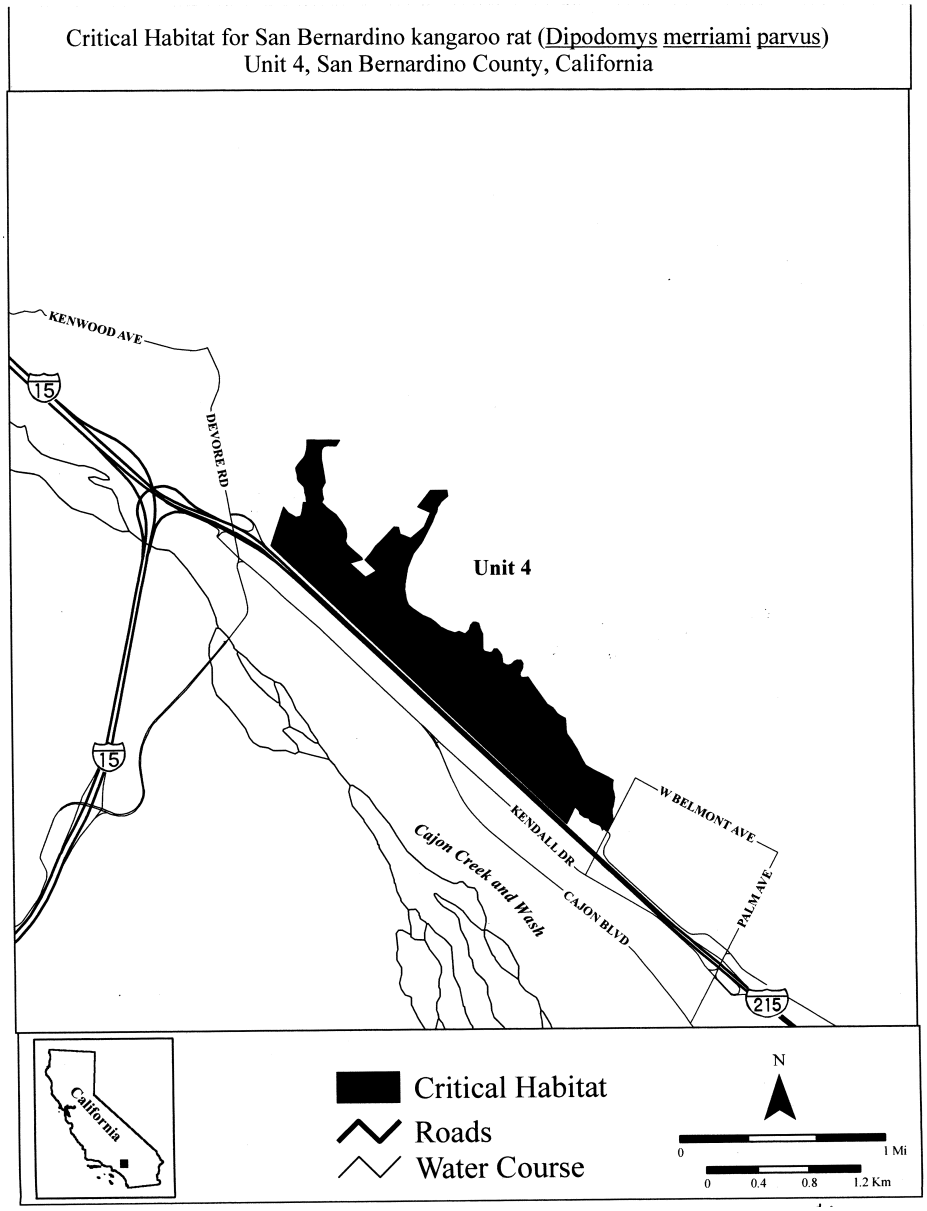


(9) Unit 4: Cable Creek Wash, San Bernardino County, California. From USGS 1:24,000 quadrangles San Bernardino South, Redlands, Yucaipa, and Harrison Mountain.

(i) Land bounded by the following Universal Transverse Mercator (UTM) North American Datum of 1983 (NAD83) coordinates (E, N): 463488, 3787583; 463744, 3787580; 463715, 3787533; 463646, 3787536; 463616, 3787529; 463602, 3787504; 463599, 3787437; 463618, 3787313; 463628, 3787249; 463609, 3787215; 463602, 3787194; 463603, 3787154; 463614, 3787118; 463603, 3787103; 463595,

3787091; 463627, 3787057; 463664, 3787028; 463708, 3786998; 463756, 3786932; 463786, 3786880; 463793, 3786839; 463794, 3786821; 463784, 3786780; 463795, 3786754; 463860, 3786697; 463911, 3786653; 463917, 3786638; 463815, 3786610; 463941, 3786497; 464028, 3786547; 463939, 3786634; 463978, 3786682; 464026, 3786745; 464072, 3786789; 464168, 3786891; 464206, 3786889; 464218, 3786834; 464300, 3786801; 464408, 3786892; 464461, 3787007; 464358, 3787052; 464461, 3787180; 464486, 3787180; 464593, 3787180; 464597, 3787136; 464564, 3787107; 464544, 3787091; 464532, 3787068; 464516, 3787050; 464511, 3787015; 464492, 3786982; 464476, 3786941; 464451, 3786888; 464388, 3786769; 464323, 3786685; 464274, 3786567; 464254, 3786446; 464249, 3786395; 464263, 3786319; 464278, 3786278; 464306, 3786248; 464392, 3786188; 464456, 3786161; 464489, 3786137; 464533, 3786098; 464591, 3786071; 464645, 3786052; 464679, 3786064; 464726, 3786044; 464761, 3786076; 464772, 3786114; 464791, 3786136; 464812, 3786136; 464835, 3786125; 464847, 3786083; 464865, 3786044; 464865, 3785996; 464865, 3785921; 464877, 3785905; 464905, 3785900; 464923, 3785893; 464941, 3785900; 464955, 3785924; 464979, 3785921; 465000, 3785896; 465015, 3785870; 465018, 3785842; 465022, 3785810; 465053, 3785793; 465073, 3785792; 465091, 3785801; 465114, 3785822; 465134, 3785833; 465164, 3785832; 465181, 3785804; 465177, 3785769; 465160, 3785735; 465155, 3785714; 465164, 3785694; 465194, 3785694; 465219, 3785697; 465252, 3785646; 465302, 3785573; 465367, 3785483; 465411, 3785453; 465445, 3785409; 465476, 3785388; 465510, 3785371; 465516, 3785275; 465519, 3785246; 465552, 3785201; 465604, 3785115; 465638, 3785047; 465664, 3784997; 465730, 3784959; 465843, 3784900; 465846, 3784898; 465883, 3784878; 465877, 3784853; 465876, 3784809; 465885, 3784777; 465891, 3784739; 465886, 3784704; 465879, 3784669; 465871, 3784651; 465871, 3784616; 465877, 3784572; 465826, 3784476; 465801, 3784496; 465792, 3784481; 465784, 3784509; 465769, 3784522; 465716, 3784545; 465697, 3784555; 465686, 3784577; 465653, 3784588; 465617, 3784614; 465614, 3784634; 465580, 3784669; 465512, 3784536; 464473, 3785523; 463196, 3786751; 463299, 3787054; 463331, 3787013; 463396, 3786974; 463433, 3786983; 463446, 3787022; 463455, 3787089; 463482, 3787091; 463479, 3787116; 463475, 3787141; 463467, 3787167; 463467, 3787190; 463459, 3787216; 463438, 3787238; 463417, 3787259; 463409, 3787278; 463409, 3787299; 463407, 3787321; 463399, 3787341; 463398, 3787362; 463412, 3787387; 463433, 3787415; 463454, 3787435; 463471, 3787466; 463486, 3787510; 463487, 3787543; thence returning to 463488, 3787583.

(ii) Note: Map of Unit 4—Cable Creek Wash follows:

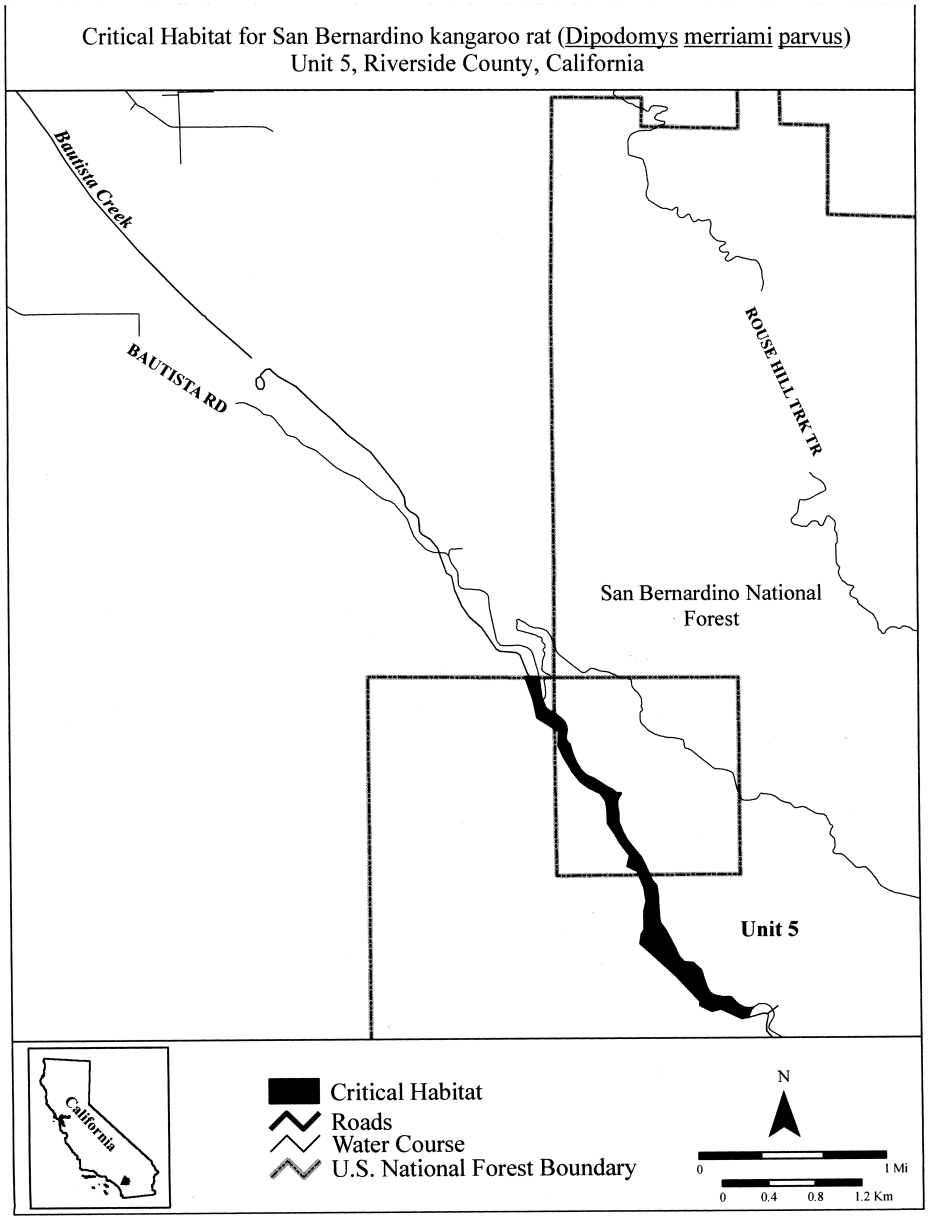


(10) Unit 5: Bautista Creek, Riverside County, California. From USGS 1:24,000 quadrangle Blackburn Canyon.

(i) Land bounded by the following Universal Transverse Mercator (UTM) North American Datum of 1983 (NAD83) coordinates (E, N): 514568, 3727407; 514575, 3727407; 514581, 3727407; 514588, 3727407; 514593, 3727407; 514594, 3727400; 514604, 3727317; 514613, 3727237; 514630, 3727172; 514641, 3727149; 514659, 3727133; 514687, 3727111; 514735, 3727089; 514787, 3727047; 514817, 3727014; 514834, 3726971; 514834, 3726938; 514828, 3726894; 514828, 3726867; 514838, 3726842; 514860, 3726822; 514876, 3726765; 514896, 3726705; 514920,

3726656; 514955, 3726596; 514978, 3726573; 515017, 3726548; 515065, 3726527; 515087, 3726515; 515119, 3726495; 515161, 3726465; 515184, 3726451; 515225, 3726430; 515263, 3726401; 515298, 3726401; 515301, 3726391; 515279, 3726357; 515267, 3726325; 515267, 3726280; 515279, 3726226; 515279, 3726190; 515279, 3726148; 515291, 3726115; 515316, 3726054; 515344, 3726000; 515395, 3725932; 515471, 3725841; 515510, 3725760; 515536, 3725696; 515565, 3725637; 515601, 3725594; 515615, 3725497; 515617, 3725406; 515624, 3725301; 515632, 3725267; 515676, 3725203; 515724, 3725116; 515794, 3724968; 515822, 3724940; 515842, 3724928; 515883, 3724925; 515912, 3724923; 515922, 3724914; 515953, 3724887; 515979, 3724862; 515991, 3724838; 516002, 3724788; 516020, 3724736; 516033, 3724701; 516052, 3724666; 516079, 3724648; 516103, 3724637; 516140, 3724630; 516170, 3724625; 516207, 3724628; 516237, 3724623; 516270, 3724587; 516307, 3724553; 516352, 3724530; 516391, 3724529; 516427, 3724532; 516437, 3724536; 516410, 3724511; 516385, 3724448; 516328, 3724429; 516147, 3724514; 516067, 3724496; 515959, 3724546; 515962, 3724584; 515750, 3724813; 515546, 3725000; 515448, 3725089; 515461, 3725175; 515486, 3725210; 515483, 3725372; 515505, 3725454; 515489, 3725572; 515432, 3725718; 515343, 3725759; 515366, 3725854; 515280, 3725966; 515238, 3726038; 515175, 3726130; 515172, 3726264; 515162, 3726324; 515112, 3726394; 515023, 3726438; 514940, 3726499; 514877, 3726578; 514800, 3726705; 514752, 3726802; 514756, 3726934; 514572, 3727048; 514537, 3727207; 514480, 3727369; 514463, 3727407; 514529, 3727407; thence returning to 514568, 3727407.

(ii) Note: Map of Unit 5—Bautista Creek follows:



CANADA LYNX *(Lynx canadensis)*

(1) Critical habitat units are depicted on the maps below for the following States and counties:

(i) Idaho: Boundary County;

(ii) Maine: Aroostook, Franklin, Penobscot, Piscataquis, and Somerset Counties;

(iii) Minnesota: Cook, Koochiching, Lake, and St. Louis Counties;

(iv) Montana: Carbon, Flathead, Gallatin, Glacier, Granite, Lake, Lewis and Clark,

Lincoln, Missoula, Park, Pondera, Powell, Stillwater, Sweetgrass, and Teton Counties;

(v) Washington: Chelan and Okanogan Counties; and

(vi) Wyoming: Fremont, Lincoln, Park, Sublette, and Teton Counties.

(2) Within these areas the primary constituent element for the Canada lynx is boreal forest landscapes supporting a mosaic of differing successional forest stages and containing:

(i) Presence of snowshoe hares and their preferred habitat conditions, which include dense understories of young trees, shrubs or overhanging boughs that protrude above the snow, and mature multistoried stands with conifer boughs touching the snow surface;

(ii) Winter conditions that provide and maintain deep fluffy snow for extended periods of time;

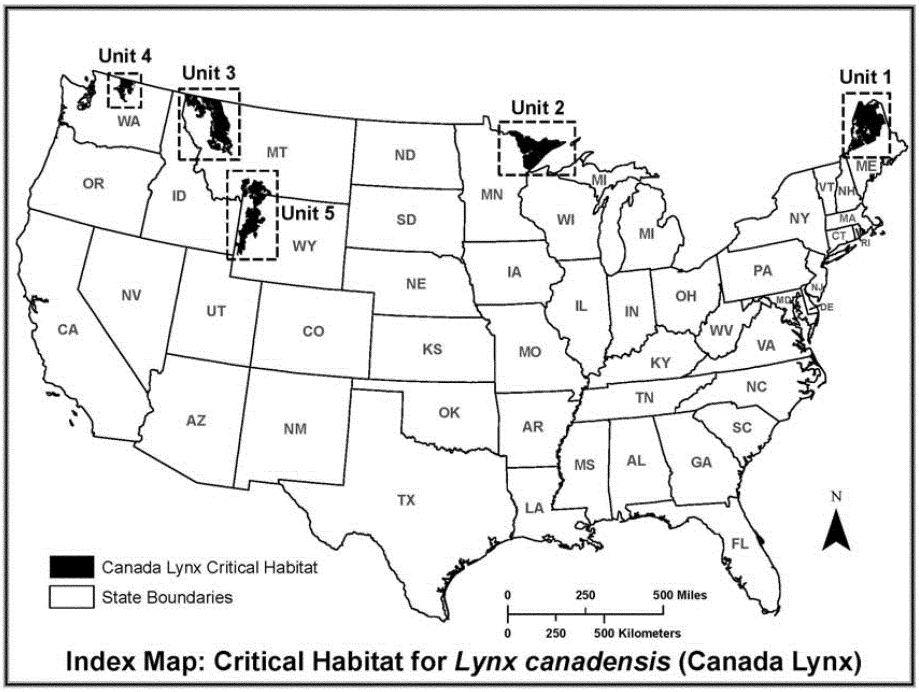
(iii) Sites for denning that have abundant coarse woody debris, such as downed trees and root wads; and

(iv) Matrix habitat (e.g., hardwood forest, dry forest, non-forest, or other habitat types that do not support snowshoe hares) that occurs between patches of boreal forest in close juxtaposition (at the scale of a lynx home range) such that lynx are likely to travel through such habitat while accessing patches of boreal forest within a home range.

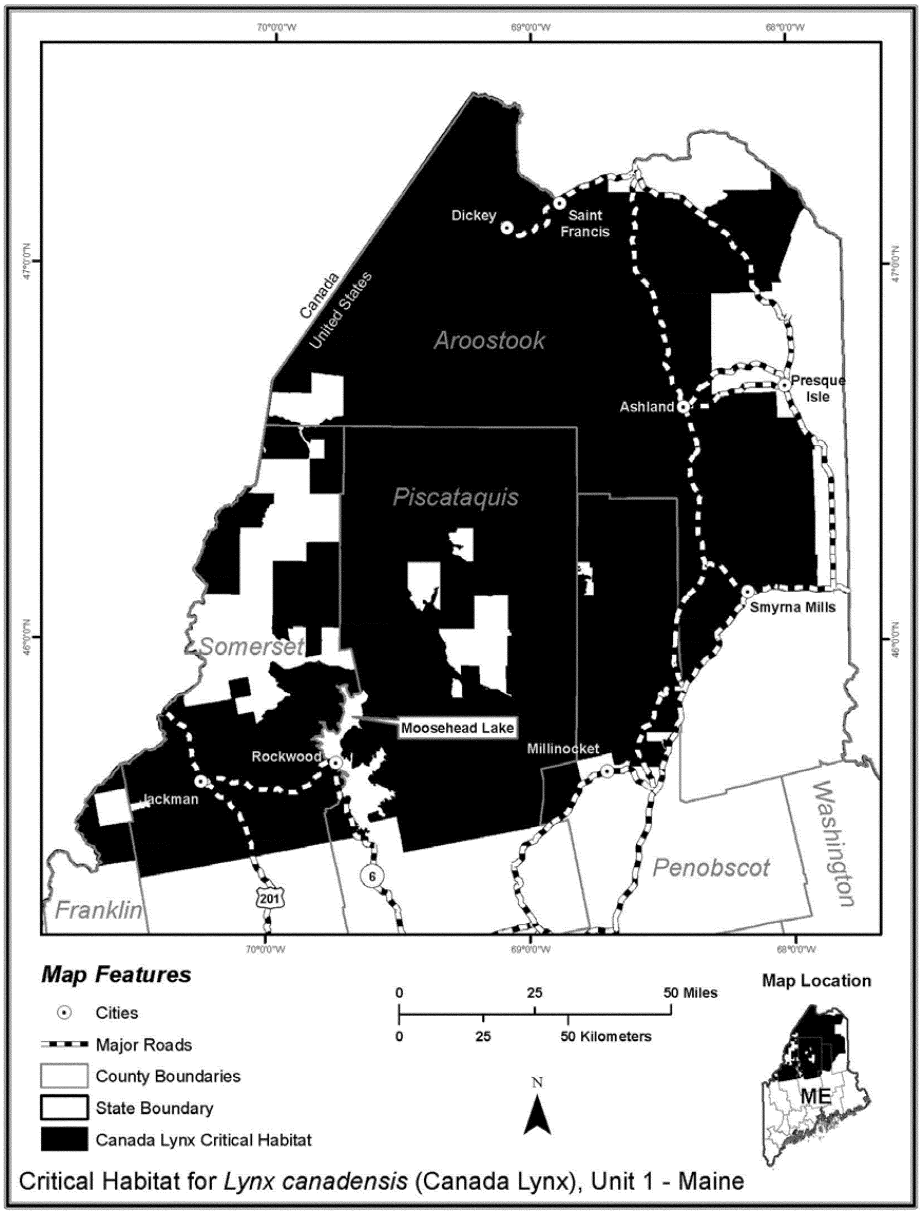
(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on October 14, 2014.

(4) *Critical habitat map units.* Data layers defining map units were created using a USA Contiguous Albers Equal Area Conic projection. The maps in this entry establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at the Service's internet site, *http://www.fws.gov/montanafieldoffice/*, at *http://www.regulations.gov* at Docket No. FWS–R6–ES–2013–0101, and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) *Note:* Index map follows:

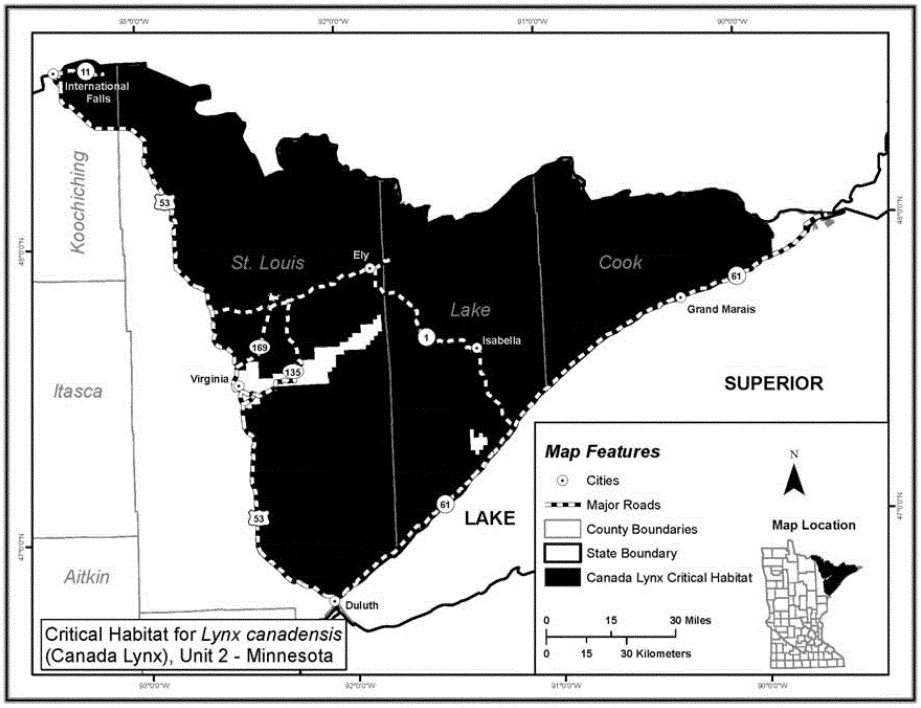


(6) Unit 1: Maine—Aroostook, Franklin, Penobscot, Piscataquis, and Somerset Counties, ME. Map of Unit 1, Maine, follows:



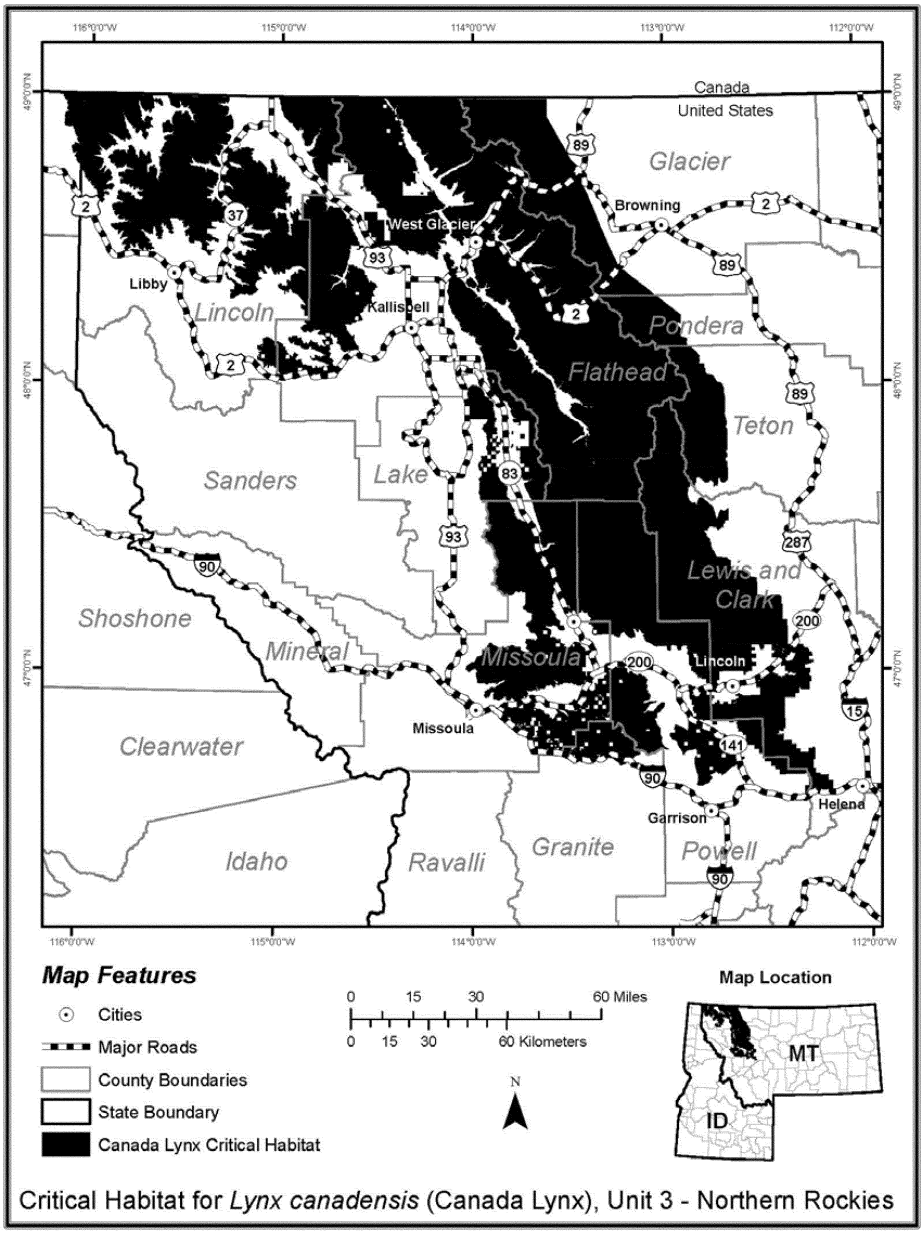
(7) Unit 2: Minnesota—Cook, Koochiching, Lake, and St. Louis Counties, MN.

Map of Unit 2, Minnesota, follows:

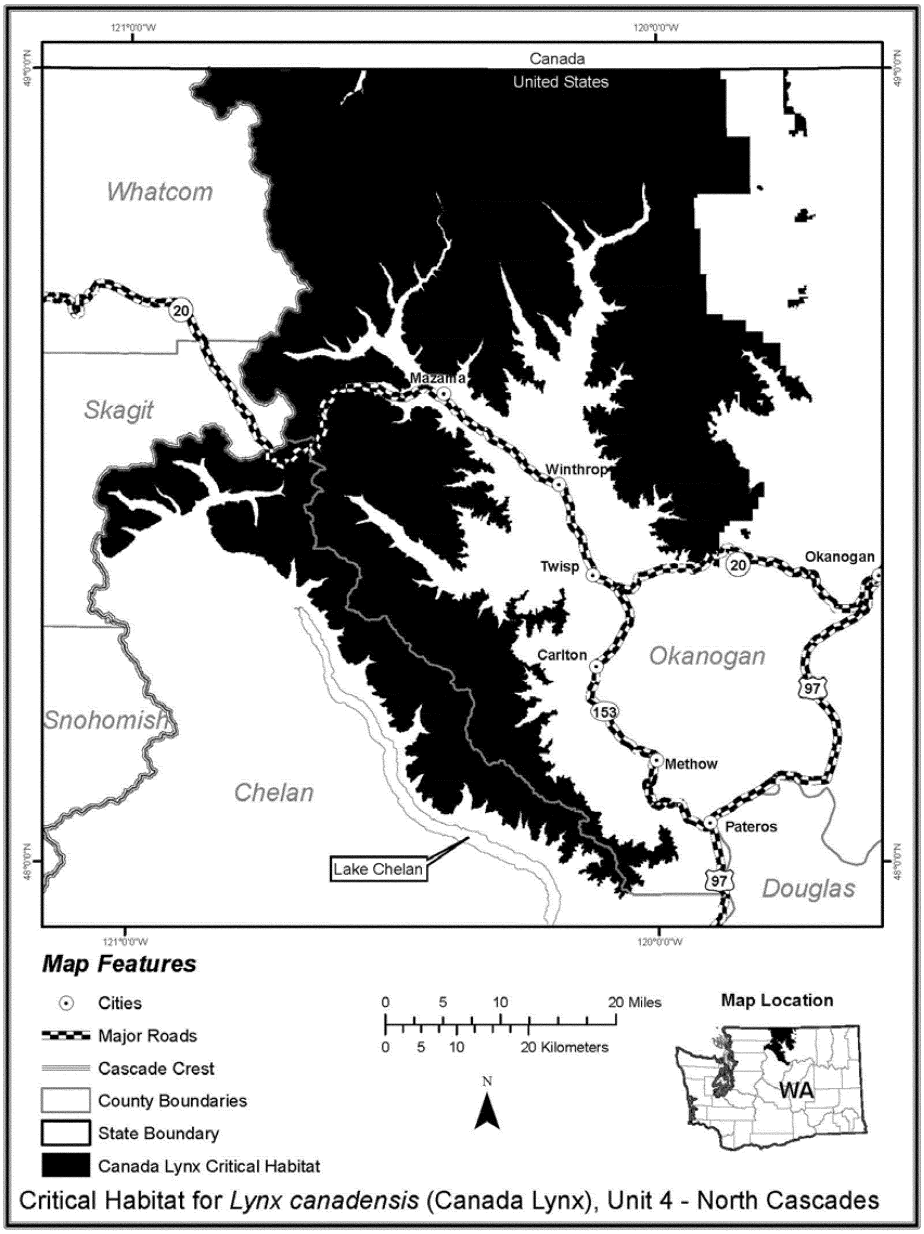


(8) Unit 3: Northern Rockies—Boundary County, ID, and Flathead, Glacier, Granite, Lake, Lewis and Clark, Lincoln, Missoula, Pondera, Powell and Teton Counties, MT.

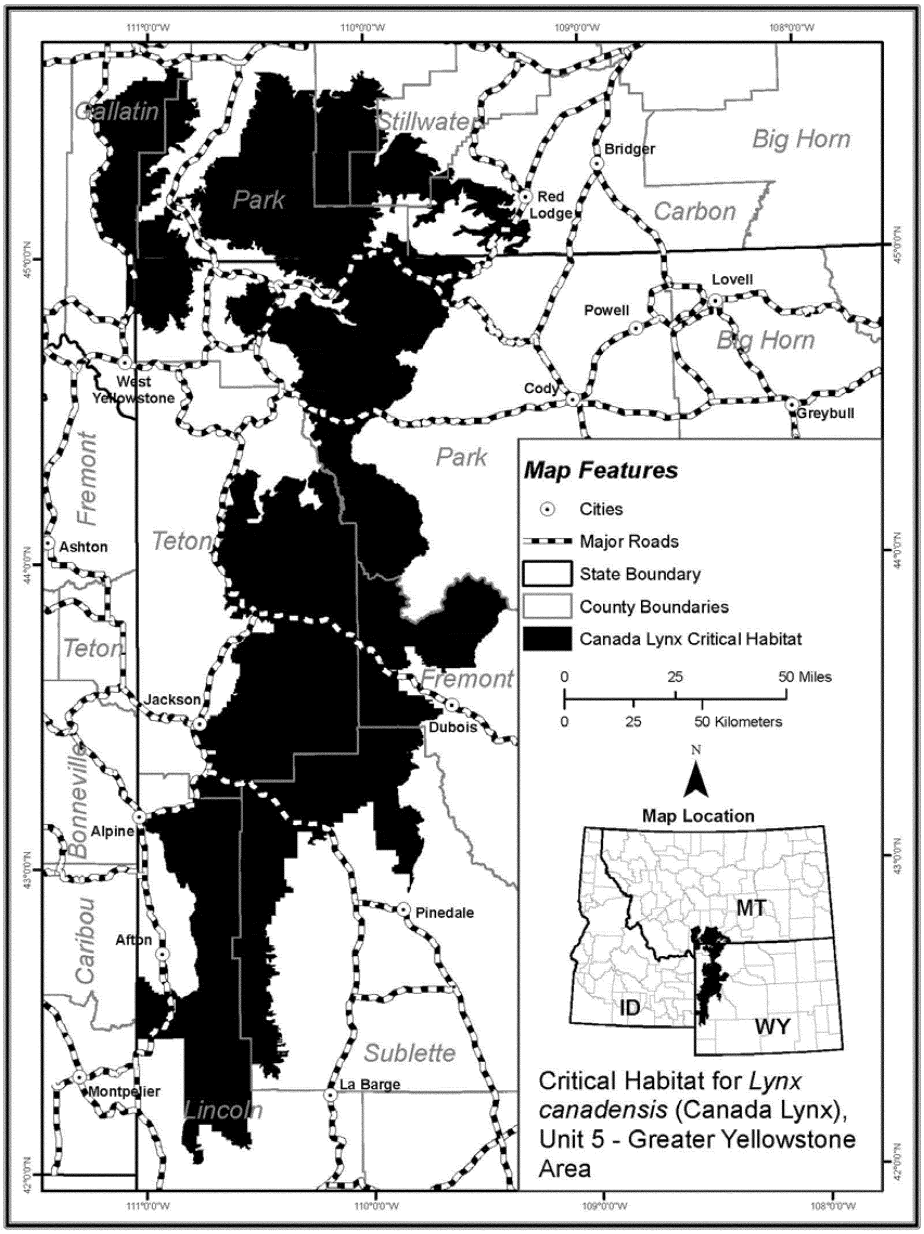
Map of Unit 3, Northern Rockies, follows:



(9) Unit 4: North Cascades—Chelan and Okanogan Counties, WA. Map of Unit 4, North Cascades, follows:



(10) Unit 5: Greater Yellowstone Area—Carbon, Gallatin, Park, Stillwater, and Sweetgrass Counties, MT, and Fremont, Lincoln, Park, Sublette, and Teton Counties, WY. Map of Unit 5, Greater Yellowstone Area, follows:



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 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, 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 confluences 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.

NOTE: No map.

ALABAMA BEACH MOUSE (*Peromyscus polionotus ammobates*)

(1) Critical habitat units are depicted for Baldwin County, Alabama, on the maps below.

(2) The primary constituent elements of critical habitat for the Alabama Beach Mouse are the habitat components that provide:

(i) A contiguous mosaic of primary, secondary, and scrub vegetation and dune structure, with a balanced level of competition and predation and few or no competitive or predaceous nonnative species present, that collectively provide foraging opportunities, cover, and burrow sites.

(ii) Primary and secondary dunes, generally dominated by sea oats (*Uniola paniculata*), that despite occasional temporary impacts and reconfiguration from tropical storms and hurricanes, provide abundant food resources, burrow sites, and protection from predators.

(iii) Scrub dunes, generally dominated by scrub oaks (*Quercus* spp.), that provide food resources and burrow sites, and provide elevated refugia during and after intense flooding due to rainfall and/or hurricane-induced storm surge.

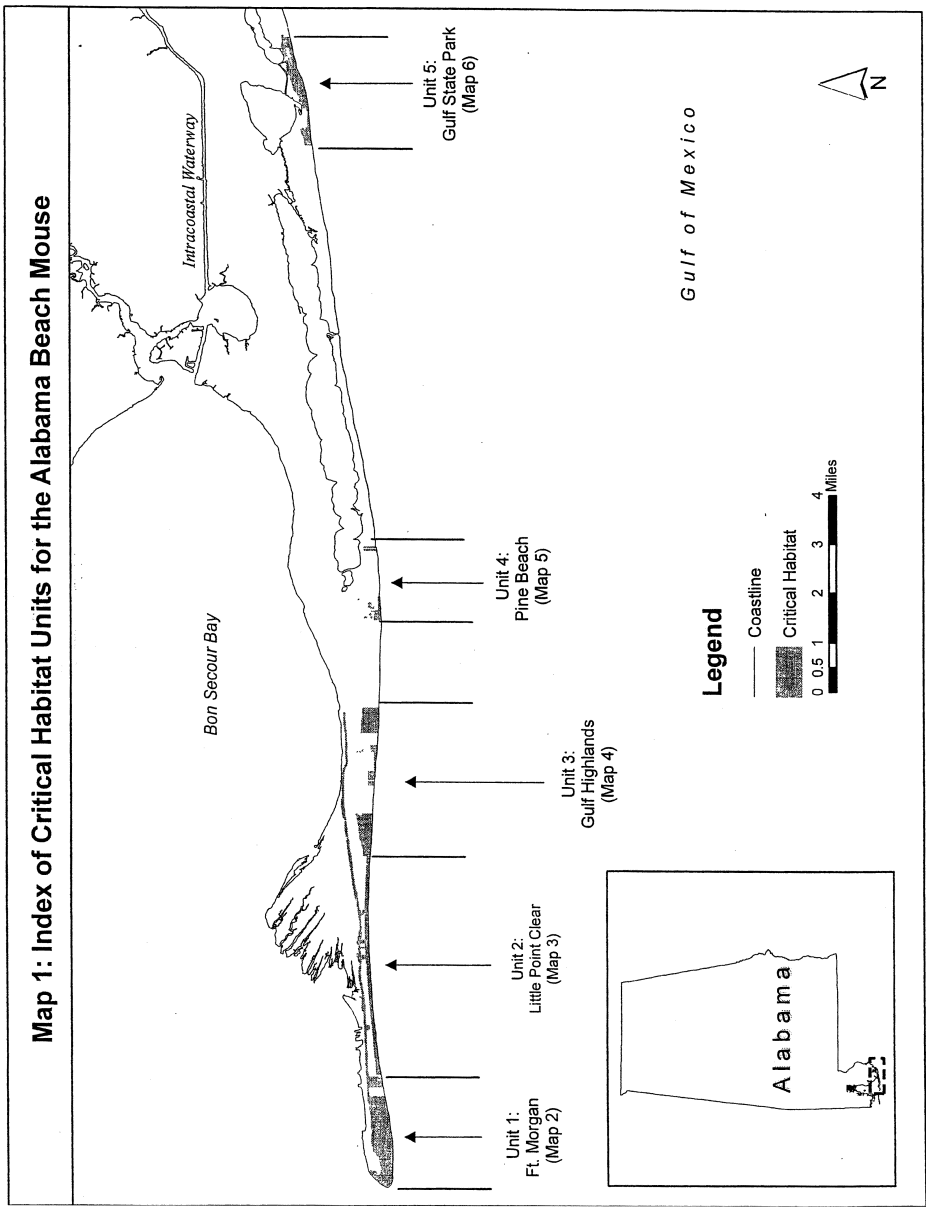
(iv) Unobstructed habitat connections that facilitate genetic exchange, dispersal, natural exploratory movements, and recolonization of locally extirpated areas.

(v) A natural light regime within the coastal dune ecosystem, compatible with the nocturnal activity of beach mice, necessary for normal behavior, growth, and viability of all life stages.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, airport runways, roads, other paved areas, and piers) and the land on which they are located existing within the legal boundaries on the effective date of this rule.

(4) Critical habitat map units. Data layers defining map units were created by delineating habitats that contained one or more of the PCEs defined in paragraph (2) of this entry, over 2005 Baldwin County, Alabama color photography (UTM 16, NAD 83).

(5) Note: Index Map (Map 1) follows:



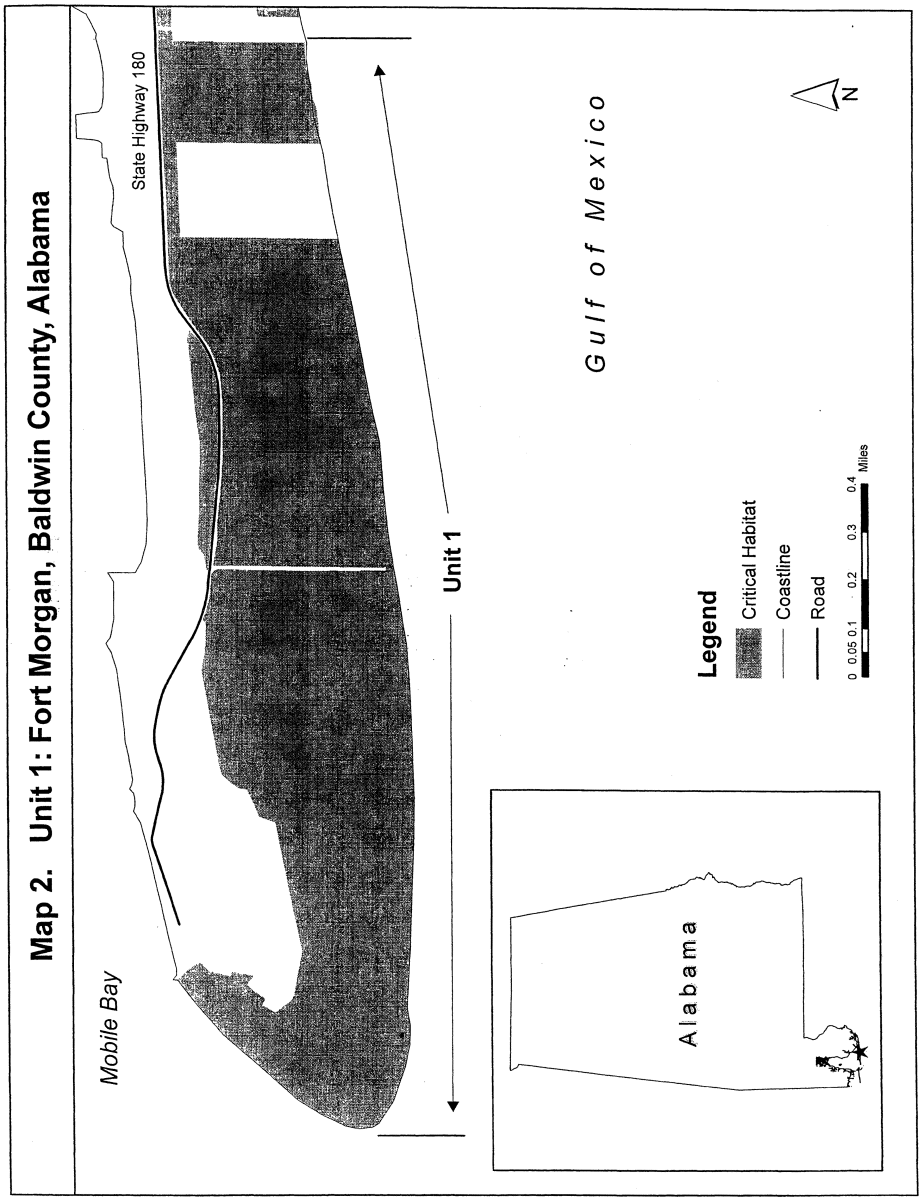
(6) Unit 1: Fort Morgan, Baldwin County, Alabama.

(i) *General Description:* Unit 1 consists of 446 ac (180 ha) at the extreme western tip of the Fort Morgan Peninsula in Baldwin County, Alabama. This unit encompasses essential features of Alabama beach mouse habitat within the boundary of the Fort Morgan State Historic Site and adjacent properties west of the Bay to Breakers development. The southern and western extents are the mean high water level (MHWL). The unit extends northward to either the seaward extent of maritime forest, developed features

associated with the Fort Morgan State Historic Site, or Ft. Morgan Parkway.

(ii) *Coordinates:* From the Fort Morgan and Saint Andrews Bay USGS 1:24,000 quadrangle maps, Alabama, land bounded by the following UTM 16 NAD 83 coordinates (E, N): 401473.62, 3344763.21; 401547.57, 3344692.62; 401513.96, 3344669.09; 01503.87, 3344514.47; 401369.42, 3344440.53; 401577.82, 3344356.49; 402008.06, 3344443.89; 402169.41, 3344622.04; 402525.70, 3344682.54; 403820.62, 3344782.93; 404628.95, 3344823.00; 404623.54, 3344330.64; 404288.09, 3344287.36; 403970.48, 3344745.87; 403970.48, 3344230.37; 403292.55, 3344087.17; 402583.77, 3343995.19; 401269.00, 3343995.19; 400971.42, 3344125.04; 400976.83, 3344206.20; 401301.47, 3344628.22; 404286.32, 3344756.22; 402854.33, 3344659.30; 402903.74, 3344669.55; 402929.27, 3344691.88; 403288.24, 3344682.82; 403627.98, 3344721.72; 403654.87, 3344714.12; 403590.33, 3344665.04; 403546.85, 3344641.30; 403501.91, 3344628.03; 403337.34, 3344622.77; 403056.19, 3344638.97

(iii) Note: Map of Unit 1, Fort Morgan (Map 2), follows:



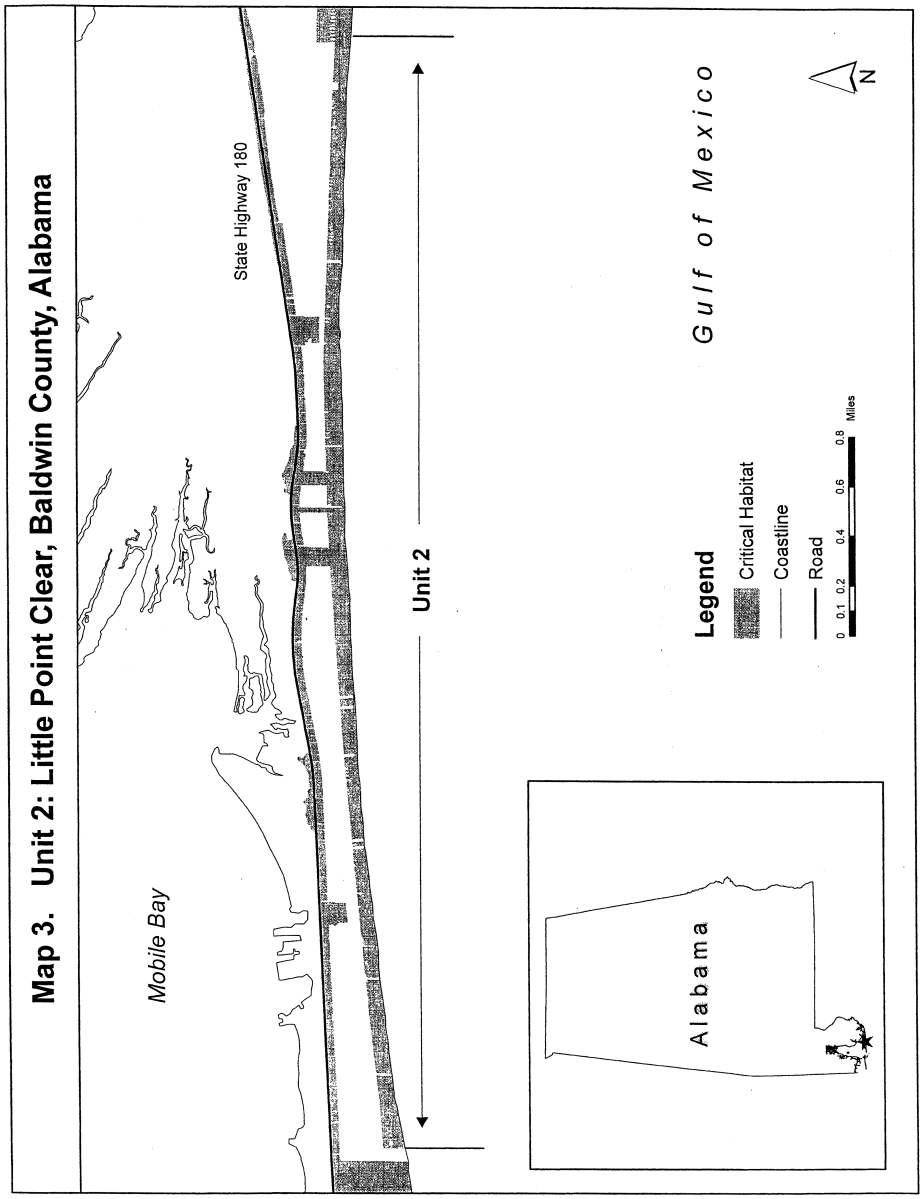
(7) Unit 2: Little Point Clear, Baldwin County, Alabama.

