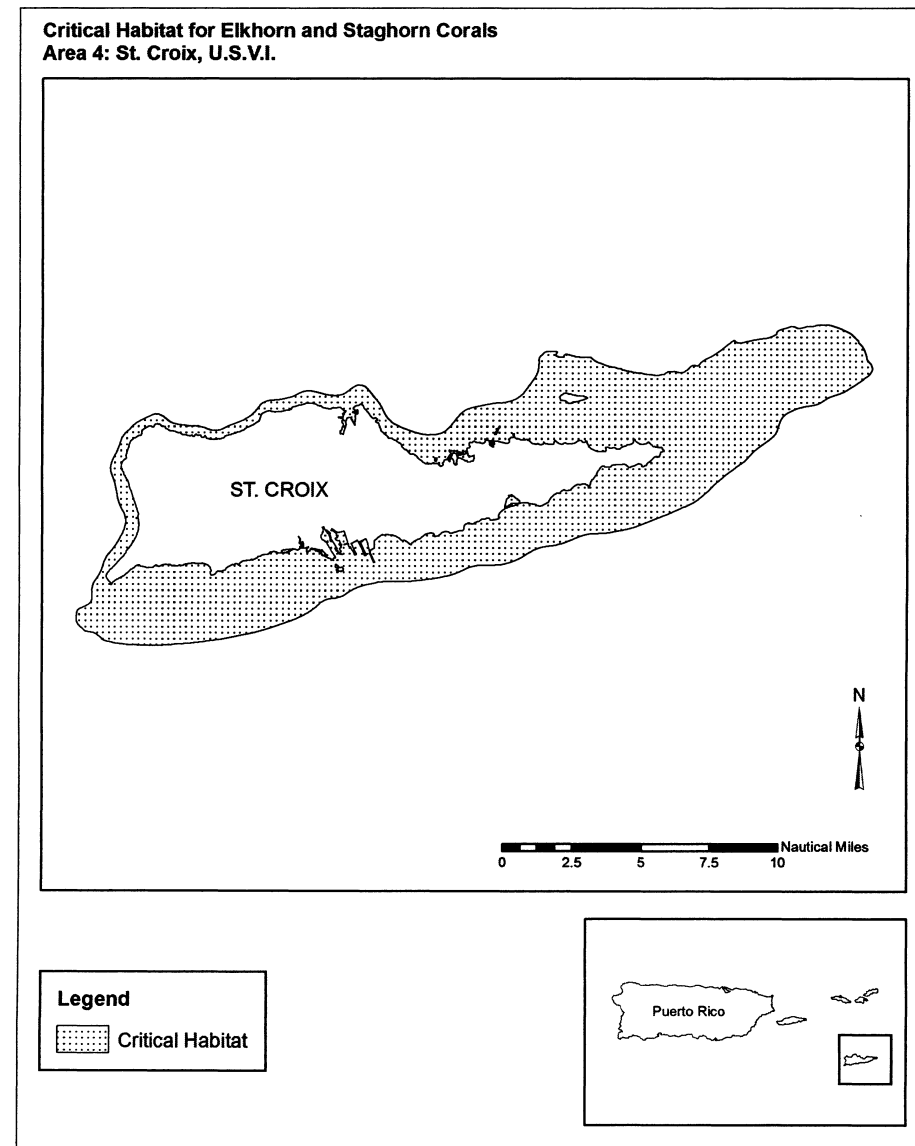




[73 FR 72236, Nov. 26, 2008]

§ 226.217 Critical habitat for the Gulf of Maine Distinct Population Segment of Atlantic Salmon (*Salmo salar*).

Critical habitat is designated to include all perennial rivers, streams, and estuaries and lakes connected to the

marine environment within the range of the Gulf of Maine Distinct Population Segment of Atlantic Salmon (GOM DPS), except for those particular areas within the range which are specifically excluded. Within the GOM DPS, the primary constituent elements

§ 226.217

(PCEs) for Atlantic salmon include sites for spawning and incubation, sites for juvenile rearing, and sites for migration. The essential physical and biological features of habitat are those features that allow Atlantic salmon to successfully use sites for spawning and rearing and sites for migration. These features include substrate of suitable size and quality; rivers and streams of adequate flow, depth, water temperature and water quality; rivers, streams, lakes and ponds with sufficient space and diverse, abundant food resources to support growth and survival; waterways that allow for free migration of both adult and juvenile Atlantic salmon; and diverse habitat and native fish communities in which salmon interact with while feeding, migrating, spawning, and resting.

(a) The GOM DPS is divided into three salmon habitat recovery units (SHRUs) within the range of the GOM DPS: These are the Downeast Coastal SHRU, the Penobscot Bay SHRU, and the Merrymeeting Bay SHRU. Critical habitat is being considered only in specific areas currently occupied by the species. Critical habitat specific areas are identified by hydrological unit codes (HUC) and counties within the States of Maine. Hydrological units are those defined by the Department of Interior (DOI), U.S. Geological Survey (USGS) publication, "Hydrologic Unit Maps" Water Supply Paper (Seaber *et al.*, 1994) and the following DOI, USGS 1:500,000 scale hydrologic unit map: State of Maine. These documents are incorporated by reference. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the USGS publication and the maps may be obtained from the USGS, Map Sales, Box 25286, Denver, CO 80225. Copies may be inspected at NMFS, Protected Resources Division, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

50 CFR Ch. II (10–1–18 Edition)

(b) Critical habitat is designated in the Maine counties and towns for the three SHRUs described in paragraphs (b)(1) and (2) of this section. The textual descriptions of critical habitat for each SHRU are included in paragraphs (b)(3) through (6) of this section, and these descriptions are the definitive source for determining the critical habitat boundaries. A general location map (Figure 1) is provided at the end of paragraph (b)(2) and is for general guidance purposes only, and not as a definitive source for determining critical habitat boundaries.

(1) *Maine counties and towns affected.* Critical habitat is designated for the following SHRUs in the following counties and towns.

(i) Counties and towns partially or entirely within areas containing critical habitat in the Downeast Coastal SHRU:

Sub-basin	County	Town
Coastal Wash- ington Hancock.	Penobscot	Clifton, Eddington, Grand Falls Twp, Greenfield Twp, Summit Twp.
	Hancock ...	Waltham, Bucksport, Dedham, Eastbrook, Ellsworth, Fletchers Landing Twp, Franklin, Great Pond, Hancock, Lamoine, Mariaville, Oqiton Twp, Orland, Osborn, Trenton Otis, Sullivan, Surry, T10 SD, T16 MD, T22 MD, T28 MD, T32 MD, T34 MD, T35 MD, T39 MD, T40 MD, T41 MD, T7 SD, T9 SD.
	Wash- ington.	Addison, Alexander, Baileyville, Baring Plt, Beddington, Centerville Twp, Charlotte, Cherryfield, Columbia, Columbia Falls, Cooper, Crawford, Cutler, Deblois, Dennysville, Devereaux Twp, East Machias, Edmunds Twp, Harrington, Jonesboro, Jonesport, Lubec, Machias, Machiasport, Marion Twp, Marshfield, Meddybemps, Milbridge, No 14 Twp, No 21 Twp, Northfield, Princeton, Roque Bluffs, Sakom Twp, Steuben, Trescott Twp, Whiting, Whitneyville, Wesley T18 ED BPP, T18 MD BPP, T19 ED BPP, T19 MD BPP, T24 MD BPP, T25 MD BPP, T26 ED BPP, T27 ED BPP, T30 MD BPP, T31 MD BPP, T36 MD BPP, T37 MD BPP, T42 MD BPP, T43 MD BPP.

(ii) Counties and towns partially or entirely within areas containing critical habitat in the Penobscot Bay SHRU:

National Marine Fisheries Service/NOAA, Commerce

§ 226.217

Sub-basin	County	Town	Sub-basin	County	Town
Piscataquis	Penobscot	T4 Indian Purchase Twp, Long A Twp, Seboeis Plt, Mattamiscotis Twp, Maxfield, Lagrange, Charleston, Howland, T3 R9 NWP, Edinburg, Hopkins Academy Grant Twp, Garland.		Penobscot	Carroll Plt, Drew Plt, Herseytown Plt, Kingman Twp, Lee, Lincoln, Mattawamkeag, Mount Chase, Patten, Prentiss Twp T7 R3 NBPP, Springfield, Stacyville, Webster Plt, Winn, T1 R6 WELS, T4 R7 WELS, T6 R6 WELS.
	Piscataquis	Shawtown Twp, TA R11 WELS, TA R10 WELS, TB R10 WELS, Greenville, T7 R9 NWP, Bowdoin College Grant West Twp, T4 R9 NWP, Ebeemee Twp, Moosehead Junction Twp, Lake View Plt, Brownville, Milo, Blanchard Twp, Sebec, Dover-Foxcroft, Abbot, Kingsbury Plt, Parkman, Wellington, Frenchtown Twp, Medford, Sangerville, TB R11 WELS, Katahdin Iron Works Twp, Elliottsville Twp, Shirley, Guilford, Atkinson, Beaver Cove, Williamsburg Twp, Bowdoin College Grant East Twp, Barnard Twp, Monson, Orneville Twp.		Washington.	T8 R3 NBPP, T8 R4 NBPP.
	Somerset	Squaretown Twp, Mayfield Twp, Brighton Plt, East Moxie Twp, Bald Mountain Twp T2 R3.	Penobscot	Aroostook	Benedicta TWP, Molunkus Twp, Sherman, T1 R5 WELS.
				Hancock ...	Amherst, Blue Hill, Bucksport, Castine, Dedham, Great Pond, Oqiton Twp, Orland, Penobscot, Surry, Verona Island, T3 ND, T32 MD, T34 MD, T35 MD, T39 MD, T40 MD, T41 MD.
East Branch.	Aroostook	Moro Plt, T7 R5 WELS.		Penobscot	Alton, Argyle Twp, Bangor, Brewer, Burlington, Carmel, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Eddington, Edinburg, Enfield, Etna, Exeter, Garland, Glenburn, Grand Falls Twp, Hampden, Hermon, Herseytown Twp, Holden, Howland, Hudson, Indian Island, Kenduskeag, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell, Mattamiscotis Twp, Mattawamkeag, Maxfield, Medway, Milford, Newburgh, Newport, Old Town, Orono, Orrington, Passadumkeag, Plymouth, Seboeis Plt, Springfield, Stacyville, Stetson, Summit Twp, Veazie, Winn, Woodville T1 R6 WELS, T2 R8 NWP, T2 R9 NWP, T3 R1 NBPP, T3 R9 NWP, TA R7 WELS.
	Penobscot	Mount Chase, East Millinocket, Grindstone Twp, Herseytown Twp, Medway, Patten, Soldiertown Twp T2 R7 WELS, Stacyville, T1 R6 WELS, T2 R8 WELS, T3 R7 WELS, T3 R8 WELS, T4 R7 WELS, T4 R8 WELS, T5 R7 WELS, T5 R8 WELS, T6 R6 WELS, T6 R7 WELS, T6 R8 WELS, T7 R6 WELS, T7 R7 WELS, T7 R8 WELS, T8 R6 WELS, T8 R7 WELS, T8 R8 WELS.		Penobscot	Alton, Argyle Twp, Bangor, Brewer, Burlington, Carmel, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Eddington, Edinburg, Enfield, Etna, Exeter, Garland, Glenburn, Grand Falls Twp, Hampden, Hermon, Herseytown Twp, Holden, Howland, Hudson, Indian Island, Kenduskeag, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell, Mattamiscotis Twp, Mattawamkeag, Maxfield, Medway, Milford, Newburgh, Newport, Old Town, Orono, Orrington, Passadumkeag, Plymouth, Seboeis Plt, Springfield, Stacyville, Stetson, Summit Twp, Veazie, Winn, Woodville T1 R6 WELS, T2 R8 NWP, T2 R9 NWP, T3 R1 NBPP, T3 R9 NWP, TA R7 WELS.
	Piscataquis	Mount Katahdin Twp, Nesourdnhunk Twp, Trout Brook Twp, T3 R10 WELS, T4 R10 WELS, T4 R9 WELS, T5 R11 WELS, T5 R9 WELS, T6 R10 WELS, T6 R11 WELS, T7 R10 WELS, T7 R11 WELS, T7 R12 WELS, T7 R9 WELS.		Piscataquis	Medford.
				Waldo	Brooks, Frankfort, Jackson, Knox, Monroe, Montville, Prospect, Searsport, Stockton Springs, Swanville, Thorndike, Waldo, Winterport.
Mattawamkeag.	Aroostook	Amity, Bancroft, Benedicta Twp, Crystal, Dudley Twp, Dyer Brook, Forkstown Twp, Moro Plt, North Yarmouth Academy Grant Twp, Oakfield, Orient, Reed Plt, Sherman, Silver Ridge Twp, Smyrna, Upper Molunkus Twp, Webbertown Twp, Weston, T1 R5 WELS, T2 R4 WELS, T3 R3 WELS, T3 R4 WELS, T4 R3 WELS, T7 R5 WELS, TA R2 WELS.	Penobscot Bay.	Waldo	Belfast, Belmont, Brooks, Frankfort, Knox, Lincolnville, Monroe, Montville, Morrill, Northport, Searsport, Searsport, Swanville, Waldo.