(i) *General Description:* Unit 2 consists of 268 ac (108 ha) on the Fort Morgan Peninsula in Baldwin County, Alabama. This unit encompasses essential features of Alabama beach mouse habitat north of the mean high water line (MHWL) and south of the Alabama Department of Environmental Management Coastal Construction Control Line (as defined in Alabama Administrative Code of Regulations 335–8–2–0.8) from the eastern property boundary of Bay to Breakers eastward to the western boundary of the Surfside

Shores subdivision. This unit also includes essential features of Alabama beach mouse habitat 160 ft south (except where otherwise noted) of the centerline of Fort Morgan Parkway, from the eastern boundary of Bay to Breakers east to the western boundary of the Surfside Shores subdivision, and associated areas as depicted on Map 3 in paragraph (7)(iii) of this entry and in the coordinates provided in paragraph (7)(ii) of this entry.

(ii) *Coordinates:* From the Saint Andrews Bay USGS 1:24,000 quadrangle map, Alabama, land bounded by the following UTM 16 NAD 83 coordinates (E, N), except those areas covered by incidental take permits shown in the maps: 408673.97, 3345088.73; 408690.96, 3345050.98; 408964.63, 3345069.85; 408992.95, 3345115.15; 409098.64, 3345124.59; 409260.96, 3345071.74; 409306.26, 3345047.20; 409421.39, 3345039.65; 409421.39, 3345018.89; 409839.57, 3345038.68; 410450.38, 3345133.36; 410638.20, 3345180.70; 411632.04, 3345331.96; 411819.06, 3345348.96; 411819.06, 3345276.71; 411455.65, 3345227.83; 411423.77, 3345234.20; 411115.62, 3345195.95; 410735.21, 3345138.57; 410735.21, 3345117.32; 410129.52, 3345030.18; 405929.15, 3344870.87; 406790.26, 3344915.69; 406790.26, 3344944.50; 406889.49, 3344986.11; 406915.10, 3344986.11; 406947.11, 3344973.31; 406972.72, 3344998.92; 406998.33, 3344960.50; 407039.95, 3344973.31; 407065.56, 3344950.90; 407148.55, 3344960.50; 407232.02, 3345008.52; 407238.42, 3345034.13; 407289.64, 3344954.10; 407918.85, 3345054.48; 408411.28, 3345026.14; 408414.83, 3345068.65; 408687.61, 3345125.34; 408723.04, 3345107.62; 406397.69, 3344654.51; 408502.15, 3344816.39; 408502.15, 3344974.12; 408369.32, 3344978.29; 408074.61, 3345003.18; 407842.17, 3344994.88; 407194.65, 3344878.65; 406327.13, 3344837.15; 406318.83, 3344720.92; 406181.85, 3344716.77; 406165.25, 3344837.15; 404625.30, 3344770.73; 408639.12, 3344982.42; 408850.81, 3345011.48; 408626.67, 3344828.84; 408904.77, 3345015.63; 409021.00, 3345003.18; 409033.45, 3344837.15; 410127.40, 3344881.42; 409942.50, 3345003.19; 409321.94, 3344964.94; 409122.17, 3344994.69; 409122.17, 3344839.55; 411303.93, 3344704.32; 410054.54, 3344754.13; 410029.64, 3344741.68; 409992.28, 3344745.83; 409963.23, 3344758.28; 408879.87, 3344720.92; 407157.29, 3344642.06; 406011.67, 3344509.23; 405044.53, 3344417.91; 404700.02, 3344343.20; 404624.32, 3344815.46; 404709.17, 3344488.16; 405203.36, 3344433.41; 405813.57, 3344509.70; 406027.79, 3344616.83; 406662.44, 3344675.99; 406677.12, 3344600.23; 407261.66, 3344729.73; 407664.18, 3344758.57; 407637.12, 3344658.32; 408856.44, 3344833.42; 408903.73, 3344832.33; 409944.78, 3344975.70; 409961.53, 3344931.31; 409960.68, 3344885.70; 409940.98, 3344852.55; 410474.83, 3344831.25; 411896.05, 3344778.56; 411897.06, 3344677.82; 411898.98, 3345357.59; 411899.47, 3345349.16; 411899.92, 3345333.36; 411898.69, 3345292.29

(iii) Note: Map of Unit 2, Little Point Clear (Map 3), follows:



(8) Unit 3: Gulf Highlands, Baldwin County, Alabama.

(i) *General Description:* Unit 3 consists of 275 ac (111 ha) on the Fort Morgan Peninsula in Baldwin County, Alabama. This unit encompasses essential features of Alabama beach mouse habitat north of the mean high water line (MHWL) to the seaward extent of interdunal wetlands as depicted on Map 4 in paragraph (8)(iii) of this entry and in the coordinates in paragraph (8)(ii) of this entry. This unit also includes essential features of Alabama beach mouse habitat 160 ft south of

the centerline of Fort Morgan Parkway (except some areas to the north as noted in paragraphs (8)(ii) and (8)(iii) of this entry). Unit 3 is bounded to the west by the eastern property line of the Morgantown subdivision and to the east by the western property line of Martinique on the Gulf.

(ii) *Coordinates:* From the Pine Beach and Saint Andrews Bay USGS 1:24,000 quadrangle maps, Alabama, land bounded by the following UTM 16 NAD 83 coordinates (E, N), except those areas covered by incidental take permits shown in the maps:

(A) Surfside Shores—412122.39, 3344896.76; 412230.61, 3344952.19; 412407.44, 3344970.66; 412407.44, 3344997.06; 413286.34, 3345139.58; 413283.70, 3344598.52; 411897.20, 3344677.62; 411896.72, 3344778.70; 411901.40, 3344895.52; 412585.68, 3344637.82; 413286.36, 3345090.20; 413224.06, 3345080.28; 413224.52, 3344927.47; 413284.56, 3344937.39

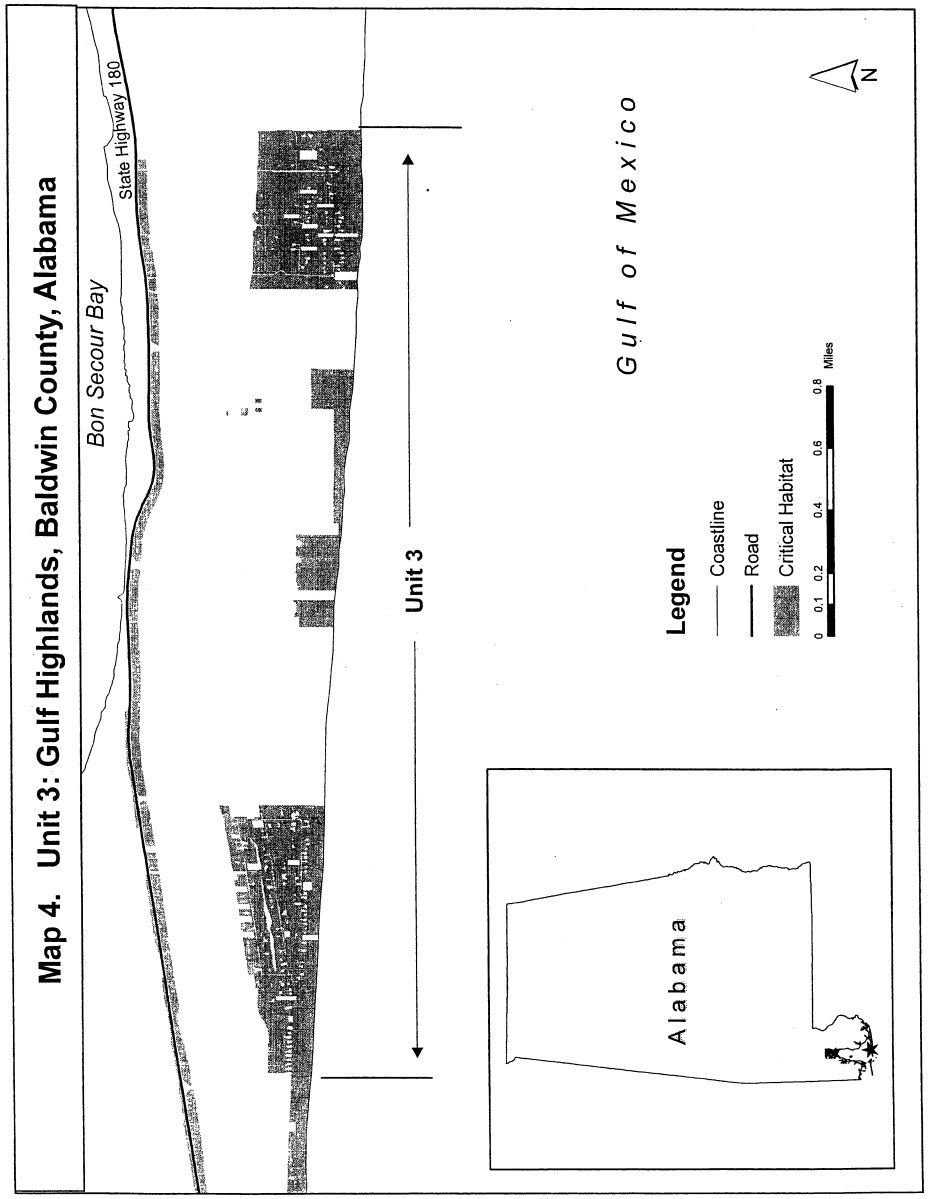
(B) Gulf Highlands—414393.00, 3344536.62; 414393.00, 3344732.11; 414676.12, 3344736.60; 415529.98, 3344440.00; 414671.87, 3344524.00; 414736.29, 3344520.49; 414736.41, 3344546.27; 415324.89, 3344541.53; 415326.46, 3344653.21; 415533.04, 3344653.83; 415290.55, 3345011.54; 415327.74, 3345011.79; 415327.61, 3344980.39; 415290.42, 3344981.38; 415308.84, 3344940.80; 415327.02, 3344940.72; 415327.30, 3344910.13; 415308.70, 3344910.21; 415358.01, 3344940.99; 415376.61, 3344940.91; 415376.48, 3344910.33; 415357.88, 3344910.41; 415291.27, 3345081.38; 415309.04, 3345081.30; 415309.47, 3345085.02; 415291.28, 3345084.28; 415326.74, 3345051.69; 415326.74, 3345039.99; 415181.66, 3345041.16; 415184.00, 3345052.86; 415174.64, 3345051.69; 415174.64, 3345041.16; 414954.68, 3345042.33; 414954.68, 3344655.06; 414920.74, 3344656.23; 414920.74, 3344761.53; 414735.88, 3344762.70; 414735.88, 3344773.23; 414921.91, 3344772.06; 414921.91, 3344831.73; 414737.05, 3344832.90; 414737.05, 3344843.43; 414921.91, 3344842.26; 414923.08, 3344903.10; 414735.88, 3344903.10; 414735.88, 3344915.97; 414924.25, 3344913.63; 414921.91, 3344972.13; 414738.22, 3344974.47; 414738.22, 3344983.83; 414921.91, 3344982.66; 414923.08, 3345043.50; 414738.22, 3345043.50; 414738.22, 3345054.03; 414921.91, 3345054.03; 414921.91, 3345071.59; 414953.51, 3345073.93; 414953.51, 3345052.86; 414953.51, 3344876.19;

(C) Gulf Shores Plantation—414204.25, 3344552.35; 414204.25, 3344725.37; 414343.57, 3344754.58; 414341.32, 3344543.36

(D) Cabana Beach—415938.37, 3344420.63; 416333.53, 3344954.65; 416756.08, 3344395.60; 416750.70, 3344919.13; 415945.72, 3344968.29

(E) ROW—413472.87, 3345602.80; 413767.66, 3345609.58; 413781.21, 3345585.86; 414496.15, 3345582.47; 414760.44, 3345545.20; 414973.90, 3345460.49; 415278.85, 3345487.60; 416224.19, 3345470.66; 415654.96, 3345426.61; 414973.90, 3345402.89; 414533.42, 3345521.48; 413621.96, 3345538.42; 411899.45, 3345292.57; 411899.63, 3345333.23; 411898.97, 3345349.21; 411898.28, 3345357.92; 416599.61, 3345528.80; 416603.89, 3345480.95

(iii) Note: Map of Unit 3, Gulf Highlands (Map 4), follows:



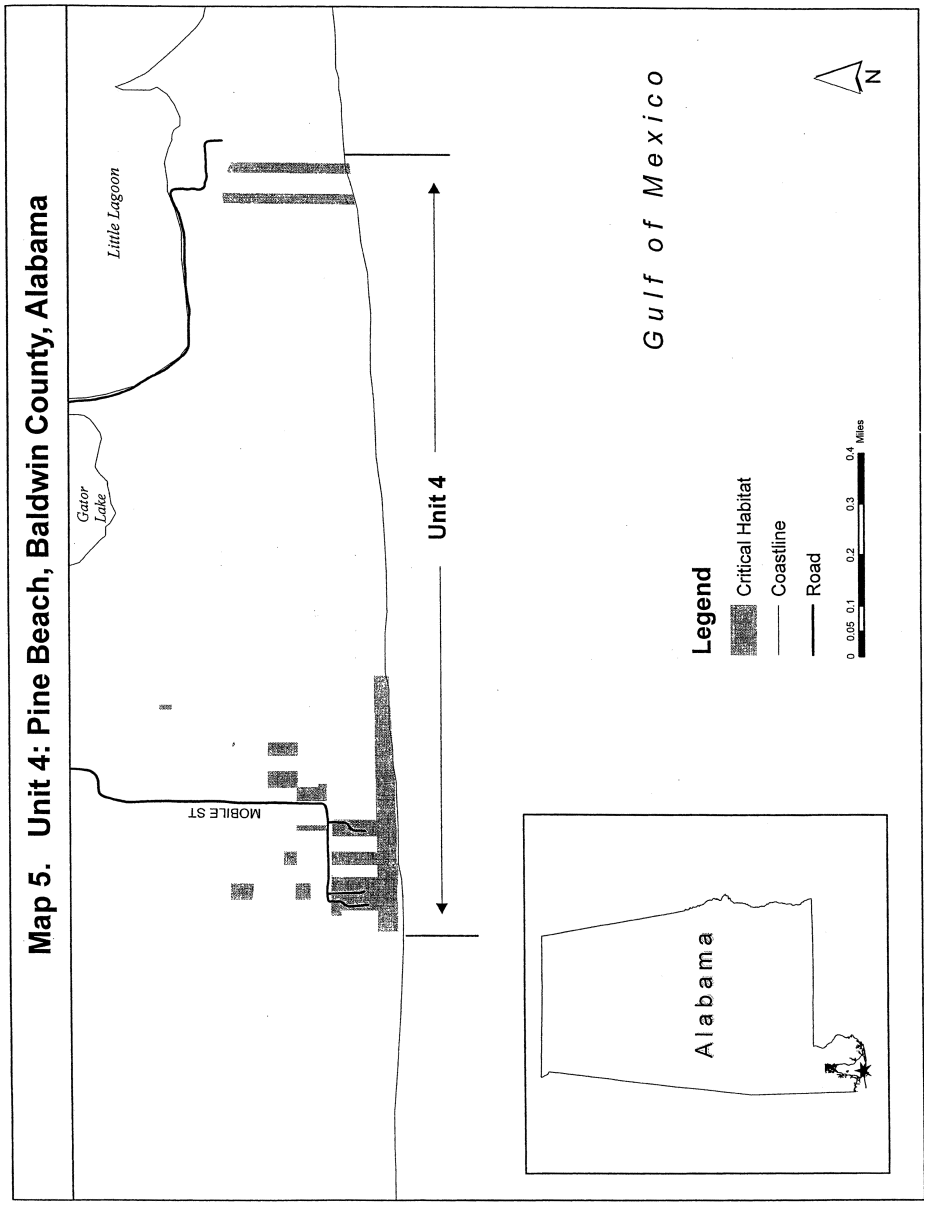
(9) Unit 4: Pine Beach, Baldwin County, Alabama.

(i) *General Description:* Unit 4 consists of 30 ac (12 ha) on 27 inholdings within the Perdue Unit of the Bon Secour National Wildlife Refuge as depicted on Map 5 in paragraph (9)(iii) of this entry and in the coordinates in paragraph (9)(ii) of this entry.

(ii) *Coordinates:* From the Pine Beach USGS 1:24,000 quadrangle map, Alabama, land bounded by the following UTM 16 NAD 83 coordinates (E, N), except those areas covered by incidental take permits shown on the

map in paragraph (9)(iii) of this entry: 419890.08, 3344529.29; 419946.90, 3344389.62; 420406.15, 3344394.35; 420401.42, 3344342.27; 419587.07, 3344320.96; 419589.44, 3344384.88; 419658.09, 3344384.88; 419655.72, 3344503.25; 419636.78, 3344503.25; 419639.15, 3344534.02; 419783.19, 3344531.65; 419783.55, 3344384.88; 419803.49, 3344384.88; 421930.69, 3344448.80; 421895.18, 3344446.43; 422030.12, 3344465.37; 419842.74, 3344635.81; 419797.76, 3344640.55; 419688.86, 3344841.77; 419740.94, 3344841.77; 419688.86, 3344645.28; 419743.31, 3344642.92; 419740.94, 3344593.20; 419688.86, 3344595.57; 420294.50, 3345060.66; 420306.84, 3345060.44; 420306.62, 3345022.12; 420294.28, 3345022.34; 420148.12, 3344725.77; 420190.73, 3344725.77; 420188.36, 3344633.45; 420150.49, 3344633.45; 420046.32, 3344728.14; 420098.40, 3344728.14; 420098.40, 3344635.81; 420046.32, 3344635.81; 420046.32, 3344567.16; 420058.16, 3344567.16; 420058.16, 3344545.86; 420003.71, 3344545.86; 420003.71, 3344638.18; 419906.65, 3344638.18; 419927.96, 3344638.18; 419927.96, 3344545.86; 419906.65, 3344548.22; 419690.90, 3344778.02; 419740.44, 3344772.85; 419801.19, 3344677.57; 419842.01, 3344675.40; 421902.16, 3344854.73; 421932.71, 3344858.24; 421999.30, 3344843.90; 422029.66, 3344830.25; 421996.44, 3344462.00

(iii) Note: Map of Unit 4, Pine Beach (Map 5), follows:



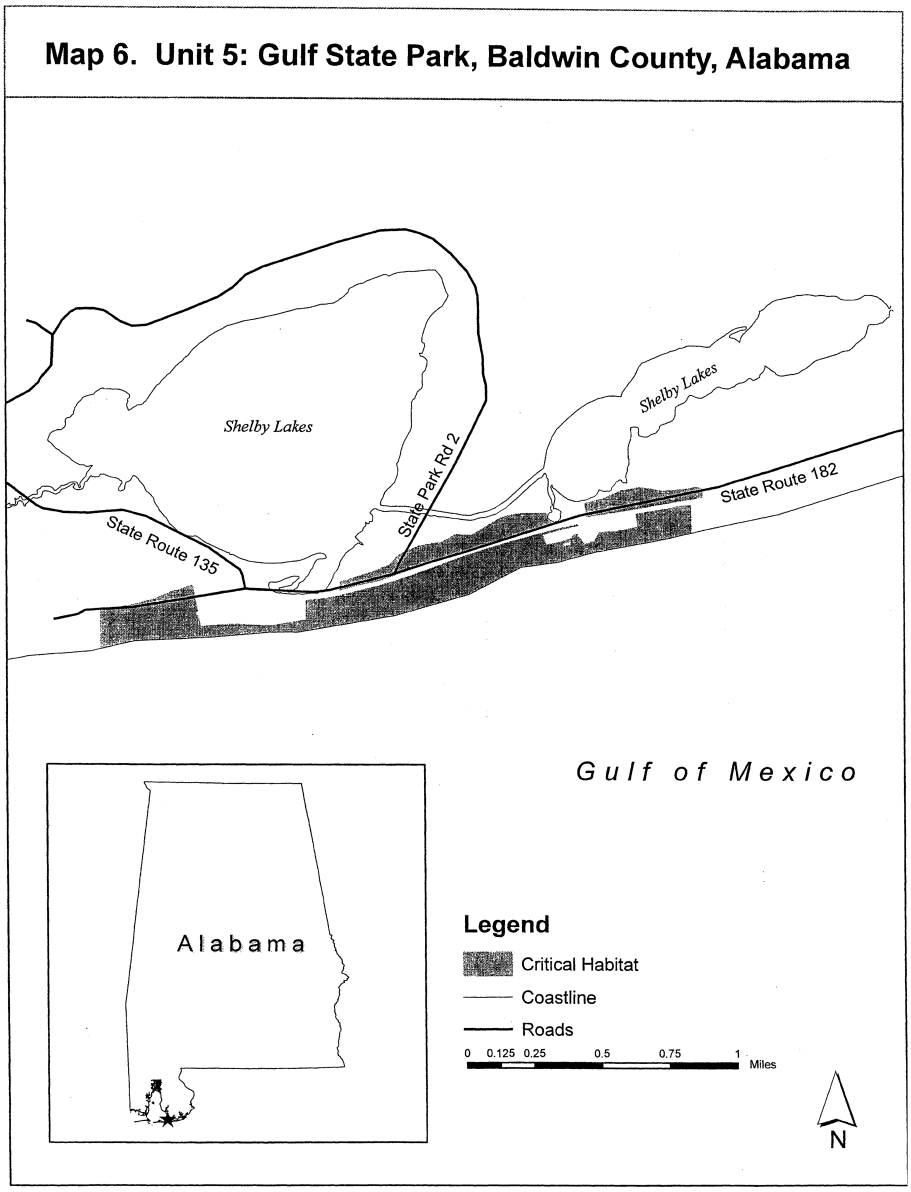
(10) Unit 5: Gulf State Park, Baldwin County, Alabama.

(i) *General Description:* Unit 5 consists of 192 ac (78 ha) in Gulf State Park east of the City of Gulf Shores in Baldwin County, Alabama. This unit encompasses essential features of Alabama beach mouse habitat north of the mean high water line (MHWL) to the seaward extent of either coastal wetlands, maritime forest, or Alabama beach mouse habitat managed under the 2004 Gulf State Park habitat conservation plan. Exact boundaries are depicted on Map 6 in paragraph (10)(iii) of

this entry and in the coordinates in paragraph (10)(ii) of this entry.

(ii) *Coordinates:* From the Gulf Shores USGS 1:24,000 quadrangle map, Alabama, land bounded by the following UTM 16 NAD 83 coordinates (E, N), except those areas identified as developable in the current incidental take permit for the Alabama Department of Conservation and Natural Resources: 438247.09, 3347462.61; 438384.26, 3347485.47; 438504.29, 3347456.89; 438738.63, 3347479.75; 438738.63, 3347411.17; 438681.48, 3347405.45; 438675.76, 3347193.97; 437681.24, 3346988.21; 436938.21, 3346702.43; 436349.50, 3346599.55; 435377.85, 3346548.11; 435160.66, 3346490.95; 435166.37, 3346736.72; 435606.47, 3346856.75; 436572.41, 3346828.17; 36572.41, 3346913.91; 436881.06, 3347033.94; 436909.64, 3347068.23; 437612.66, 3347325.43; 437818.42, 3347319.72; 437829.85, 3347251.13; 438035.61, 3347308.29; 438041.33, 3347394.02; 435699.17, 3346883.42; 435754.39, 3346634.94; 435940.75, 3346652.19; 436154.72, 3346638.39; 436368.69, 3346683.25; 436368.69, 3346790.24

(iii) Note: Map of Unit 5, Gulf State Park (Map 6), follows:



CHOCTAWHATCEE BEACH MOUSE (*Peromyscus polionotus allophrys*)

(1) Critical habitat units are depicted for Okaloosa, Walton, and Bay Counties, Florida, on the maps below.

(2) The primary constituent elements of critical habitat for the Choctawhatchee beach mouse are the habitat components that provide:

(i) A contiguous mosaic of primary, secondary, and scrub vegetation and dune structure, with a balanced level of competition and predation and few or no competitive or predaceous nonnative species present, that

collectively provide foraging opportunities, cover, and burrow sites;

(ii) Primary and secondary dunes, generally dominated by sea oats (*Uniola paniculata*), that despite occasional temporary impacts and reconfiguration from tropical storms and hurricanes, provide abundant food resources, burrow sites, and protection from predators;

(iii) Scrub dunes, generally dominated by scrub oaks (*Quercus* spp.), that provide food resources and burrow sites, and provide elevated refugia during and after intense flooding due to rainfall and/or hurricane-induced storm surge;

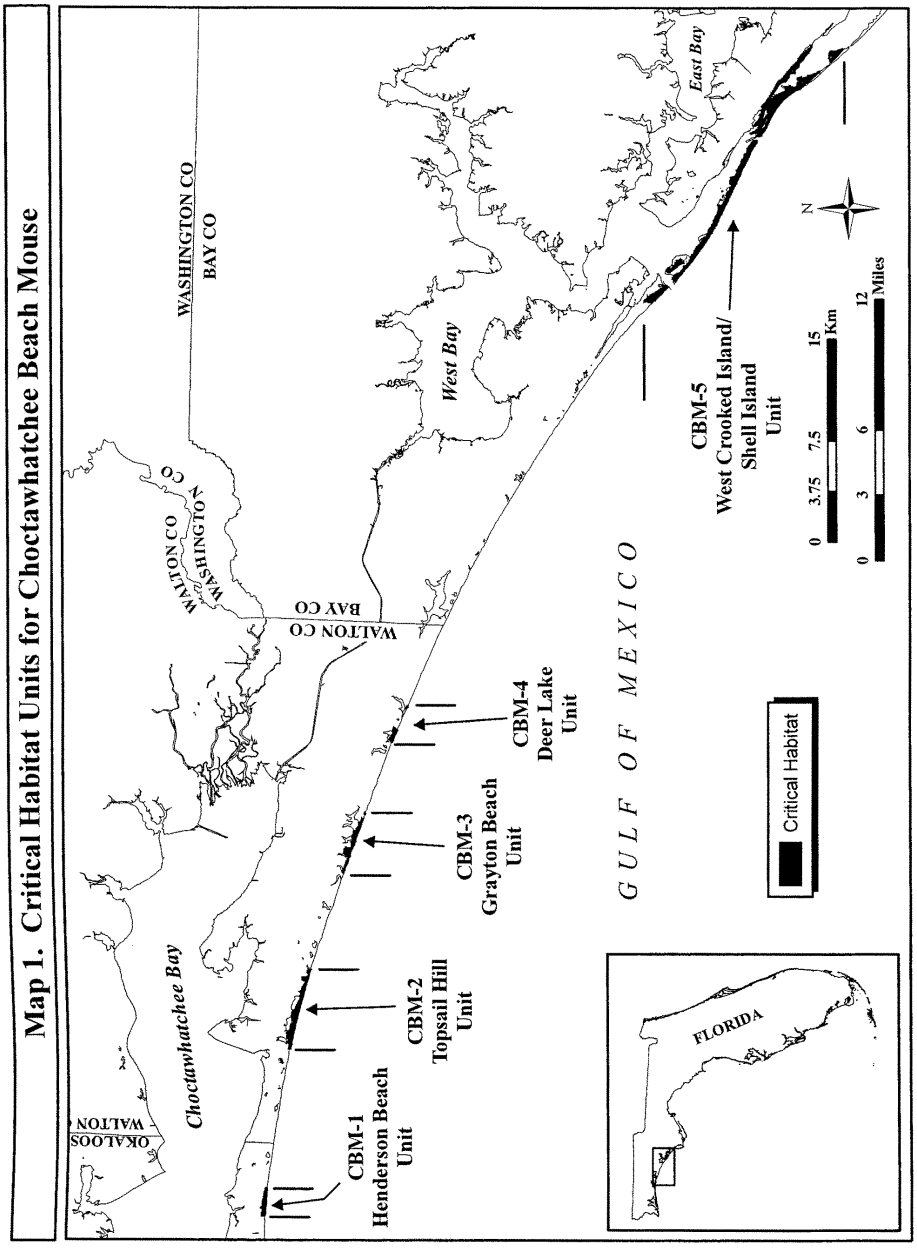
(iv) Functional, unobstructed habitat connections that facilitate genetic exchange, dispersal, natural exploratory movements, and re-colonization of locally extirpated areas; and

(v) A natural light regime within the coastal dune ecosystem, compatible with the nocturnal activity of beach mice, necessary for normal behavior, growth, and viability of all life stages.

(3) Critical habitat does not include man-made structures existing on the effective date of this rule and not containing one or more of the primary constituent elements, such as buildings, aqueducts, airports, driveways, and roads, and the land on which such structures are located.

(4) *Critical Habitat Map Units.* Data layers defining map units were created by delineating habitats that contained one or more of the primary constituent elements defined in paragraph (2) of this entry over 1999 and 2004 digital ortho photography at a scale of at least 1:4000.

(5) Note: Map 1, Index Map of Critical Habitat Units for the Choctawhatchee beach mouse, follows:



(6) CBM—Unit 1: Henderson Beach Unit, Okaloosa County, Florida.

(i) *General Description:* This unit encompasses essential features of beach mouse habitat within the boundary of Henderson Beach State Park from 0.5 mi (0.8 km) east of the intersection of Highway 98 and Scenic Highway 98 to 0.25 mi (0.4 km) west of Matthew Boulevard and the area from the mean

high water level (MHWL) north to the seaward extent of the maritime forest.

(ii) *Coordinates:* From USGS 1:24,000 quadrangle map Destin, Florida, land bounded by the following UTM 16 NAD 83 coordinates (E, N): 553127.73, 3361659.70; 553118.25, 3361738.27; 553113.59, 3361734.19; 553108.89, 3361731.30; 553107.43, 3361726.11; 553109.17, 3361720.21; 553113.27, 3361714.76; 553117.31, 3361712.08; 553120.24, 3361706.21; 553125.11, 3361701.97; 553129.54, 3361699.70; 553134.76, 3361697.45; 553141.19, 3361694.44; 553145.30, 3361688.99; 553149.37, 3361685.13; 553154.57, 3361683.67; 553157.20, 3361689.68; 553160.70, 3361692.54; 553166.37, 3361688.32; 553172.09, 3361682.12; 553173.43, 3361676.21; 553168.76, 3361672.13; 553163.31, 3361667.63; 553160.25, 3361662.80; 553153.21, 3361658.26; 553149.32, 3361655.00; 553151.10, 3361647.11; 553152.37, 3361643.97; 553151.71, 3361638.80; 553151.79, 3361635.24; 553155.06, 3361631.75; 553159.13, 3361627.89; 553161.59, 3361624.78; 553162.10, 3361620.03; 553159.37, 3361617.98; 553153.02, 3361617.83; 553145.50, 3361616.85; 553143.50, 3361617.19; 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(7) CBM—Unit 2: Topsail Hill Unit, Walton County, Florida.

(i) *General Description:* This unit encompasses essential features of beach mouse habitat within the boundary of Topsail Hill Preserve State Park, as well as adjacent private lands from 0.1 mi (0.2 km) east of Gulf

Pines 0.6 mi (1 km) west of the inlet of Oyster Lake and the area from the MHWL north to the seaward extent of human development or maritime forest.

(ii) *Coordinates:* From USGS 1:24,000 quadrangle map Miramar Beach, Florida, land bounded by the following UTM 16 NAD 83 coordinates (E, N): 568237.02, 3359100.24; 565790.59, 3360018.31; 565796.34, 3360020.57; 565803.96, 3360017.20; 565810.66, 3360019.37; 565817.86, 3360017.55; 565818.85, 3360009.64; 565824.39, 3360010.97; 565832.30, 3360012.35; 565838.06, 3360003.81; 565842.44, 3360003.92; 565846.95, 3359998.04; 565849.54, 3360006.03; 565847.76, 3360013.17; 565845.89, 3360024.98; 565839.14, 3360024.82; 565834.08, 3360036.18; 565828.88, 3360037.67; 565826.72, 3360044.73; 565832.24, 3360046.87; 565836.86, 3360052.10; 565836.25, 3360061.20; 565847.92, 3360071.04; 565854.41, 3360065.27; 565860.36, 3360065.79; 565861.85, 3360054.35; 565866.39, 3360047.28; 565872.87, 3360041.95; 565867.78, 3360039.01; 565857.25, 3360047.49; 565852.69, 3360039.01; 565846.27, 3360041.66; 565841.64, 3360051.85; 565839.51, 3360041.87; 565843.74, 3360031.67; 565850.75, 3360021.55; 565857.10, 3360005.85; 565864.71, 3360002.85; 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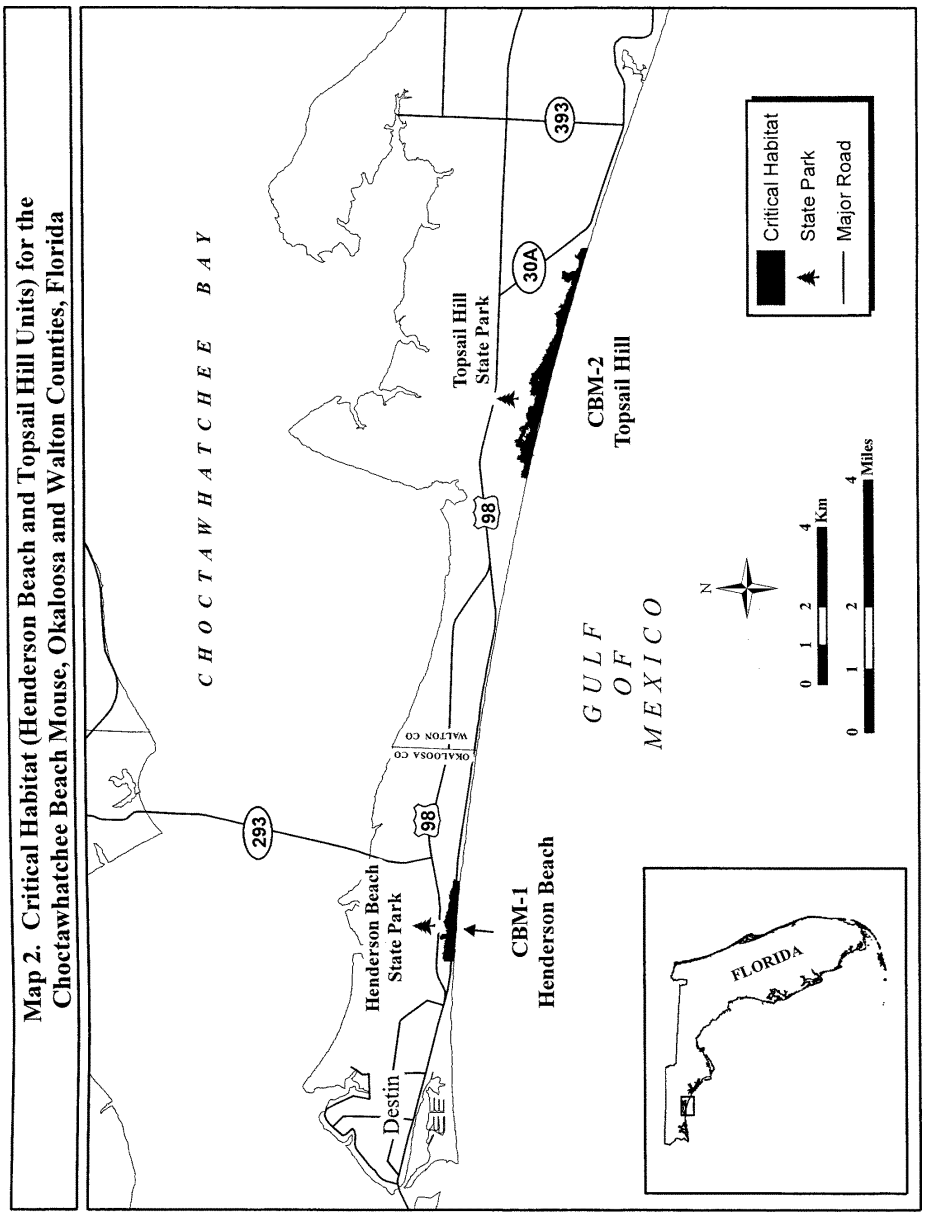
565731.80, 3359937.57; 565739.99, 3359937.52; Choctowhatchee beach mouse, follows:



(8) CBM—Unit 3: Grayton Beach Unit, Walton County, Florida.

(i) *General Description:* This unit encompasses essential features of beach mouse habitat within the boundary of Grayton Beach State Park, as well as adjacent private lands and inholdings, from 0.3 mi west of the inlet of Alligator Lake east to 0.8 mi west of Seagrove Beach and the area from the MHWL north to the seaward extent of human development or maritime forest.

(ii) *Coordinates:* From USGS 1:24,000 quadrangle map Grayton Beach, Florida, land bounded by the following UTM 16 NAD 83 coordinates (E, N): 578136.10, 3356102.15; 578222.77, 3356036.73; 578222.16, 3356000.38; 578077.28, 3356072.88; 578050.50, 3356079.33; 578039.08, 3356101.21; 578064.26, 3356111.33; 578073.84, 3356125.86; 578094.18, 3356138.66; 578138.88, 3356162.31; 578160.71, 3356162.85; 578185.78, 3356145.69; 578197.27, 3356130.86; 578209.61, 3356114.13; 578204.08, 3356113.24; 578206.15, 3356109.73; 578211.73, 3356108.62; 578209.79, 3356091.16; 578207.08, 3356088.34; 578209.49, 3356086.78; 578215.44, 3356087.37; 578218.54, 3356091.00; 578222.89, 3356091.48; 578232.20, 3356084.60; 578226.62, 3356085.65; 578218.40, 3356080.26; 578219.72, 3356076.98; 578223.42, 3356075.39; 578233.12, 3356074.20; 578230.76, 3356069.71; 578226.33, 3356069.10; 578223.25, 3356065.84; 578223.24, 3356065.02; 578222.77, 3356036.73; 578526.99, 3355943.76; 578222.77, 3356036.73; 578223.24, 3356065.02; 578247.08, 3356056.69; 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581130.09, 3355338.07; 581144.81, 3355321.27; (9) CBM—Unit 4: Deer Lake Unit, Walton County, Florida.

581155.10, 3355301.98; 581157.93, 3355289.19; (i) *General Description:* This unit encompasses essential features of beach mouse habitat within the boundary of Deer Lake State Park as well as adjacent private lands from approximately 1 mi east of the Camp Creek Lake inlet west to approximately 0.5 mi west of the inlet of Deer Lake and the area from the MHWL north to the seaward extent of maritime forest or human development. The area excluded within this unit is 0.5 mi west of the Camp Creek Lake inlet, to 0.5 mi east of the Camp Creek Lake inlet.

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(ii) *Coordinates:* From USGS 1:24,000 quadrangle map Point Washington, Florida, land bounded by the following UTM 16 NAD 83 coordinates (E, N): 587936.95, 3352709.03; 588073.10, 3352728.14; 587973.52, 3352737.87; 587972.96, 3352695.34; 587965.98, 3352695.17; 587954.26, 3352687.32; 587937.81, 3352677.80; 587956.31, 3352684.63; 587965.27, 3352691.59; 587972.94, 3352691.10; 587972.73, 3352623.17; 587921.05, 3352640.80; 587885.12, 3352655.89; 587858.02, 3352670.32; 587833.03, 3352673.19; 587798.42, 3352686.69; 587832.63, 3352716.88; 587832.11, 3352741.78; 587891.48, 3352734.89; 587904.93, 3352734.48; 587907.05, 3352744.83;

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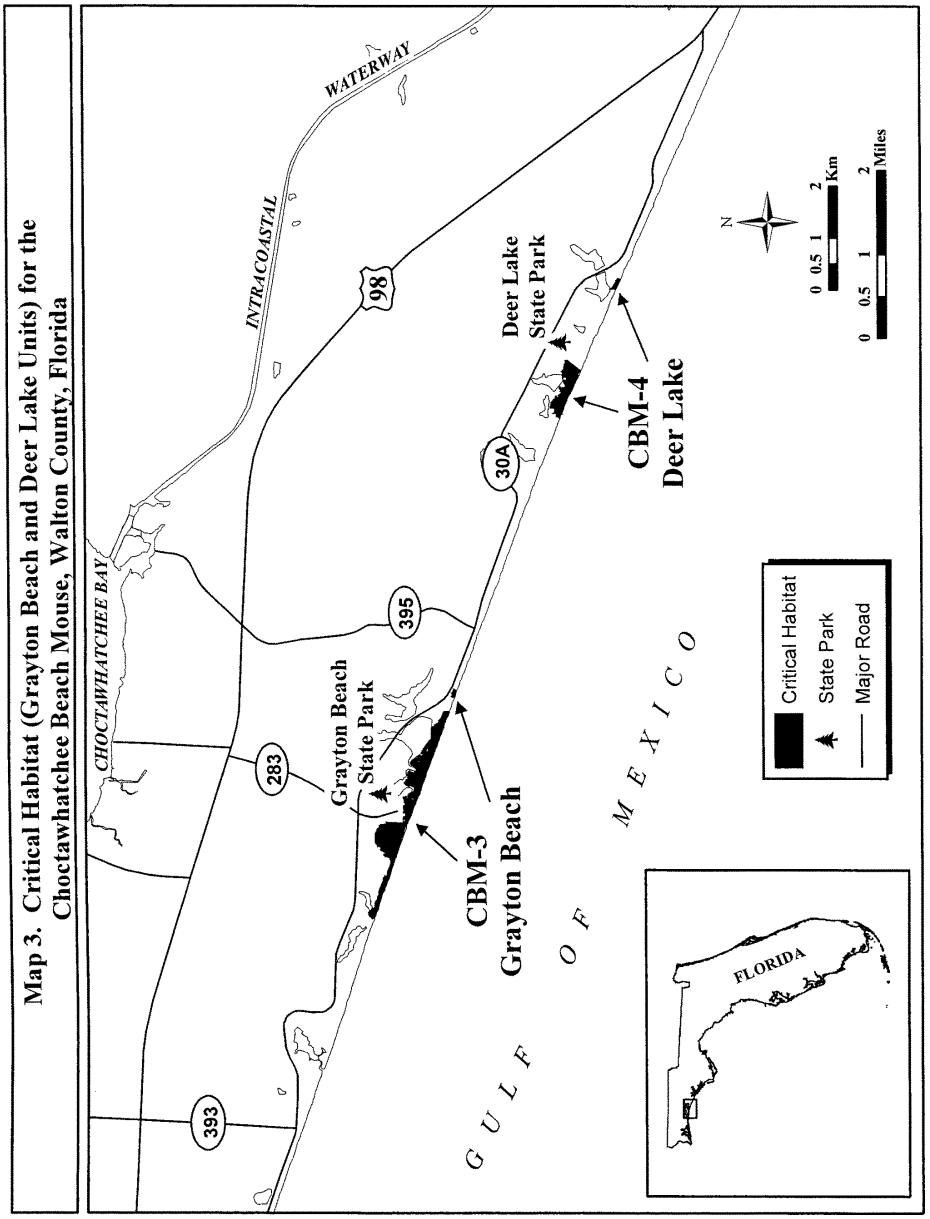
(iii) Note: Map 3, Units 3 and 4 of Choctowhatchee beach mouse, follows:



(10) CBM—Unit 5: West Crooked Island/Shell Island Unit, Bay County, Florida.

(i) *General Description:* This unit encompasses essential features of beach mouse habitat within the boundaries of St. Andrew State Park mainland from 0.1 mi (0.2 km) east of trailer park road east to the entrance channel of St. Andrew Sound, Shell Island east of the entrance of St. Andrew Sound east to East Pass, and West Crooked Island southwest of East Bay and east of the entrance channel of St. Andrew Sound, and

areas from the MHWL north to the seaward extent of the maritime forest. Shell Island consists of State lands, Tyndall Air Force Base lands, as well as small private inholdings.

(ii) *Coordinates:* From USGS 1:24,000 quadrangle maps Panama City, Beacon Beach, and Long Point, Florida, land bounded by the following UTM 16 NAD 83 coordinates (E, N): 620962.07, 3334745.86; 620978.22, 3334694.43; 620963.77, 3334700.01; 620976.15, 3334719.99; 620956.70, 3334712.88; 620956.66, 3334745.41; 620948.27, 3334763.05; 620928.14, 3334789.51; 620941.26, 3334789.03; 620978.37, 3334767.36; 620984.33, 3334751.28; 620994.82, 3334745.55; 620996.00, 3334720.43; 620977.67, 3334704.34; 620978.22, 3334694.43; 621115.29, 3334512.76; 621027.54, 3334677.02; 621042.28, 3334675.83; 621059.27, 3334679.82; 621060.65, 3334656.44; 621061.40, 3334642.23; 621051.64, 3334635.24; 621048.65, 3334627.99; 621059.23, 3334617.95; 621063.55, 3334604.20; 621091.01, 3334602.89; 621105.19, 3334592.20; 621106.52, 3334602.91; 621092.44, 3334625.15; 621100.13, 3334635.27; 621117.48, 3334624.97; 621118.44, 3334618.25; 621133.23, 3334615.07; 621141.80, 3334605.79; 621136.35, 3334585.80; 621138.72, 3334570.44; 621145.26, 3334563.87; 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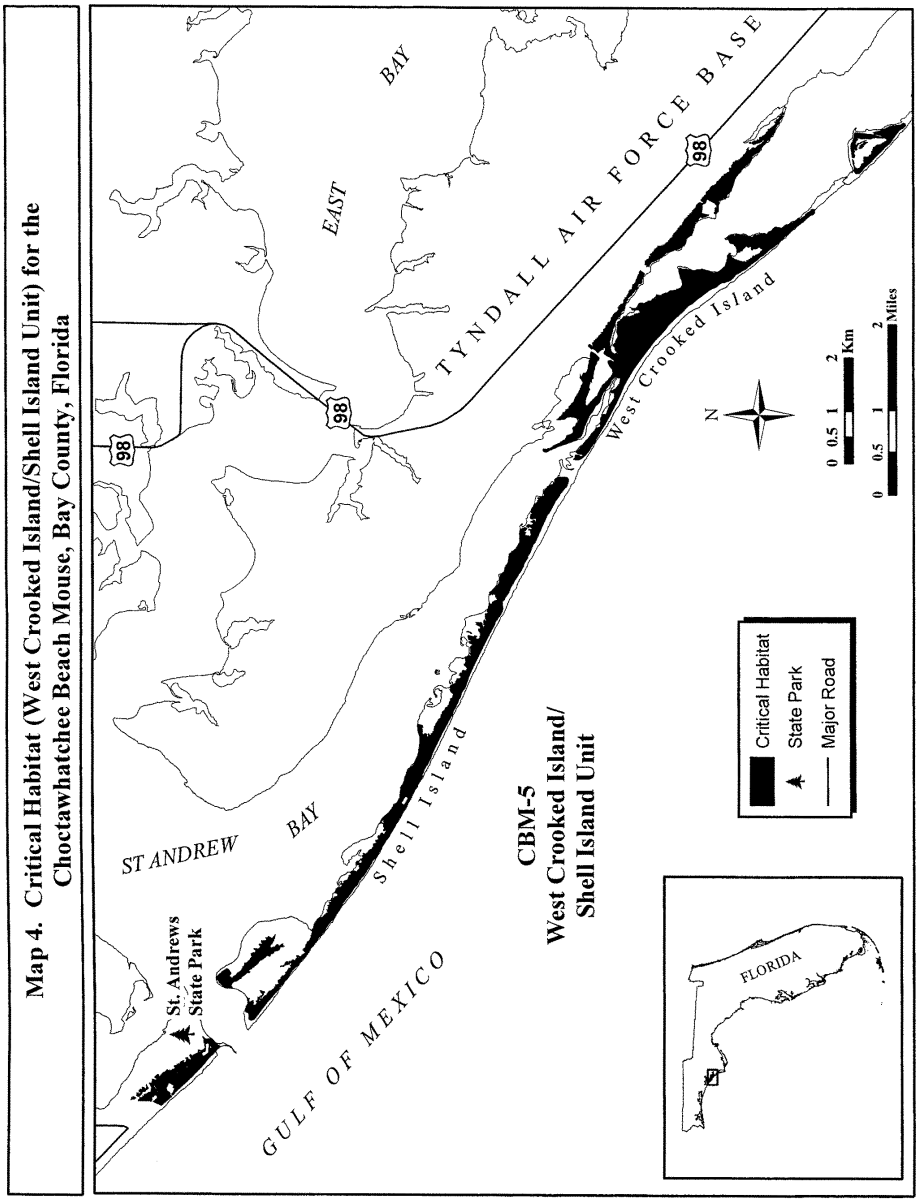
639515.45, 3321261.22; 639511.42, 3321263.49; 633660.40, 3326289.41; 633578.14, 3326332.74;

633497.66, 3326384.02; 633409.12, 3326441.02; 633380. 47, 3326477.81.

(iii) Note: Map 4, Unit 5 of Choctowhatchee beach mouse, follows:



PERDIDO KEY BEACH MOUSE (*Peromyscus polionotus trissyllepsis*)

(1) Critical habitat units are depicted for Escambia County, Florida, and Baldwin County, Alabama, on the maps below.

(2) The primary constituent elements of critical habitat for the Perdido Key beach mouse are the habitat components that provide:

(i) A contiguous mosaic of primary, secondary, and scrub vegetation and dune structure, with a balanced level of competition and predation and few or no competitive or predaceous nonnative species present, that collectively provide foraging opportunities, cover, and burrow sites;

(ii) Primary and secondary dunes, generally dominated by sea oats (*Uniola paniculata*), that despite occasional temporary impacts and reconfiguration from tropical storms and hurricanes, provide abundant food resources, burrow sites, and protection from predators;

(iii) Scrub dunes, generally dominated by scrub oaks (*Quercus* spp.), that provide food resources and burrow sites, and provide elevated refugia during and after intense flooding due to rainfall and/or hurricane-induced storm surge;

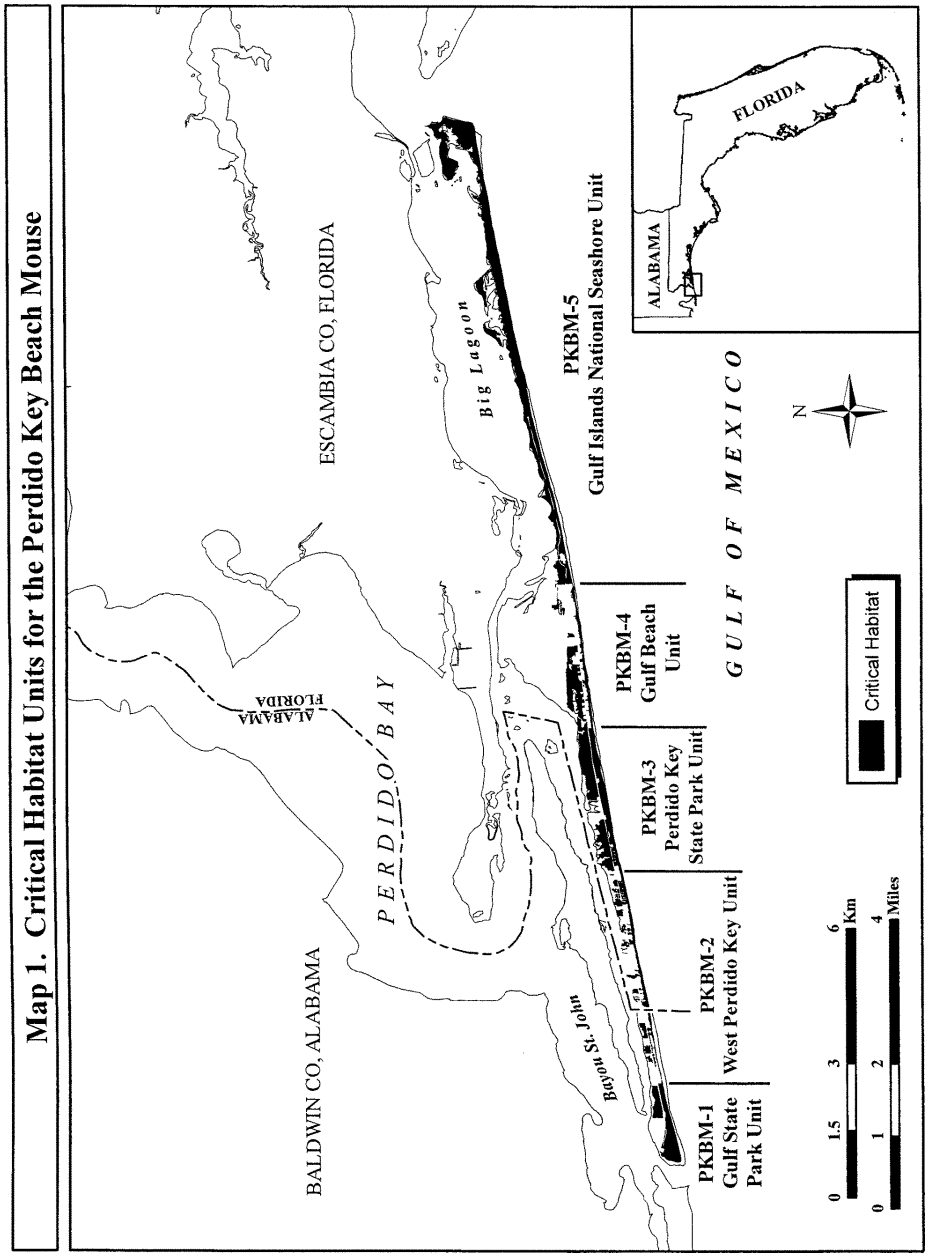
(iv) Functional, unobstructed habitat connections that facilitate genetic exchange, dispersal, natural exploratory movements, and re-colonization of locally extirpated areas; and

(v) A natural light regime within the coastal dune ecosystem, compatible with the nocturnal activity of beach mice, necessary for normal behavior, growth, and viability of all life stages.

(3) Critical habitat does not include man-made structures existing on the effective date of this rule and not containing one or more of the primary constituent elements, such as buildings, aqueducts, airports, driveways, and roads, and the land on which such structures are located.

(4) *Critical Habitat Map Units.* Data layers defining map units were created by delineating habitats that contained one or more of the primary constituent elements defined in paragraph (2) of this entry over 1999 and 2004 digital ortho photography at a scale of at least 1:4000.

(5) Note: Map 1 Index of Critical Habitat Units for the Perdido Key beach mouse, follows:



(6) PKBM—Unit 1: Gulf State Park Unit, Baldwin County, Alabama.

(i) *General Description:* This unit encompasses essential features of beach mouse habitat within the boundary of Gulf State Park from the west tip of Perdido Key at Perdido Pass east to approximately 1 mile (mi) (1.6 kilometers (km)) west of where the

Alabama-Florida State line bisects Perdido Key and the area from the mean high water line (MHWL) north to the seaward extent of the maritime forest.

(ii) *Coordinates:* From USGS 1:24,000 quadrangle map Orange Beach, Alabama, land bounded by the following UTM 16 NAD 83 coordinates (E, N): 447646.90, 3349472.01; 447492.27, 3349555.80; 447493.46, 3349550.54; 447492.60, 3349542.06; 447487.33, 3349540.88; 447466.10, 3349542.49; 447426.82, 3349545.78; 447375.87, 3349549.84; 447340.75, 3349556.40; 447277.86, 3349571.81; 447233.09, 3349583.43; 447195.90, 3349587.83; 447123.74, 3349592.44; 447082.29, 3349597.80; 447078.83, 3349609.34; 447082.64, 3349627.40; 447085.56, 3349638.04; 447109.06, 3349630.15; 447163.55, 3349611.36; 447228.62, 3349592.84; 447286.11, 3349581.52; 447357.41, 3349568.43; 447388.22, 3349564.94; 447403.20, 3349558.95; 447426.52, 3349558.45; 447454.05, 3349559.11; 447492.27, 3349555.80; 447753.29, 3349711.25; 447760.77, 3349736.04; 447763.66, 3349748.00; 447753.63, 3349752.12; 447755.48, 3349774.36; 447753.59, 3349787.00; 447754.47, 3349799.71; 447754.38, 3349820.32; 447753.74, 3349830.21; 447759.54, 3349836.69; 447811.82, 3349827.24; 447838.09, 3349825.09; 447856.72, 3349827.12; 447881.09, 3349821.36; 447907.36, 3349819.61; 447927.64, 3349818.91; 447956.65, 3349818.81; 447976.22, 3349830.77; 447992.63, 3349834.16; 448018.40, 3349831.12; 448037.09, 3349811.22; 448055.79, 3349802.71; 448074.40, 3349792.17; 448096.41, 3349792.70; 448114.76, 3349793.13; 448137.03, 3349782.68; 448148.04, 3349782.94; 448177.22, 3349790.96; 448191.45, 3349809.62; 448209.62, 3349817.37; 448223.94, 3349832.37; 448249.45, 3349840.30; 448279.80, 3349846.35; 448291.40, 3349859.70; 448311.29, 3349863.75; 448329.64, 3349864.19; 448368.33, 3349865.90; 448395.77, 3349862.11; 448408.04, 3349866.45; 448418.04, 3349851.65; 448427.89, 3349850.68; 448440.83, 3349857.72; 448448.65, 3349863.06; 448458.22, 3349861.71; 448474.31, 3349870.02; 448470.39, 3349848.77; 448469.37, 3349841.61; 448469.94, 3349834.09; 448470.06, 3349746.49; 448388.10, 3349722.76; 448274.81, 3349701.74; 448066.73, 3349652.82; 447964.62, 3349624.75; 447754.92, 3349599.15; 447753.29, 3349711.25; 446828.18, 3349177.08; 446788.74, 3349181.69; 446769.28, 3349208.86; 446767.28, 3349247.92; 446775.25, 3349280.06; 446782.18, 3349322.24; 446795.01, 3349350.69; 446801.51, 3349377.80; 446802.73, 3349409.54; 446811.99, 3349454.15; 446837.56, 3349514.61; 446896.76, 3349564.39; 446887.98, 3349582.41; 446896.11, 3349607.97; 446929.73, 3349630.57; 446953.02, 3349637.08; 446969.73, 3349626.62; 446984.14, 3349637.95; 446975.34, 3349650.69; 447000.06, 3349663.57; 447022.45, 3349657.76; 446993.88, 3349639.64; 446978.89, 3349585.37; 447068.47, 3349561.35; 447073.43, 3349586.44; 447084.44, 3349589.07; 447091.86, 3349585.59; 447128.34, 3349583.00; 447157.81, 3349580.13; 447188.50, 3349576.11; 447214.39, 3349573.56; 447263.87, 3349564.83; 447299.49, 3349553.79; 447327.56, 3349543.36; 447355.96, 3349535.32; 447401.54, 3349530.72; 447419.98, 3349527.50; 447464.09, 3349524.89; 447482.44, 3349525.33; 447508.12, 3349525.95; 447511.26, 3349547.99; 447515.63, 3349553.80; 447584.64, 3349549.75; 447669.02, 3349551.76; 447727.64, 3349556.83; 447771.68, 3349563.09; 447773.34, 3349543.71; 447819.71, 3349544.38; 447859.81, 3349556.32; 447908.03, 3349560.00; 447904.75, 3349580.93; 448004.65, 3349606.71; 448136.88, 3349636.19; 448391.19, 3349691.65; 448518.76, 3349723.23; 448524.37, 3349644.98; 448526.52, 3349626.07; 448221.97, 3349557.49; 447946.22, 3349481.14; 447525.39, 3349356.93; 447160.19, 3349255.19; 446914.86, 3349191.20; 446828.18, 3349177.08.

(7) PKBM—Unit 2: West Perdido Key Unit, Escambia County, Florida and Baldwin County, Alabama.

(i) *General Description:* This unit encompasses essential features of beach mouse habitat from approximately 1 mi (1.6 km) west of where the Alabama-Florida State line bisects Perdido Key east to 2 mi (3.2 km) east of the State line and areas from the MHWL north to the seaward extent of human development or maritime forest.

(ii) *Coordinates:* From USGS 1:24,000 quadrangle maps Orange Beach, Alabama, and Perdido Bay, Florida, land bounded by the following UTM 16 NAD 83 coordinates (E, N): 449337.40, 3349820.75; 450150.23, 3349948.99; 450150.07, 3349948.96; 450110.12, 3349941.87; 450036.74, 3349928.41; 449865.78, 3349900.01; 449835.15, 3349896.11; 449690.43, 3349877.85; 449581.98, 3349849.89; 449474.18, 3349830.25; 449291.67, 3349805.96; 449065.07, 3349756.15; 448929.16, 3349724.36; 448875.44, 3349711.41; 448743.75, 3349669.31; 448625.71, 3349643.24; 448526.52, 3349626.07; 448524.37, 3349644.98; 448582.14, 3349648.54; 448616.00, 3349650.40; 448613.50, 3349666.20; 448653.71, 3349668.22; 448707.46, 3349680.07; 448743.29, 3349688.33; 448749.74, 3349684.25; 448769.63, 3349694.24; 448784.54, 3349701.88; 448869.86, 3349722.95; 448909.84, 3349734.47; 448934.12, 3349738.22; 449040.54, 3349762.96; 449044.67, 3349767.29; 449126.91, 3349784.05; 449134.20, 3349789.51; 449165.89, 3349793.44; 449202.65, 3349802.14; 449234.33, 3349810.93; 449243.92, 3349809.05; 449309.24, 3349824.35; 449309.24, 3349824.35; 449309.03, 3349832.80; 449303.36, 3349848.52; 449299.95, 3349857.95; 449300.81, 3349866.43; 449296.47, 3349870.55; 449289.06, 3349870.38; 449288.58, 3349890.45; 449323.34, 3349898.68; 449326.60, 3349895.58; 449326.77, 3349888.19; 449328.04, 3349879.76; 449327.05, 3349876.57; 449322.97, 3349870.13; 449323.12, 3349863.79; 449324.31, 3349858.53; 449326.55, 3349853.30; 449327.79, 3349845.93; 449327.99, 3349837.48; 449328.02, 3349827.71; 449349.32, 3349831.65; 449351.57, 3349826.42; 449405.37, 3349835.22; 449424.38, 3349838.73; 449471.57, 3349851.46; 449471.73, 3349857.40; 449598.16, 3349884.71; 449597.83, 3349942.84; 449467.18, 3349912.24; 449415.42, 3349902.99; 449412.39, 3349896.58; 449407.02, 3349899.62; 449400.21, 3349918.48; 449467.76, 3349932.33; 449630.01, 3349967.31; 449632.67, 3349947.90; 449633.28, 3349922.55; 449635.69, 3349907.20; 449651.69, 3349906.08;

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(8) PKBM—Unit 3: Perdido Key State Park Unit, Escambia County, Florida.

(i) *General Description:* This unit encompasses essential features of beach mouse habitat within the boundary of Perdido Key State Park from approximately 2 mi (3.2 km) east of the Alabama-Florida State line to 4 mi (6.4 km) east of the State line and the area from the MHWL north to the seaward extent of the maritime forest.

(ii) *Coordinates:* From USGS 1:24,000 quadrangle map Perdido Bay, Florida, land bounded by the following UTM 16 NAD 83 coordinates (E,N): 455621.62, 3351458.88; 453257.58, 3350904.44; 453254.26, 3350917.23; 453243.75, 3350913.81; 453240.29, 3350925.36; 453247.80, 3350930.76; 453266.31, 3350945.01; 453287.10, 3350948.75; 453293.56, 3350957.28; 453304.30, 3350951.20; 453307.22, 3350961.84; 453312.72, 3350973.93; 453318.59, 3350973.74; 453318.26, 3350987.47; 453306.46, 3350993.53; 453320.42, 3351005.30; 453354.81, 3351009.49; 453352.19, 3351030.56; 453343.44, 3351041.98; 453350.93, 3351069.98; 453334.30, 3351069.24; 453335.11, 3351079.83; 453352.32, 3351078.33; 453351.11, 3351095.75; 453383.68, 3351130.67; 453392.08, 3351134.05; 453401.76, 3351127.94; 453398.49, 3351117.04; 453399.11, 3351091.42; 453407.07, 3351065.97; 453425.39, 3351063.44; 453442.62, 3351059.15; 453457.24, 3351067.96; 453455.20, 3351048.81; 453459.35, 3351038.88; 453458.55, 3351022.61; 453468.79, 3351028.07; 453479.38, 3351028.32; 453481.65, 3351022.03; 453488.13, 3351016.90; 453496.35, 3351016.84; 453509.90, 3351018.69; 453515.14, 3350998.97; 453518.96, 3350988.78; 453513.14, 3350983.09; 453523.52, 3350964.71; 453521.52, 3350950.06; 453530.87, 3350939.91; 453531.03, 3350916.53; 453541.83, 3350896.97; 453550.25, 3350901.06; 453554.18, 3350913.84; 453550.50, 3350934.89; 453541.67, 3350949.48; 453545.40, 3350970.71; 453555.76, 3350988.96; 453555.40, 3351003.60; 453550.66, 3351016.29; 453543.61, 3351036.28; 453531.06, 3351038.01; 453520.97, 3351061.03; 453519.56, 3351075.79; 453527.61, 3351090.83; 453541.93, 3351105.82; 453530.48, 3351123.86; 453526.55, 3351134.75; 453515.81, 3351123.51; 453508.38, 3351126.99; 453502.88, 3351152.55; 453502.62, 3351163.12; 453509.93, 3351167.52; 453529.60, 3351160.46; 453537.21, 3351149.66; 453541.05, 3351142.42; 453555.99, 3351131.79; 453560.54, 3351133.85; 453567.88, 3351137.20; 453589.10, 3351128.92; 453600.02, 3351132.85; 453599.58, 3351151.15; 453581.16, 3351157.60; 453569.70,

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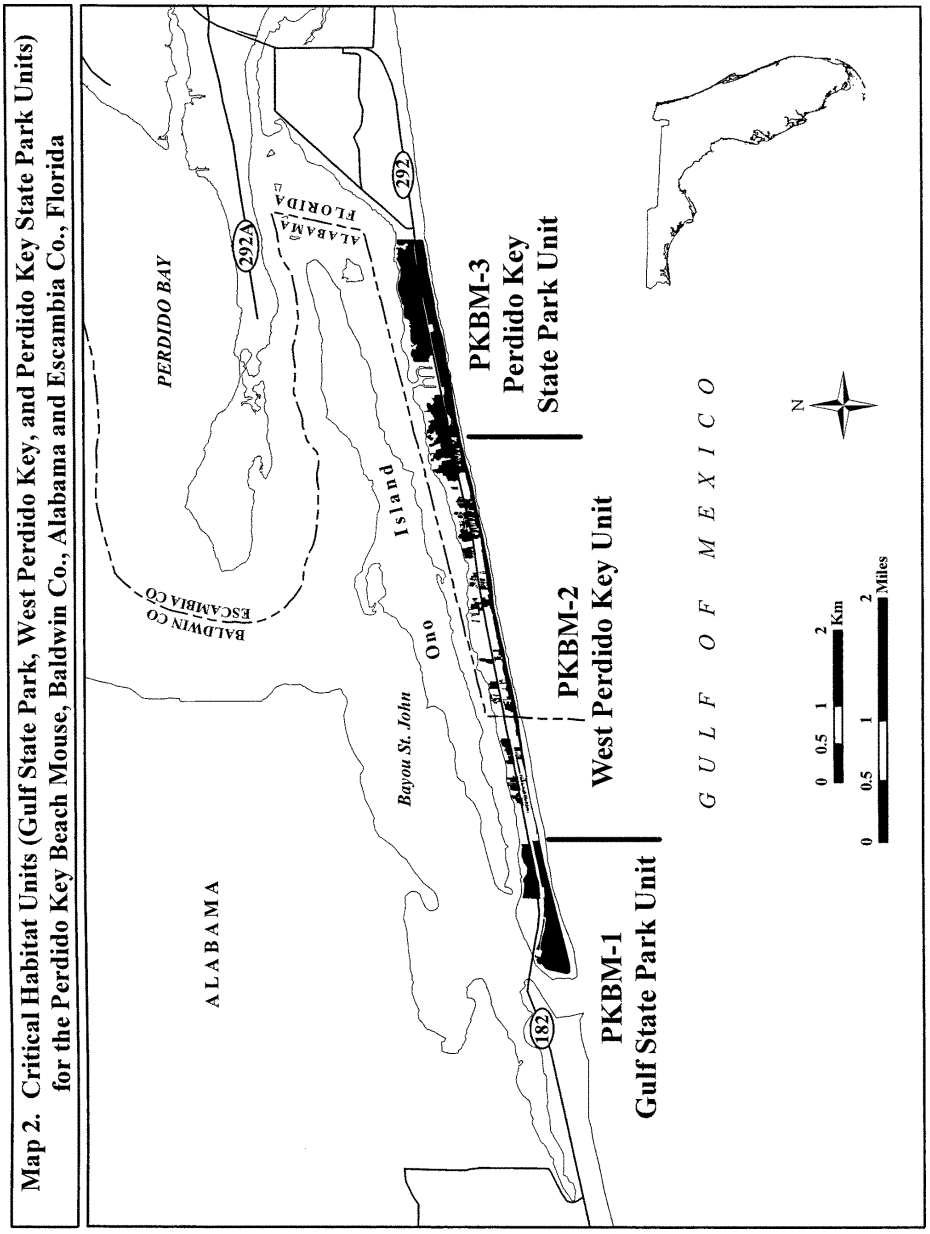
(iii) Note: Map 2, Units 1, 2, and 3 of Perdido Key beach mouse, follows:



(9) PKBM—Unit 4: Gulf Beach Unit, Escambia County, Florida.

(i) *General Description:* This unit includes essential features of beach mouse habitat between Gulf Islands National Seashore and Perdido Key State Park from approximately 4 mi (3.2 km) east of the Alabama-Florida State line to 6 mi (9.6 km) east of the State line and areas from the MHWL north to the seaward extent of human development or maritime forest.

(ii) *Coordinates:* From USGS 1:24,000 quadrangle map Perdido Bay, Florida, land bounded by the following UTM 16 NAD 83 coordinates (E, N): 457418.45, 3351766.05; 456424.33, 3351669.24; 456454.09, 3351669.95; 456460.85, 3351674.93; 456491.64, 3351678.43; 456523.29, 3351684.34; 456532.43, 3351694.62; 456550.37, 3351698.07; 456566.16, 3351685.76; 456578.84, 3351687.26; 456601.78, 3351691.77; 456612.31, 3351687.85; 456622.42, 3351676.01; 456635.18, 3351673.94; 456644.26, 3351676.53; 456637.88, 3351682.12; 456636.62, 3351690.54; 456647.33, 3351685.52; 456648.56, 3351695.66; 456653.70, 3351696.98; 456671.96, 3351681.16; 456634.44, 3351637.87; 456593.26, 3351588.26; 456571.55, 3351609.94; 456551.71, 3351597.83; 456536.99, 3351593.25; 456516.87, 3351592.77; 456495.54, 3351598.60; 456490.42, 3351591.08; 456473.22, 3351601.24; 456469.17, 3351593.74; 456464.83, 3351597.87; 456459.69, 3351591.40; 456455.40, 3351593.41; 456439.82, 3351580.36; 456444.21, 3351574.12; 456438.99, 3351570.82; 456444.42, 3351565.67; 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(10) PKBM—Unit 5: Gulf Islands National Seashore, Escambia County, Florida.

(i) *General Description:* This unit encompasses essential features of beach mouse habitat within the boundary of Gulf Islands National Seashore–Perdido Key Area (also referred to as Johnson Beach) from approximately 6 mi (9.6 km) east of the Alabama-Florida State line to the eastern tip of Perdido Key at Pensacola Bay and the area from the MHWL north to the seaward extent of the maritime forest.

(ii) *Coordinates:* From USGS 1:24,000 quadrangle map Perdido Bay, and Fort Barrancas, Florida, land bounded by the following UTM 16 NAD 83 coordinates (E, N): 464806.54, 3353248.09; 460167.32, 3352161.40; 460112.98, 3352141.46; 460076.54, 3352115.69; 459179.65, 3352106.36; 459192.36, 3352106.66; 459208.29, 3352104.93; 459225.15, 3352108.50; 459239.90, 3352112.03; 459241.87, 3352118.42; 459244.97, 3352121.66; 459255.28, 3352133.54; 459250.89, 3352139.77; 459247.53, 3352147.09; 459233.74, 3352147.82; 459210.40, 3352149.37; 459148.88, 3352152.13; 459134.06, 3352151.77; 459123.42, 3352153.63; 459111.74, 3352154.41; 459103.20, 3352157.37; 459095.76, 3352158.25; 459087.26, 3352159.11; 459073.42, 3352161.94; 459063.84, 3352163.83; 459062.60, 3352171.20; 459069.73, 3352183.00; 459067.49, 3352188.23; 459058.94, 3352191.19; 459057.45, 3352209.13; 459062.52, 3352218.76; 459062.29, 3352228.27; 459055.81, 3352233.40; 459053.13, 3352256.59; 459074.25, 3352259.21; 459084.82, 3352260.52; 459084.03, 3352293.27; 459082.79, 3352300.64; 459089.14, 3352300.79; 459096.58, 3352299.91;

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460420.70, 3352241.31; 460464.71, 3352245.14; 464248.10, 3353184.96; 464247.80, 3353192.44;
460499.09, 3352252.70; 460530.31, 3352233.92; 464260.56, 3353190.63; 464272.28, 3353193.83;
460568.66, 3352225.32; 460599.66, 3352234.11; 464278.18, 3353206.91; 464289.53, 3353211.79;
460631.81, 3352235.27; 460698.45, 3352223.40; 464299.84, 3353212.83; 464308.88, 3353207.64;
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460935.43, 3352298.05; 460953.45, 3352292.14; 464339.66, 3353249.61; 464323.77, 3353249.22;
460971.62, 3352296.54; 460991.32, 3352303.35; 464324.60, 3353258.76; 464334.08, 3353261.10;
460998.97, 3352315.82; 461013.75, 3352352.27; 464348.96, 3353259.34; 464353.52, 3353242.87;

464357.06, 3353231.00; 464366.51, 3353234.40; 466199.44, 3353967.68; 466178.83, 3353973.57;
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464377.07, 3353235.71; 464390.68, 3353234.83; 466116.54, 3353903.13; 466078.02, 3353908.59;
464401.20, 3353245.80; 464418.06, 3353249.37; 466024.61, 3353894.54; 465973.36, 3353897.13;
464418.37, 3353236.70; 464427.80, 3353241.15; 465967.66, 3353909.76; 465939.48, 3353915.14;
464433.62, 3353250.13; 464449.50, 3353250.51; 465907.95, 3353903.22; 465904.48, 3353887.82;
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464484.85, 3353247.81; 464473.12, 3353250.70; 465816.50, 3353874.61; 465789.50, 3353888.05;
464462.46, 3353253.61; 464469.51, 3353268.58; 465163.51, 3353601.02; 465084.34, 3353682.31;
469439.91, 3354872.05; 469431.24, 3354880.30; 465112.50, 3353722.06; 465126.95, 3353747.45;
469419.59, 3354880.02; 469413.17, 3354869.04; 465147.68, 3353804.05; 465160.91, 3353838.44;
469407.35, 3354860.70; 469412.90, 3354850.26; 465181.85, 3353886.03; 465199.16, 3353900.09;
469425.73, 3354845.28; 469436.72, 3354850.83; 465228.18, 3353922.21; 465307.99, 3353944.16;
469445.09, 3354863.47; 469439.91, 3354872.05; 465348.23, 3353941.12; 465378.48, 3353935.84;
469523.43, 3354844.93; 469510.70, 3354845.68; 465419.06, 3353918.78; 465387.24, 3353905.99;
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469508.89, 3354810.76; 469526.05, 3354814.93; 465305.83, 3353866.96; 465294.78, 3353825.62;
469534.24, 3354826.75; 469531.87, 3354837.27; 465269.69, 3353741.86; 465283.78, 3353699.12;
469523.43, 3354844.93; 466190.53, 3354051.39; 465281.10, 3353685.03; 465269.01, 3353686.74;
465789.50, 3353888.05; 465774.93, 3353906.49; 465247.37, 3353668.19; 465241.83, 3353648.02;
465797.81, 3353933.65; 465835.46, 3353937.23; 465229.74, 3353649.73; 465210.17, 3353628.22;
465867.28, 3353944.38; 465901.69, 3353950.31; 465217.51, 3353615.37; 465188.51, 3353568.59;
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466018.28, 3353997.80; 466056.00, 3354025.52; 465165.65, 3353642.18; 465177.04, 3353669.50;
466094.75, 3354063.47; 466127.55, 3354083.41; 465168.94, 3353672.31; 465145.38, 3353649.71;
466164.05, 3354108.55; 466186.52, 3354132.07; 465118.92, 3353664.10; 465085.74, 3353624.23;
466348.00, 3354151.94; 466376.57, 3354104.72; 465102.02, 3353615.60; 465111.37, 3353602.80;
466418.82, 3354050.83; 466470.73, 3354007.74; 465106.57, 3353593.67; 465081.96, 3353573.04;
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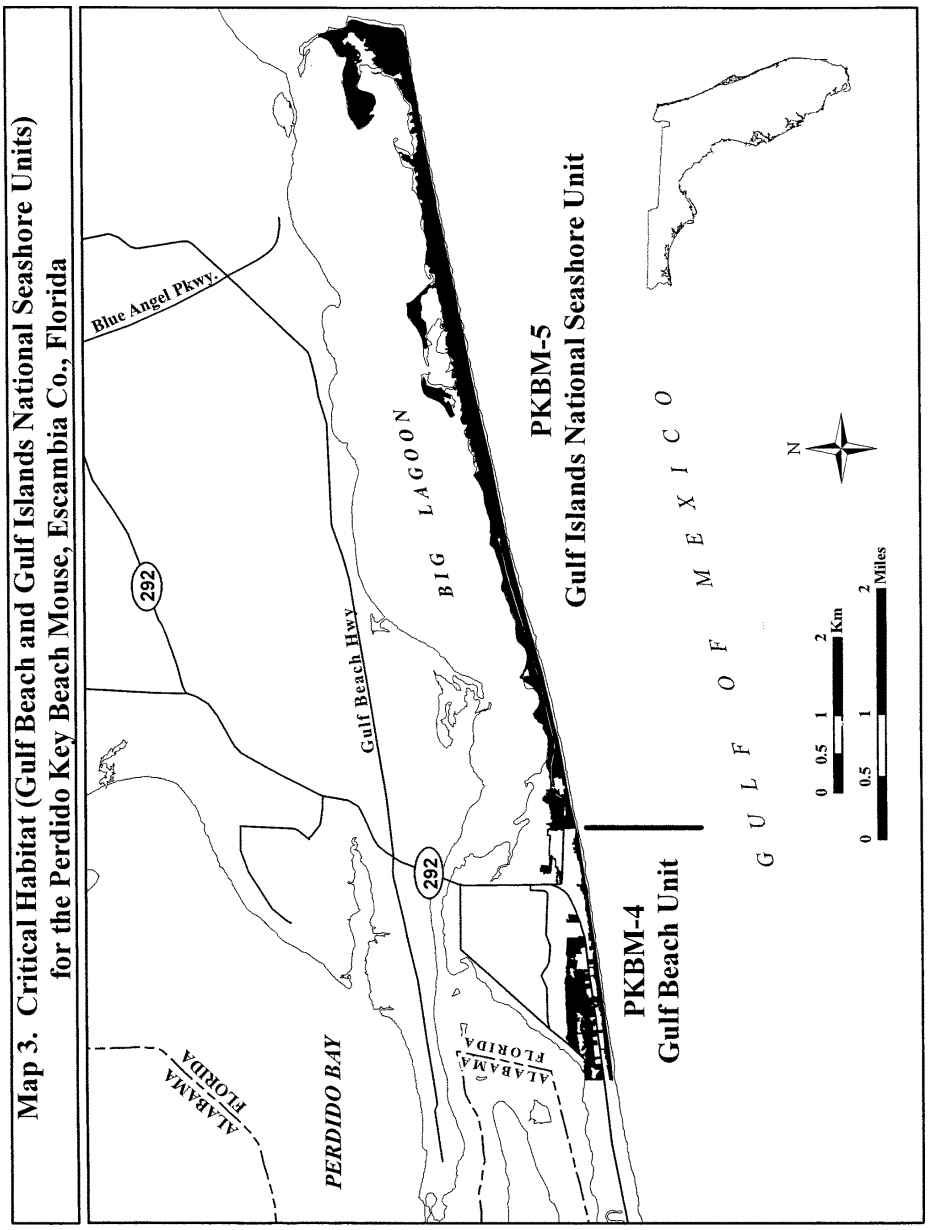
466606.12, 3353859.14; 466597.09, 3353843.27; 464942.78, 3353514.60; 464907.95, 3353542.82;
466568.86, 3353842.59; 466560.42, 3353867.44; 464910.63, 3353556.91; 464923.31, 3353572.24;
466541.00, 3353892.02; 466504.78, 3353897.41; 464940.99, 3353588.69; 464978.60, 3353611.64;
466485.35, 3353921.99; 466479.78, 3353957.86; 465020.27, 3353632.68; 465063.72, 3353662.78;
466444.79, 3353977.37; 466412.75, 3353984.29; 465084.34, 3353682.31
466373.20, 3353979.51; 466323.72, 3353961.73;

(iii) Note: Map 3, Units 4 and 5 of Perdido Key beach mouse, follows:



PREBLE'S MEADOW JUMPING MOUSE (*Zapus hudsonius preblei*)

(1) Critical habitat units are depicted for Boulder, Broomfield, Douglas, El Paso, Jefferson, Larimer, and Teller Counties in Colorado on the maps below.

(2) The primary constituent elements of critical habitat for the Preble's meadow jumping mouse are:

(i) Riparian corridors:

(A) Formed and maintained by normal, dynamic, geomorphological, and hydrological processes that create and maintain river and stream channels, floodplains, and floodplain benches and that promote patterns of vegetation favorable to the Preble's meadow jumping mouse;

(B) Containing dense, riparian vegetation consisting of grasses, forbs, or shrubs, or any combination thereof, in areas along rivers and streams that normally provide open water through the Preble's meadow jumping mouse's active season; and

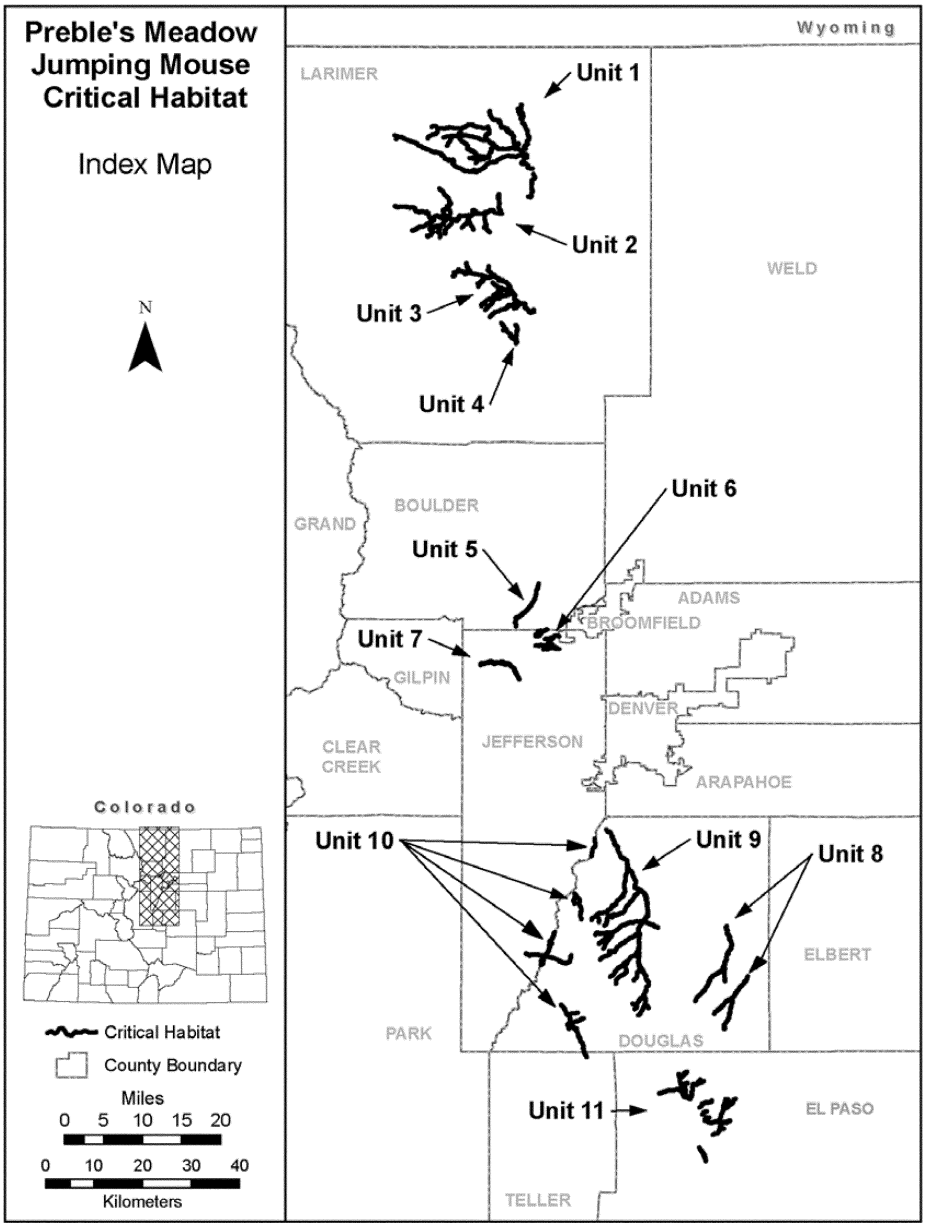
(C) Including specific movement corridors that provide connectivity between and within populations. This may include river and stream reaches with minimal vegetative cover or that are armored for erosion control; travel ways beneath bridges, through culverts, along canals and ditches; and other areas that have experienced substantial human alteration or disturbance.

(ii) Additional adjacent floodplain and upland habitat with limited human disturbance (including hayed fields, grazed pasture, other agricultural lands that are not plowed or disked regularly, areas that have been restored after past aggregate extraction, areas supporting recreational trails, and urban-wildland interfaces).

(3) Critical habitat does not include buildings, roads, parking lots, other paved areas, lawns, other urban and suburban landscaped areas, regularly plowed or disked agricultural areas, and the land on which they are located existing within the legal boundaries on the effective date of this rule.

(4) *Critical habitat map units.* Data layers defining map units were created on a base of USGS digital ortho-photo quarter-quadrangles, and critical habitat units were then mapped using Universal Transverse Mercator (UTM) Zone 15N coordinates.

(5) *Note:* Index map of critical habitat for the Preble's meadow jumping mouse follows:

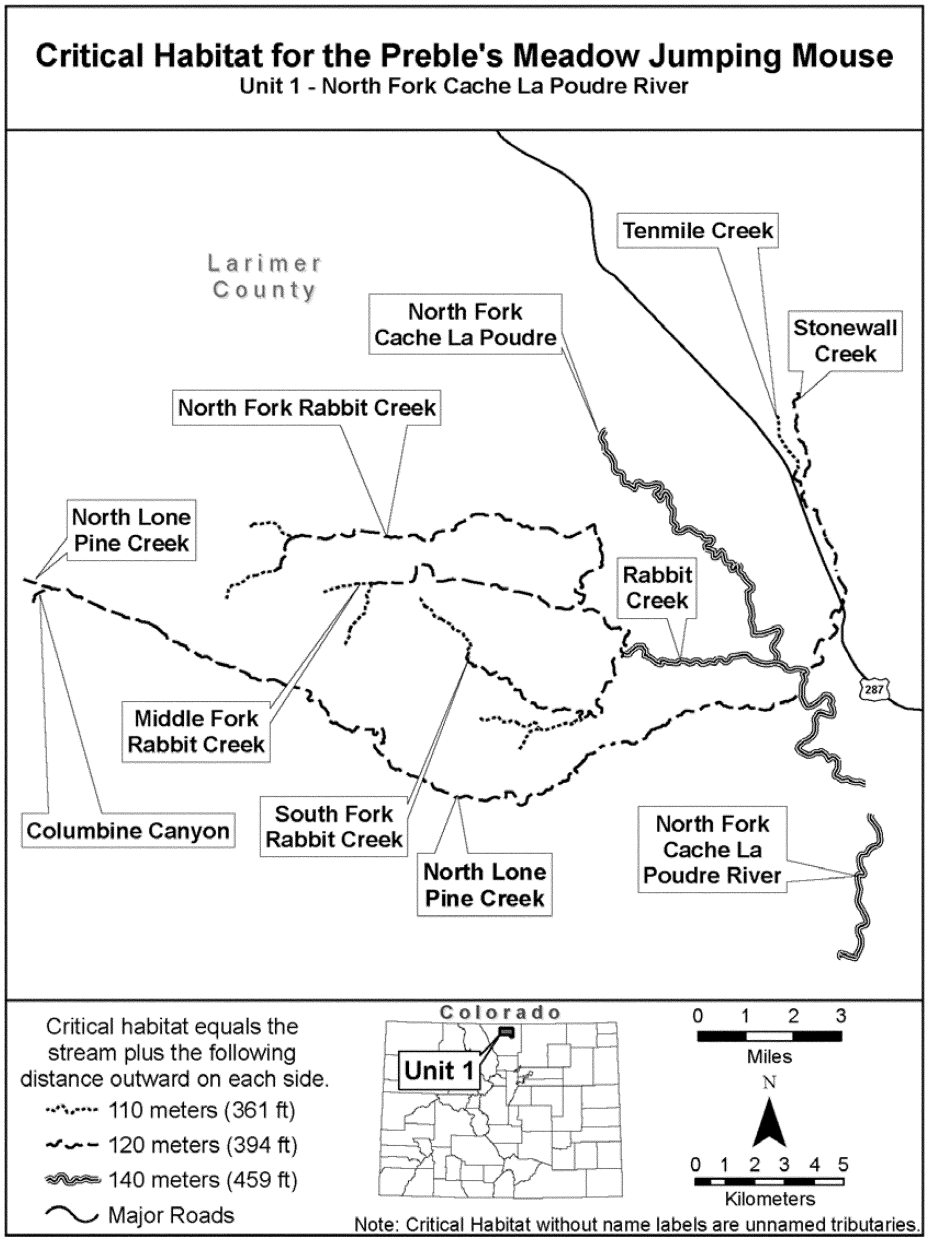


(6) Unit 1: North Fork Cache la Poudre River, Larimer County, Colorado.

(i) This unit consists of 87.2 mi (140.4 km) of streams and rivers. North Fork Cache la Poudre River from Seaman Reservoir (40 43 7N 105 14 32W, T.9N., R.70W., Sec. 28) upstream to Halligan Reservoir spillway (40 52 44N 105 20 15W, T.11N., R.71W., Sec. 34) excluding 1.06 mi (1.71 km) of the North Fork Cache la Poudre River within the Eagles Nest Open Space (from 40 45 44N 105 13 50W, T. 9N, R.70W., Sec. 9 to 40 46 17N 105 13 59W,

T. 9N, R.70W., Sec. 4). Includes Lone Pine Creek from its confluence North Fork Cache la Poudre River (40 47 54N 105 15 30W, T.10N., R.70W., Sec. 32) upstream and continuing upstream into North Lone Pine Creek to 7,600 ft (2,317 m) elevation (40 49 58N 105 34 09W, T.10N., R.73W., Sec. 15). Includes Columbine Canyon from its confluence with North Lone Pine Creek (40 49 47N 105 33 31W, T.10N., R.73W., Sec. 15) upstream to 7,600 ft (2,317 m) elevation (40 49 32N 105 33 58W, T.10N., R.73W., Sec. 15). Also includes Stonewall Creek from its confluence with North Fork Cache la Poudre River (40 48 19N 105 15 21W, T.10N., R.70W., Sec. 29) upstream to (40 53 26N 105 15 40W, T.11N., R.70W., Sec. 29). Includes Tenmile Creek from its confluence with Stonewall Creek (40 51 49N 105 15 32W, T.10N., R.70W., Sec. 5) upstream to Red Mountain Road (40 53 00N 105 16 09W, T.11N., R.70W., Sec. 31). Also includes Rabbit Creek from its confluence with North Fork Cache la Poudre River (40 48 30N 105 16 07W, T.10N., R.70W., Sec. 30) upstream to the confluence with North and Middle Forks of Rabbit Creek (40 49 34N 105 20 49W, T.10N., R 71W., Sec. 21). Also includes South Fork Rabbit Creek from its confluence with Rabbit Creek (40 48 39N 105 19 45W, T.10N., R.71W., Sec. 27) upstream to (40 49 39N 105 24 40W, T.10N., R.72W., north boundary Sec. 24). Includes an unnamed tributary from its confluence with South Fork Rabbit Creek (40 47 28N 105 20 47W, T.10N., R.71W., Sec. 33) upstream to (40 47 28N 105 23 12W, T.10N., R.71W., Sec. 31). Which in turn has an unnamed tributary from their confluence at (40 47 17N 105 21 48W, T.10N., R.71W., east boundary Sec. 32) upstream to (40 46 55N 105 22 16W, T.9N., R.71W., Sec. 5). Also includes Middle Fork Rabbit Creek from its confluence with Rabbit Creek (40 49 34N 105 20 49W, T.10N., R 71W., Sec. 21) upstream to 7,600 ft (2,317 m) elevation (40 49 46N 105 26 59W, T.10N., R.72W., Sec. 15). This includes an unnamed tributary from its confluence with Middle Fork Rabbit Creek (40 49 56N 105 25 51W, T.10N., R.72W., Sec. 14) upstream to 7,600 ft (2,317 m) elevation (40 48 48N 105 26 29W, T.10N., R.72W., Sec. 23). This unit includes North Fork Rabbit Creek from its confluence with Rabbit Creek (40 49 34N 105 20 49W, T.10N., R.71W., Sec. 21) upstream to 7,600 ft (2,317 m) elevation (40 49 38N 105 29 19W, T.10N., R.72W., Sec. 17). Includes an unnamed tributary from its confluence with North Fork Rabbit Creek (40 50 45N 105 27 44W, T.10N., R.72W., Sec. 9) upstream to 7,600 ft (2,317 m) elevation (40 50 57N 105 28 46W, T.10N., R.72W., Sec. 9).

(ii) *Note:* Map of Unit 1 follows:

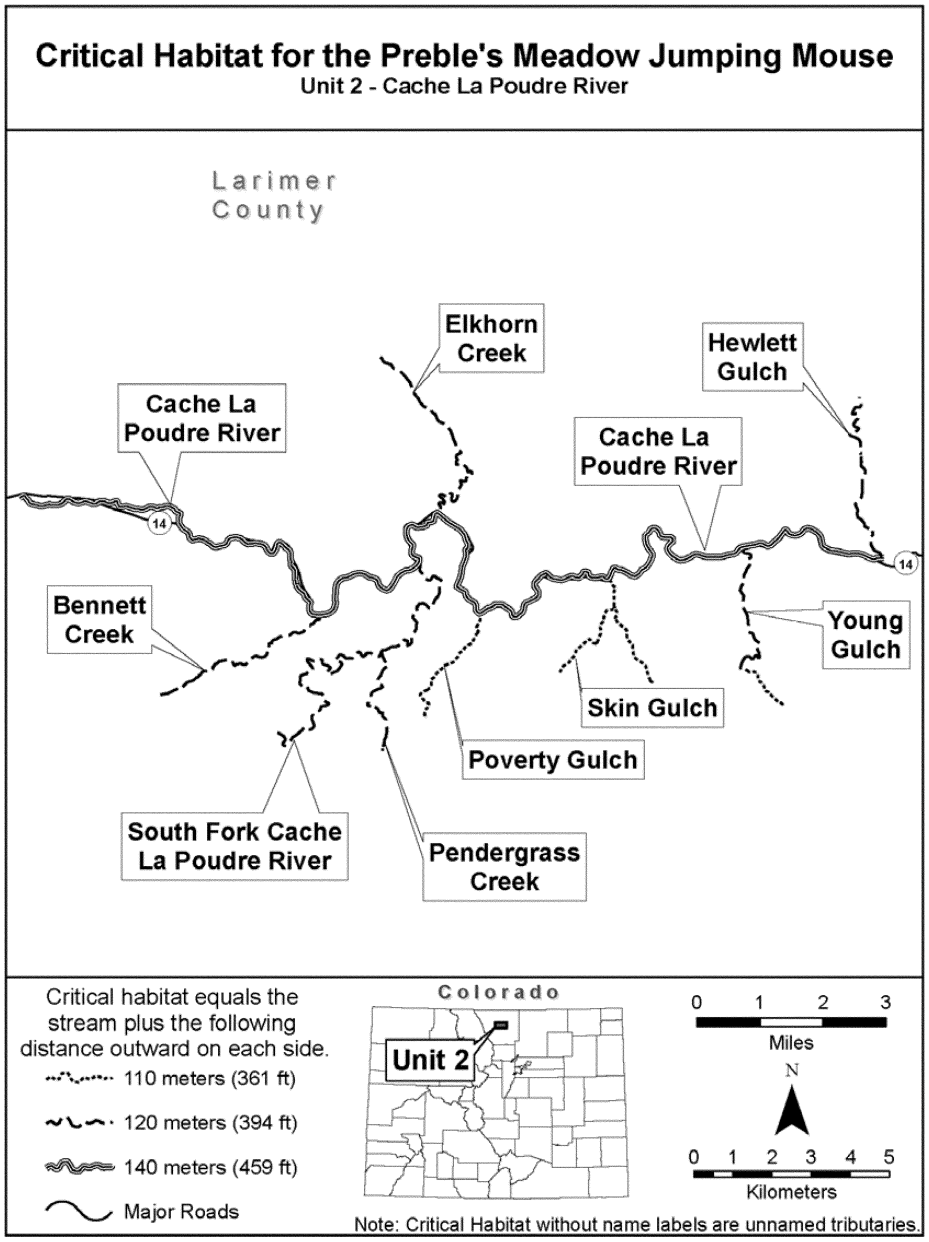


(7) Unit 2: Cache la Poudre River, Larimer County, Colorado.