(iii) Counties and towns partially or entirely within areas containing critical habitat in the Merrymeeting Bay SHRU:

§ 226.217

Sub-basin	County	Town
Lower Androscoggin.	Androscoggin.	Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Sabattus, Wales.
	Cumberland.	Brunswick, Freeport.
	Kennebec	Litchfield, Monmouth
Merrymeeting Bay.	Sagadahoc	Bath, Bowdoin, Bowdoinham, Richmond, Topsham.
	Androscoggin.	Livermore Falls.
	Franklin	Avon, Carthage, Chesterville, Farmington, Freeman Twp, Industry, Jay, Madrid Twp, Mount Abram Twp, New Sharon, New Vineyard, Perkins TWP, Phillips, Redington Twp, Salem Twp, Sandy River Plt, Strong, Temple, Township 6 North of Weld, Township E, Washington Twp, Weld, Wilton.
	Kennebec	Augusta, Benton, Chelsea, China, Clinton, Farmingdale, Fayette, Gardiner, Hallowell, Manchester, Oakland, Pittston, Randolph, Rome, Sidney, Vassalboro, Vienna, Waterville, West Gardiner, Windsor, Winslow.
	Lincoln	Alna, Dresden, Whitefield, Wiscasset.
	Sagadahoc	Bowdoinham, Perkins Twp Swan Island, Richmond, Woolwich.
	Somerset	Anson, Athens, Bingham, Brighton Plt, Canaan, Cornville, Fairfield, Hartland, Madison, Mayfield Twp, Mercer, Norridgewock, Pittsfield, Skowhegan, Smithfield, Solon, Starks.
	Cumberland.	Brunswick.
	Kennebec	Albion, Pittston, Windsor.
Coastal Drainages East of Small Point.		

50 CFR Ch. II (10–1–18 Edition)

Sub-basin	County	Town
	Knox	Appleton, Camdem, Cushing, Friendship, Hope, Rockland, Rockport, Saint George, South Thomaston, Thomaston, Union, Warren, Washington.
	Lincoln	Alna, Boothbay, Boothbay Harbor, Bremen, Briston, Dresden, Edgecomb, Hibberts Gore, Jefferson, Newcastle, Nobleboro, Somerville, Southport, Waldoboro, Westport Island, Whitefield, Wiscasset.
	Sagadahoc	Arrowsic, Bath, Bowdoinham, Georgetown, Phippsburg, West Bath, Woolwich.
	Waldo	Belmont, Freedom, Liberty, Lincolnville, Montville, Morrill, Palermo, Searsmont.

(2) *Critical habitat boundaries.* Critical habitat includes the stream channels within the designated stream reaches, and includes a lateral extent as defined by the ordinary high-water line (33 CFR 329.11). In areas where the ordinary high-water line has not been defined, the lateral extent will be defined by the bankfull elevation. Bankfull elevation is the level at which water begins to leave the channel and move into the floodplain and is reached at a discharge which generally has a recurrence interval of 1 to 2 years on an annual flood series. Critical habitat in estuaries is defined by the perimeter of the water body as displayed on standard 1:24,000 scale topographic maps or the elevation of extreme high water, whichever is greater.