(i) This unit consists of 50.8 mi (81.7 km) of streams and rivers. Cache la Poudre River from Poudre Park (40 41 16N 10 18 2W, T.8N., R.71W., Sec. 2) upstream to (40 42 02N 105 34 04W, T.9N., R.73W., west boundary Sec. 34). Includes Hewlett Gulch from its confluence with Cache la Poudre River (40 41 16N 105 18 24W, T.8N., R.71W., Sec. 2) upstream to the

boundary of Arapahoe-Roosevelt National Forest (40 43 29N 105 18 51W, T.9N., R.71W., Sec. 23). Also includes Young Gulch from its confluence with Cache la Poudre River (40 41 25N 105 20 57W, T.8N., R.71W., Sec. 4) upstream to (40 39 14N 105 20 13W, T.8N., R.71W., south boundary Sec. 15). Also includes an unnamed tributary from its confluence with Cache la Poudre River at Stove Prairie Landing (40 40 58N 105 23 23W, T.8N., R.71W., Sec. 6) upstream to (40 39 31N 105 22 34W, T.8N., R.71W., Sec. 17). Includes Skin Gulch from its confluence with the aforementioned unnamed tributary at (40 40 33N 105 23 16W, T.8N., R.71W., Sec. 7) upstream to (40 39 40N 105 24 16W, T.8N., R.72W., Sec. 13). Unit 2 also includes Poverty Gulch from its confluence with Cache la Poudre River (40 40 28N 105 25 44W, T.8N., R.72W., Sec. 11) upstream to 7,600 ft (2,317 m) elevation (40 39 01N 105 26 40W, T.8N., R.72W., Sec. 22). Also includes Elkhorn Creek from its confluence with Cache la Poudre River (40 41 50N 105 26 24W, T.9N., R.72W., Sec. 34) upstream to (40 44 03N 105 27 34W, T.9N., R.72W., Sec. 21). Also includes South Fork Cache la Poudre River from its confluence with Cache la Poudre River (40 41 11N 105 26 50W, T.8N., R.72W., Sec. 3) upstream to 7,600 ft (2,317 m) elevation (40 38 48N 105 29 22W, T.8N., R.72W., Sec. 20). Includes Pendergrass Creek from its confluence with South Fork Cache la Poudre River (40 39 56N 105 27 30W, T.8N., R.72W., Sec. 15) upstream to 7,600 ft (2,317 m) elevation (40 38 34N 105 27 28W, T.8N., R.72W., Sec. 22). Also included in the unit is Bennett Creek from its confluence with Cache la Poudre River (40 40 26N 105 28 41W, T.8N., R.72W., Sec. 9) upstream to 7,600 ft (2,317 m) elevation (40 39 19N 105 31 29W, T.8N., R.73W., Sec. 13).

(ii) *Note:* Map of Unit 2 follows:

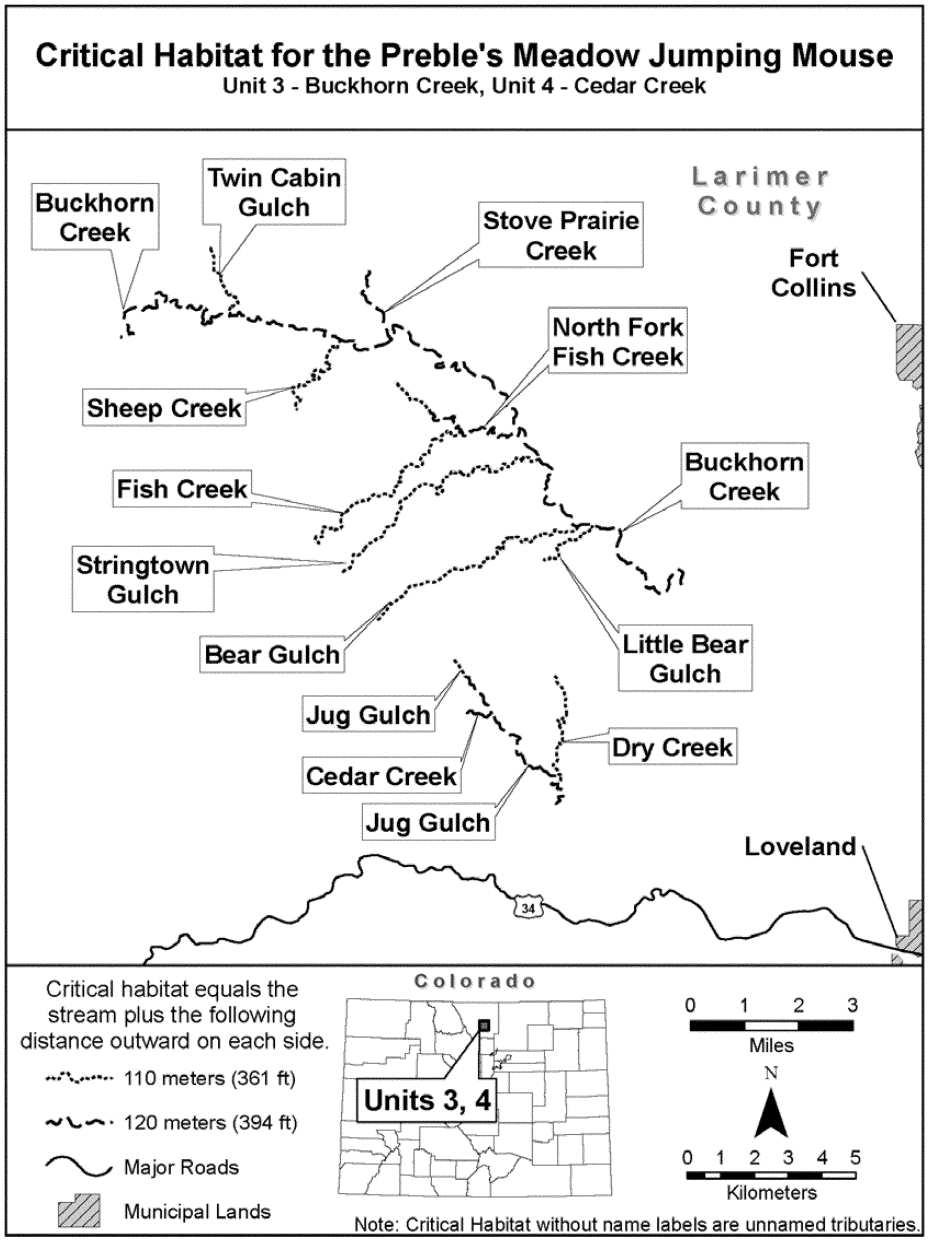


(8) Unit 3: Buckhorn Creek, Larimer County, Colorado.

(i) This unit consists of 45.5 mi (73.2 km) of streams. Buckhorn Creek from (40 30 20N 105 13 39W, T.6N., R.70W., east boundary Sec. 9) upstream to 7,600 ft (2,317 m) elevation (40 34 17N 105 25 31W, T.7N., R.72W., Sec. 14). Includes Little Bear Gulch from its confluence with Buckhorn Creek (40 31 17N 105 15 33W, T.6N., R.70W., Sec. 5) upstream to (40 30 43N

105 16 35W, T.6N., R.70W., Sec. 6). Also includes Bear Gulch from its confluence with Buckhorn Creek (40 31 16N 105 15 52W, T.6N., R.70W., Sec. 5) upstream to 7,600 ft (2,317 m) elevation (40 29 45N 105 20 4W, T.6N., R.71W., Sec. 10). Also includes Stringtown Gulch from its confluence with Buckhorn Creek (40 32 21N 105 16 42W, T.7N., R.70W., Sec. 30) upstream to 7,600 ft (2,317 m) elevation (40 30 30N 105 20 50W, T.6N., R.71W., Sec. 4). Also includes Fish Creek from its confluence with Buckhorn Creek (40 32 48N 105 18 20W, T.7N., R.70W., Sec. 30) upstream to 7,600 ft (2,317 m) elevation (40 30 56N 105 21 20W, T.6N., R.71W., Sec. 4). Includes North Fork Fish Creek from its confluence with Fish Creek (40 32 48N 105 18 20W, T.7N., R.71W., west boundary Sec. 25) upstream and following the first unnamed tributary northwest to (40 33 34N 105 19 45W, T.7N., R.71W., Sec. 22). Also includes Stove Prairie Creek from its confluence with Buckhorn Creek (40 34 16N 105 19 48W, T.7N., R.71W., Sec. 15) upstream to the dirt road crossing at (40 35 22N 105 20 17W, T.7N., R.71W., Sec. 10). Also includes Sheep Creek from its confluence with Buckhorn Creek (40 34 15N 105 20 53W, T.7N., R.71W., Sec. 16) upstream to 7,600 ft (2,317 m) elevation (40 33 08N 105 21 47W, T.7N., R.71W., Sec. 20). Also includes Twin Cabin Gulch from its confluence with Buckhorn Creek (40 34 38N 105 23 13W, T.7N., R.71W., Sec. 18) upstream to 7,600 ft (2,317 m) elevation (40 35 45N 105 23 36W, T.7N., R.71W., Sec. 6).

(ii) NOTE: Map of Units 3 and 4 follows:



(9) Unit 4: Cedar Creek, Larimer County, Colorado.

(i) This unit consists of 7.5 mi (12.1 km) of streams. Cedar Creek from the boundary of Federal land (40 26 46N 105 16 17W, T.6N., R.70W., Sec. 31) upstream to the boundary of Federal land (40 28 15N 105 18 11W, T.6N., R.71W., Sec. 24). Includes Dry Creek from its confluence with Cedar Creek (40 27 07N 105 16 16W, T.6N., R.70W., Sec. 30) upstream to the

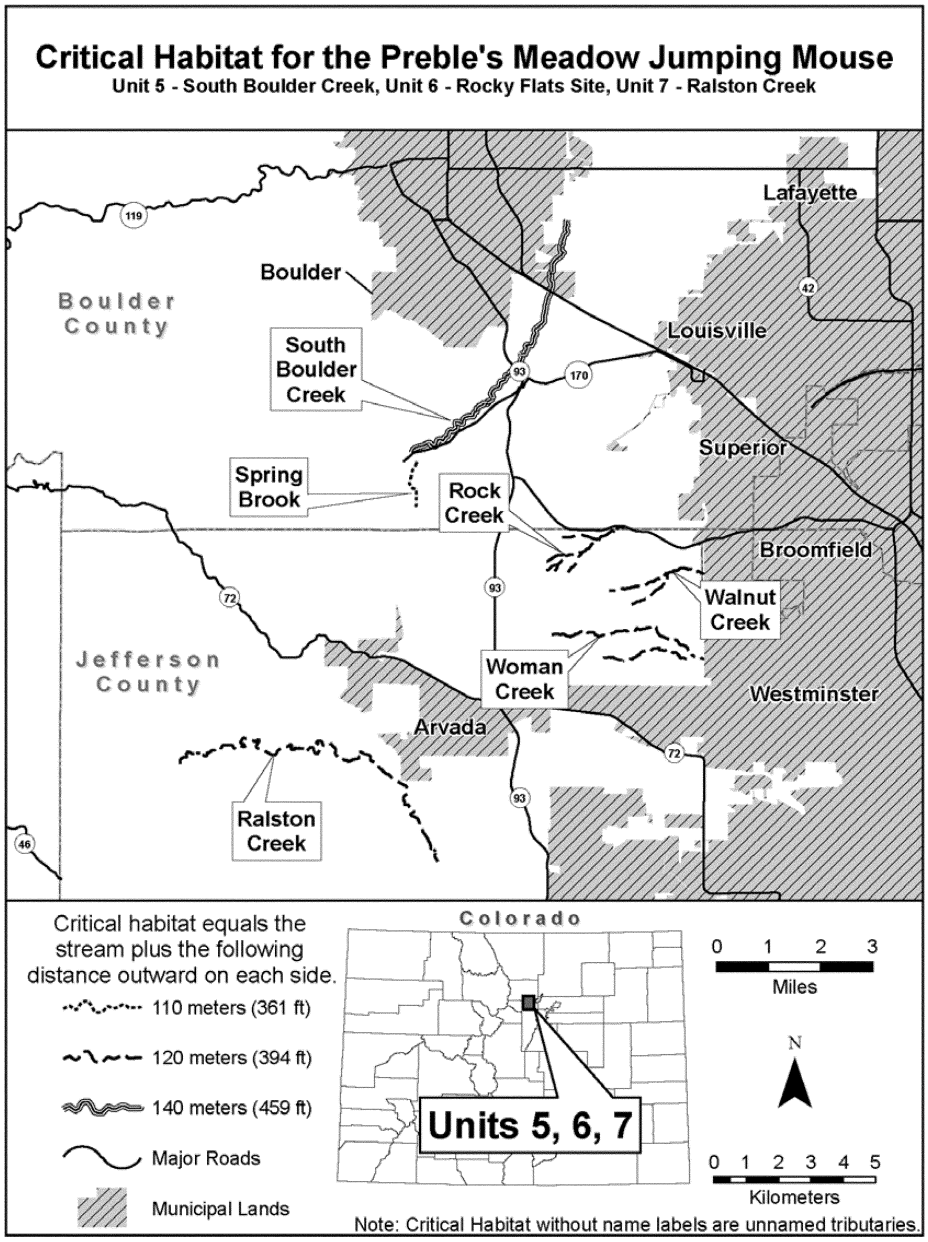
boundary of Federal land (40 28 52N 105 16 21W, T.6N., R.70W., Sec. 18). Also includes Jug Gulch from its confluence with Cedar Creek (40 28 15N 105 17 41W, T.6N., R.71W., Sec. 24) upstream to the boundary of Federal land (40 29 07N 105 18 28W, T.6N., R.71W., Sec. 14).

(ii) NOTE: Map of Unit 4 appears at paragraph (8)(ii) of this entry.

(10) Unit 5: South Boulder Creek, Boulder County, Colorado.

(i) This unit consists of 7.6 mi (12.2 km) of streams. Including South Boulder Creek from Baseline Road (40 0 0N 105 12 55W, T.1S., R.70W., Sec. 3) upstream to near Eldorado Springs, Colorado (39 56 7N 105 16 16W, T.1S., R.70W., Sec. 30). Unit 5 also includes Spring Brook from the Community Ditch near Eldorado Springs (39 55 59N 105 16 10W, T.1S., R.70W., Sec. 30) upstream to the Denver Water boundary at the South Boulder Diversion Canal (39 55 13N 105 16 12W, T.1S., R.70W., Sec. 31).

(ii) NOTE: Map of Units 5, 6, and 7 follows:



(11) Unit 6: Rocky Flats Site, Jefferson County and Broomfield Counties, Colorado.

(i) This unit consists of three subunits including 12.5 mi (20.1 km) of streams as follows:

(A) The Woman Creek Subunit from Indiana Street (39 52 40N 105 9 55W, T.2S., R.70W., east boundary Sec. 13) upstream to (39 53 3N 105 13 20W, T.2S., R.70W., west boundary Sec.

15). Includes unnamed tributary from confluence with Woman Creek (39 52 43N 105 10 11W, T.2S., R.70W., Sec. 13) upstream to (39 52 39N 105 12 11W, T.2S., R.70W., west boundary Sec. 14).

(B) The Walnut Creek Subunit from Indiana Street (39 54 5N 105 9 55W, T.2S., R.70W., east boundary Sec. 1) upstream to (39 53 49N 105 11 59W, T.2S., R.70W., Sec. 11). Includes unnamed tributary from its confluence with Walnut Creek (39 54 6N 105 10 42W, T.2S., R.70W., Sec. 1) upstream to (39 53 35N 105 11 29W, T.2S., R.70W., Sec. 11).

(C) The Rock Creek Subunit from State Highway 128 (39 54 53N 105 11 40W, T.1S., R.70W., Sec. 35) upstream to (39 54 17N 105 13 20W, T.2S., R.70W., west boundary Sec. 3). Includes an unnamed tributary from its confluence with Rock Creek (39 54 40N 105 12 11W, T.2S., R.70W., east boundary Sec. 3) upstream to (39 54 42 N 105 13 00W, T.2S., R.70W., Sec. 3). Also includes an unnamed tributary from its confluence with Rock Creek at (39 54 26N 105 12 34W, T.2S., R.70W., Sec. 3) upstream to (39 54 7N 105 12 52W, T.2S., R.70W., Sec. 3). Includes another unnamed tributary from its confluence with Rock Creek at (39 54 23N 105 12 56W, T.2S., R.70W., Sec. 3) upstream to (39 54 8N 105 13 20W, T.2S., R.70W., west boundary Sec. 3. Includes another unnamed tributary from its confluence with Rock Creek at (39 54 15N 105 13 5W, T.2S., R.70W., Sec. 3) upstream to (39 54 08N 105 13 09W, T.2S., R.70W., Sec. 3).

(ii) NOTE: Map of Unit 6 appears at paragraph (10)(ii) of this entry.

(12) Unit 7: Ralston Creek, Jefferson County, Colorado.

(i) This unit consists of 8.5 mi (13.7 km) of streams. Ralston Creek from 6,065 ft (1,849 m) elevation at the northern edge of Denver Water property just upstream of Ralston Reservoir (39 49 12N 105 15 35W, T.3S., R.70W., Sec. 6) upstream into Golden Gate Canyon State Park to 7,600 ft (2,300 m) elevation (39 50 53 105 21 16W, T.2S., R.71W., Sec. 29).

(ii) NOTE: Map of Unit 7 appears at paragraph (10)(ii) of this entry.

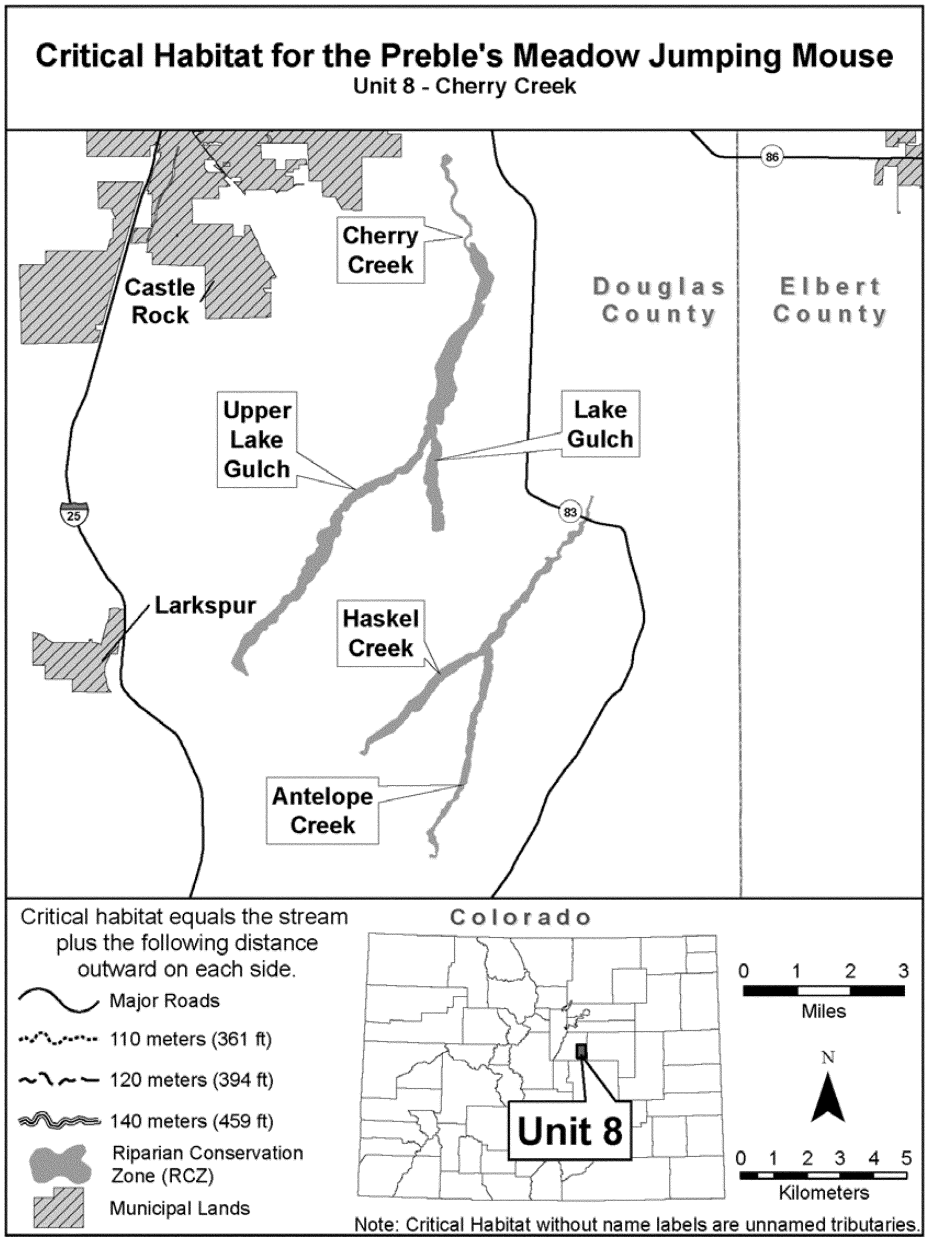
(13) Unit 8: Cherry Creek, Douglas County, Colorado.

(i) This unit consists of two subunits including 29.8 mi (47.9 km) of streams as follows:

(A) The Lake Gulch Subunit including Cherry Creek from the northern boundary of Castlewood Canyon State Recreation Area (39 21 44N 104 45 39W, T.8S., R.66W., south boundary Sec. 10) upstream to the confluence with Lake Gulch (39 20 24N 104 45 36W, T.8S., R.66W., Sec. 23). Lake Gulch from the aforementioned confluence upstream to (39 15 37N 104 46 05W, T.9S., R.66W., south boundary Sec. 15). Includes Upper Lake Gulch from its confluence with Lake Gulch (39 17 24N 104 46 11W, T.9S., R.66W., Sec. 3) upstream to (39 13 24N 104 50 21W, T.9S., R.67W., mid-point Sec. 36).

(B) The Antelope Creek Subunit from its confluence with West Cherry Creek (39 16 11N 104 42 49W, T.9S R.65W., S18) upstream to the Franktown Parker Reservoir (39 10 20N 104 46 16W, T.10S R.66W., S22). It also includes Haskel Creek from its confluence with Antelope Creek (39 13 43N, 104 45 5W, T.9S R.66W., S35) upstream to the Haskel Creek Spring Pond at 7,000 ft (2,134 m) elevation (39 11 60N 104 47 40N, T.10S R.66W., S8).

(ii) NOTE: Map of Unit 8 follows:

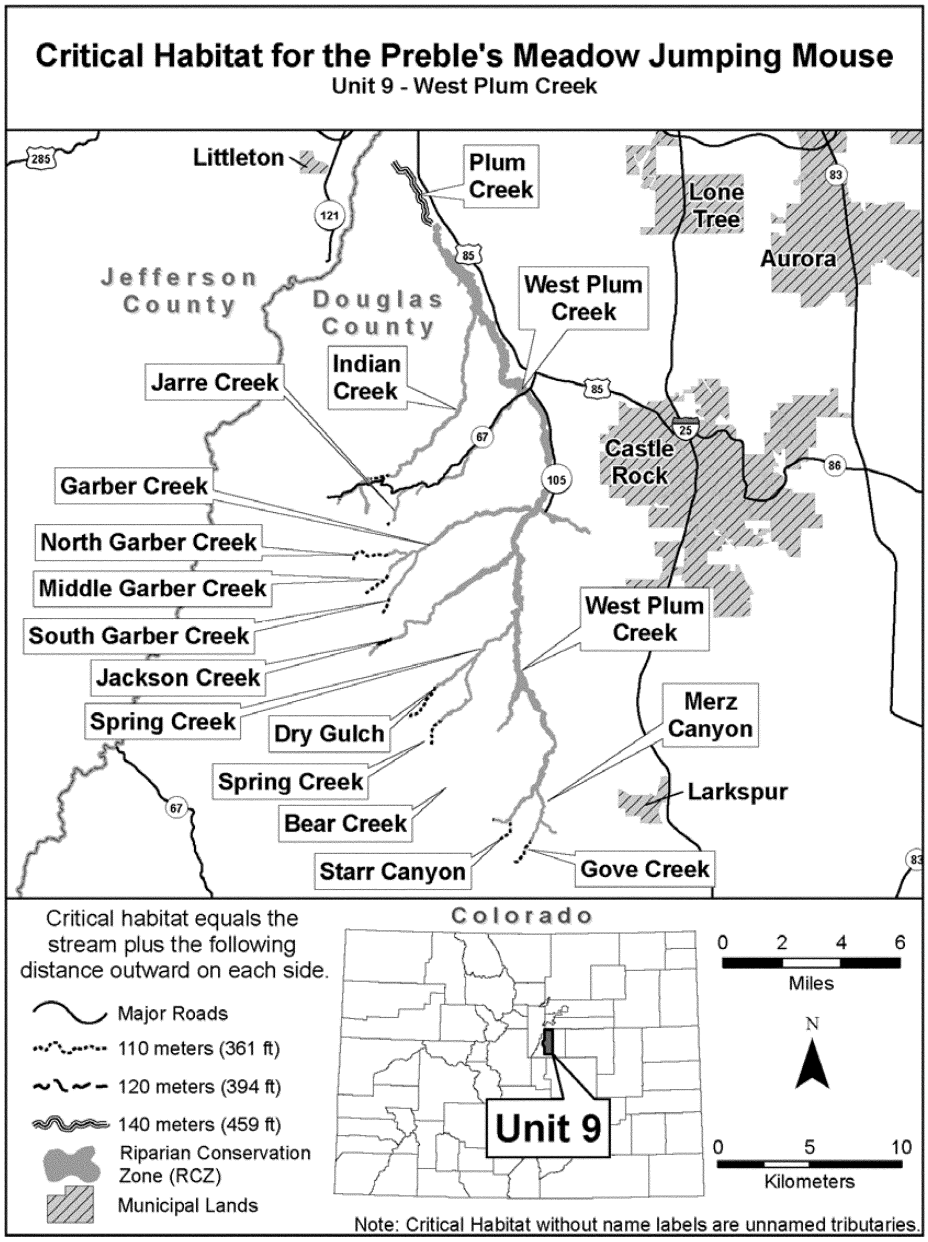


(14) Unit 9: West Plum Creek, Douglas County, Colorado.

(i) This unit consists of 90.3 mi (145.3 km) of streams. Plum Creek from Chatfield Lake (39 32 35N 105 03 07W, T.6S., R.68W., Sec. 7) upstream to its confluence with West Plum Creek and East Plum Creek (39 25 49N 104 58 8W, T.7S., R.68W., Sec. 23), excluding 0.14 mi (0.23 km) of Plum Creek owned by Denver

Water at the Highline Canal crossing (excluding from 39 30 44N 105 01 41W, T.6S., R.68W., Sec. 20 downstream to 39 30 41N 105 01 32W, T.6S., R.68W., Sec. 20). West Plum Creek from the aforementioned confluence (39 25 49N 104 58 8W, T.7S., R.68W., Sec. 23) upstream to the boundary of Pike-San Isabel National Forest and 7,600 ft (2,317 m) elevation (39 13 07N 104 59 20W, T.9S., R.68W., Sec. 34). Includes Indian Creek from its confluence with Plum Creek (39 28 22N 104 59 57W, T.7S., R.68W., Sec. 4) upstream to Silver State Youth Camp (39 22 24N 105 05 13W, T.8S., R.69W., Sec. 11). Indian Creek includes an unnamed tributary from its confluence with Indian Creek at Pine Nook (39 23 01N 105 04 24W, T.8S., R.69W., Sec. 2) upstream to (39 22 10N 105 04 08W, T.8S., R.69W., Sec. 12). Also includes Jarre Creek from its confluence with Plum Creek (39 25 50N 104 58 15W, T.7S., R.68W., Sec. 23) upstream to 7,600 ft (2,317 m) elevation (39 21 50N 105 03 20W, T.8S., R.69W., Sec. 12). Jarre Creek includes an unnamed tributary from its confluence with Jarre Creek (39 22 58N 105 01 52W, T.8S., R.68W., Sec. 5) upstream to (39 22 44N 105 02 14W, T.8S., R.68W., Sec. 8). Also includes an unnamed tributary from its confluence with West Plum Creek (39 22 20N 104 57 39W, T.8S., R.68W., Sec. 11) upstream to (39 21 36N 104 55 40W, T.8S, R67W., Sec.18). Unit 9 also includes Garber Creek from its confluence with Plum Creek (39 22 10N 104 57 49W, T.8S., R.68W., Sec. 11) upstream to its confluence with South Garber Creek and Middle Garber Creek (39 21 02N 105 02 13W, T.8S., R.68W., Sec. 18). Including South Garber Creek from its confluence with Garber Creek (39 21 02N 105 02 13W, T.8S., R.68W., Sec. 18) upstream to 7,600 ft (2,317 m) elevation (39 19 14N 105 03 13W, T.8S., R.69W., Sec. 25). Including Middle Garber Creek from its confluence with Garber Creek (39 20 55N 105 02 35W, T.8S., R.68W., Sec. 18) upstream to (39 19 48N 105 04 09W, T.8S., R.69W., west boundary Sec. 25). Including North Garber Creek from its confluence with Middle Garber Creek (39 20 55N 105 02 35W, T.8S., R.68W., Sec. 18) upstream to 7,600 ft (2,317 m) elevation (39 20 47N 105 04 37W, T.8S., R.69W., Sec. 23). Includes Jackson Creek from its confluence with Plum Creek (39 21 02N 104 58 30W, T.8S., R.68W., Sec. 14) upstream to 7,600 ft (2,317 m) elevation (39 17 59N 105 03 57W, T.9S., R.69W., Sec. 1). Includes Spring Creek from its confluence with West Plum Creek at (39 19 04N 104 58 26W, T.8S., R.68W., Sec. 35) upstream to (39 15 21N 105 01 40W, T.9S., R.68W., Sec. 20). Including Dry Gulch from its confluence with Spring Creek (39 17 54N 104 59 58W, T.9S., R.68W., Sec. 4) upstream to 7,600 ft (2,317 m) elevation (39 16 07N 105 02 33W, T.9S., R.68W., Sec. 18). Including Bear Creek from its confluence with West Plum Creek (39 17 30N 104 58 25W, T.9S., R.68W., Sec. 2) upstream to the base of the Waconda Lake dam (39 15 43 N, 104 59 09 W, T.9S, R.68W, Sec.15). Including Gove Creek from its confluence with West Plum Creek (39 14 07N 104 57 42W, T.9S., R.68W., Sec. 26) upstream to 7,600 ft (2,317 m) elevation (39 11 50N 104 58 32W, T.10S., R.68W., Sec. 11). Includes Merz Canyon stream from its confluence with Gove Creek (39 13 05N 104 57 33W, T.9S., R.68W., Sec. 36) upstream to (39 12 39N 104 57 04 W, T.10S., R.68W., Sec.1). Includes Starr Canyon stream from its confluence with West Plum Creek (39 13 07N 104 58 41W, T.9S., R.68W., Sec. 35) upstream to 7,600 ft (2,317 m) elevation (39 12 32N 104 59 01W, T.10S., R.68W., Sec. 3).

(ii) NOTE: Map of Unit 9 follows:



(15) Unit 10: Upper South Platte River, Douglas, Jefferson, and Teller Counties, Colorado.

(i) This unit consists of four subunits including 33.6 mi (54.1 km) of rivers and streams as follows:

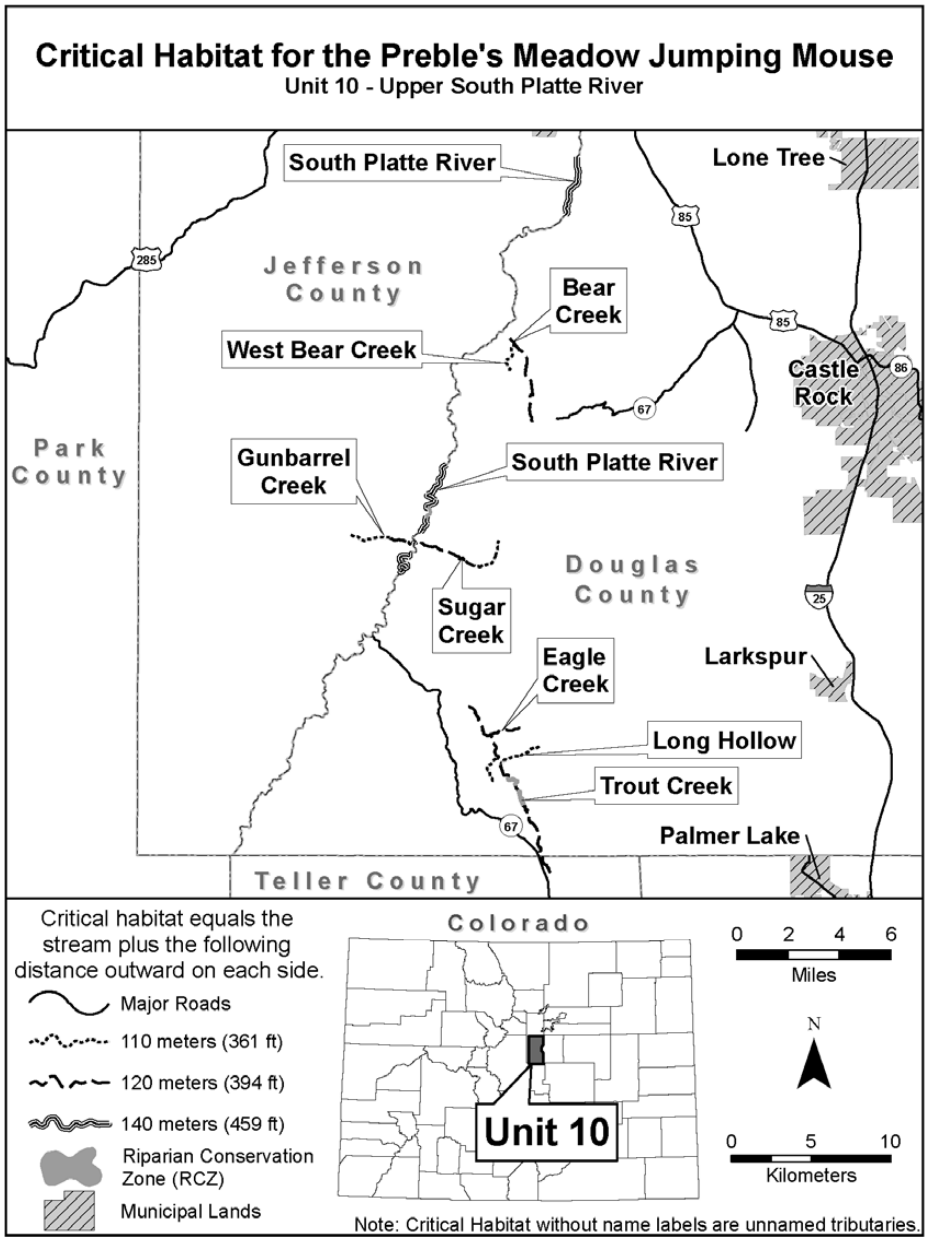
(A) The Chatfield Subunit, on the border of Jefferson County and Douglas County entirely within Chatfield State Park from Chatfield Lake (39 31 32N 105 04 45W, T.6S., R.69W., Sec. 14) upstream to the northern boundary of the Kassler Center land owned by Denver Water (39 29 35N 105 05 14W, T.6S., R.69W., Sec. 26).

(B) The Bear Creek Subunit, Douglas County from Pike–San Isabel National Forest boundary (39 25 27N 105 07 40W, T.7S., R.69W., west boundary Sec. 21) upstream to (39 22 32N 105 06 40W, T.8S., R.69W., south boundary Sec. 4). Includes West Bear Creek from its confluence with Bear Creek (39 25 15N 105 07 30W, T.7S., R.69W., Sec. 21) upstream to a confluence with an unnamed tributary (39 24 17N 105 07 38W, T.7S., R.69W., Sec. 33).

(C) The South Platte River Subunit, on the border of Jefferson County and Douglas County from the southern boundary of Denver Water land near Nighthawk (39 21 04N 105 10 28W, T.8S., R.70W., Sec. 13) upstream to the north eastern boundary of Denver Water land at (39 18 47N 105 11 33W, T.8S., R.70W., Sec. 35), excluding Denver Water lands along this stretch (39 19 10N 105 11 17W, T.8S., R.70W., Sec. 26), and utilizing the Douglas County Riparian Conservation Zones on non-Federal lands. Also included in this subunit from the southwestern boundary of Denver Water property at (39 18 04N 105 12 03W, T.9S., R.70W., Sec. 2) to the north eastern boundary of Denver Water property at (39 17 27N 105 12 24W, T.9S., R.70W., Sec. 3). Includes Sugar Creek, within Douglas County from the eastern boundary of Denver Water land near Oxyoke (39 18 24N 105 11 32W, T.8S., R.70W., Sec. 35) upstream to 7,600 ft (2,317 m) elevation (39 18 31N 105 08 09W, T.8S., R.69W., Sec. 32). Includes Gunbarrel Creek, within Jefferson County from the western boundary of Denver Water land near Oxyoke (39 18 27N 105 12 06W, T.8S., R.70W., Sec. 34) upstream to (39 18 41N 105 14 36W, T.8S., R.70W., Sec. 32).

(D) The Trout Creek Subunit, Douglas County upstream into Teller County from (39 13 02N 105 09 31W, T.9S., R.69W., Sec. 31) upstream to 7,600 ft (2,317 m) elevation which is 0.8 mi (1.3 km) into Teller County (39 07 13N 105 05 49W, T.11S., R.69W., Sec. 3). Includes Eagle Creek from its confluence with Trout Creek (39 11 52N 105 08 27W, T.10S., R.69W., Sec. 8) upstream to 7,600 ft (2,317 m) elevation (39 12 06N 105 07 12W, T.10S., R.69W., Sec. 9). Also including an unnamed tributary from its confluence with Trout Creek (39 11 07N 105 08 05W, T.10S., R.69W., Sec. 17) upstream to (39 10 18N 105 08 23W, T.10S., R.69W., Sec. 20). Also including Long Hollow from its confluence with Trout Creek (39 10 56N 105 08 01W, T.10S., R.69W., Sec. 17) upstream to 7,600 ft (2,317 m) elevation (39 11 30N 105 06 19W, T.10S., R.69W., Sec. 10).

(ii) NOTE: Map of Unit 10 follows:

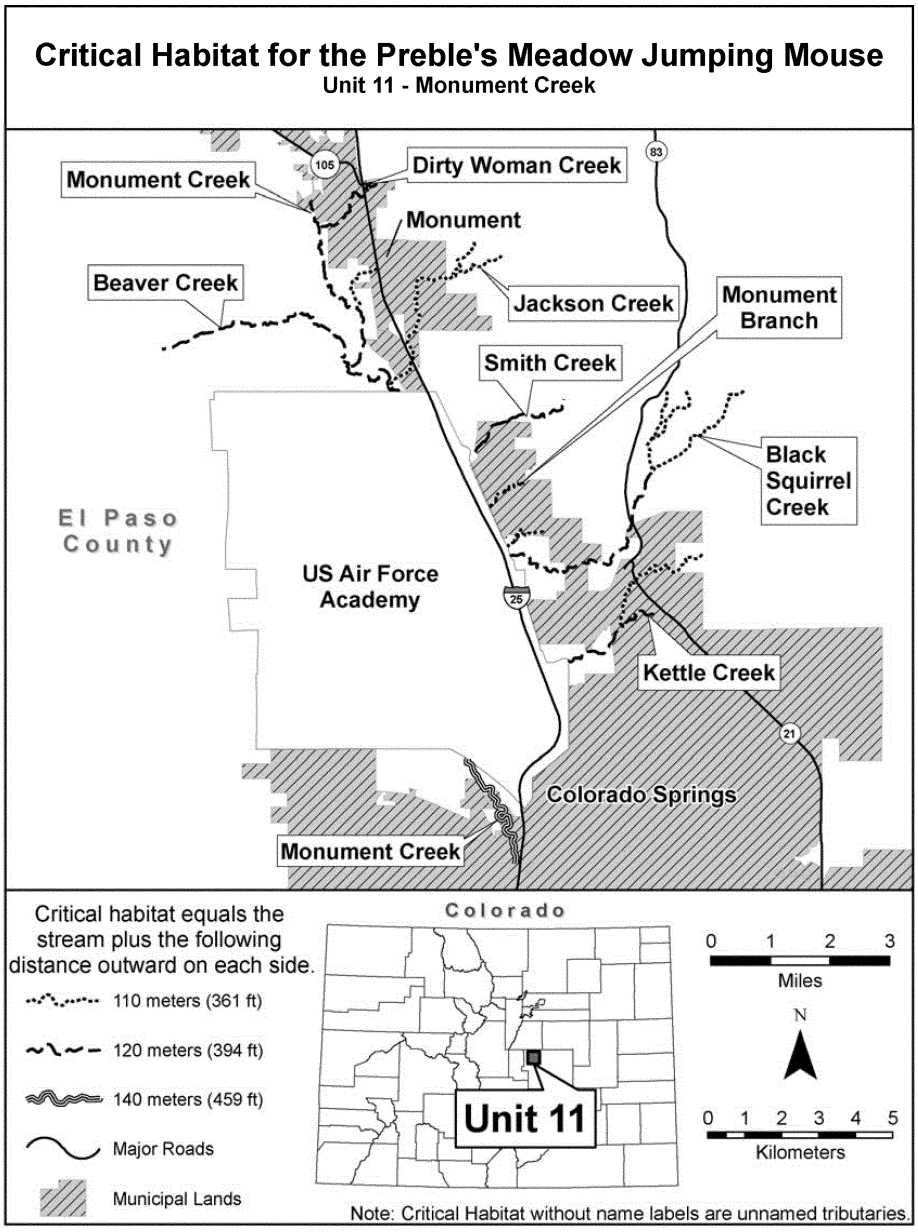


(16) Unit 11: Monument Creek, El Paso County, Colorado.

(i) This unit consists of 38.0 mi (61.1 km) of streams. Monument Creek from its confluence with Cottonwood Creek (38 55 36N 104 48 55W, T.13S., R66W., Sec. 7) upstream to the southern property boundary of the U.S. Air Force Academy (38 57 08N 104 49 49W, T.13S., R.66W., Sec. 6), excluding 0.82 ac (0.33 ha) on the Dahle property (38 56 56N 104 49 39W,

T.13S., R66W., Sec. 6). Then Monument Creek from the northern property boundary of the U.S. Air Force Academy (39 02 31N 104 51 05W, T.12S., R.67W., north boundary Sec. 2) upstream to Monument Lake (39 05 19N 104 52 43W, T.11S., R.67W., Sec. 15). Includes Kettle Creek from the property boundary of the U.S. Air Force Academy (38 58 33N 104 47 55W, T.12S., R.66W., Sec. 29) upstream to its intersection with a road at (39 00 07N 104 45 24W, T.12S., R.66W., east boundary Sec. 15). Which includes an unnamed tributary from its confluence with Kettle Creek (38 59 06N 104 46 55W, T.12S., R.66W., Sec. 21) upstream to (38 59 14N 104 46 19W, T.12S., R.66W., Sec. 22). Also includes Black Squirrel Creek from the property boundary of the U.S. Air Force Academy (39 00 06N 104 49 00W, T.12S., R.66W., Sec. 18) upstream to (39 02 30N 104 44 38W, T.12S., R.66W., north boundary Sec. 2). Including an unnamed tributary from its confluence with Black Squirrel Creek (39 01 19N 104 46 21W, T.12S., R.66W., Sec. 10) upstream to (39 02 30N 104 45 42W, T.12S., R.66W., north boundary Sec. 3). Which includes another unnamed tributary from (39 01 50N 104 46 20W, T.12S., R.66W., Sec. 3) upstream to (39 02 30N 104 46 03W, T.12S., R.66W., north boundary Sec. 3), excluding approximately 5 ac (2 ha) on the Lefever property (39 00 57N 104 46 33W, T.12S., R.66W., Sec. 9). Also includes an unnamed tributary from the property boundary of the U.S. Air Force Academy (39 00 14N 104 49 3W, T.12S., R.66W., Sec. 18) upstream to 6,700 ft (2,043 m) elevation (39 0 29N 104 48 24W, T.12S., R.66W., Sec. 17). Including an unnamed tributary from (39 0 19N 104 48 55W, T. 12S., R.66W., Sec. 18) upstream to (39 0 30N 104 48 48N, T. 12S., R.66W., Sec. 18). Unit 11 also includes Monument Branch from the property boundary of the U.S. Air Force Academy (39 00 50N 104 49 24W, T.12S., R.66W., Sec. 7) upstream to (39 01 10N 104 48 45W, T.12S., R.66W., east boundary Sec. 7). Also includes Smith Creek from the property boundary of the U.S. Air Force Academy (39 01 36N 104 49 46W, T.12S., R.66W., Sec. 7) upstream to (39 02 24N 104 48 00W, T.12S., R.66W., Sec. 5). Also includes Jackson Creek from its confluence with Monument Creek (39 02 33N 104 51 13W, T.11S., R.67W., Sec. 35) upstream to (39 04 30N 104 49 10W, T.11S., R.66W., Sec. 19). Includes an unnamed tributary from its confluence with Jackson Creek (39 04 12N 104 50 05W, T.11S., R.67W., Sec. 25) upstream to Higby Road (39 04 42N 104 49 40W, T.11S., R.66W., Sec. 19). Also includes Beaver Creek from its confluence with Monument Creek (39 02 52N 104 52 02W, T.11S., R.67W., Sec. 35) upstream to 7,600 ft (2,317 m) elevation (39 03 08N 104 55 32W, T.11S., R.67W., Sec. 31). Also includes Teachout Creek from its confluence with Monument Creek (39 03 44N 104 51 53W, T.11S., R.67W., Sec. 26) upstream to Interstate 25 (39 04 19N 104 51 29W, T.11S., R.67W., Sec. 23). Also includes Dirty Woman Creek from its confluence with Monument Creek (39 04 55N 104 52 34W, T.11S., R.67W., Sec. 22) upstream to Highway 105 (39 05 35N 104 51 28 W, T.11S., R.67W., Sec. 14).

(ii) Note: Map of Unit 11 follows:



ST. ANDREW BEACH MOUSE (*Peromyscus polionotus peninsularis*)

(1) Critical habitat units are depicted for Bay and Gulf Counties, Florida, on the maps below.

(2) The primary constituent elements of critical habitat for the St. Andrew beach mouse are the habitat components that provide:

(i) A contiguous mosaic of primary, secondary, and scrub vegetation and dune structure, with a balanced level of competition and predation and few or no competitive or predaceous nonnative species present, that collectively provide foraging opportunities, cover, and burrow sites;

(ii) Primary and secondary dunes, generally dominated by sea oats (*Uniola paniculata*), that despite occasional temporary impacts and reconfiguration from tropical storms and hurricanes, provide abundant food resources, burrow sites, and protection from predators;

(iii) Scrub dunes, generally dominated by scrub oaks (*Quercus* spp.), that provide food resources and burrow sites, and provide elevated refugia during and after intense flooding due to rainfall and/or hurricane-induced storm surge;

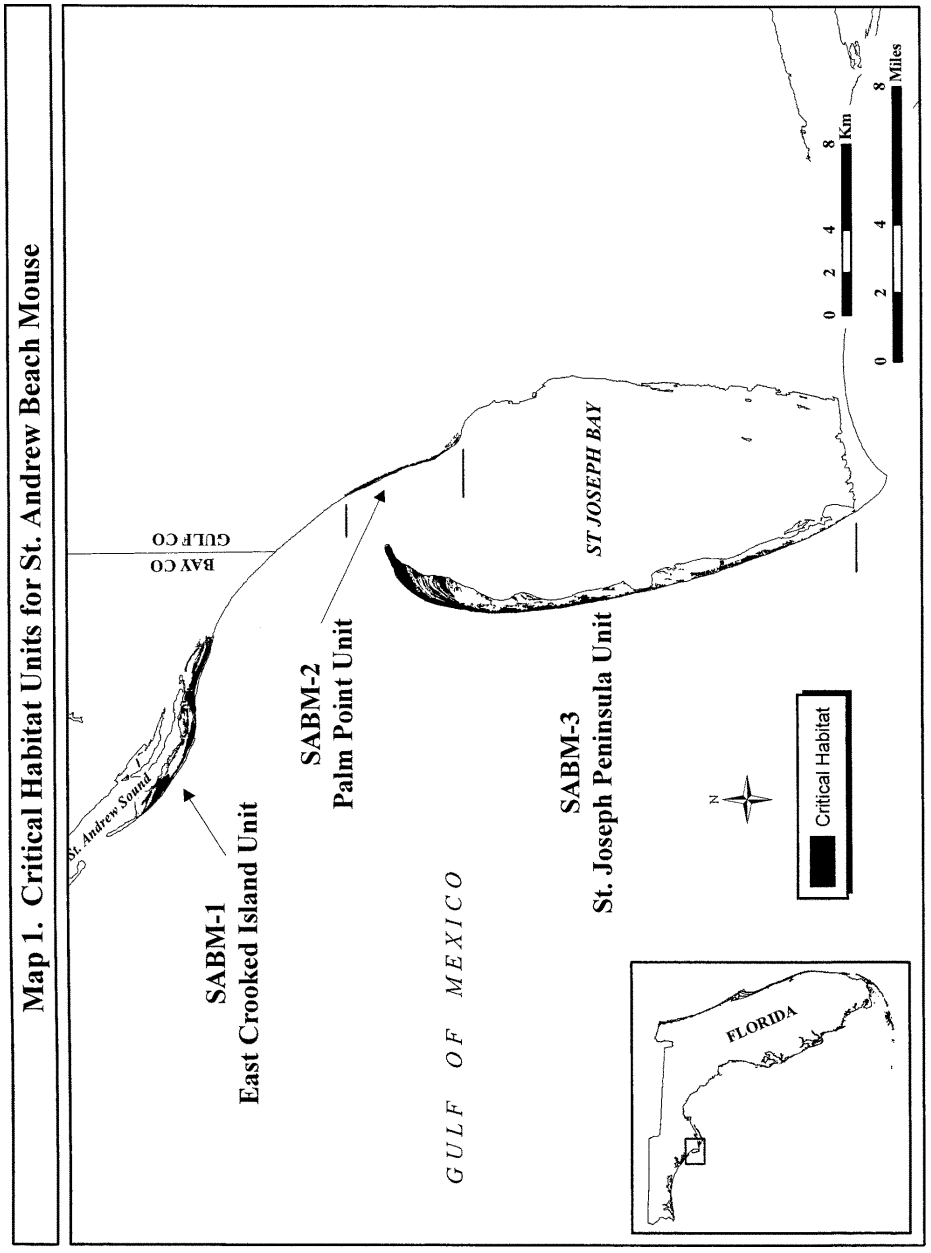
(iv) Functional, unobstructed habitat connections that facilitate genetic exchange, dispersal, natural exploratory movements, and re-colonization of locally extirpated areas; and

(v) A natural light regime within the coastal dune ecosystem, compatible with the nocturnal activity of beach mice, necessary for normal behavior, growth, and viability of all life stages.

(3) Critical habitat does not include manmade structures existing on the effective date of this rule and not containing one or more of the primary constituent elements, such as buildings, aqueducts, airports, driveways, and roads, and the land on which such structures are located.

(4) *Critical Habitat Map Units.* Data layers defining map units were created by delineating habitats that contained one or more of the primary constituent elements defined in paragraph (2) of this entry over 1999 and 2004 digital ortho photography at a scale of at least 1:4000.

(5) Note: Map 1, Index Map of Critical Habitat Units for the St. Andrew beach mouse, follows:



(6) SABM—Unit 1: East Crooked Island, Gulf County, Florida.

(i) *General Description:* This unit encompasses essential features of beach mouse habitat on East Crooked Island from the entrance of St. Andrew Sound to 1 mi west of Mexico Beach, not including Raffield Peninsula, and the area from the mean high water level (MHWL) to the seaward extent of the maritime forest.

(ii) *Coordinates:* From USGS 1:24,000 quadrangle maps Crooked Island, and Beacon Hill, Florida, land bounded by the following UTM 16 NAD 83 coordinates (E, N): 646283.88, 3317834.42; 643711.85, 3317821.16; 643710.90, 3315352.10; 649812.15, 3315231.74; 649817.14, 3317811.23; 643725.27, 3317796.83; 643723.83, 3315100.29; 649799.94, 3315101.91; 649795.72, 3317787.37; 643750.52, 3317753.56; 643759.85, 3315085.93; 649795.09, 3315069.00; 649818.11, 3317746.27; 643776.56, 3317738.93; 643788.36, 3315059.16; 649818.69, 3315059.73; 649828.47, 3317733.41; 643797.66, 3317742.63; 643809.64, 3314804.48; 649797.82, 3314814.32; 649715.63, 3317742.37; 643819.24, 3317723.98; 643817.96, 3314857.70; 649616.24, 3314889.55; 649501.16, 3317711.66; 643831.56, 3317692.58; 643858.13, 3314934.21; 649380.67, 3314961.82; 649351.82, 3317695.23; 643878.90, 3317691.39; 643889.16, 3314983.87; 649268.63, 3315003.96; 649183.89, 3317678.57; 643900.72, 3317661.42; 643897.06, 3315022.44; 649126.20, 3315040.01; 649045.29, 3317646.53; 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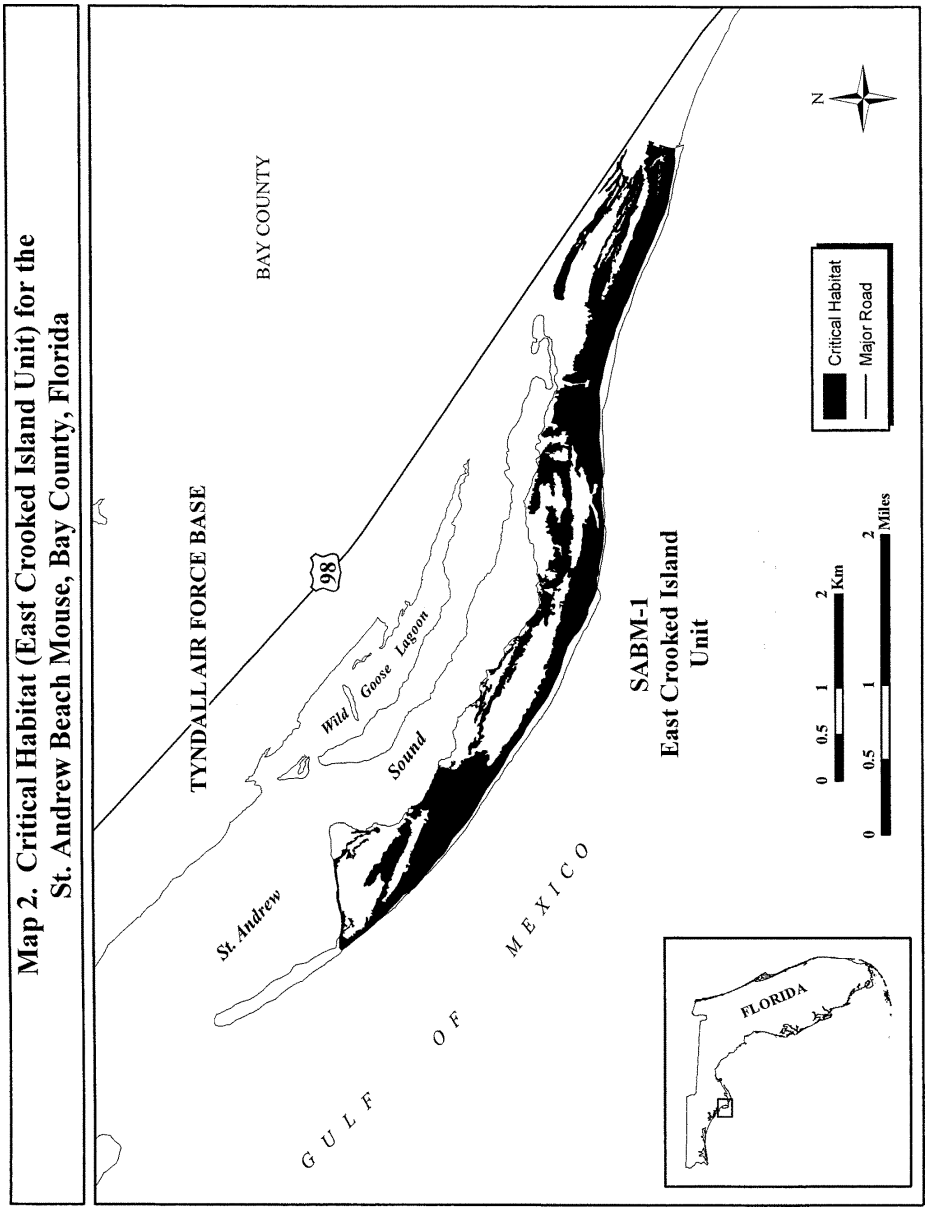
(iii) Note: Map 2, Unit 1 of St. Andrew beach mouse, follows:



(7) SABM—Unit 2: Palm Point Unit, Gulf County, Florida.

(i) *General Description:* This unit encompasses habitat from Palm Point 1.25 mi northwest of the inlet of the Gulf County Canal to St. Joe Beach and the area from the MHWL to the seaward extent of the maritime forest.

(ii) *Coordinates:* From USGS 1:24,000 quadrangle maps Overstreet, and Port St. Joe, Florida, land bounded by the following UTM 16 NAD 83 coordinates (E,N): 659796.42, 3305196.68; 660977.54, 3303039.87; 660962.56,

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(8) SABM—Unit 3: St. Joseph Peninsula, Gulf County, Florida.

(i) *General Description:* This unit encompasses essential features of beach mouse habitat within the boundary of St. Joseph Peninsula State Park (Park) as well as south of the Park to the peninsula's constriction north of Cape San Blas (also known as the ''stumphole'' region) and area from the MHWL to the seaward extent of the maritime forest.

(ii) *Coordinates:* From USGS 1:24,000 quadrangle maps Beacon Hill, St. Joseph Point, St. Joseph Peninsula, Cape San Blas, Florida, land bounded by the following UTM 16 NAD 83 coordinates (E, N): 655701.41, 3289444.44; 655573.99, 3289872.46; 655577.86, 3289860.67; 655599.16, 3289867.54; 655630.56,

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3293300.09; 655060.59, 3293278.00; 655040.92, 3291818.11; 655107.46, 3291818.11; 655115.26,
3293269.58; 655034.65, 3293313.02; 655045.61, 3291849.82; 655107.46, 3291818.11; 655107.09,
3293335.88; 655043.67, 3293365.17; 655043.90, 3291884.78; 655113.83, 3291883.19; 655123.42,
3293371.91; 655045.53, 3293386.22; 655045.28, 3291881.67; 655120.77, 3291815.65; 655107.46,
3293396.12; 655048.84, 3293396.61; 655054.85, 3291818.11; 655271.21, 3292239.83; 655258.50,
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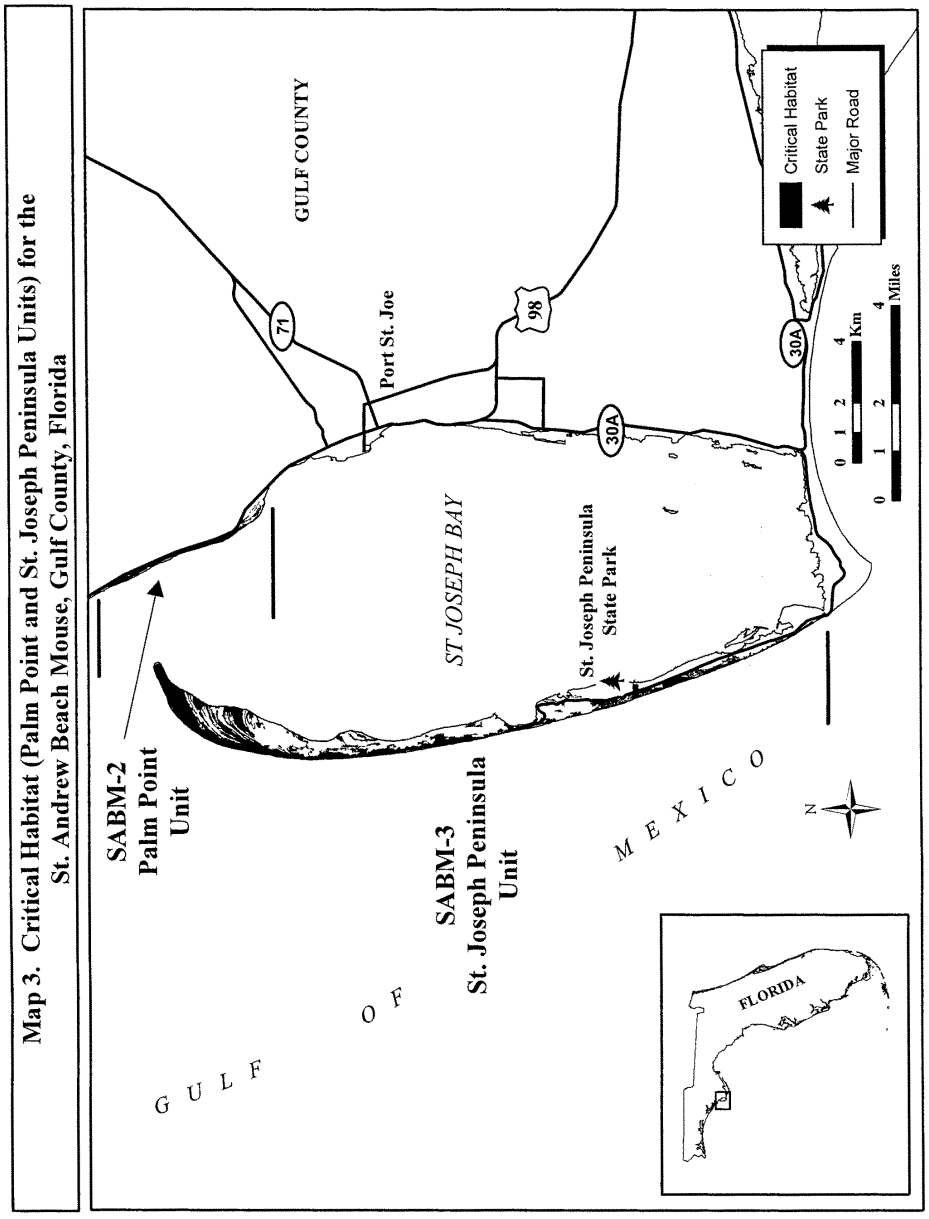
3292319.57; 655236.16, 3292327.25; 655243.96, 3292333.39; 655236.23, 3292340.33; 655241.88,

(iii) Note: Map 3, Units 2 and 3 of St. Andrew beach mouse, follows:



NORTHERN SEA OTTER (*Enhydra lutris kenyoni*), SOUTHWEST ALASKA DISTINCT POPULATION SEGMENT:

(1) Critical habitat units are in Alaska, as described below.

(2) The primary constituent elements of critical habitat for the southwest Alaska distinct population segment (DPS) of the northern sea otter are:

(i) Shallow, rocky areas where marine predators are less likely to forage, which are in waters less than 2 m (6.6 ft) in depth;

(ii) Nearshore waters within 100 m (328.1 ft) from the mean high tide line;

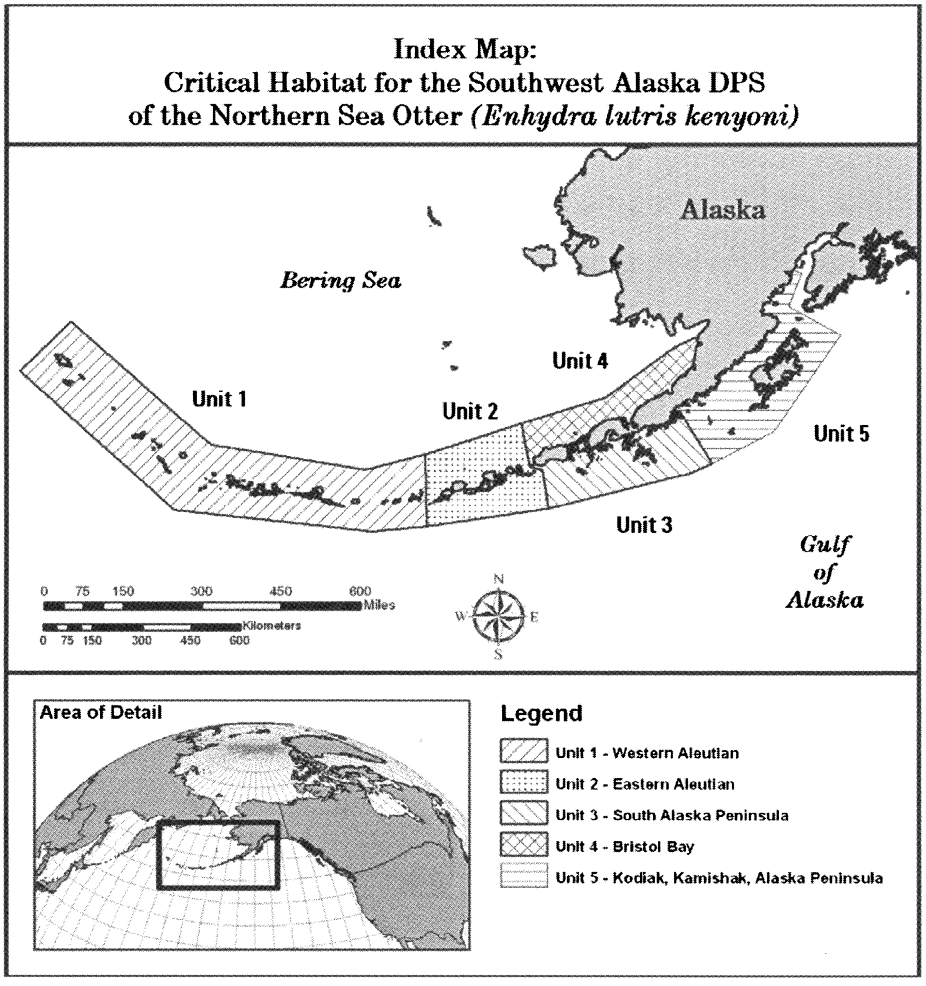
(iii) Kelp forests, which occur in waters less than 20 m (65.6 ft) in depth; and

(iv) Prey resources within the areas identified in paragraphs (2)(i), (2)(ii), and (2)(iii) of this entry that are present in sufficient quantity and quality to support the energetic requirements of the species.

(3) Critical habitat does not include manmade structures (including, but not limited to, docks, seawalls, pipelines, or other structures) and the land on which they are located existing within the boundaries on the effective date of this rule.

(4) Critical habitat map units. Boundaries of critical habitat were derived from GIS data layers of hydrographic survey data developed by the National Oceanic and Atmospheric Administration. To estimate the size of each critical habitat unit, the data were projected into Alaska Standard Albers Conical Equal Area on the North American Datum of 1983. Given the large geographic range of this DPS, some two-dimensional areas appear as one-dimensional features at these map scales.

(5) Note: Index map of critical habitat for the southwest Alaska DPS of the northern sea otter follows:



(6) Unit 1: Western Aleutian. All contiguous waters from the mean high tide line to the 20-m (65.6-ft) depth contour as well as waters within 100 m (328.1 ft) of the mean high tide line that occur adjacent to the following islands: Adak, Agattu, Alaid, Amatignak, Amchitka, Amlia, Amukta, Anagaksik, Asuksak, Atka, Attu, Aziak, Bobrof, Buldir, Carlisle, Chagula, Chuginadak, Chugul, Crone, Davidof, Elf, Gareloi, Great Sitkin, Herbert, Igitkin, Ilak, Kagalaska, Kagamil, Kanaga, Kanu, Kasatochi, Kavalga, Khvostof, Kiska, Koniuji, Little Kiska, Little Sitkin, Little Tanaga, Nizki, Ogliuga, Oglodak, Rat, Sadatanak, Sagchudak, Salt, Seguam, Segula, Semisopochnoi, Shemya, Skagul, Tagadak, Tagalak, Tanaga, Tanaklak, and Ulak.

(7) Unit 2: Eastern Aleutian. All contiguous waters from the mean high tide line to the 20-m (65.6-ft) depth contour as well as waters within 100 m (328.1 ft) of the mean high tide line that occur adjacent to the following islands: Aiktak, Akutan, Amaknak, Arangula, Atka, Avatanak, Baby Islands, Bogoslof, Egg, Hog, Kaligagan, Rootok, Samalga, Sedanka, Tigalda, Ugamak, Umnak, Unalaska, Unalga, and Vsevidof.

(8) Unit 3: South Alaska Peninsula. All contiguous waters from the mean high tide line to the 20-m (65.6-ft) depth contour as well as waters within 100 m (328.1 ft) of the mean high tide line that occur adjacent to the Alaska Peninsula from False Pass (54.242° N, 163.363° W) to Castle Cape (56.242° N, 158.117° W), and adjacent to the following islands: Andronica, Atkins, Big Koniuji, Bird, Brother, Caton, Chankliut, Chernabura, Cherni, Chiachi, Deer, Dolgoi, Egg, Goloi, Guillemot, Inner Iliask, Jacob, Karpof, Korovin, Little Koniuji, Mitrofania, Nagai, Near, Outer Iliask, Paul, Peninsula, Pinusuk, Poperechnoi, Popof, Road, Sanak, Shapka, Simeonof, Spectacle, Spitz, Turner, Ukolnoi, Ukolnoi, Unga, and Unimak Island from Scotch Cap (54.390° N, 164.745° W) to False Pass.

(9) Unit 4: Bristol Bay. This unit contains three subunits:

(i) Subunit 4a: Amak Island. All contiguous waters from the mean high tide line to the 20-m (65.6-ft) depth contour as well as waters within 100 m (328.1 ft) of the mean high tide line that occur adjacent to Amak Island.

(ii) Subunit 4b: Izembek Lagoon. All waters from mean high tide line that occur within the polygon bounded by Glen, Operl, and Neumann Islands to the north and the Alaska Peninsula to the south, and further defined by the following latitude/longitude coordinates: 55.249° N, 162.990° W; 55.255° N, 162.984° W from Cape Glazenap to Glen Island; 55.324° N, 162.901° W; 55.333° N, 162.888° W from Glen Island to Operl Island; 55.409° N, 162.683° W; 55.408° N, 162.621° W from Operl Island to Neumann Island; and 55.447° N, 162.582° W; 55.447° N, 162.577° W from Neumann Island to Moffet Point.

(iii) Subunit 4c: Port Moller/Herendeen Bay. All waters from mean high tide line that occur within the polygon bounded by Walrus Island to the north and the Alaska Peninsula to the south, and further defined by the following latitude/longitude coordinates: 56.000° N, 160.877° W; 56.020° N, 160.854° W from Point Edward to Walrus Island; and 56.020° N, 160.805° W; 55.979° N, 160.584° W from Wolf Point to Entrance Point.

(10) Unit 5: Kodiak, Kamishak, Alaska Peninsula. All contiguous waters from the mean high tide line to the 20-m (65.6-ft) depth contour as well as waters within 100 m (328.1 ft) of the mean high tide line that occur adjacent to the Alaska Peninsula from Castle Cape (56° 14.5' N, 158° 7.0' W) eastward to Cape Douglas (58.852° N, 153.250° W), and northward in Cook Inlet to Redoubt Point (60.285° N, 152.417° W), and adjacent to the following islands: Afognak, Aghik, Aghiyuk, Aiaktalik, Akhiok, Aliksemit, Amook, Anowik, Ashiak, Atkulik, Augustine, Ban, Bare, Bear, Central, Chirikof, Chisik, Chowiet, Dark, David, Derickson, Dry Spruce, Eagle, East Amatuli, East Channel, Garden, Geese, Hartman, Harvester, Hydra, Kak, Kateekuk, Kiliktagik, Kiukpalik, Kodiak, Kumlik, Long, Marmot, Miller, Nakchamik, Ninagiak, Nord, Nordyke, Poltava, Raspberry, Sally, Shaw, Shuyak, Sitkalidak, Sitkanak, Spruce, Sud, Sugarloaf, Suklik, Sundstrom, Sutwick, Takli, Terrace, Tugidak, Twoheaded, Ugak, Ugalushik, Uganik, Unavikshak, Ushagat, West Amatuli, West Augustine, West Channel, Whale, and Woody.

OLYMPIA POCKET GOPHER (*Thomomys mazama pugetensis*)

(1) Critical habitat for the Olympia pocket gopher in Thurston County, Washington, is depicted on the map below.

(2) Within this area, the primary constituent elements of the physical or biological features essential to the conservation of the Olympia pocket gopher consist of two components:

(i) Friable, loamy, and deep soils, some with relatively greater content of sand, gravel, or silt, all generally on slopes less than 15 percent in the following soil series or soil series complex:

(A) Alderwood;
(B) Cagey;
(C) Everett;
(D) Godfrey;
(E) Indianola;
(F) Kapowsin;
(G) McKenna;
(H) Nisqually;
(I) Norma;
(J) Spana;

(K) Spanaway;
(L) Spanaway-Nisqually complex; and
(M) Yelm.

(ii) Areas equal to or larger than 50 ac (20 ha) in size that provide for breeding, foraging, and dispersal activities, found in the soil series listed in paragraph (2)(i) of this entry that have:

(A) Less than 10 percent woody vegetation cover;

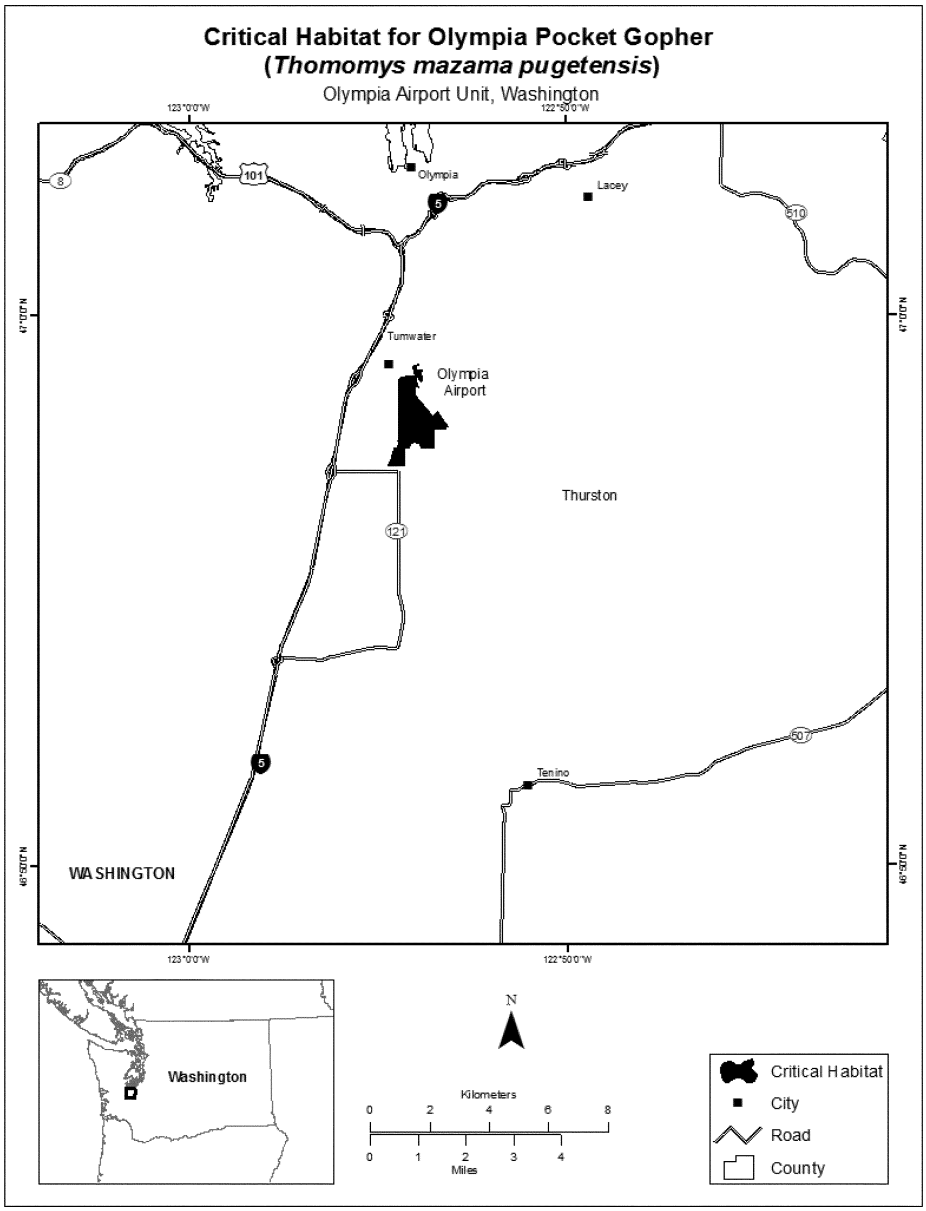
(B) Vegetative cover suitable for foraging by gophers. Pocket gophers' diets include a wide variety of plant material, including leafy vegetation, succulent roots, shoots, tubers, and grasses. Forbs and grasses that Mazama pocket gophers eat are known to include, but are not limited to: *Achillea millefolium* (common yarrow), *Agoseris* spp. (agoseris), *Cirsium* spp. (thistle), *Bromus* spp. (brome), *Camassia* spp. (camas), *Collomia linearis* (tiny trumpet), *Epilobium spp.* (several willowherb spp.), *Eriophyllum lanatum* (woolly sunflower), *Gayophytum diffusum* (groundsmoke), *Hypochaeris radicata* (hairy cat's ear), *Lathyrus* spp. (peavine), *Lupinus* spp. (lupine), *Microsteris gracilis* (slender phlox), *Penstemon* spp. (penstemon), *Perideridia gairdneri* (Gairdner's yampah), *Phacelia heterophylla* (varileaf phacelia), *Polygonum douglasii* (knotweed), *Potentilla* spp. (cinquefoil), *Pteridium aquilinum* (bracken fern), *Taraxacum officinale* (common dandelion), *Trifolium* spp. (clover), and *Viola* spp. (violet); and

(C) Few, if any, barriers to dispersal. Barriers to dispersal may include, but are not limited to, forest edges, roads (paved and unpaved), abrupt elevation changes, Scot's broom thickets, highly cultivated lawns, inhospitable soil types or substrates, development and buildings, slopes greater than 35 percent, and open water.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, railroad tracks, and other paved areas) and the land on which they are located existing within the legal boundaries on May 9, 2014.

(4) *Critical habitat map unit.* Data layers defining map units were created on 2010 aerial photography from U.S. Department of Agriculture, National Agriculture Imagery Program base maps using ArcMap (Environmental Systems Research Institute, Inc.), a computer geographic information system (GIS) program. The map in this entry, as modified by any accompanying regulatory text, establishes the boundaries of the critical habitat designation. The coordinates or plot points or both on which the map is based are available to the public at the Service's Internet site at *http://www.fws.gov/wafwo/mpg.html*, at *http://www.regulations.gov* (Docket No. FWS–R1–ES–2013–0021), and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Olympia Airport Unit, Thurston County, Washington. Map follows:



TENINO POCKET GOPHER (*Thomomys mazama tumuli*)

(1) Critical habitat for the Tenino pocket gopher in Thurston County, Washington, is depicted on the map below.

(2) Within this area, the primary constituent elements of the physical or biological features essential to the conservation of Tenino pocket gopher consist of two components:

(i) Friable, loamy, and deep soils, some with relatively greater content of sand, gravel, or silt, all generally on slopes less than 15 percent in the following soil series or soil series complex:

(A) Alderwood;
(B) Cagey;
(C) Everett;
(D) Indianola;
(E) Kapowsin;
(F) Nisqually;
(G) Norma;
(H) Spanaway;
(I) Spanaway-Nisqually complex; and
(J) Yelm.

(ii) Areas equal to or larger than 50 ac (20 ha) in size that provide for breeding, foraging, and dispersal activities, found in the soil series listed in paragraph (2)(i) of this entry that have:

(A) Less than 10 percent woody vegetation cover;

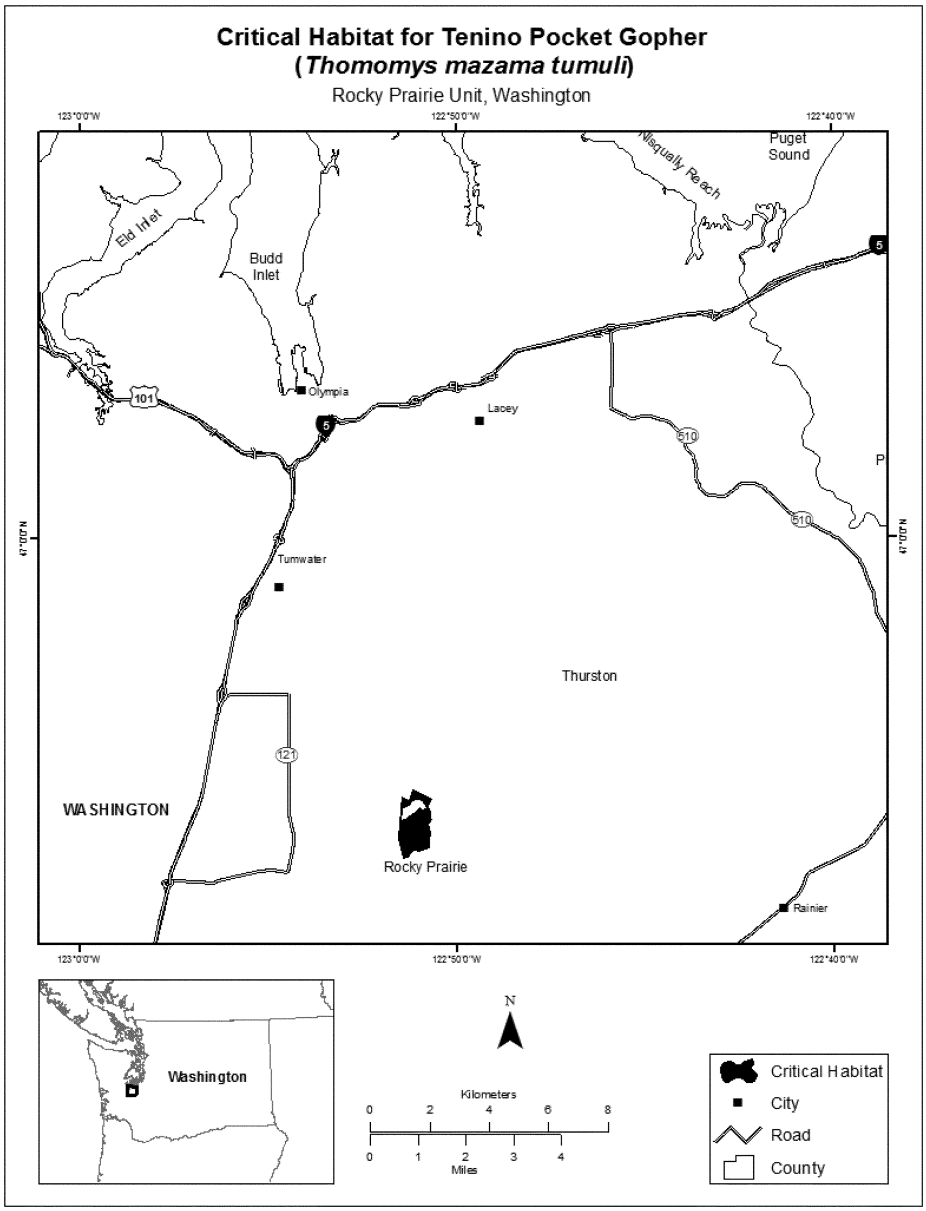
(B) Vegetative cover suitable for foraging by gophers. Pocket gophers' diets include a wide variety of plant material, including leafy vegetation, succulent roots, shoots, tubers, and grasses. Forbs and grasses that Mazama pocket gophers are known to eat include, but are not limited to: *Achillea millefolium* (common yarrow), *Agoseris* spp. (agoseris), *Cirsium* spp. (thistle), *Bromus* spp. (brome), *Camassia* spp. (camas), *Collomia linearis* (tiny trumpet), *Epilobium spp*. (several willowherb spp.), *Eriophyllum lanatum* (woolly sunflower), *Gayophytum diffusum* (groundsmoke), *Hypochaeris radicata* (hairy cat's ear), *Lathyrus* spp. (peavine), *Lupinus* spp. (lupine), *Microsteris gracilis* (slender phlox), *Penstemon* spp. (penstemon), *Perideridia gairdneri* (Gairdner's yampah), *Phacelia heterophylla* (varileaf phacelia), *Polygonum douglasii* (knotweed), *Potentilla* spp. (cinquefoil), *Pteridium aquilinum* (bracken fern), *Taraxacum officinale* (common dandelion), *Trifolium* spp. (clover), and *Viola* spp. (violet); and

(C) Few, if any, barriers to dispersal. Barriers to dispersal may include, but are not limited to, forest edges, roads (paved and unpaved), abrupt elevation changes, Scot's broom thickets, highly cultivated lawns, inhospitable soil types or substrates, development and buildings, slopes greater than 35 percent, and open water.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on May 9, 2014.

(4) *Critical habitat map unit.* Data layers defining the map unit were created on 2010 aerial photography from U.S. Department of Agriculture, National Agriculture Imagery Program base maps using ArcMap (Environmental Systems Research Institute, Inc.), a computer geographic information system (GIS) program. The map in this entry establishes the boundaries of the critical habitat designation. The coordinates or plot points or both on which the map is based are available to the public at the Service's Internet site at *http://www.fws.gov/wafwo/*, at *http://www.regulations.gov* (Docket No. FWS–R1–ES–2013–0021), and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Rocky Prairie Unit, Thurston County, Washington. Map follows:



YELM POCKET GOPHER (*Thomomys mazama yelmensis*)

(1) Critical habitat for the Yelm pocket gopher in Thurston County, Washington, is depicted on the map below.

(2) Within these areas, the primary constituent elements of the physical or biological features essential to the conservation of the Yelm pocket gopher consist of two components:

(i) Friable, loamy, and deep soils, some with relatively greater content of sand, gravel, or silt, all generally on slopes less than 15 percent in the following soil series or soils series complex:
(A) Alderwood;
(B) Cagey;
(C) Everett;
(D) Godfrey;
(E) Indianola;
(F) Kapowsin;
(G) McKenna;
(H) Nisqually;
(I) Norma;
(J) Spanaway;
(K) Spanaway-Nisqually complex; and
(L) Yelm.

(ii) Areas equal to or larger than 50 ac (20 ha) in size that provide for breeding, foraging, and dispersal activities, found in the soil series listed in paragraph (2)(i) of this entry that have:

(A) Less than 10 percent woody vegetation cover;

(B) Vegetative cover suitable for foraging by gophers. Pocket gophers' diets include a wide variety of plant material, including leafy vegetation, succulent roots, shoots, tubers, and grasses. Forbs and grasses that Mazama pocket gophers are known to eat include, but are not limited to: *Achillea millefolium* (common yarrow), *Agoseris* spp. (agoseris), *Cirsium* spp. (thistle), *Bromus* spp. (brome), *Camassia* spp. (camas), *Collomia linearis* (tiny trumpet), *Epilobium spp.* (several willowherb spp.), *Eriophyllum lanatum* (woolly sunflower), *Gayophytum diffusum* (groundsmoke), *Hypochaeris radicata* (hairy cat's ear), *Lathyrus* spp. (peavine), *Lupinus* spp. (lupine), *Microsteris gracilis* (slender phlox), *Penstemon* spp. (penstemon), *Perideridia gairdneri* (Gairdner's yampah), *Phacelia heterophylla* (varileaf phacelia), *Polygonum douglasii* (knotweed), *Potentilla* spp. (cinquefoil), *Pteridium aquilinum* (bracken fern), *Taraxacum officinale* (common dandelion), *Trifolium* spp. (clover), and *Viola* spp. (violet); and

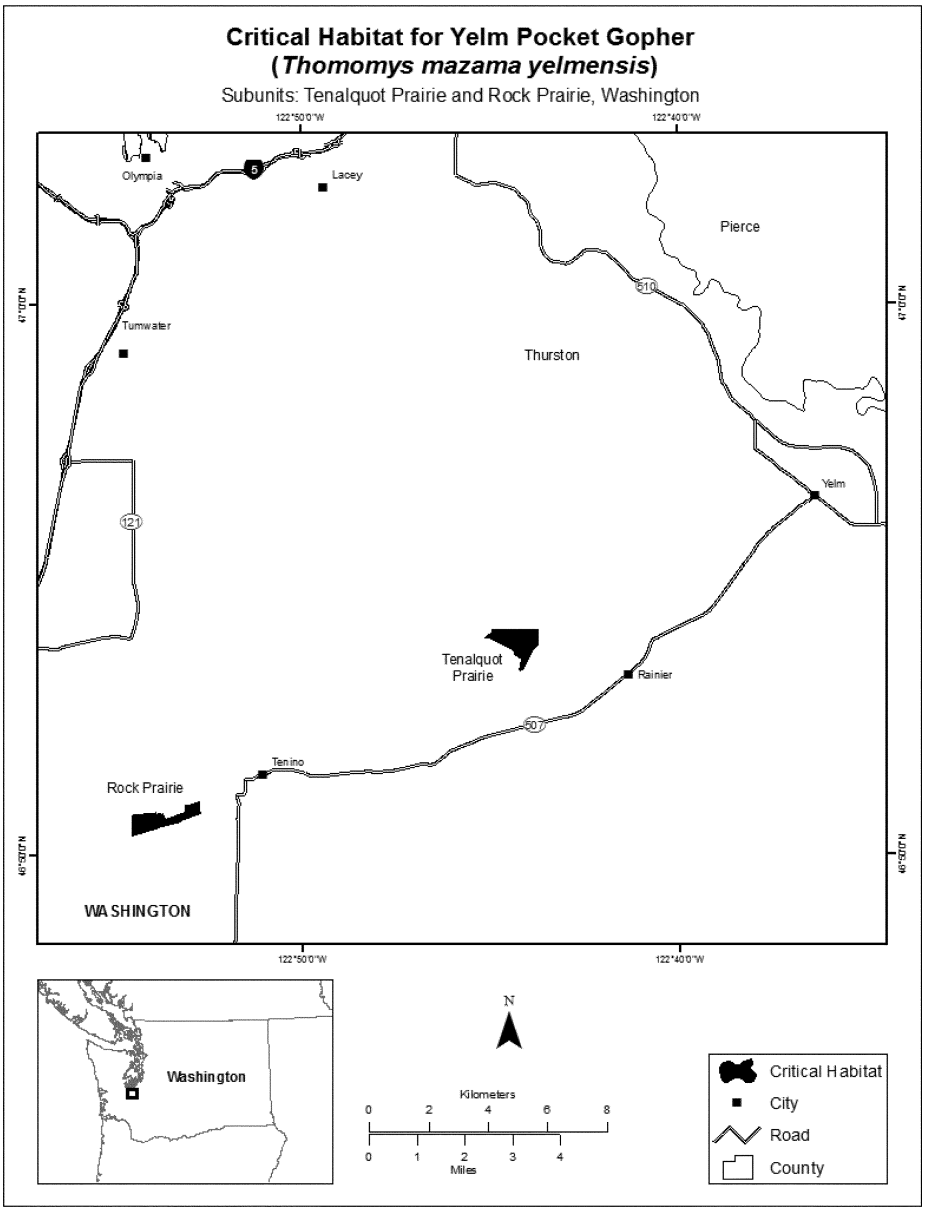
(C) Few, if any, barriers to dispersal. Barriers to dispersal may include, but are not limited to, forest edges, roads (paved and unpaved), abrupt elevation changes, Scot's broom thickets, highly cultivated lawns, inhospitable soil types or substrates, development and buildings, slopes greater than 35 percent, and open water.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on May 9, 2014.

(4) *Critical habitat map units.* Data layers defining the map units were created on 2010 aerial photography from U.S. Department of Agriculture, National Agriculture Imagery Program base maps using ArcMap (Environmental Systems Research Institute, Inc.), a computer geographic information system (GIS) program. The map in this entry establishes the boundaries of the critical habitat designation. The coordinates or plot points or both on which the map is based are available to the public at the Service's Internet site at *http://www.fws.gov/wafwo/*, at *http://www.regulations.gov* (Docket No. FWS–R1–ES–2013–0021), and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Tenalquot Prairie and Rock Prairie Subunits, Thurston County, Washington.

Map follows:

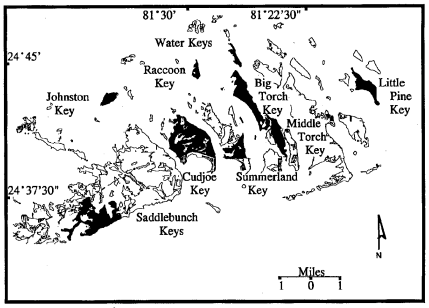


SILVER RICE RAT (*Oryzomys palustris natator* (=*O. argentatus*)).

Monroe County, Florida: Little Pine Key, Water Keys, Big Torch Key, Middle Torch Key, Summerland Key north of U.S. Highway 1, Cudjoe Key north of U.S. Highway 1, Johnston Key, Raccoon Key, and Lower Saddlebunch Keys, south of U.S. Highway 1 but not including lands in T. 67 S., R. 27 E., Section 8 and north ⅛ of Section 17. Included are all lands and waters above mean low tide.

Within these areas the major constituent elements that are known to require special management considerations or protection are mangrove swamps containing red (*Rhizophora mangle*), black (*Avicennia germinans*), and white (*Laguncularia racemosa*) mangroves, and buttonwood (*Conocarpus erectus*); salt marshes, swales, and adjacent transitional wetlands containing saltwort (*Batis maritima*), perennial glasswort (*Salicornia virginica*), saltgrass (*Distichlis spicata*), sea ox-eye (*Borrichia frutescens*), keygrass (*Monanthochloe littoralis*), and coastal dropseed (*Sporobolus virginicus*); and fresh water marshes containing cattails (*Typha domingensis*), sawgrass (*Cladium jamaicense*), and cordgrass (*Spartina* spp.).

NOTE: Map follows:



(CRITICAL HABITAT MAP)

PENINSULAR BIGHORN SHEEP, A DISTINCT POPULATION SEGMENT OF DESERT BIGHORN SHEEP (*Ovis canadensis nelsoni*)

(1) Critical habitat units are depicted for Riverside, San Diego, and Imperial Counties, California, on the maps below.