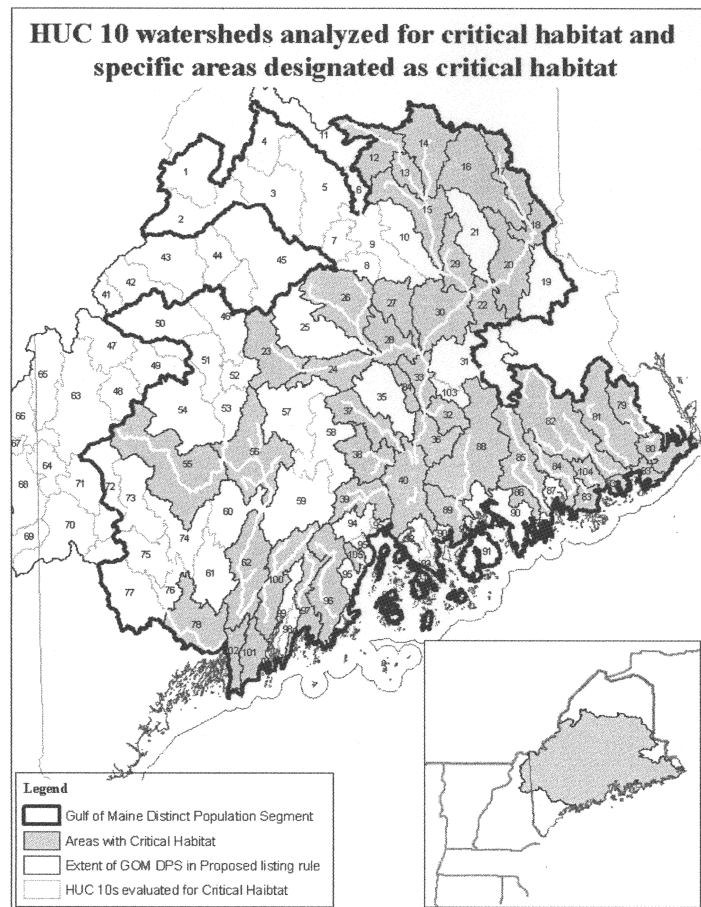


Figure 1

(i) HUC 10 watersheds in the Penobscot Bay SHRU analyzed for critical habitat, those that meet the criteria for critical habitat, and those excluded under ESA section 4(b)(2):

Penobscot Bay SHRU	HUC 10 Code	HUC 10 Name	Status	Economic (E), Military (M), or Tribal (T) exclusions
1	0102000101	North Branch Penobscot River .....	.....	
2	0102000102	Seeboomook Lake .....	.....	