(2) The primary constituent elements of critical habitat for the Peninsular bighorn sheep are:

(i) Moderate to steep, open slopes (20 to 60 percent) and canyons, with canopy cover of 30 percent or less (below 4,600 ft (1,402 m) elevation in Peninsular Ranges) that provide space for sheltering, predator detection, rearing of young, foraging and watering, mating, and movement within and between ewe groups;

(ii) Presence of a variety of forage plants, indicated by the presence of shrubs (e.g., *Ambrosia* spp., *Caesalpinia* spp., *Hyptis* spp., *Sphaeralcea* spp., *Simmondsia* spp.), that provide a primary food source year round, grasses (e.g., *Aristida* spp., *Bromus* spp.) and cacti (e.g., *Opuntia* spp.) that provide a source of forage in the fall, and forbs (e.g., *Plantago* spp., *Ditaxis* spp.) that provide a source of forage in the spring;

(iii) Steep, rugged slopes (60 percent slope or greater) (below 4,600 ft (1,402 m) elevation in Peninsular Ranges) that provide secluded space for lambing and terrain for predator evasion;

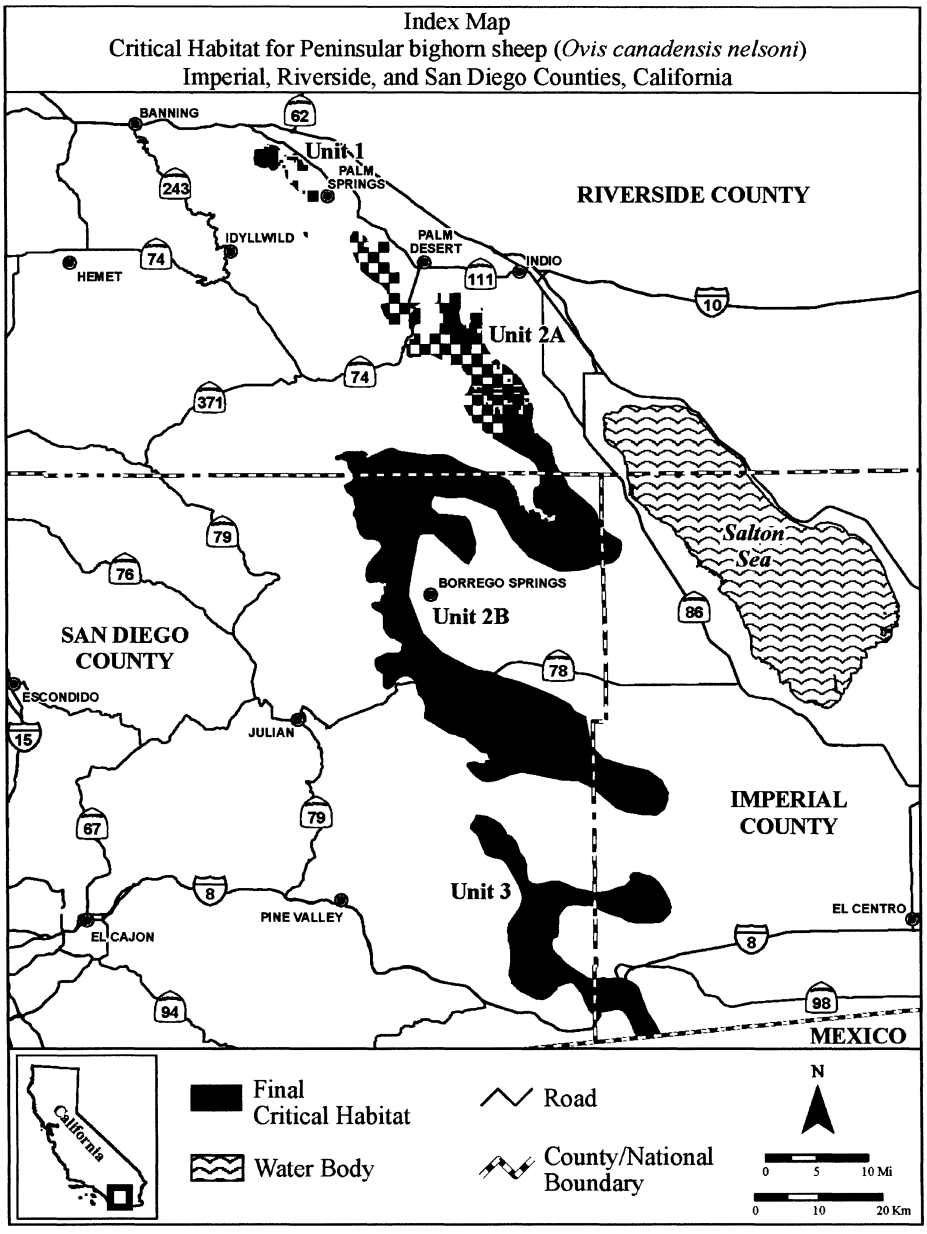
(iv) Alluvial fans, washes, and valley bottoms that provide important foraging areas where nutritious and digestible plants can be more readily found during times of drought and lactation, and that provide and maintain habitat connectivity by serving as travel routes between and within ewe groups, adjacent mountain ranges, and important resource areas (e.g., foraging areas and escape terrain); and

(v) Intermittent and permanent water sources that are available during extended dry periods and provide relatively nutritious plants and drinking water.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on the effective date of this rule.

(4) Critical habitat map units. Data layers defining map units were created on a base of USGS 1:24,000 maps, and critical habitat units were then mapped using Universal Transverse Mercator (UTM) coordinates.

(5) Note: Index map of critical habitat units for the Peninsular bighorn sheep follows:



(6) Unit 1: San Jacinto Mountains, Riverside County, California.

(i) From USGS 1:24,000 quadrangles Desert Hot Springs, Palm Springs, and San Jacinto Peak, and White Water. Land bounded by the following Universal Transverse Mercator (UTM) North American Datum of 1927 (NAD27) coordinates (E, N): 534134, 3750021; 534465, 3749681; 534495, 3749651; 534495, 3749651; 534495, 3749651; 534495, 3749651; 534572, 3749621; 534997, 3749456; 534792, 3749102; 534885, 3748934; 535128, 3748785; 535310, 3748807; 535426, 3748822;

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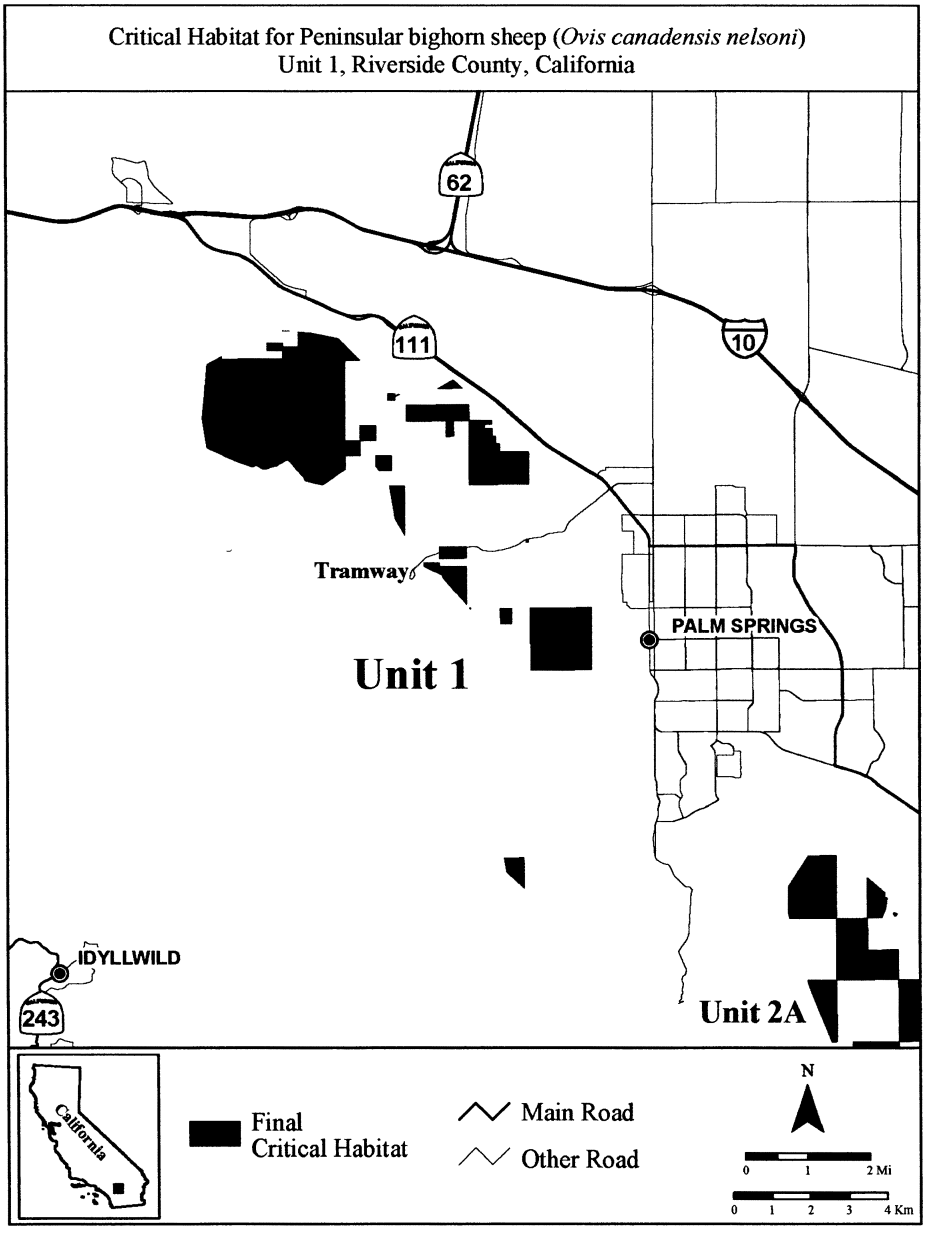
(ii) NOTE: Map of Unit 1, San Jacinto Mountains (Map 2) follows:



(7) Unit 2A: North Santa Rosa Mountains, Riverside County, California.

(i) From USGS 1:24,000 quadrangles Cathedral City, Clark Lake NE, La Quinta, Martinez Mountain, Palm Springs, Palm View Peak, Rabbit Peak, Rancho Mirage, Toro Peak, and Valerie. Land bounded by the following Universal Transverse Mercator (UTM) North American Datum of 1927 (NAD27) coordinates (E, N): 548200, 3735505; 548200, 3735500; 548211, 3735500; 548229, 3735493; 548242, 3735488; 548253, 3735483; 548278, 3735474; 548285,

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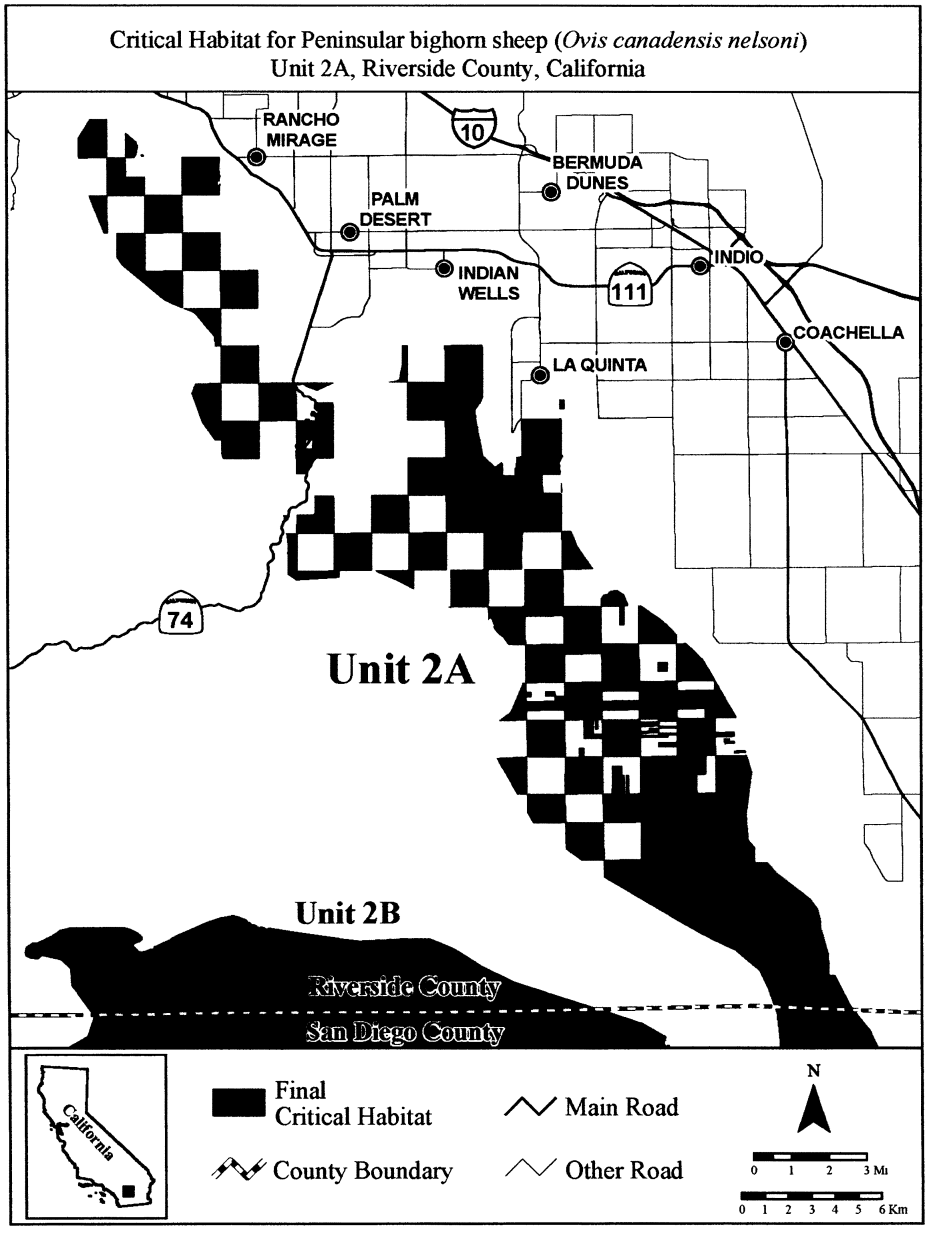
(ii) NOTE: Map of Unit 2A, North Santa Rosa Mountains follows:



(8) Unit 2B: South Santa Rosa Mountains south to Vallecito Mountains, Riverside, San Diego, and Imperial Counties, California.

(i) From USGS 1:24,000 quadrangles Agua Caliente Hot Springs, Arroyo Tapiado, Borrego Mountain, Borrego Mountain SE, Borrego Palm Canyon, Borrego Sink, Bucksnort Mountain, Carrizo Mountain NE, Clark Lake, Clark Lake NE, Collins Valley, Earthquake Valley, Fonts Point, Harper Canyon, Plaster City NW, Rabbit Peak, Seventeen Palms, Tubb Canyon, and Whale

Peak. Land bounded by the following Universal Transverse Mercator (UTM) North American Datum of 1927 (NAD27) coordinates (E, N): 552772, 3702586; 552772, 3702567; 552801, 3702567; 552801, 3702539; 552829, 3702539; 552829, 3702511; 552914, 3702511; 552914, 3702482; 552943, 3702482; 552943, 3702454; 552971, 3702454; 552971, 3702426; 552999, 3702426; 552999, 3702397; 553113, 3702397; 553113, 3702369; 553170, 3702369; 553170, 3702340; 553198, 3702340; 553198, 3702312; 553255, 3702312; 553255, 3702284; 553311, 3702284; 553311, 3702255; 553340, 3702255; 553340, 3702284; 553368, 3702284; 553368, 3702312; 553453, 3702312; 553453, 3702284; 553538, 3702284; 553538, 3702255; 553567, 3702255; 553567, 3702227; 553624, 3702227; 553624, 3702199; 553652, 3702199; 553652, 3702227; 553709, 3702227; 553709, 3702255; 553717, 3702255; 554616, 3702119; 556163, 3701891; 557619, 3701709; 559531, 3701800; 560669, 3701800; 561670, 3701390; 562899, 3700617; 564310, 3699934; 569738, 3698190; 570758, 3697602; 570758, 3697546; 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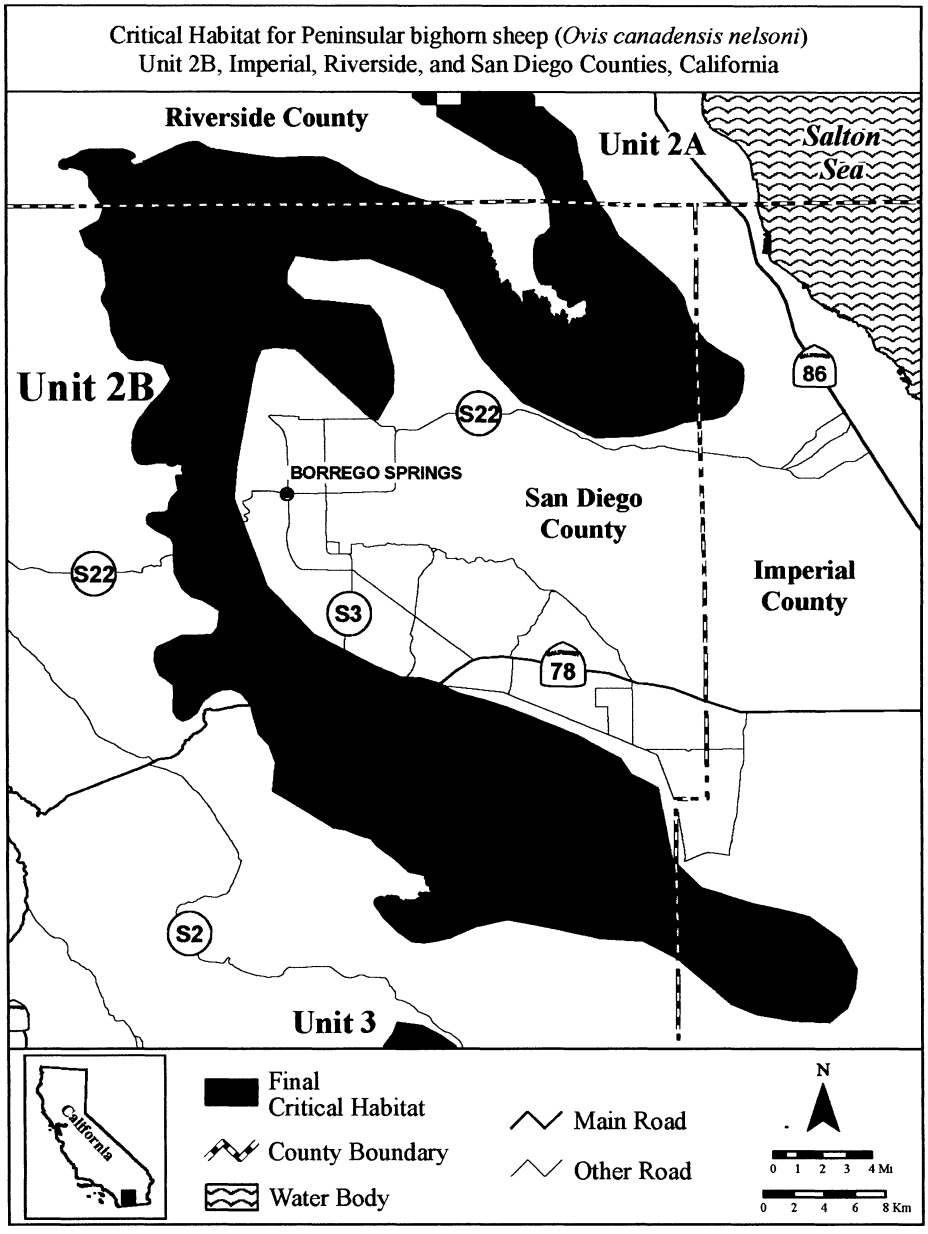
(ii) Note: Map of Unit 2B, South Santa Rosa Mountains south to Vallecito Mountains follows:



(9) Unit 3: Carrizo Canyon, San Diego and Imperial Counties, California.

(i) From USGS 1:24,000 quadrangles Agua Caliente Hot Springs, Arroyo Tapiado, Carrizo Mountain, In-Ko-Pah Gorge, Jacumba, Painted Gorge, Sombrero Peak, and Sweeney Pass. Land bounded by the following Universal Transverse Mercator (UTM) North American Datum of 1927 (NAD27) coordinates (E, N): 574159, 3634261; 574922, 3634108; 575915, 3634261; 577290, 3634566; 578359, 3634566; 579199, 3634261; 580039, 3633879; 581032,

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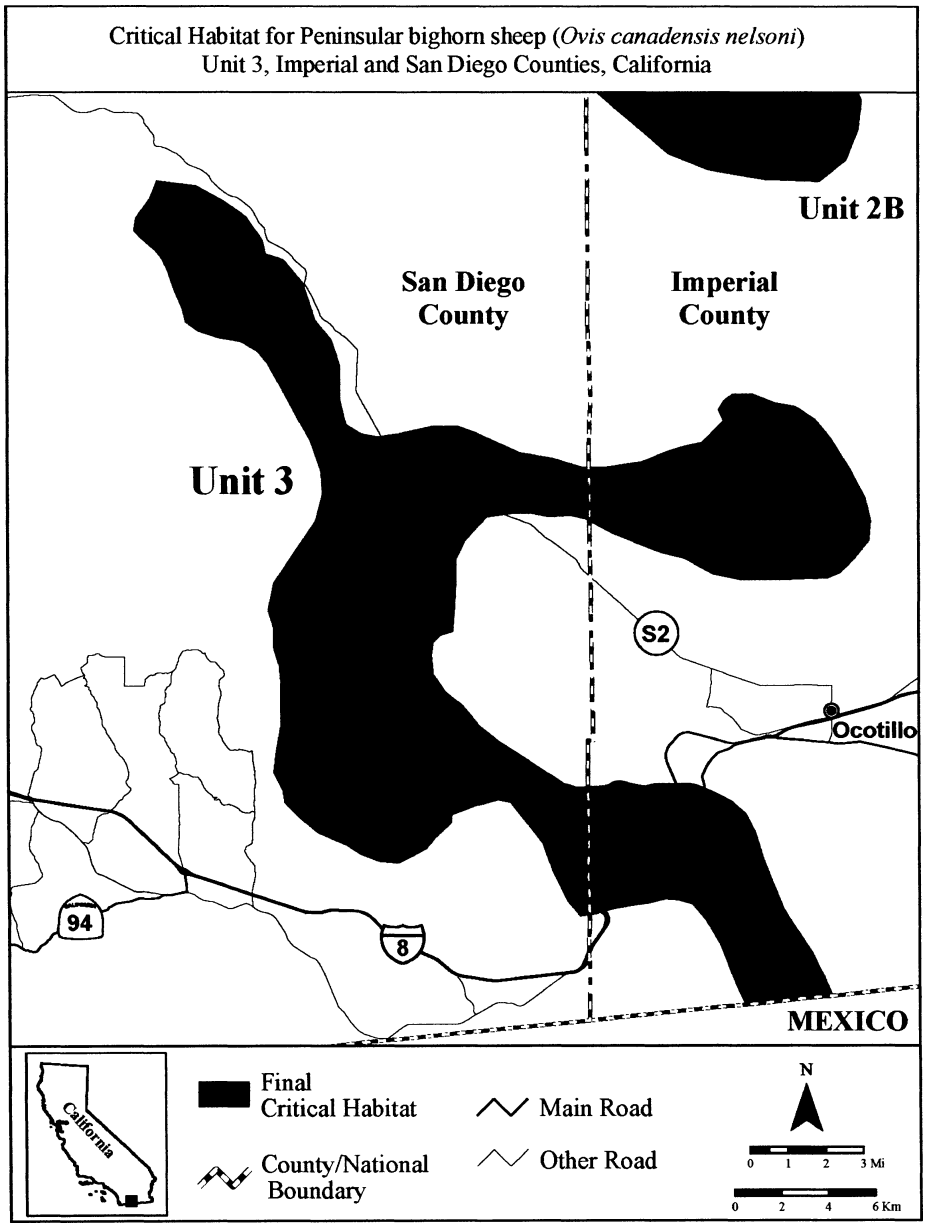
(ii) Note: Map of Unit 3, Carrizo Canyon follows:



SIERRA NEVADA BIGHORN SHEEP (*Ovis canadensis sierrae*)

(1) Critical habitat units are depicted for Mono, Fresno, Inyo, Tulare, and Tuolumne Counties, California, on the maps below.

(2) The primary constituent elements of critical habitat for the Sierra Nevada bighorn sheep are the habitat components that provide:

(i) Non-forested habitats or forest openings within the Sierra Nevada from 4,000 ft (1,219

m) to 14,500 ft (4,420 m) in elevation with steep (greater than or equal to 60 percent slope), rocky slopes that provide for foraging, mating, lambing, predator avoidance, and bedding and that allow for seasonal elevational movements between these areas.

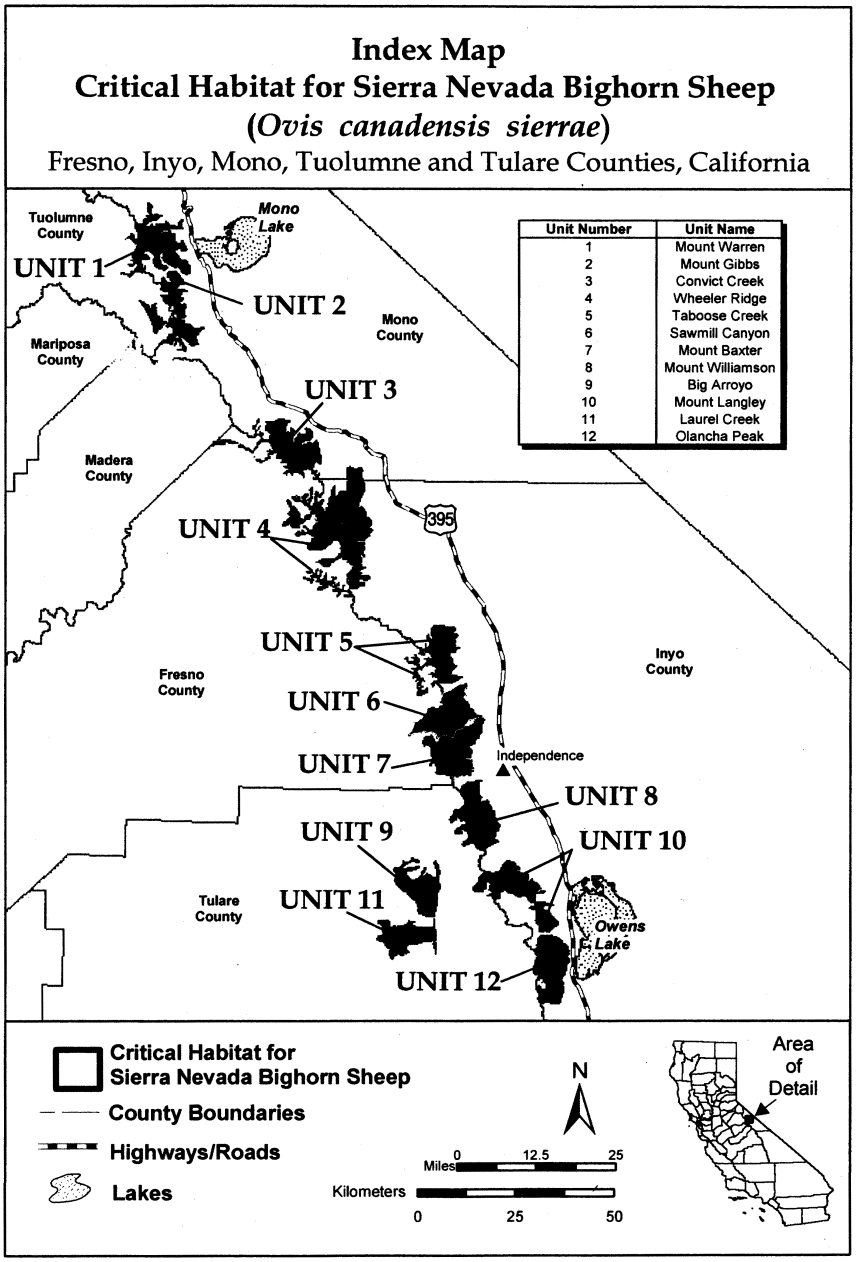
(ii) Presence of a variety of forage plants as indicated by the presence of grasses (e.g., *Achnanthera* spp.; *Elymus* spp.) and browse (e.g., *Ribes* spp.; *Artemisia* spp., *Purshia* spp.) in winter, and grasses, browse, sedges (e.g., *Carex* spp.) and forbs (e.g., *Eriogonum* spp.) in summer.

(iii) Presence of granite outcroppings containing minerals such as sodium, calcium, iron, and phosphorus that could be used as mineral licks in order to meet nutritional needs.

(3) Critical habitat does not include manmade structures, such as buildings, aqueducts, airports, roads, and other paved areas, and the land on which they are located, existing on the effective date of this rule and not containing one or more of the primary constituent elements.

(4) *Critical Habitat Map Units*—Boundaries of designated critical habitat were derived from Sierra Nevada Bighorn Sheep Herd Units developed by the California Department of Fish and Game for the final Sierra Nevada Bighorn Sheep recovery plan. The designated critical habitat unit boundaries differ from Sierra Nevada bighorn sheep Herd Unit polygons by the removal of developed areas and private parcels that are unlikely to contain the primary constituent elements. The data were projected to Universal Transverse Mercator (UTM), zone 11, on the North American Datum of 1983.

(5) Note: Index map of Sierra Nevada bighorn sheep critical habitat follows:



(6) Unit 1 (Mount Warren); Mono and Tuolumne Counties, California.

(i) From USGS 1:24,000 scale quadrangles Dunderberg Peak, Lundy, Tioga Pass, and Mount Dana. Land bounded by the following UTM zone 11 NAD83 coordinates (E, N): 300786, 4215918; 301348, 4215650; 301467, 4215784; 302384, 4216077; 303459, 4215689; 303626, 4215452;

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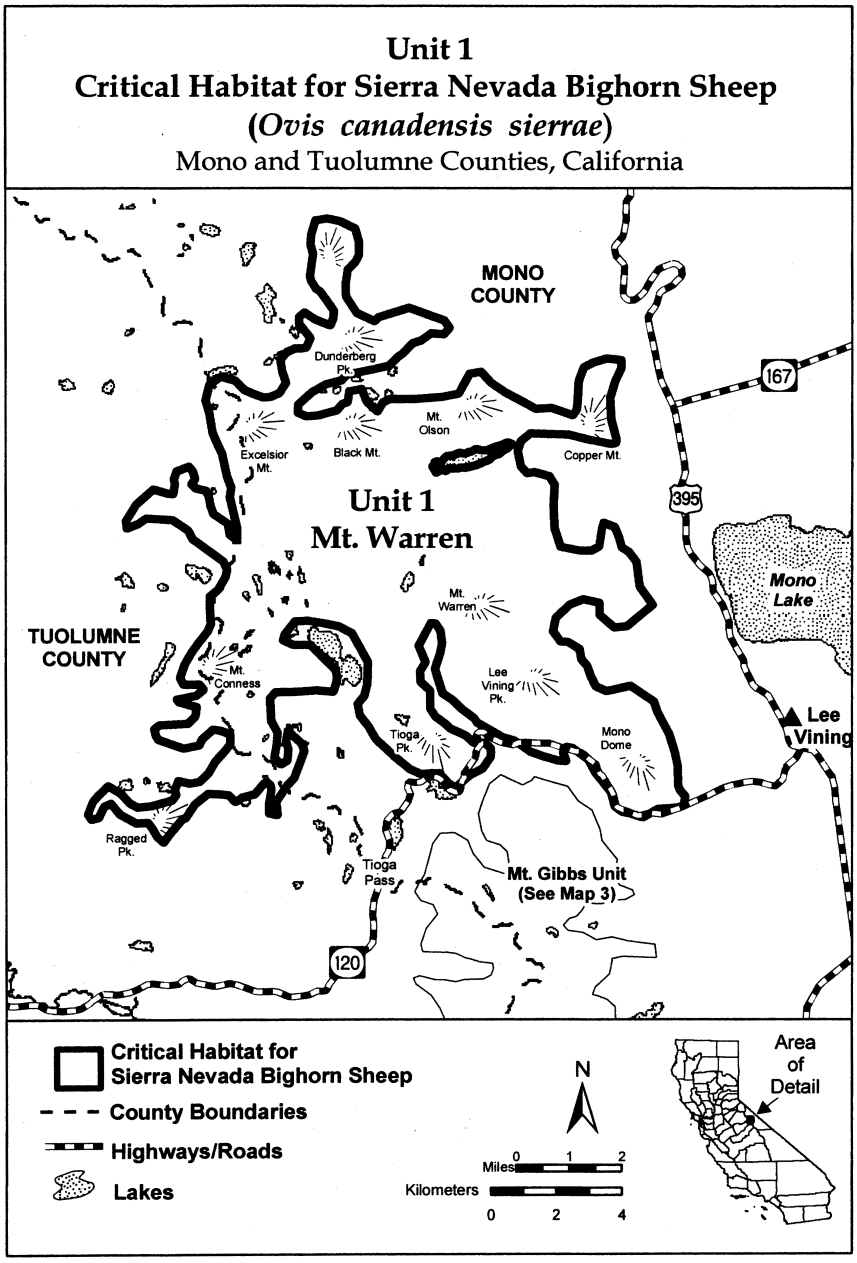
(ii) Note: Map of Unit 1 Mount Warren for Sierra Nevada bighorn sheep follows:



(7) Unit 2 (Mount Gibbs); Mono and Tuolumne Counties, California.

(i) From USGS 1:24,000 scale quadrangles Mount Dana, Vogelsang Peak, Kiop Peak, and June Lake. Land bounded by the following UTM zone 11 NAD83 coordinates (E, N): 305185, 4201586; 305855, 4201263; 306124, 4201406; 306203, 4201516; 306615, 4201390; 307214, 4201220; 307539, 4200758; 307946, 4200481; 308191, 4199870; 308255, 4199529; 308437, 4199297; 308728, 4198949; 308679, 4198612; 308778, 4198157; 309188, 4197993; 309259, 4197840; 308990, 4197698; 308498, 4197676; 308268, 4197570; 308079, 4197576; 307891, 4197582; 307737, 4197512; 307657, 4197364; 307500, 4197181; 307271, 4197113; 307075, 4196893; 307221, 4196737; 307673, 4196685; 308081, 4196446; 308575, 4196543; 308912, 4196457; 309062, 4196415; 309890, 4196313; 309934, 4195897; 309443, 4195913; 309141, 4195923; 308877, 4195931; 308572, 4195866; 308570, 4195790; 308525, 4195566; 308481, 4195379; 308053, 4194978; 307970, 4194755; 308120, 4194712; 308418, 4194590; 308675, 4194356; 308668, 4194130; 308697, 4193865; 308613, 4193604; 308382, 4193461; 308112, 4193281; 307734, 4193293; 307728, 4193105; 307761, 4192953; 308063, 4192944; 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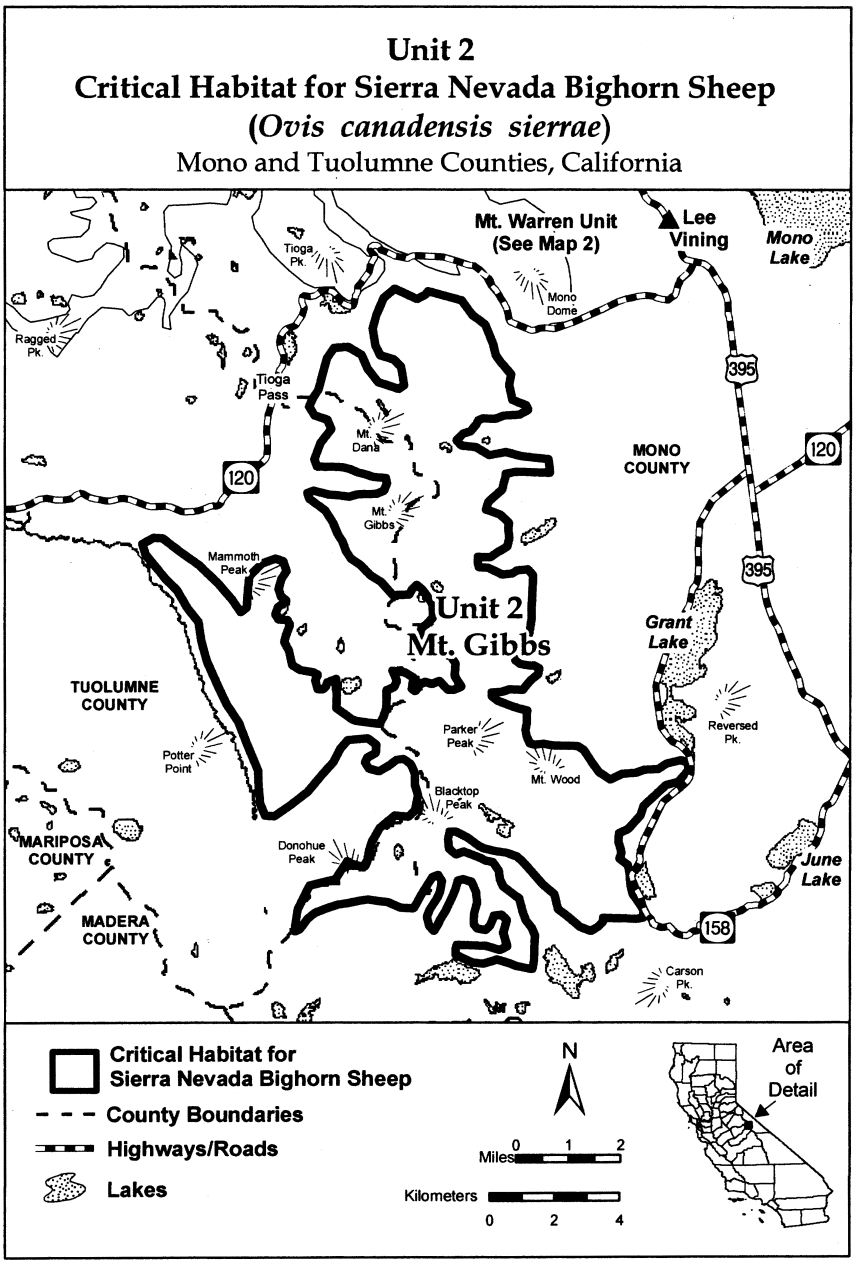
(ii) Note: Map of Unit 2 (Mount Gibbs) for Sierra Nevada bighorn sheep follows:



(8) Unit 3 (Convict Creek); Fresno and Mono Counties, California.

(i) From USGS 1:24,000 scale quadrangles Crystal Crag, Bloody Mountain, Convict Lake, Graveyard Peak, and Mount Abbot. Land bounded by the following UTM zone 11 NAD83 coordinates (E, N): 327481, 4161516; 327397, 4161255; 327279, 4161108; 327082, 4160851;

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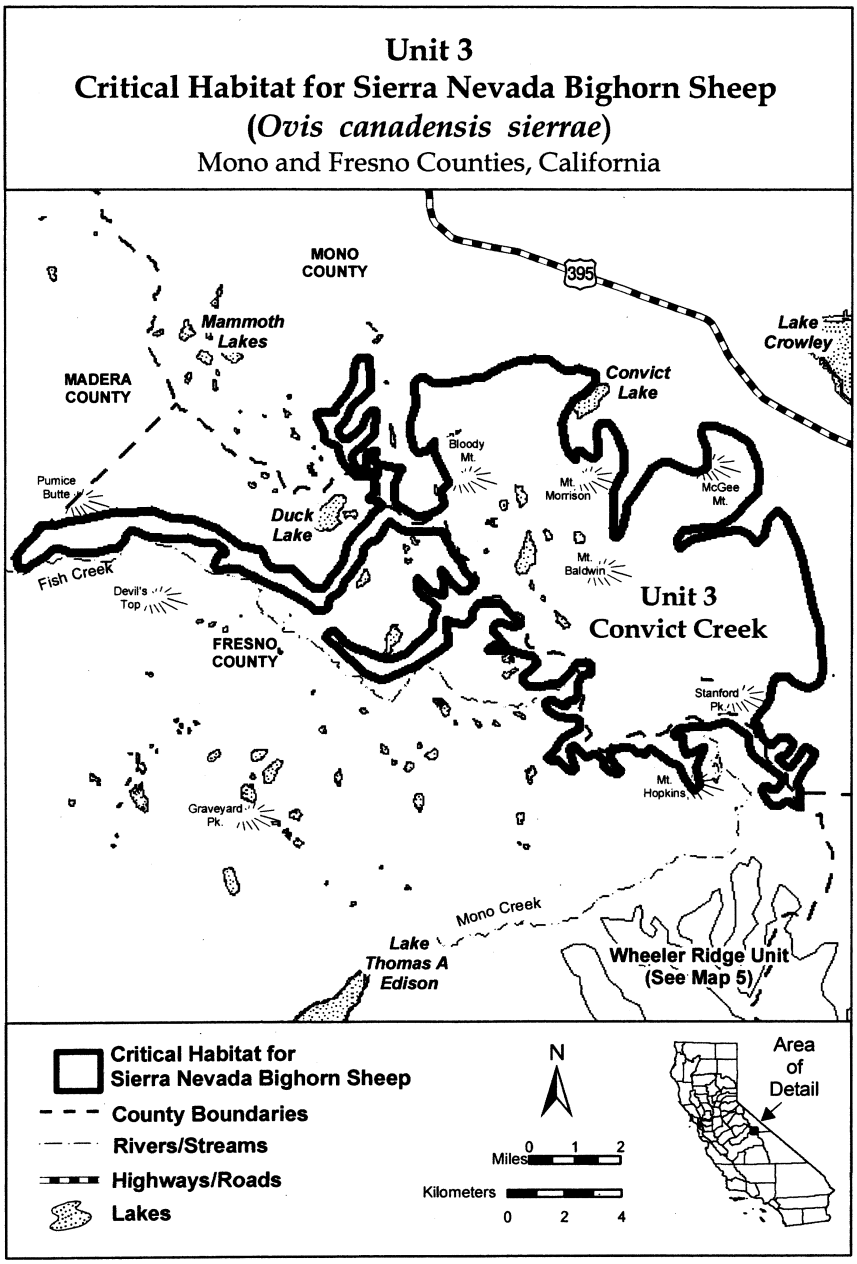
(ii) Note: Map of Unit 3 (Convict Creek) for Sierra Nevada bighorn sheep follows:



(9) Unit 4 (Wheeler Ridge); Fresno, Inyo and Mono Counties, California.

(i) From USGS 1:24,000 scale quadrangles Mount Abbot, Mount Morgan, Mount Hilgard, Mount Tom, Tungsten Hills, Mount Henry, Mount Darwin and Mount Thompson. Land bounded by the following UTM zone 11 NAD83 coordinates (E, N): 351676, 4150867;

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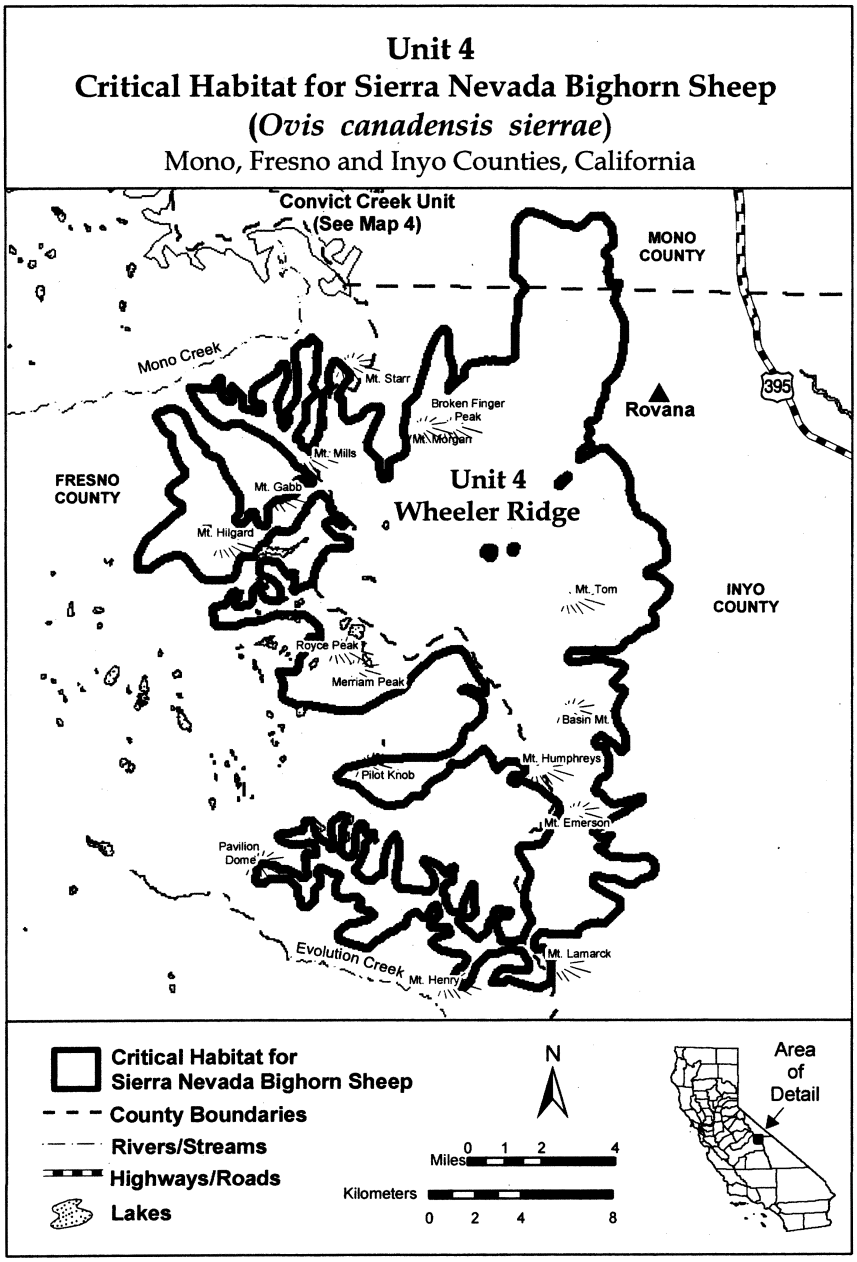
(ii) Note: Map of Unit 4 (Wheeler Ridge) for Sierra Nevada bighorn sheep follows:



(10) Unit 5 (Taboose Creek); Fresno and Inyo Counties, California.

(i) From USGS 1:24,000 scale quadrangles Coyote Flat, North Palisade, Split Mountain, Fish Springs, Mount Pinchot, and Aberdeen. Land bounded by the following UTM zone 11 NAD83 coordinates (E, N): 376756, 4109414; 376837, 4109413; 376838, 4109467; 376865, 4109466;

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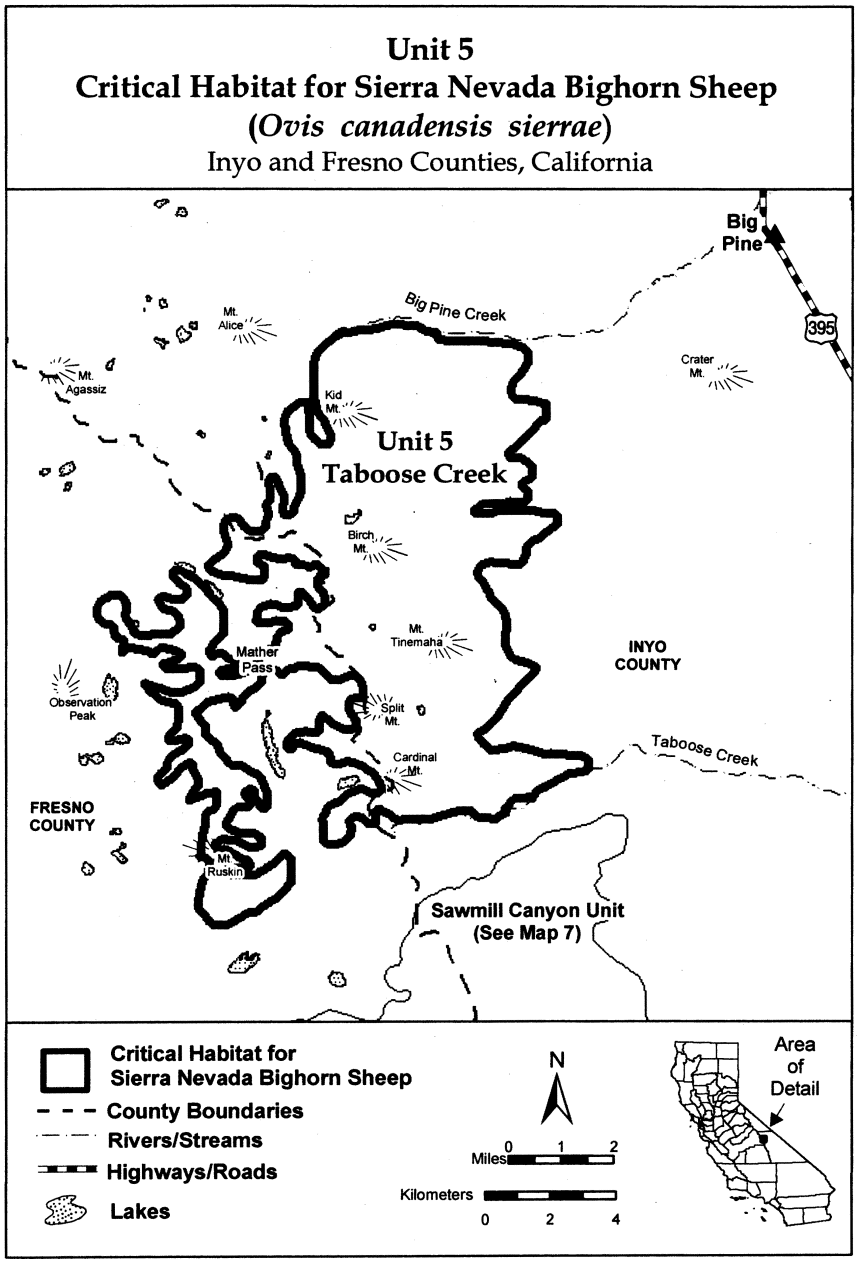
376716, 4109414; returning to 376756, 4109414.

(ii) Note: Map of Unit 5 (Taboose Creek) for Sierra Nevada bighorn sheep follows:

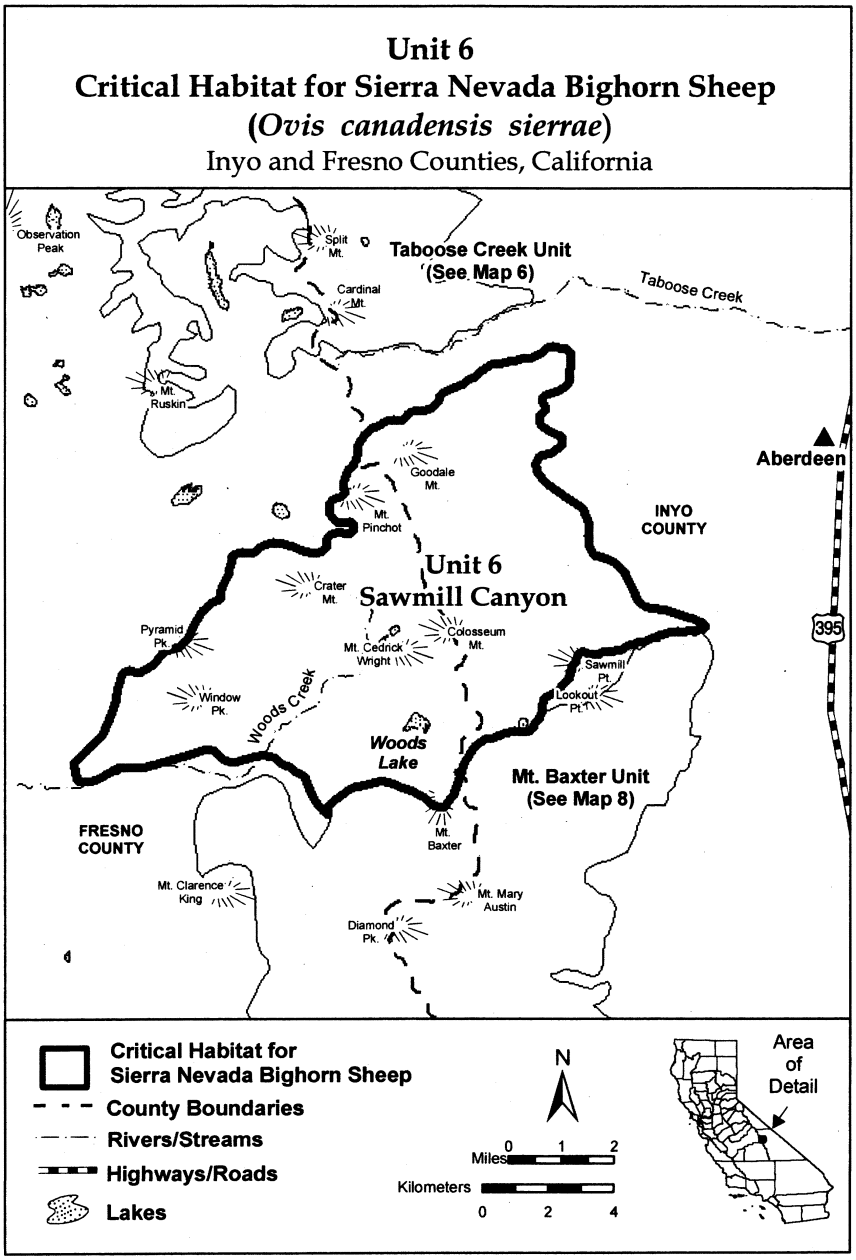


(11) Unit 6 (Sawmill Canyon); Fresno and Inyo Counties, California.

(i) From USGS 1:24,000 scale quadrangles Mount Pinchot, Aberdeen, Mount Clarence King and Kearsarge Peak. Land bounded by the following UTM zone 11 NAD83 coordinates (E, N): 380512, 4083384; 380416, 4083207; 380321, 4083059; 380256, 4082940; 380133, 4082854;

379980, 4082799; 379859, 4082802; 379709, 4082837; 379527, 4082813; 379374, 4082757; 379265, 4082696; 379160, 4082674; 379038, 4082647; 378867, 4082568; 378795, 4082595; 378516, 4082363; 378327, 4082128; 378166, 4081831; 378065, 4081503; 377933, 4081146; 377834, 4080878; 377738, 4080700; 377610, 4080493; 377442, 4080457; 377339, 4080502; 377219, 4080536; 376984, 4080754; 376746, 4080882; 376628, 4080946; 376239, 4081079; 376030, 4081176; 375641, 4081278; 375519, 4081252; 375032, 4081147; 374788, 4081064; 374635, 4081009; 374295, 4080749; 373983, 4080457; 374028, 4080221; 373860, 4080371; 373684, 4080557; 373540, 4080772; 373455, 4080956; 373288, 4081413; 373050, 4081541; 372934, 4081695; 372606, 4081826; 372340, 4082015; 372244, 4082045; 372121, 4082062; 371940, 4082079; 371706, 4082035; 371156, 4081842; 370857, 4081941; 370503, 4082224; 370199, 4082263; 369698, 4082060; 368468, 4081749; 367602, 4081695; 367089, 4081384; 366778, 4081235; 366399, 4081303; 366264, 4081871; 366778, 4082344; 367143, 4082763; 367427, 4083358; 367548, 4083750; 367616, 4084237; 367778, 4084629; 367995, 4084724; 368279, 4084669; 368495, 4084764; 368738, 4084940; 368968, 4085237; 369198, 4085400; 369536, 4085481; 369769, 4085771; 369933, 4086158; 370188, 4086602; 370528, 4086832; 370742, 4086916; 370782, 4087216; 370816, 4087335; 370850, 4087454; 370978, 4087691; 371016, 4087931; 371050, 4088051; 371089, 4088321; 371394, 4088401; 371664, 4088363; 371848, 4088447; 371973, 4088564; 372034, 4088592; 372340, 4088703; 372640, 4088633; 372970, 4088562; 373118, 4088467; 373447, 4088367; 373629, 4088361; 373659, 4088360; 373750, 4088387; 373842, 4088414; 373968, 4088591; 373971, 4088682; 374007, 4088861; 374100, 4088949; 374253, 4089004; 374464, 4088967; 374645, 4088962; 374768, 4089048; 374801, 4089137; 374776, 4089289; 374686, 4089322; 374443, 4089269; 374323, 4089303; 374265, 4089365; 374147, 4089459; 374089, 4089551; 374033, 4089674; 374071, 4089913; 374164, 4090001; 374256, 4090058; 374379, 4090115; 374439, 4090113; 374535, 4090260; 374479, 4090413; 374486, 4090623; 374585, 4090891; 374648, 4090980; 374742, 4091067; 374806, 4091186; 374869, 4091274; 374873, 4091394; 374944, 4091724; 375104, 4092020; 375353, 4092253; 375506, 4092308; 375784, 4092480; 376026, 4092503; 376146, 4092469; 376298, 4092494; 376391, 4092582; 376454, 4092670; 376548, 4092757; 376700, 4092783; 376851, 4092778; 377125, 4092860; 377249, 4092946; 377375, 4093123; 377410, 4093272; 377564, 4093358; 377719, 4093474; 378147, 4093641; 378302, 4093756; 378486, 4093841; 378704, 4094045; 378951, 4094218; 379315, 4094267; 379468, 4094322; 379649, 4094316; 379894, 4094399; 380136, 4094421; 380289, 4094477; 380473, 4094561; 380690, 4094735; 380873, 4094790; 381053, 4094754; 381294, 4094716; 381411, 4094592; 381403, 4094351; 381394, 4094081; 381389, 4093900; 381322, 4093691; 381288, 4093572; 381041, 4093429; 380797, 4093346; 380552, 4093234; 380575, 4093022; 380630, 4092839; 380441, 4092604; 380495, 4092392; 380611, 4092238; 380818, 4092111; 380998, 4092045; 381116, 4091981; 381142, 4091829; 381107, 4091680; 380983, 4091593; 380798, 4091479; 380494, 4091398; 380431, 4091340; 380366, 4091191; 380361, 4091041; 380386, 4090859; 380532, 4090704; 380796, 4090454; 381061, 4090235; 381269, 4090108; 381504, 4089920; 381771, 4089761; 381913, 4089455; 381966, 4089213; 381956, 4088912; 381975, 4088550; 382088, 4088305; 382178, 4088272; 382237, 4088240; 382297, 4088238; 382537, 4088170; 382775, 4088042; 383039, 4087793; 383123, 4087580; 383323, 4087242; 383434, 4086907; 383638, 4086690; 383908, 4086621; 384089, 4086615; 384330, 4086578; 384450, 4086544; 384718, 4086445; 384987, 4086346; 385137, 4086311; 385317, 4086245; 385466, 4086180; 385554, 4086117; 385552, 4086057; 385399, 4085971; 385278, 4085975; 385186, 4085948; 385065, 4085922; 384944, 4085926; 384792, 4085900; 384672, 4085934; 384490, 4085910; 384369, 4085914; 384277, 4085856; 384185, 4085829; 384094, 4085802; 383696, 4085634; 383574, 4085607; 383452, 4085581; 383330, 4085525; 383178, 4085499; 383086, 4085472; 382963, 4085386; 382749, 4085332; 382537, 4085309; 382385, 4085283; 382231, 4085198; 381960, 4085206; 381842, 4085300; 381721, 4085304; 381628, 4085217; 381595, 4085127; 381529, 4084949; 381466, 4084890; 381429, 4084681; 381331, 4084443; 381176, 4084297; 381080, 4084150; 381016, 4084031; 380956, 4084033; 380773, 4083979; 380619, 4083893; 380582, 4083683; 380513, 4083414; returning to 380512, 4083384.

(ii) Note: Map of Unit 6 (Sawmill Canyon) for Sierra Nevada bighorn sheep follows:

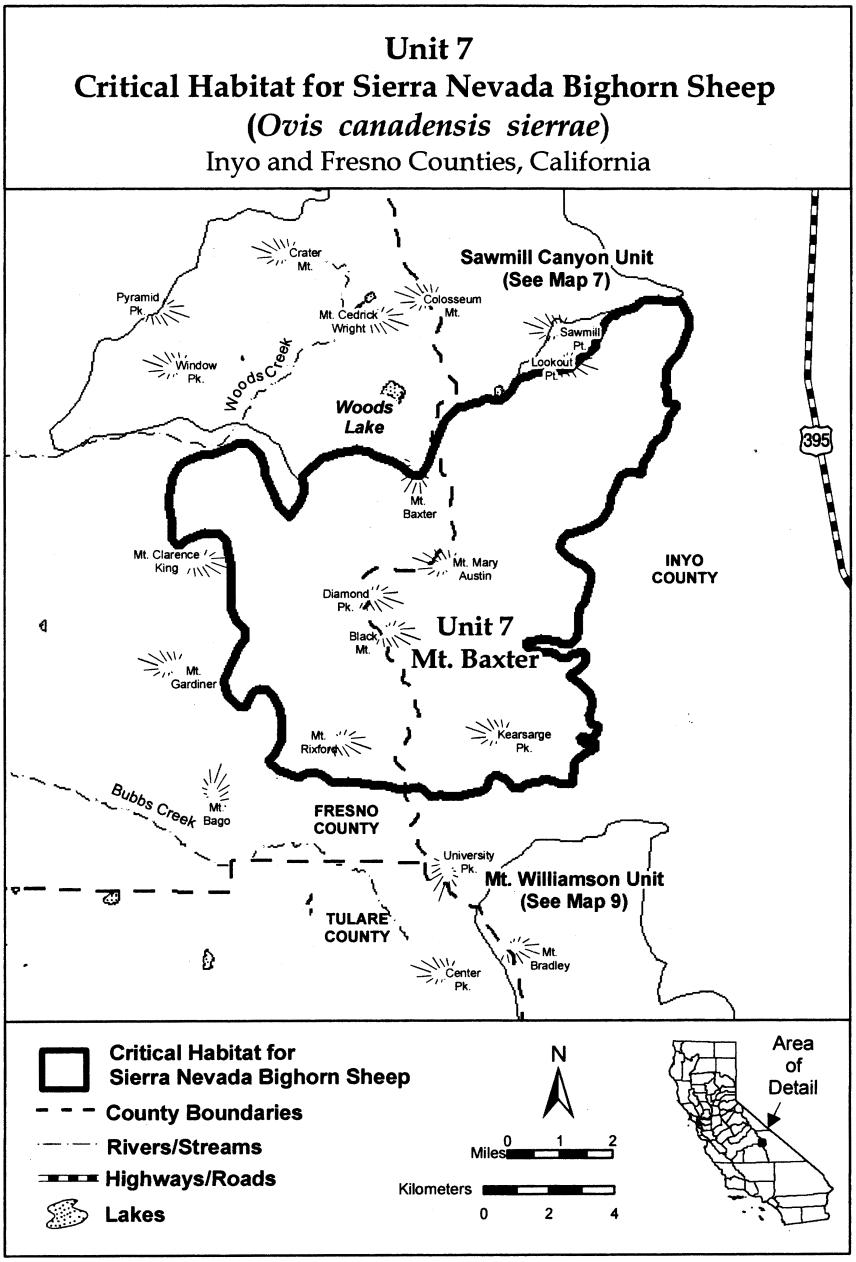


(12) Unit 7 (Mount Baxter); Fresno and Inyo Counties, California.

(i) From USGS 1:24,000 scale quadrangles Aberdeen, Mount Clarence King and Kearsarge Peak. Land bounded by the following UTM zone 11 NAD83 coordinates (E, N): 374028, 4080221; 373983, 4080457; 374295, 4080749; 374635, 4081009; 374788, 4081064; 375032, 4081147;

375519, 4081252; 375641, 4081278; 376030, 4081176; 376239, 4081079; 376628, 4080946; 376746, 4080882; 376984, 4080754; 377219, 4080536; 377339, 4080502; 377442, 4080457; 377610, 4080493; 377738, 4080700; 377834, 4080878; 377933, 4081146; 378065, 4081503; 378166, 4081831; 378327, 4082128; 378516, 4082363; 378795, 4082595; 378867, 4082568; 379038, 4082647; 379160, 4082674; 379265, 4082696; 379374, 4082757; 379527, 4082813; 379709, 4082837; 379859, 4082802; 379980, 4082799; 380133, 4082854; 380256, 4082940; 380321, 4083059; 380416, 4083207; 380512, 4083384; 380727, 4083498; 380880, 4083553; 381125, 4083666; 381307, 4083660; 381760, 4083676; 382157, 4083814; 382374, 4083988; 382561, 4084163; 382902, 4084423; 382969, 4084632; 383097, 4084869; 383261, 4085256; 383416, 4085401; 383537, 4085398; 383692, 4085513; 383967, 4085625; 384119, 4085650; 384182, 4085709; 384213, 4085738; 384244, 4085767; 384367, 4085853; 384670, 4085874; 384852, 4085898; 385092, 4085830; 385213, 4085827; 385396, 4085881; 385515, 4085817; 385631, 4085663; 385715, 4085479; 385770, 4085297; 385765, 4085147; 385729, 4084967; 385662, 4084758; 385564, 4084520; 385498, 4084342; 385402, 4084164; 385277, 4084047; 385184, 4083960; 385117, 4083751; 385113, 4083631; 385078, 4083481; 385073, 4083331; 385069, 4083210; 385124, 4083028; 385088, 4082848; 385084, 4082728; 385114, 4082697; 385234, 4082693; 385384, 4082658; 385383, 4082598; 385318, 4082480; 385255, 4082391; 385162, 4082304; 385128, 4082184; 385124, 4082064; 385023, 4081736; 384960, 4081647; 384898, 4081619; 384777, 4081593; 384649, 4081386; 384581, 4081147; 384392, 4080912; 384386, 4080702; 384320, 4080523; 384199, 4080527; 384108, 4080530; 383867, 4080537; 383745, 4080511; 383682, 4080423; 383584, 4080185; 383519, 4080036; 383422, 4079858; 383385, 4079619; 383318, 4079410; 383126, 4079084; 382787, 4078884; 382573, 4078801; 382268, 4078720; 382054, 4078636; 381899, 4078491; 381864, 4078341; 381857, 4078130; 382123, 4077941; 382299, 4077785; 382598, 4077685; 382685, 4077562; 382772, 4077439; 382798, 4077317; 382762, 4077138; 382693, 4076869; 382628, 4076720; 382592, 4076541; 382467, 4076394; 382431, 4076214; 382422, 4075944; 382420, 4075853; 382415, 4075703; 382411, 4075582; 382376, 4075433; 382219, 4075257; 382127, 4075200; 382006, 4075204; 381917, 4075237; 381828, 4075300; 381588, 4075367; 381498, 4075370; 381257, 4075408; 380982, 4075296; 380831, 4075301; 380799, 4075242; 380856, 4075149; 381004, 4075054; 381064, 4075022; 381215, 4075018; 381455, 4074980; 381605, 4074945; 381725, 4074911; 381844, 4074847; 382054, 4074810; 382239, 4074925; 382392, 4074981; 382544, 4075006; 382632, 4074913; 382593, 4074643; 382436, 4074467; 382281, 4074351; 382129, 4074296; 382216, 4074203; 382393, 4074047; 382659, 4073858; 382774, 4073673; 382858, 4073460; 382822, 4073280; 382787, 4073131; 382753, 4073011; 382778, 4072860; 382835, 4072737; 382895, 4072736; 383014, 4072672; 383010, 4072551; 382977, 4072462; 382885, 4072404; 382761, 4072318; 382640, 4072322; 382489, 4072327; 382488, 4072266; 382575, 4072173; 382694, 4072109; 382968, 4072161; 382965, 4072071; 382933, 4072011; 382902, 4071982; 382839, 4071924; 382810, 4071955; 382750, 4071957; 382686, 4071869; 382565, 4071842; 382502, 4071754; 382409, 4071696; 382314, 4071549; 382310, 4071428; 382273, 4071219; 382268, 4071068; 382264, 4070918; 382141, 4070861; 381900, 4070869; 381691, 4070966; 381361, 4071037; 381238, 4070980; 380965, 4070929; 380812, 4070873; 380627, 4070759; 380476, 4070763; 380386, 4070796; 380329, 4070888; 380183, 4071044; 380004, 4071140; 379946, 4071202; 379823, 4071145; 379698, 4070999; 379600, 4070761; 379445, 4070645; 379050, 4070567; 378715, 4070487; 378534, 4070493; 378263, 4070532; 378142, 4070536; 377869, 4070514; 377753, 4070668; 377635, 4070762; 377516, 4070796; 377272, 4070744; 377151, 4070717; 376969, 4070723; 376700, 4070792; 376551, 4070857; 376068, 4070872; 375768, 4070942; 375405, 4070953; 375071, 4070903; 374892, 4070969; 374774, 4071063; 374477, 4071223; 374114, 4071205; 373869, 4071092; 373301, 4071291; 373065, 4071479; 372945, 4071628; 373168, 4071877; 373380, 4072302; 373305, 4073027; 373293, 4073252; 373093, 4073577; 372943, 4073790; 372693, 4073852; 372480, 4073752; 372330, 4073514; 372255, 4073289; 371993, 4073327; 371693, 4073689; 371543, 4074102; 371843, 4074765; 372030, 4075127; 372243, 4075427; 372205, 4075727; 371980, 4075927; 371824, 4076302; 371812, 4077578; 371661, 4078453; 371486, 4078640; 371024, 4078703; 370743, 4078628; 370443, 4078490; 370226, 4078314; 370197, 4078295; 370023, 4078503; 370037, 4078955; 369931, 4079410; 369948, 4079952; 370023, 4080401; 370216, 4080787; 370463, 4080930; 370861, 4081098; 371163, 4081088; 371407, 4081171; 371836, 4081368; 372051, 4081482; 372322, 4081443; 372676, 4081161; 372814, 4080765; 372865, 4080462; 373090, 4079913; 373259, 4079546; 373580, 4079174; 373739, 4079410; 373866, 4079617; 374025, 4079883; 374061, 4080063; 374035, 4080184; returning to 374028, 4080221.

(ii) Note: Map of Unit 7 (Mount Baxter) for Sierra Nevada bighorn sheep follows:



(13) Unit 8 (Mount Williamson); Inyo and Tulare Counties, California.

(i) From USGS 1:24,000 scale quadrangle Kearsarge Peak, Mount Brewer, Mount Williamson, Manzanar, Mount Whitney and Mount Langley. Land bounded by the following UTM zone 11 NAD83 coordinates (E, N): 384282, 4069770; 384492, 4069703; 384612,

4069699; 384763, 4069694; 384974, 4069658; 385152, 4069562; 385148, 4069441; 384994, 4069356; 384934, 4069358; 384840, 4069270; 384627, 4069217; 384623, 4069096; 384617, 4068886; 384580, 4068676; 384570, 4068345; 384463, 4067836; 384390, 4067447; 384376, 4066995; 384334, 4066635; 384385, 4066332; 384439, 4066120; 384495, 4065998; 384611, 4065813; 384637, 4065692; 384753, 4065538; 384810, 4065445; 384959, 4065380; 385077, 4065286; 384980, 4065079; 384910, 4064780; 384839, 4064450; 384862, 4064209; 384918, 4064056; 385100, 4064081; 385438, 4064281; 385590, 4064306; 385804, 4064360; 386017, 4064413; 386229, 4064437; 386532, 4064457; 386649, 4064333; 386769, 4064299; 386886, 4064205; 387004, 4064111; 387091, 4063988; 387176, 4063804; 387171, 4063654; 387194, 4063412; 387310, 4063258; 387397, 4063135; 387484, 4063042; 387660, 4062855; 387746, 4062702; 387828, 4062458; 387887, 4062396; 387883, 4062276; 387817, 4062097; 387843, 4061976; 387870, 4061855; 387898, 4061794; 387989, 4061791; 388140, 4061786; 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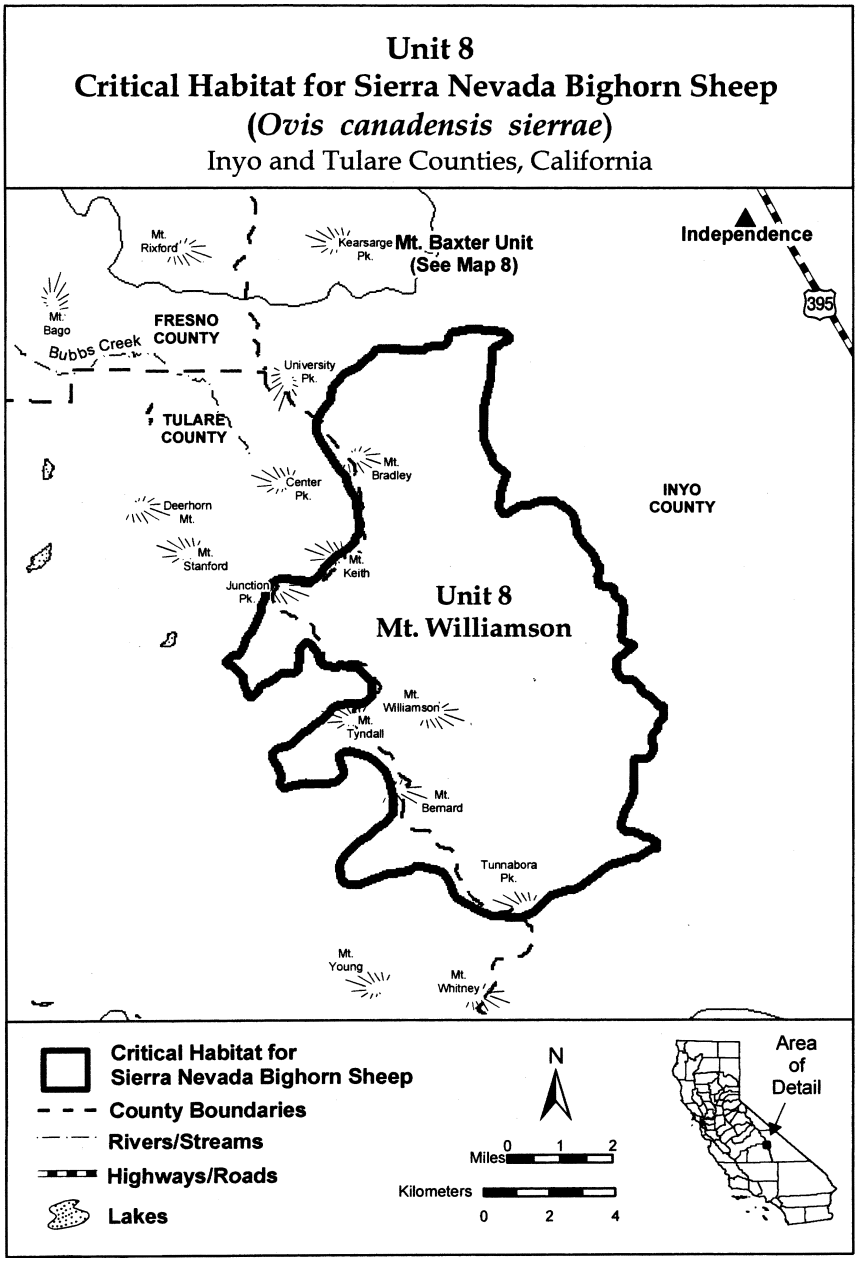
(ii) Note: Map of Unit 8 (Mount Williamson) for Sierra Nevada bighorn sheep follows:

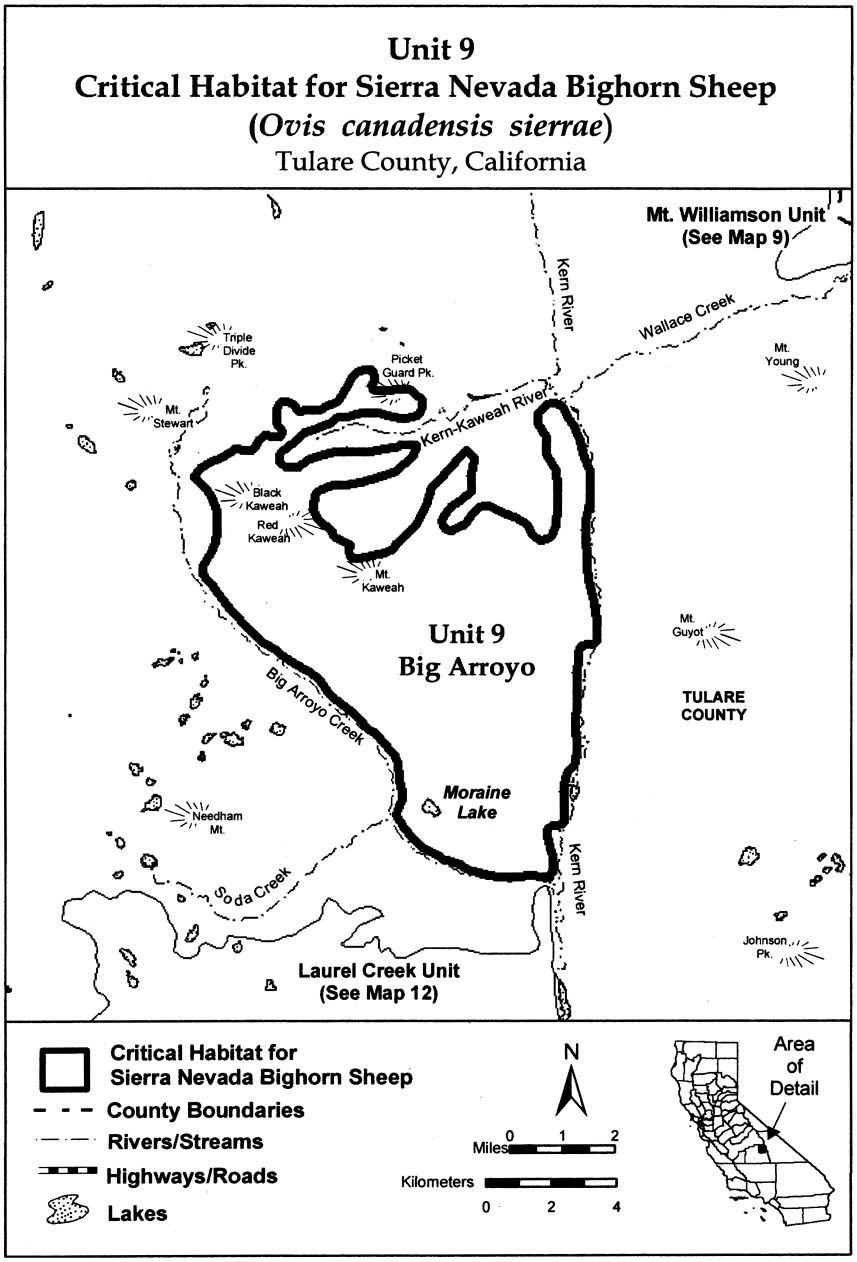


(14) Unit 9 (Big Arroyo); Tulare County, California.

(i) From USGS 1:24,000 scale quadrangles Triple Divide Peak, Mount Kaweah, and Chagoopa Falls. Land bounded by the following UTM zone 11 NAD83 coordinates (E, N): 367856, 4049078; 368038, 4049073; 368311, 4049124; 368644, 4049144; 368824, 4049108; 369090,

4048919; 369207, 4048795; 369203, 4048644; 369201, 4048584; 369169, 4048525; 369072, 4048347; 368645, 4048210; 368224, 4048284; 367925, 4048383; 367593, 4048394; 367503, 4048397; 367260, 4048374; 366955, 4048293; 366591, 4048244; 366345, 4048102; 365916, 4047904; 365549, 4047765; 365361, 4047560; 364989, 4047270; 364864, 4047124; 364797, 4046915; 364973, 4046759; 365395, 4046715; 365735, 4046946; 366102, 4047085; 366467, 4047164; 366891, 4047211; 367465, 4047193; 367920, 4047269; 368407, 4047374; 368560, 4047429; 369013, 4047415; 368911, 4047057; 368632, 4046825; 368322, 4046593; 367802, 4046399; 367406, 4046291; 366767, 4046130; 366404, 4046141; 366068, 4046031; 365913, 4045886; 365868, 4045435; 366038, 4045068; 366392, 4044786; 366506, 4044572; 367012, 4044315; 366916, 4044167; 366999, 4043924; 367179, 4043858; 367575, 4043966; 367970, 4044044; 368277, 4044185; 368402, 4044331; 368714, 4044653; 369028, 4045005; 369348, 4045597; 369454, 4046076; 369830, 4046486; 370175, 4046897; 370518, 4047247; 370783, 4047028; 370644, 4046430; 370695, 4046127; 370690, 4045977; 370534, 4045831; 370317, 4045657; 370041, 4045515; 369914, 4045338; 369817, 4045130; 369781, 4044951; 369897, 4044797; 370077, 4044731; 370292, 4044844; 370507, 4044958; 370665, 4045194; 370946, 4045487; 371279, 4045506; 371607, 4045345; 372024, 4045152; 372379, 4044929; 372551, 4044623; 372817, 4044434; 373092, 4044546; 373223, 4044843; 373304, 4045503; 373323, 4046105; 373219, 4046650; 372992, 4047109; 372919, 4047684; 372692, 4048143; 372701, 4048414; 373011, 4048675; 373283, 4048667; 373432, 4048602; 373602, 4048265; 373805, 4047988; 373975, 4047621; 374080, 4047105; 374277, 4046647; 374322, 4046164; 374308, 4045712; 374200, 4045174; 374158, 4044783; 374181, 4044572; 374200, 4044210; 374217, 4043787; 374236, 4043425; 374288, 4043152; 374391, 4042607; 374467, 4042122; 374516, 4041759; 374537, 4041488; 374470, 4041279; 374347, 4041192; 374136, 4041229; 374014, 4041173; 373950, 4041054; 373904, 4040574; 373897, 4040333; 373915, 4039971; 373903, 4039579; 373888, 4039098; 373877, 4038737; 373895, 4038375; 373915, 4038043; 373877, 4037773; 373839, 4037533; 373619, 4037269; 373549, 4036970; 373479, 4036670; 373530, 4036368; 373518, 4035976; 373478, 4035676; 373263, 4035563; 373112, 4035567; 373019, 4035480; 373040, 4035208; 373120, 4034844; 373172, 4034601; 373171, 4034571; 373195, 4034360; 373188, 4034149; 373125, 4034061; 373093, 4034001; 372881, 4033978; 372671, 4034015; 372489, 4034020; 372278, 4034027; 372096, 4034002; 372005, 4034005; 371642, 4033987; 371403, 4034054; 371161, 4034062; 371012, 4034127; 370652, 4034198; 370474, 4034294; 370386, 4034387; 369997, 4034520; 369847, 4034555; 369670, 4034681; 369253, 4034875; 368900, 4035187; 368785, 4035372; 368611, 4035588; 368408, 4035866; 368444, 4036045; 368544, 4036343; 368613, 4036612; 368531, 4036916; 368483, 4037309; 368432, 4037582; 368318, 4037827; 368114, 4038044; 367910, 4038291; 367764, 4038447; 367616, 4038542; 367411, 4038759; 367265, 4038914; 366971, 4039194; 366588, 4039508; 366295, 4039788; 366005, 4040159; 365710, 4040409; 365323, 4040602; 364940, 4040885; 364704, 4041073; 364407, 4041233; 364172, 4041451; 363937, 4041670; 363675, 4041979; 363294, 4042383; 363033, 4042722; 362830, 4043000; 362598, 4043309; 362513, 4043462; 362550, 4043702; 362773, 4044056; 362873, 4044354; 362976, 4044743; 362987, 4045104; 362907, 4045438; 362796, 4045743; 362624, 4046049; 362419, 4046267; 362243, 4046423; 362434, 4046718; 362771, 4046888; 363048, 4047030; 363355, 4047201; 363540, 4047316; 363809, 4047217; 363990, 4047211; 364085, 4047329; 364213, 4047566; 364430, 4047740; 364638, 4047643; 364880, 4047635; 364946, 4047814; 364918, 4047875; 364772, 4048061; 364751, 4048332; 364757, 4048543; 364885, 4048750; 365096, 4048743; 365274, 4048647; 365419, 4048432; 365540, 4048458; 365753, 4048482; 365964, 4048475; 366116, 4048500; 366302, 4048645; 366454, 4048671; 366638, 4048755; 366736, 4048993; 366926, 4049288; 367023, 4049466; 367148, 4049613; 367333, 4049727; 367635, 4049718; 367747, 4049443; 367652, 4049296; 367648, 4049175; 367736, 4049082; returning to 367856, 4049078.

(ii) Note: Map of Unit 9 (Big Arroyo) for Sierra Nevada bighorn sheep follows:



(15) Unit 10 (Mount Langley); Inyo and Tulare Counties, California.

(i) From USGS 1:24,000 scale quadrangles Mount Whitney, Mount Langley, Lone Pine, Johnson Peak, Cirque Peak, and Bartlett. Land bounded by the following UTM zone 11 NAD83 coordinates (E, N): 391201, 4048676; 391835, 4048656; 392289, 4048672; 392648, 4048570;

393008, 4048499; 393517, 4048332; 393840, 4048051; 393861, 4047749; 393701, 4047453; 393997, 4047263; 394301, 4047313; 394691, 4047241; 394959, 4047112; 394980, 4046810; 394761, 4046576; 394545, 4046432; 394209, 4046322; 393872, 4046182; 393805, 4045973; 393952, 4045848; 394346, 4045866; 394557, 4045859; 394797, 4045822; 394914, 4045698; 395096, 4045722; 395312, 4045836; 395435, 4045922; 395609, 4045676; 395357, 4045352; 395142, 4045239; 394955, 4045064; 394737, 4044860; 394607, 4044562; 394630, 4044351; 394785, 4044466; 394972, 4044641; 395189, 4044815; 395465, 4044957; 395741, 4045069; 396017, 4045211; 396292, 4045323; 396624, 4045312; 396865, 4045275; 397011, 4045120; 396916, 4044972; 396912, 4044852; 396906, 4044671; 396989, 4044427; 397139, 4044392; 397225, 4044239; 397130, 4044092; 397004, 4043945; 396941, 4043856; 396910, 4043827; 396816, 4043710; 396872, 4043588; 397085, 4043611; 397269, 4043726; 397424, 4043841; 397610, 4043986; 397705, 4044134; 397826, 4044130; 397974, 4044035; 397988, 4043910; 398032, 4043812; 398101, 4043709; 398135, 4043591; 398258, 4043464; 398459, 4043386; 398630, 4043312; 398832, 4043175; 399028, 4043028; 399145, 4042939; 399209, 4042895; 399312, 4042807; 399366, 4042758; 399410, 4042704; 399454, 4042670; 399582, 4042567; 399694, 4042459; 399758, 4042385; 399846, 4042312; 399944, 4042199; 400033, 4042101; 400096, 4041978; 400219, 4041836; 400286, 4041643; 400252, 4041523; 400128, 4041437; 400005, 4041380; 399883, 4041324; 399698, 4041209; 399455, 4041157; 399327, 4040950; 399383, 4040797; 399592, 4040731; 399927, 4040810; 400292, 4040889; 400718, 4040966; 401019, 4040957; 401230, 4040920; 401313, 4040742; 401218, 4040743; 401216, 4040470; 401215, 4040469; 401123, 4040411; 400849, 4040330; 400699, 4040395; 400579, 4040398; 400425, 4040313; 400272, 4040257; 400151, 4040261; 399969, 4040237; 399818, 4040242; 399727, 4040214; 399573, 4040129; 399364, 4040196; 399184, 4040231; 399001, 4040177; 398875, 4040030; 398718, 4039824; 398769, 4039552; 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398826, 4037501; 398587, 4037599; 398285, 4037609; 398074, 4037615; 397779, 4037835; 397573, 4038023; 397247, 4038214; 396925, 4038555; 396808, 4038679; 396694, 4038894; 396521, 4039140; 396440, 4039474; 396020, 4039548; 395687, 4039528; 395353, 4039478; 395015, 4039308; 394354, 4039419; 393996, 4039551; 393553, 4039896; 393199, 4040148; 392841, 4040310; 392599, 4040288; 392388, 4040324; 392208, 4040360; 392026, 4040336; 391845, 4040341; 391695, 4040376; 391607, 4040469; 391464, 4040715; 391168, 4040905; 391019, 4040970; 390717, 4040979; 390615, 4040870; 390526, 4040776; 390443, 4040719; 390324, 4040646; 390241, 4040657; 390158, 4040641; 390080, 4040574; 390002, 4040480; 389955, 4040018; 390023, 4039509; 389862, 4039176; 389441, 4038958; 389108, 4038818; 389015, 4038797; 388682, 4038673; 388527, 4038553; 388246, 4038309; 388225, 4038111; 388142, 4038091; 388054, 4038169; 387992, 4038413; 387898, 4039083; 387695, 4039478; 387443, 4039666; 387108, 4039586; 386653, 4039541; 386445, 4039637; 386479, 4039787; 386788, 4039988; 387154, 4040097; 387492, 4040267; 387587, 4040415; 387626, 4040685; 387539, 4040808; 387242, 4040968; 387030, 4040945; 386663, 4040805; 386571, 4040778; 386423, 4040873; 386520, 4041081; 386706, 4041226; 386895, 4041461; 387083, 4041696; 387183, 4041994; 387197, 4042415; 387266, 4042684; 387125, 4043020; 387068, 4043112; 386891, 4043269; 386710, 4043274; 386617, 4043187; 386370, 4043014; 386328, 4042654; 386323, 4042503; 386227, 4042325; 386193, 4042206; 386187, 4042025; 386181, 4041815; 386147, 4041695; 385866, 4041403; 385677, 4041168; 385489, 4040963; 385424, 4040814; 385175, 4040581; 384687, 4040446; 384085, 4040495; 383395, 4040667; 382950, 4040922; 382597, 4041234; 382557, 4041868; 382965, 4042368; 383585, 4042860; 383899, 4043242; 383974, 4043692; 384083, 4044291; 384064, 4044653; 384347, 4045005; 384752, 4045384; 385209, 4045490; 385338, 4045757; 385674, 4045867; 386068, 4045915; 386432, 4045964; 386733, 4045925; 387003, 4045856; 387456, 4045842; 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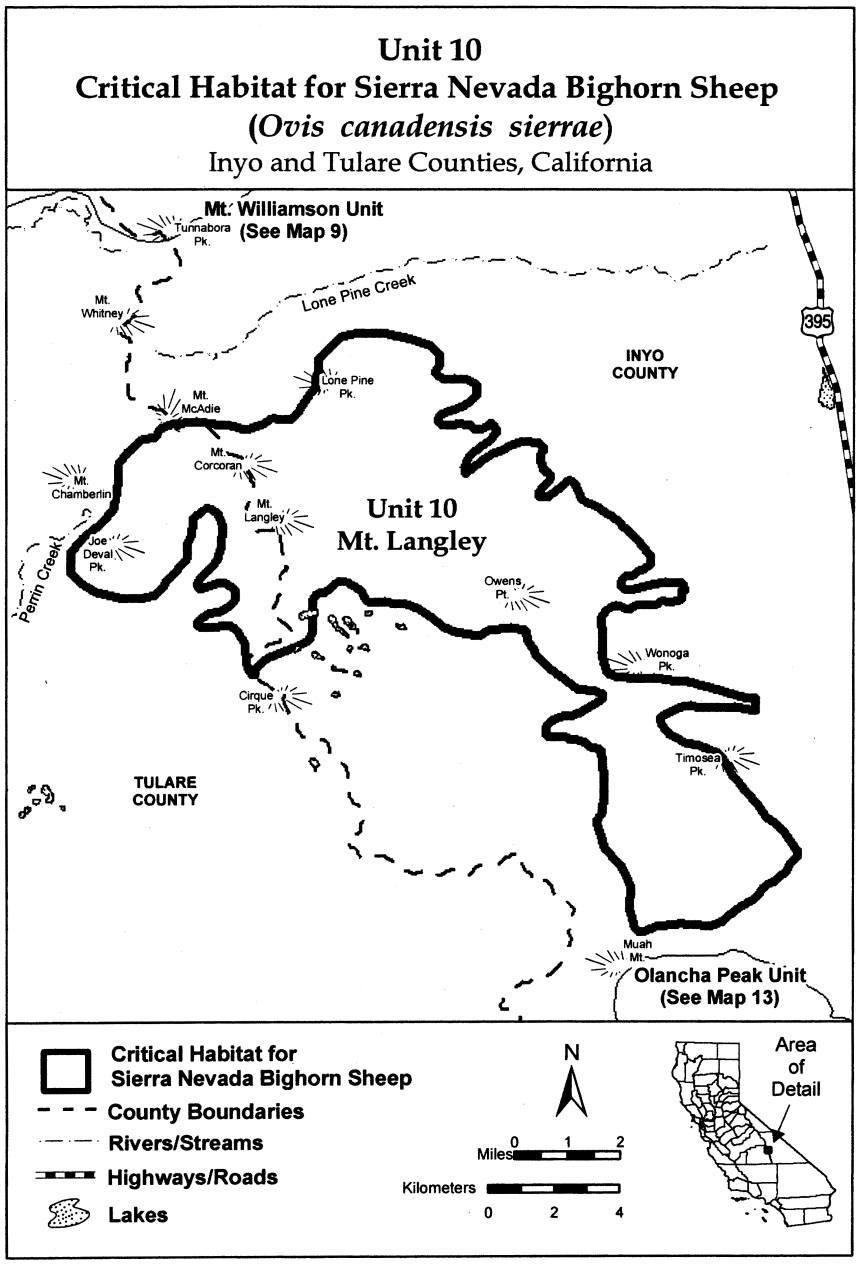
(ii) Note: Map of Unit 10 (Mount Langley) for Sierra Nevada bighorn sheep follows:



(16) Unit 11 (Laurel Creek); Tulare County, California.

(i) From USGS 1:24,000 scale quadrangles Mineral King, Chagoopa Falls, Quinn Peak, and Kern Lake. Land bounded by the following UTM zone 11 NAD83 coordinates (E, N): 373174, 4031891; 373186, 4031558; 373154, 4031248; 373234, 4030979; 373246, 4030646; 373240,

4030446; 373299, 4030200; 373294, 4030045; 373311, 4029867; 373368, 4029577; 373315, 4029290; 373265, 4029114; 373238, 4028981; 373232, 4028782; 373228, 4028671; 373244, 4028471; 373261, 4028292; 373235, 4028160; 373118, 4027986; 373114, 4027853; 373201, 4027784; 373307, 4027625; 373303, 4027492; 373295, 4027248; 373288, 4027026; 373370, 4026802; 373343, 4026647; 373335, 4026403; 373361, 4025803; 373349, 4025426; 373426, 4025046; 373542, 4024488; 373421, 4024158; 373270, 4024319; 373084, 4024791; 372982, 4025082; 372972, 4025460; 373002, 4025726; 372967, 4026015; 372813, 4026087; 372622, 4026381; 372567, 4026738; 372492, 4027184; 372494, 4027251; 372544, 4027449; 372683, 4027600; 372797, 4027685; 372844, 4027773; 372868, 4027839; 372850, 4027950; 372627, 4027957; 372493, 4027939; 372334, 4027833; 372088, 4027819; 371867, 4027848; 371735, 4027896; 371467, 4027883; 371376, 4027819; 371153, 4027804; 370951, 4027743; 370794, 4027704; 370614, 4027665; 370368, 4027628; 370167, 4027590; 369942, 4027531; 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367623, 4033087; 367799, 4033015; 367930, 4032944; 367993, 4032809; 367812, 4032726; 367632, 4032665; 367429, 4032582; 367248, 4032477; 367132, 4032325; 366969, 4032108; 366718, 4031916; 366739, 4031871; 366849, 4031823; 366916, 4031844; 367049, 4031839; 367250, 4031833; 367384, 4031851; 367499, 4031958; 367588, 4031978; 367634, 4032021; 367749, 4032128; 367815, 4032126; 367880, 4032057; 367852, 4031859; 367892, 4031724; 367957, 4031678; 368048, 4031741; 368183, 4031782; 368397, 4031508; 368486, 4031506; 368664, 4031500; 368891, 4031626; 368958, 4031646; 369050, 4031732; 369297, 4031791; 369564, 4031783; 369809, 4031797; 370121, 4031810; 370520, 4031753; 370984, 4031649; 371185, 4031643; 371741, 4031626; 372030, 4031617; 372432, 4031648; 372543, 4031667; 372702, 4031751; 372753, 4031949; 372714, 4032150; 372652, 4032285; 372548, 4032533; 372578, 4032776; 372564, 4033021; 372571, 4033264; 372624, 4033507; 372783, 4033635; 372942, 4033719; 373052, 4033671; 373028, 4033628; 373070, 4033537; 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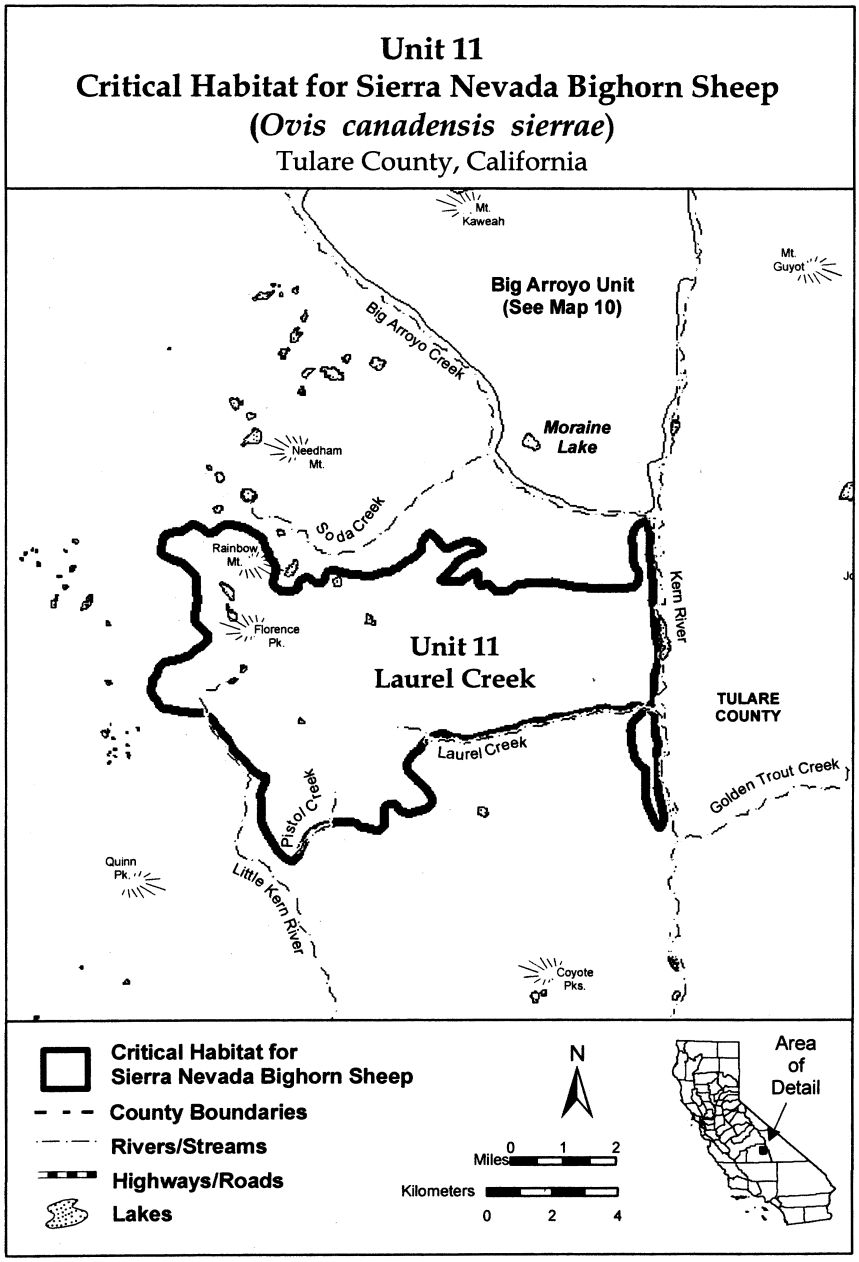
(ii) Note: Map of Unit 11 (Laurel Creek) for Sierra Nevada bighorn sheep follows:

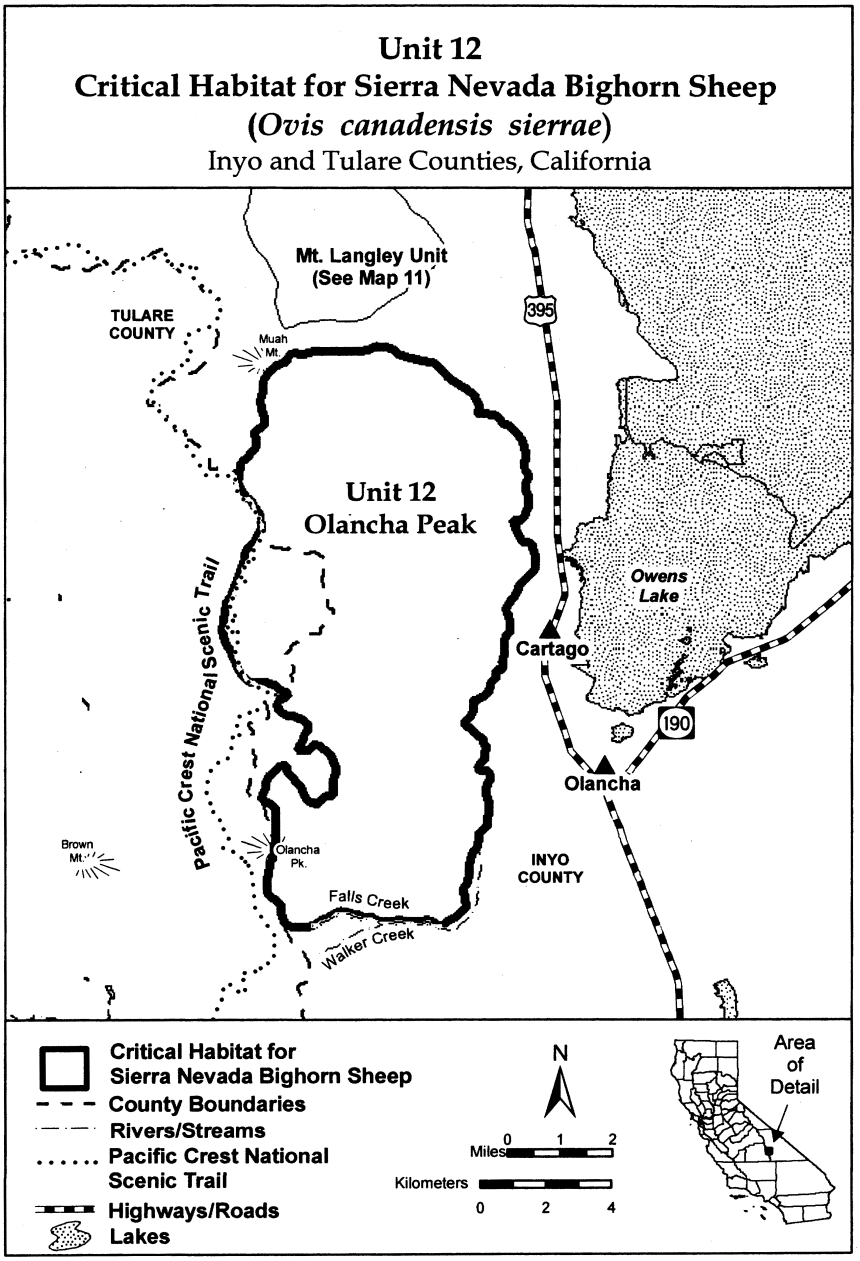


(17) Unit 12 (Olancha Peak); Inyo and Tulare Counties, California.

(i) From USGS 1:24,000 scale quadrangles Cirque Peak, Bartlett, Templeton Mountain, Olancha, and Haiwee Pass. Land bounded by the following UTM zone 11 NAD83 coordinates (E, N): 403133, 4029453; 403358, 4029282; 403619, 4029209; 403945, 4029133; 404369, 4029021;

404658, 4028816; 404816, 4028614; 405104, 4028376; 405331, 4028270; 405620, 4028065; 405682, 4027932; 405805, 4027666; 405734, 4027504; 405863, 4027434; 406060, 4027428; 406290, 4027421; 406385, 4027320; 406479, 4027153; 406544, 4027151; 406674, 4027081; 406738, 4027046; 406835, 4026978; 406993, 4026776; 407086, 4026610; 407116, 4026510; 407176, 4026345; 407206, 4026245; 407201, 4026082; 407131, 4025953; 407161, 4025854; 407158, 4025755; 407190, 4025722; 407251, 4025589; 407282, 4025522; 407279, 4025424; 407210, 4025328; 407206, 4025197; 407203, 4025099; 407234, 4025032; 407263, 4024933; 407291, 4024768; 407287, 4024637; 407250, 4024507; 407178, 4024313; 407042, 4024153; 406975, 4024123; 406909, 4024125; 406811, 4024128; 406841, 4024061; 406903, 4023928; 406933, 4023829; 406963, 4023763; 407057, 4023596; 407118, 4023463; 407282, 4023458; 407411, 4023355; 407439, 4023223; 407499, 4023025; 407524, 4022795; 407487, 4022632; 407350, 4022473; 407214, 4022313; 407044, 4022154; 407010, 4022123; 406941, 4021994; 406870, 4021832; 406765, 4021639; 406663, 4021511; 406627, 4021414; 406622, 4021283; 406686, 4021215; 406682, 4021085; 406739, 4020821; 406701, 4020658; 406634, 4020595; 406565, 4020498; 406562, 4020400; 406557, 4020237; 406553, 4020106; 406515, 4019943; 406508, 4019747; 406537, 4019615; 406434, 4019487; 406336, 4019490; 406301, 4019425; 406296, 4019262; 406194, 4019167; 406127, 4019103; 406121, 4018939; 406086, 4018842; 405983, 4018714; 405817, 4018654; 405649, 4018561; 405584, 4018563; 405583, 4018530; 405611, 4018398; 405572, 4018203; 405538, 4018139; 405435, 4018011; 405400, 4017946; 405332, 4017883; 405395, 4017783; 405428, 4017782; 405460, 4017748; 405620, 4017612; 405779, 4017443; 405875, 4017374; 405935, 4017209; 405999, 4017141; 405962, 4017011; 405959, 4016913; 405955, 4016782; 405919, 4016685; 405885, 4016653; 405816, 4016557; 405749, 4016494; 405747, 4016428; 405843, 4016360; 405942, 4016356; 406040, 4016353; 406104, 4016286; 406134, 4016219; 406131, 4016121; 406063, 4016025; 406026, 4015895; 405988, 4015732; 406018, 4015666; 406016, 4015600; 406108, 4015368; 406101, 4015172; 406062, 4014976; 406055, 4014747; 405918, 4014555; 405816, 4014460; 405812, 4014329; 405703, 4014005; 405598, 4013811; 405530, 4013715; 405491, 4013520; 405488, 4013422; 405480, 4013192; 405405, 4012900; 405336, 4012771; 405329, 4012542; 405353, 4012279; 405416, 4012179; 405313, 4012051; 405109, 4011828; 404843, 4011738; 404673, 4011547; 404541, 4011551; 404414, 4011686; 404316, 4011689; 404187, 4011758; 404086, 4011696; 403921, 4011668; 403724, 4011675; 403625, 4011678; 403527, 4011681; 403365, 4011751; 403199, 4011691; 403002, 4011697; 402935, 4011667; 402706, 4011707; 402610, 4011775; 402480, 4011845; 402250, 4011819; 402186, 4011887; 401989, 4011893; 401860, 4011962; 401729, 4011999; 401598, 4012003; 401366, 4011945; 401165, 4011820; 401032, 4011759; 400764, 4011604; 400498, 4011514; 400367, 4011518; 400040, 4011561; 399878, 4011631; 399816, 4011764; 399787, 4011896; 399790, 4011995; 399794, 4012093; 399732, 4012226; 399669, 4012326; 399540, 4012396; 399444, 4012464; 399349, 4012598; 399327, 4012927; 399402, 4013219; 399406, 4013350; 399445, 4013546; 399515, 4013674; 399520, 4013838; 399557, 4013968; 399563, 4014164; 399600, 4014294; 399608, 4014556; 399611, 4014654; 399615, 4014785; 399590, 4015016; 399595, 4015179; 399404, 4015382; 399177, 4015487; 399182, 4015618; 399286, 4015812; 399294, 4016073; 399398, 4016234; 399566, 4016360; 399635, 4016456; 399737, 4016551; 399901, 4016546; 399960, 4016347; 400087, 4016212; 400183, 4016111; 400341, 4015910; 400463, 4015611; 400557, 4015477; 400849, 4015337; 400916, 4015400; 401120, 4015590; 401351, 4015648; 401360, 4015910; 401368, 4016172; 401440, 4016367; 401443, 4016465; 401381, 4016598; 401321, 4016764; 401226, 4016898; 401164, 4016998; 401067, 4017066; 400906, 4017170; 400742, 4017175; 400640, 4017047; 400342, 4016991; 400311, 4017057; 400313, 4017123; 400383, 4017252; 400419, 4017349; 400455, 4017446; 400490, 4017511; 400525, 4017575; 400592, 4017638; 400597, 4017769; 400471, 4017970; 400179, 4018077; 399917, 4018118; 399692, 4018256; 399663, 4018388; 399666, 4018487; 399735, 4018583; 399935, 4018675; 399939, 4018806; 399745, 4018910; 399617, 4019012; 399357, 4019119; 398800, 4019169; 398672, 4019272; 398480, 4019441; 398298, 4019906; 398237, 4020072; 398082, 4020371; 397992, 4020636; 397996, 4020767; 398000, 4020898; 398005, 4021062; 398011, 4021226; 398122, 4021648; 398191, 4021744; 398332, 4022035; 398442, 4022392; 398584, 4022748; 398657, 4022975; 398663, 4023171; 398935, 4023458; 399006, 4023619; 399074, 4023683; 399072, 4023617; 399110, 4023780; 399181, 4023941; 399119, 4024074; 399094, 4024337; 399000, 4024471; 398813, 4024805; 398716, 4024841; 398527, 4025109; 398467, 4025275; 398472, 4025438; 398510, 4025601; 398514, 4025732; 398553, 4025927; 398622, 4026023; 398722, 4026086; 398791, 4026182; 398928, 4026341; 399031, 4026502; 399002, 4026634; 398945, 4026898; 399113, 4027024; 399214, 4027086; 399283, 4027182; 399254, 4027314; 399194, 4027513; 399136, 4027744; 399140, 4027875; 399143, 4027973; 399180, 4028103; 399218, 4028266; 399226, 4028527; 399329, 4028655; 399466, 4028815; 399568, 4028943; 399902, 4029096; 399971, 4029225; 400106, 4029319; 400270, 4029314; 400401, 4029310; 400666, 4029367; 400864, 4029393; 400930, 4029391; 400995, 4029389; 401356, 4029378; 401586, 4029371; 401783, 4029365; 402145, 4029386; 402443, 4029442; 402676, 4029533; 403004, 4029523; returning to 403133, 4029453.

(ii) Note: Map of Unit 12 (Olancha Peak) for Sierra Nevada bighorn sheep follows:


Unit 12
Critical Habitat for Sierra Nevada Bighorn Sheep
(Ovis canadensis sierrae)
Inyo and Tulare Counties, California
Mt. Langley Unit
(See Map 11)
TULARE
COUNTY
Muah
Mt.
395
Unit 12
Olancha Peak
Owens
Lake
Cartago
190
Olancha
Pacific Crest National Scenic Trail
Brown
Mt.
Olancha
Pk.
INYO
COUNTY
Falls Creek
Walker Creek
Critical Habitat for
Sierra Nevada Bighorn Sheep
County Boundaries
Rivers/Streams
Pacific Crest National
Scenic Trail
Highways/Roads
Lakes
N
0 1 2
Miles
Kilometers
0 2 4
Area
of
Detail

BUENA VISTA LAKE SHREW (*Sorex ornatus relictus*)

(1) Critical habitat units are depicted for Kings and Kern Counties, California, on the maps below.

(2) Within these areas, the primary constituent elements of the physical or biological features essential to the conservation of the Buena Vista Lake shrew consist of permanent and intermittent riparian or wetland communities that contain:

(i) A complex vegetative structure with a thick cover of leaf litter or dense mats of low-lying vegetation. Associated plant species can include, but are not limited to, Fremont cottonwoods, willows, glasswort, wildrye grass, and rush grass. Although moist soil in areas with an overstory of willows or cottonwoods appears to be favored, such overstory may not be essential.

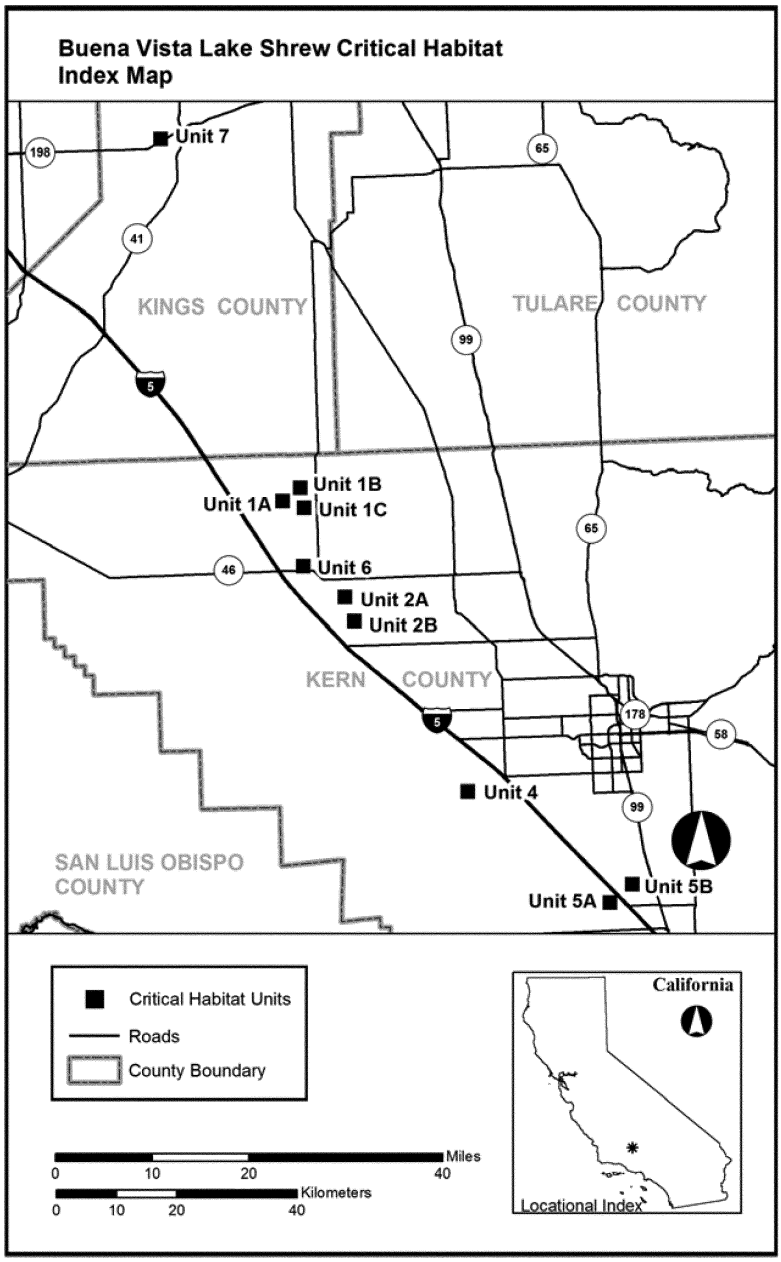
(ii) Suitable moisture supplied by a shallow water table, irrigation, or proximity to permanent or semipermanent water.

(iii) A consistent and diverse supply of prey. Although the specific prey species used by the Buena Vista Lake shrew have not been identified, ornate shrews are known to eat a variety of terrestrial and aquatic invertebrates, including amphipods, slugs, and insects.

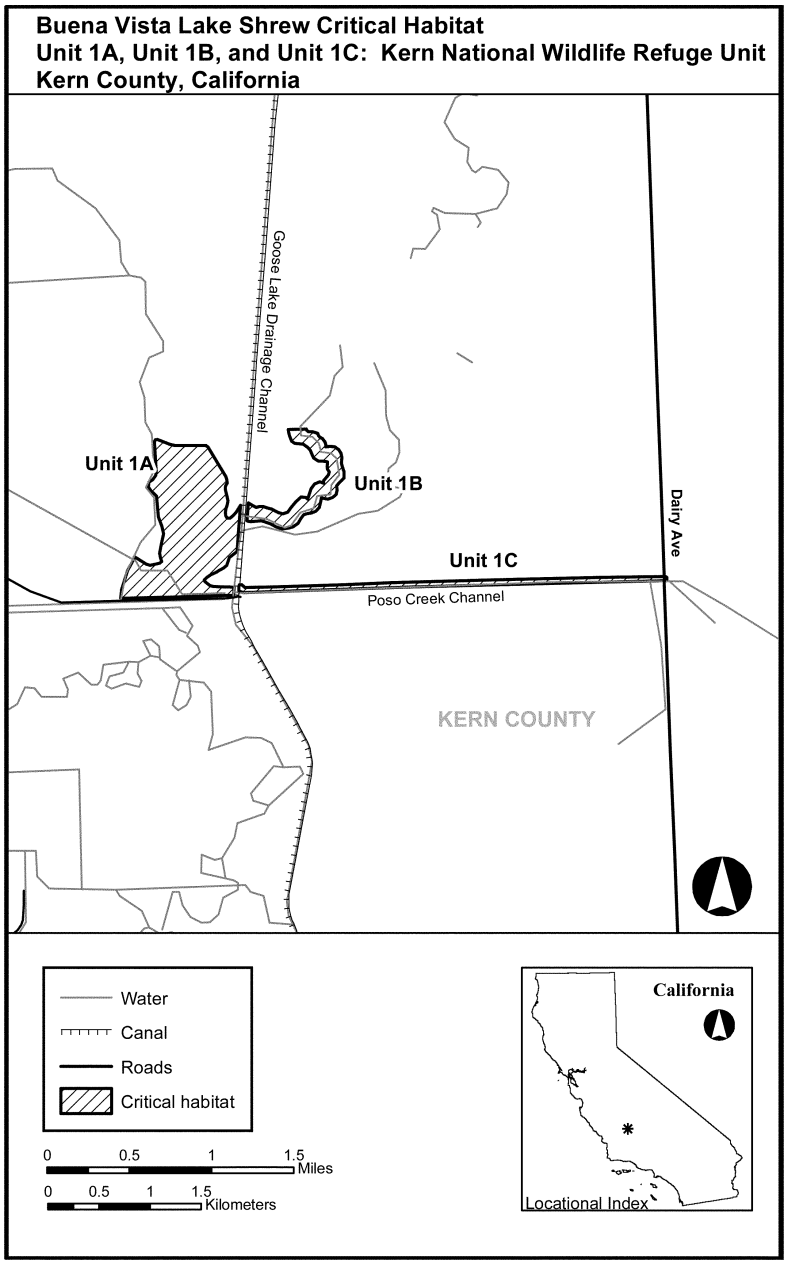
(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on the effective date of this rule.

(4) *Critical habitat map units.* Data layers defining map units were created on a base of USGS 7.5′ quadrangles, and critical habitat units were then mapped using Universal Transverse Mercator (UTM) coordinates. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at *http://criticalhabitat.fws.gov/crithab/,* and at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2009–0062, and at the field office responsible for this designation. You may obtain field office location information by contacting one of our regional offices, the addresses of which are listed at 50 CFR 2.2.

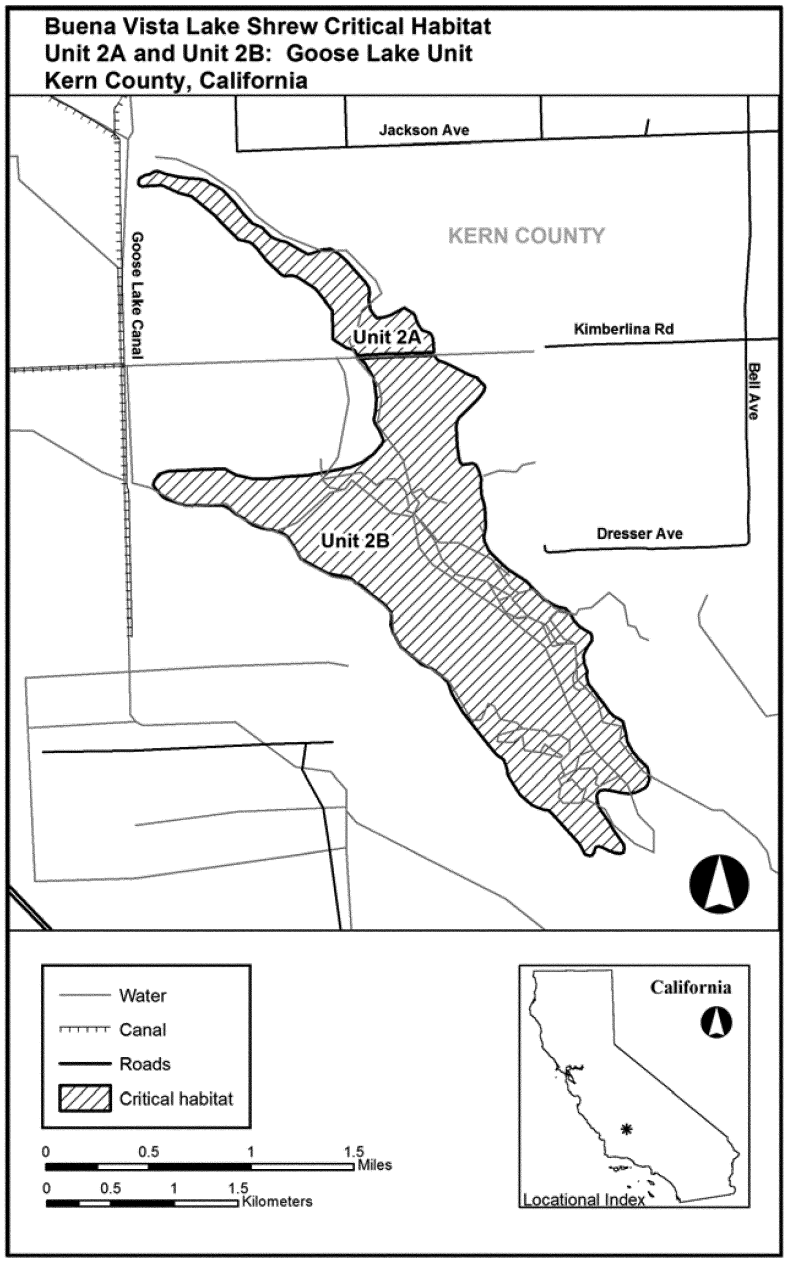
(5) Index map of Buena Vista Lake shrew critical habitat units follows:



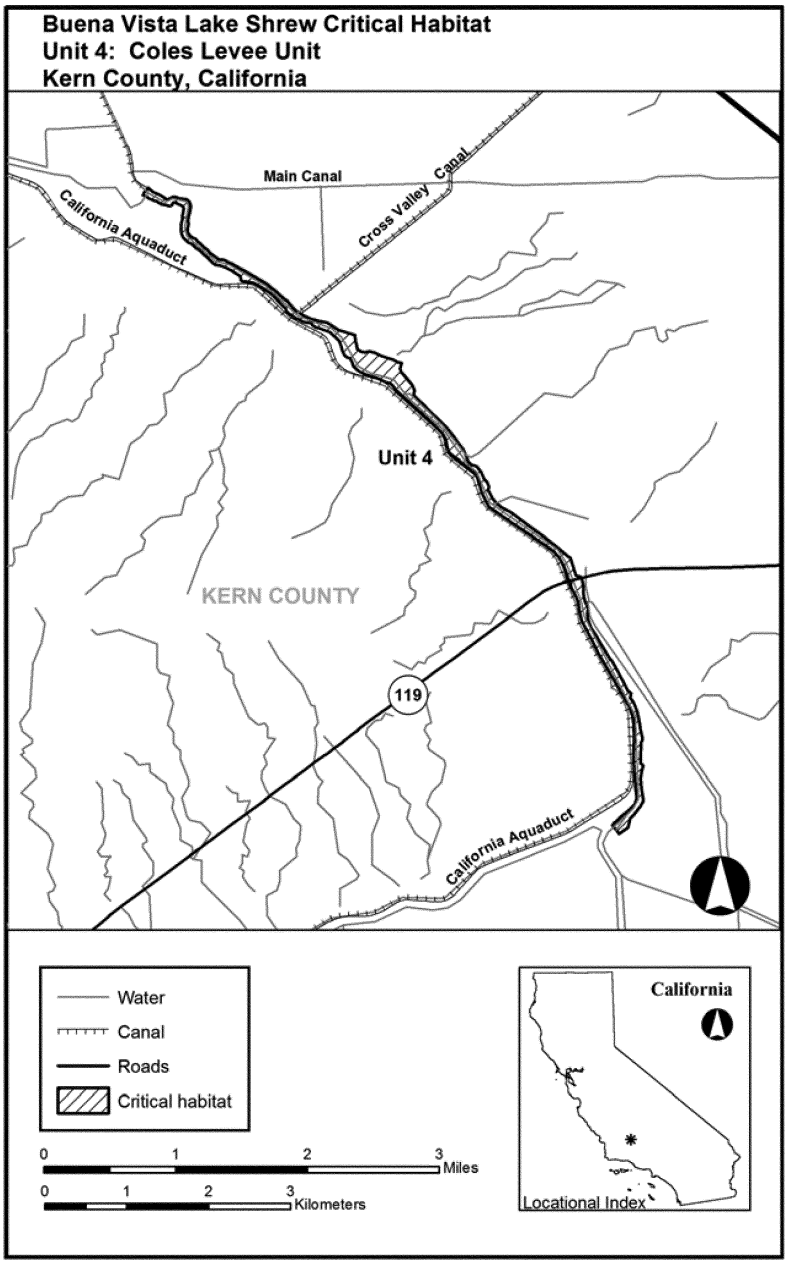
(6) Unit 1: Kern National Wildlife Refuge Unit, Kern County, California. Note: Map of Unit 1, Kern National Wildlife Refuge Unit, follows:



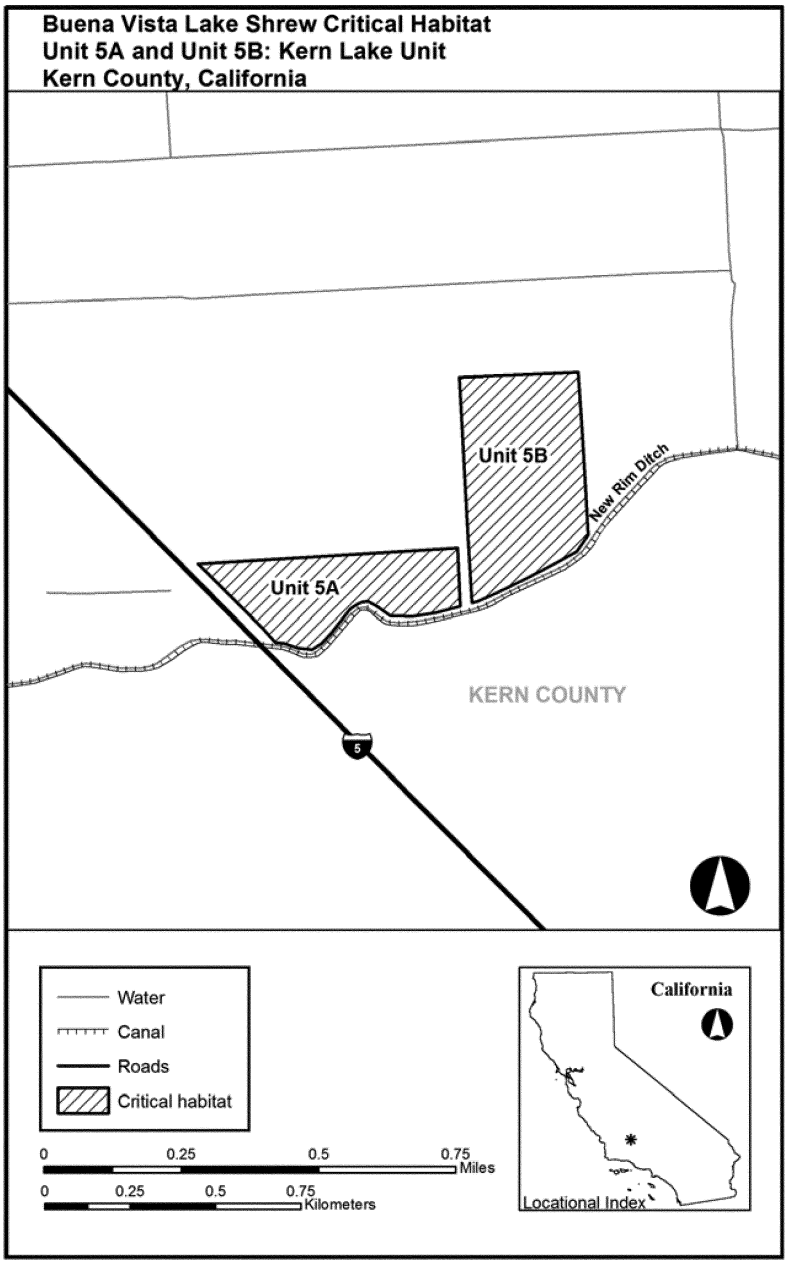
(7) Unit 2: Goose Lake Unit, Kern County, California. Note: Map of Unit 2, Goose Lake Unit, follows:



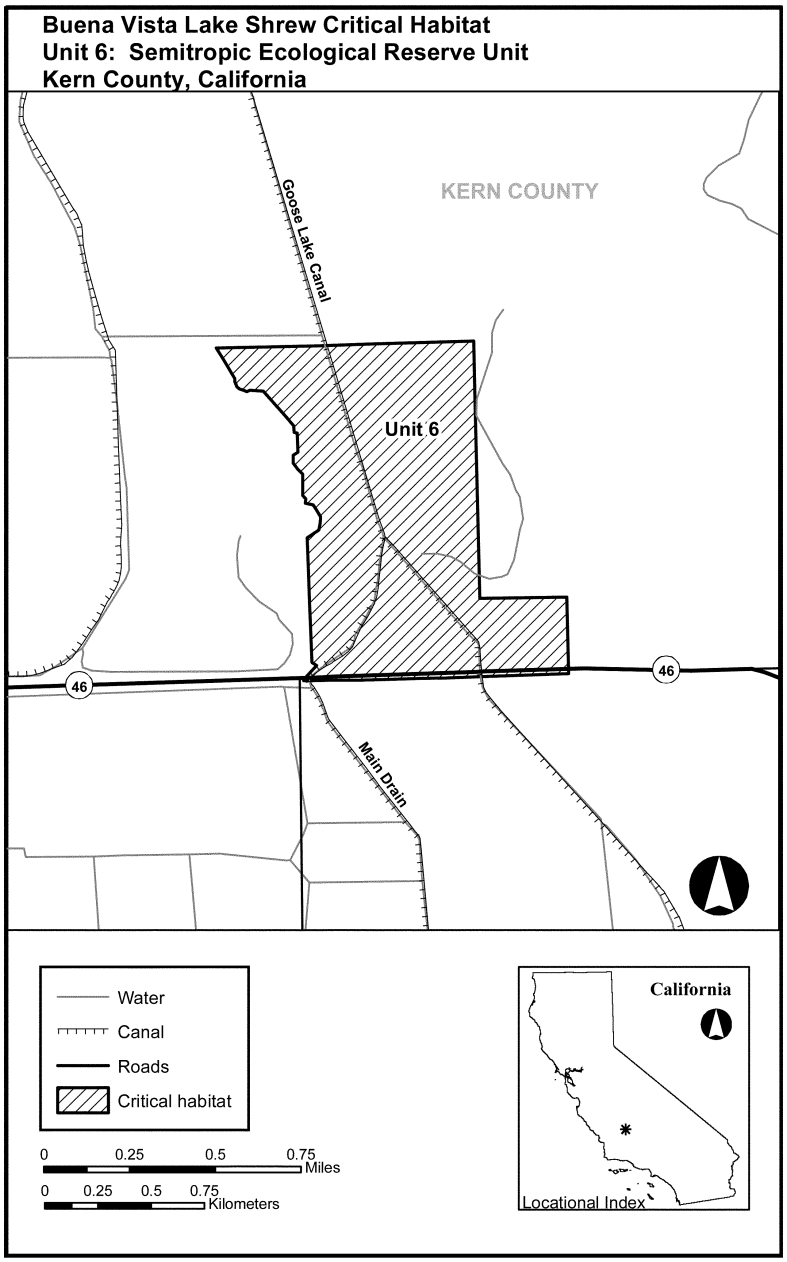
(8) Unit 4: Coles Levee Unit, Kern County, California. Note: Map of Unit 4, Coles Levee Unit, follows:



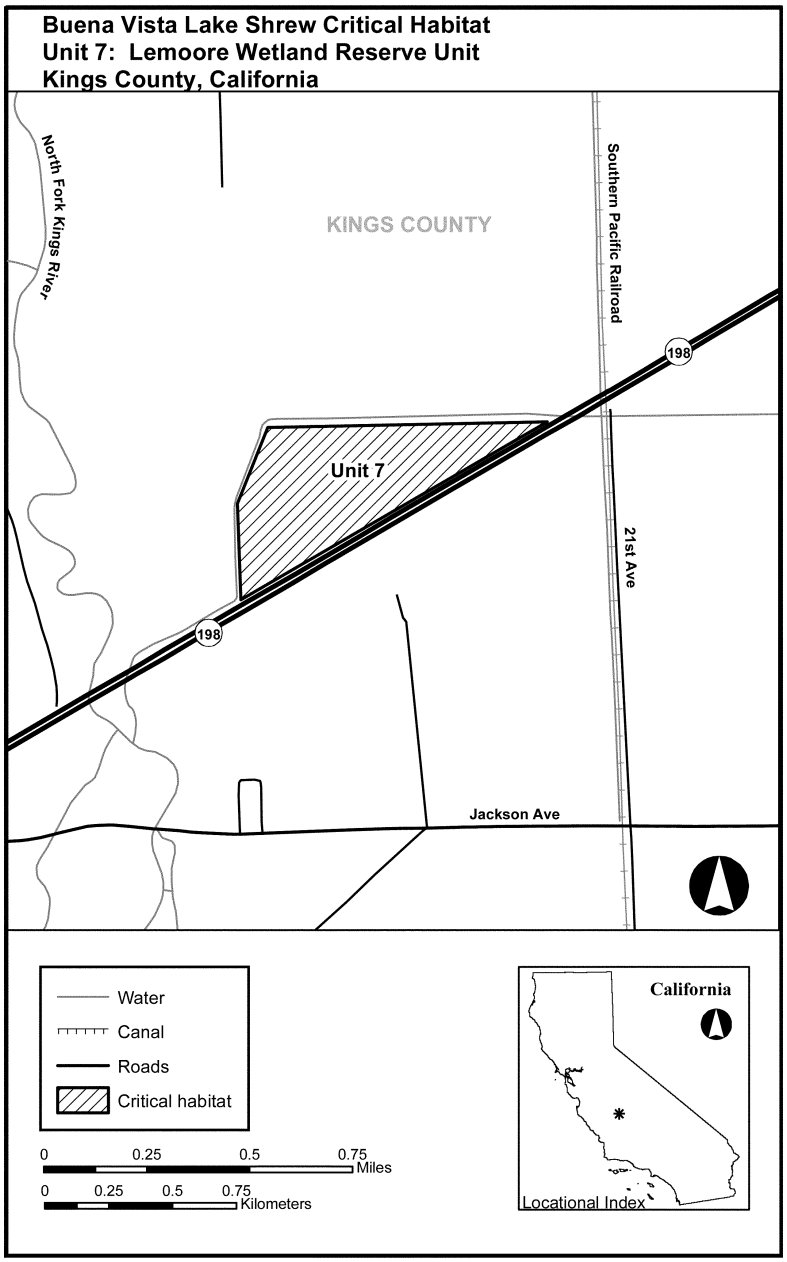
(9) Unit 5: Kern Lake Unit, Kern County, California. Note: Map of Unit 5, Kern Lake Unit, follows:



(10) Unit 6: Semitropic Ecological Reserve Unit, Kern County, California. Note: Map of Unit 6, Semitropic Ecological Reserve Unit, follows:



(11) Unit 7: Lemoore Wetland Reserve Unit, Kings County, California. Note: Map of Unit 7, Lemoore Wetland Reserve Unit, follows:



MOUNT GRAHAM RED SQUIRREL (*Tamiasciurus hudsonicus grahamensis*)

Arizona. Areas of land, water, and airspace in the Coronado National Forest, T. 8 S., R. 24 E., and T. 9 S., R. 24 E. (Gila and Salt River Meridian), Graham County, with the following components:

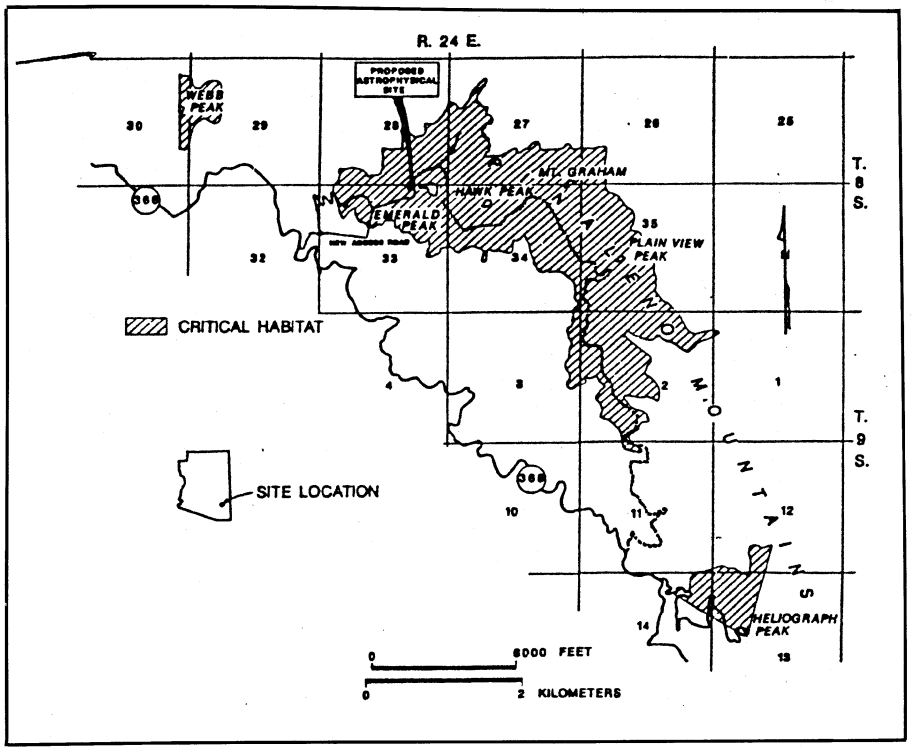
1. *Hawk Peak-Mount Graham Area.* The area above the 10,000-foot (3,048-meter) contour surrounding Hawk Peak and Plain View Peak, plus the area above the 9,800-foot (2,987-meter) contour that is south of lines extending from the highest point of Plain View Peak eastward at 90° (from true north) and southwestward at 225° (from true north).

2. *Heliograph Peak Area.* The area on the north-facing slope of Heliograph Peak that is above the 9,200-foot (2,804-meter) contour surrounding Heliograph Peak and that is between a line extending at 15° (from true north) from a point 160 feet (49 meters) due south of the horizontal control station on Heliograph Peak and a line extending northwestward at 300° (from true north) from that same point.

3. *Webb Peak Area.* The area on the east-facing slope of Webb Peak that is above the 9,700-foot (2,957-meter) contour surrounding Webb Peak and that is east of a line extending due north and south through a point 160 feet (49 meters) due west of the horizontal control station on Webb Peak.

The major constituent element is dense stands of mature spruce-fir forest.

NOTE: Map follows:

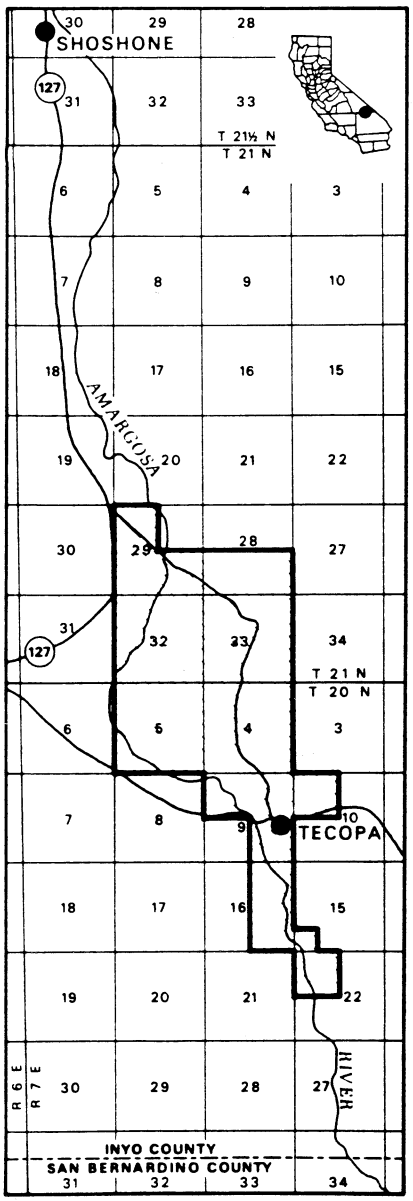


AMARGOSA VOLE (*Microtus californicus scirpensis*)

California. Marshes and associated land and water in the following areas of Inyo County (San Bernardino Meridian): T20N R7E Sec. 4, 5, N½ and SE¼ Sec. 9, NW¼ Sec. 10, SW¼SW¼ Sec. 15, E½ Sec. 16, NW¼ Sec. 22; T21N R7E S½ Sec. 28, S½ and NW¼ Sec. 29, Sec. 32, 33.

Within these areas, the major constituent elements that are known to require special management considerations or protection are marsh vegetation (primarily bulrushes of the genus *Scirpus*), springs, and some open water along the Amargosa River, which provide escape cover and an adequate food supply.

NOTE: Map follows:



GRAY WOLF (*Canis lupus*)

Michigan. Isle Royale National Park.

Minnesota. Areas of land, water, and airspace in Beltrami, Cook, Itasca, Koochiching, Lake, Lake of the Woods, Roseau, and St. Louis Counties, with boundaries (4th and 5th Principal meridians) identical to those of zones 1, 2, and 3, as delineated in §17.40(d)(l).

[42 FR 47840, Sept. 22, 1977]

EDITORIAL NOTES: 1. For FEDERAL REGISTER citations affecting §17.95, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

2. The remainder of §17.95 appears in 50 Part 17, §17.95(b), 50 Part 17, §17.95(c) to §17.95(e), and 50 Part 17, §17.95(f) to end of §17.95.

FINDING AIDS

A list of CFR titles, subtitles, chapters, subchapters and parts and an alphabetical list of agencies publishing in the CFR are included in the CFR Index and Finding Aids volume to the Code of Federal Regulations which is published separately and revised annually.

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Alphabetical List of Agencies Appearing in the CFR
List of CFR Sections Affected

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LXVII	Institute of Museum and Library Services (Parts 7700—7799)
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List of CFR Sections Affected

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For changes to this volume of the CFR prior to this listing, consult the annual edition of the monthly List of CFR Sections Affected (LSA). The LSA is available at *www.fdsys.gov*. For changes to this volume of the CFR prior to 2001, see the ''List of CFR Sections Affected, 1949–1963, 1964–1972, 1973–1985, and 1986–2000'' published in 11 separate volumes. The ''List of CFR Sections Affected 1986–2000'' is available at *www.fdsys.gov*.

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(h) table amended; eff. 10–29–10 59656
17.12 (h) table amended 19045, 42521, 74585
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17.40 (b) heading and (2) amended 14497
17.44 (aa) added 53604
17.84 (l) heading amended 14498
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17.95 (a) amended 76133, 78468

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17.40 (l)(2)(vi)(E) and (l)(4) revised 47491
(d) removed 81726
17.41 (c) added 30780
(a) removed 54713
17.44 (bb) added 18103
17.47 Added; eff. 8–10–11 to 4–6–12 49567
17.84 (h) revised 6081
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(u)(4)(a), (b) and (c) redesignated as (u)(4)(i), (ii) and (iii); (v) added 25609
(w) added 35993
17.95 (a) amended 81726

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(h) table amended; eff. 10–18–12 57744
17.12 (h) table amended 13445, 48404
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17.21 (h) removed 438
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17.40 (q) revised 4493
(g) revised 46182
17.43 (b) heading amended 16375
17.44 (p) and (q) removed 10909
17.47 Added 20986
17.84 (i) and (n) removed 55604
(d) removed 75297
17.85 (c) added 16717
17.94 (b) revised 25621
17.95 (a) amended 71081

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17.11 (h) table amended 500, 14023, 15640, 28522, 32063, 38189, 41257, 42713, 45095, 51325, 51362, 52384, 60782, 61042, 61219, 61502, 64688, 64733, 68371, 69588
(h) table amended; eff. 10–10–13 55627
(h) table amended; interim 55656
(h) table amended; eff. 10–17–13 57096
(h) table amended; eff. 10–21–13 57774
(h) table amended; eff. 10–25–13 58954
(h) table amended; eff. 10–28–13 ..... 59287, 59584
17.12 (h) table amended 10491, 22656, 24005, 32063, 45438, 49164, 60651, 63821, 64689, 77313
Regulation at 78 FR 24005 delayed to 11–22–13 30772
(h) table amended; eff. 10–11–13 56069
(h) table amended; eff. 10–31–13 60651
17.40 (q) revised 11788
17.41 (c) revised 15641
(a) added 61502
17.42 (c)(1)(i) revised 38190

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17.84 (n) added 42713
17.95 (a) amended 39860

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17 Findings on petitions 59140, 59140
17.9 (a)(2) amended 30417
(a)(2) revised; (b) amended 43964
17.11 (h) table correctly amended 2381, 20107
(h) table amended 10292, 12650, 18210, 19794, 20070, 24310, 26186, 33137, 35900, 37103, 38746, 39819, 42689, 43161, 45286, 47243, 51265, 51709, 52577, 60038, 60378, 63747, 67357, 69310, 73747
Regulation at 78 FR 55656 confirmed; (h) table amended 28848
(h) table amended; eff. 10–14–14 54840
17.12 (h) table amended 1567, 25688, 31883, 44718, 50853
(h) table amended; eff. 10–6–14 52575
(h) table amended; eff. 10–9–14 53315
(h) table amended; eff. 10–14–14 54635
17.21 (h) added 15252
(g)(2) amended 30418
(c)(4) and (g)(2) introductory text amended 43965
17.40 (a) added 19795
(b)(1)(i)(B), (e)(3)(iii)(D), (f) heading, (m) heading, (1)(ii), (iii) and (2) revised; (b)(1)(i)(C)(*3*), (D), (ii)(A), (h)(5), (m) and (3) introductory text amended; (e)(1)(iv), (m)(3)(i) and (iv) removed; (m)(3)(ii) and (iii) redesignated as new (m)(3)(i) and (ii) 30418
(d) added 60378
17.41 (d) added 20084
(c) introductory text and (2)(ii) introductory text revised; (c)(2)(ii)(C) added 35900
17.42 (g) added 38746
17.44 (y)(4)(iii) removed; (y)(4)(iv), (v) and (vi) redesignated as new (y)(4)(iii), (iv) and (v); (y) heading, (3)(i)(A), (ii) and new (4)(iii) revised; (y), (5) introductory text, (6) introductory text and Note amended 30418

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(y)(5) introductory text amended; (y)(6) note revised 43965
17.47 (b) added 63748
17.62 (a)(4) revised; undesignated text and (1) through (8) following (a)(4) removed; (c)(3) amended 30419
17.72 (a)(4) revised; undesignated text and (1) through (8) following (a)(4) removed; (c)(3) amended 30419
17.84 (x) added 26186
17.95 (a) amended 12651, 19752
(a) amended; eff. 10–14–14 54840

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17.11 (h) table amended ... 2511, 3915, 9150, 9220, 12566, 18032, 24729, 34524, 35866, 37428, 45097
(h) table amended; eff. 11–2–15 ..... 59302, 59495
17.12 (h) table amended 35866, 48166, 49869
(h) table amended; eff. 11–2–15 59496
17.40 (d) redesignated as (n); new (n)(1) amended; new (d) added 9221
(o) added; interim 18032
(c)(1) revised; (c)(3) removed 34524
17.43 (e) added 47428
17.84 (k) revised 2557
(k)(9)(iv)(B) corrected 4807
17.95 (a) amended 9229