§ 226.217

50 CFR Ch. II (10–1–18 Edition)

Penobscot Bay SHRU	HUC 10 Code	HUC 10 Name	Status	Economic (E), Military (M), or Tribal (T) exclusions
3	0102000103	WEST Branch Penobscot River at Chesuncook Lake .....	.....	
4	0102000104	Caucomgomok Lake .....	.....	
5	0102000105	Chesuncook Lake .....	.....	
6	0102000106	Nesowadnehunk Stream .....	.....	
7	0102000107	Nahamakanta Stream .....	.....	
8	0102000108	Jo-Mary Lake .....	.....	
9	0102000109	West Branch Penobscot River (3) .....	.....	
10	0102000110	West Branch Penobscot River (4) .....	.....	
11	0102000201	Webster Brook .....	.....	
12	0102000202	Grand Lake Matagamon	Critical Habitat	T
13	0102000203	East Branch Penobscot River (2)	Critical Habitat	T
14	0102000204	Seboeis River	Critical Habitat	T
15	0102000205	East Branch Penobscot River (3)	Critical Habitat	T
16	0102000301	West Branch Mattawamkeag River	Critical Habitat	T
17	0102000302	East Branch Mattawamkeag River	Critical Habitat	
18	0102000303	Mattawamkeag River (1)	Critical Habitat	
19	0102000304	Baskahegan Stream .....	.....	
20	0102000305	Mattawamkeag River (2)	Critical Habitat	
21	0102000306	Molunkus Stream	Critical Habitat	E
22	0102000307	Mattawamkeag River (3)	Critical Habitat	T
23	0102000401	Piscataquis River (1)	Critical Habitat	
24	0102000402	Piscataquis River (3)	Critical Habitat	
25	0102000403	Sebec River .....	.....	
26	0102000404	Pleasant River	Critical Habitat	T
27	0102000405	Seboeis Stream	Critical Habitat	T
28	0102000406	Piscataquis River (4)	Critical Habitat	"
29	0102000501	Penobscot River (1) at Mattawamkeag	Critical Habitat	T
30	0102000502	Penobscot River (2) at West Enfield	Critical Habitat	T
31	0102000503	Passadumkeag River	Critical Habitat	E
32	0102000505	Sunkhaze Stream	Critical Habitat	
33	0102000506	Penobscot River (3) at Orson Island	Critical Habitat	T
34	0102000507	Birch Stream	Critical Habitat	T
35	0102000508	Pushaw Stream .....	.....	
36	0102000509	Penobscot River (4) at Veazie Dam	Critical Habitat	
37	0102000510	Kenduskeag Stream	Critical Habitat	
38	0102000511	Soudabscook Stream	Critical Habitat	
39	0102000512	Marsh River	Critical Habitat	
40	0102000513	Penobscot River (6)	Critical Habitat	
92	0105000216	Bagaduce River .....	.....	
93	0105000217	Stonington Coastal .....	.....	
94	0105000218	Belfast Bay	Critical Habitat	E
105	0105000219	Ducktrap River	Critical Habitat	
103	0102000504	Olamon Stream .....	.....	
95	0105000220	West Penobscot Bay Coastal .....	.....	

(ii) HUC 10 watersheds in the criteria for critical habitat, and those Merrymeeting Bay SHRU analyzed for excluded under ESA section 4(b)(2): critical habitat, those that meet the

Merrymeeting Bay SHRU	HUC 10 code	HUC 10 name	Status	Military (M) exclusions
41	0103000101	South Branch Moose River.		
42	0103000102	Moose River (2) above Attean Pond.		
43	0103000103	Moose River (3) at Long Pond.		
44	0103000104	Brassua Lake.		
45	0103000105	Moosehead Lake.		
46	0103000106	Kennebec River (2) above The Forks.		
47	0103000201	North Branch Dead River.		
48	0103000202	South Branch Dead River.		
49	0103000203	Flagstaff Lake.		
50	0103000204	Dead River.		
51	0103000301	Kennebec River (4) at Wyman Dam.		
52	0103000302	Austin Stream.		
53	0103000303	Kennebec River (6).		
54	0103000304	Carrabassett River.		
55	0103000305	Sandy River	Critical Habitat	M
56	0103000306	Kennebec River at Waterville Dam	Critical Habitat.	

National Marine Fisheries Service/NOAA, Commerce

§ 226.217

Merrymeeting Bay SHRU	HUC 10 code	HUC 10 name	Status	Military (M) exclusions
57	0103000307	Sebastcook River at Pittsfield.	Critical Habitat.	
58	0103000308	Sebastcook River (3) at Burnham.		
59	0103000309	Sebastcook River (4) at Winslow.		
60	0103000310	Messalonskee Stream.		
61	0103000311	Cobbosseecontee Stream.		
62	0103000312	Kennebec River at Merrymeeting Bay		
63	0104000101	Mooselookmeguntic Lake.		
64	0104000102	Umbagog Lake Drainage.		
65	0104000103	Aziscohos Lake Drainage.		
66	0104000104	Magalloway River.		
67	0104000105	Clear Stream.		
68	0104000106	Middle Androscoggin River.		
69	0104000201	Gorham-Shelburne Tributaries.		
70	0104000202	Androscoggin River (2) at Rumford Point.		
71	0104000203	Ellis River.		
72	0104000204	Ellis River.		
73	0104000205	Androscoggin River (3) above Webb River.		
74	0104000206	Androscoggin River (4) at Riley Dam.		
75	0104000207	Androscoggin River (5) at Nezinscot River.		
76	0104000208	Nezinscot River.		
77	0104000209	Androscoggin River (6) above Little Androscoggin River.		
78	0104000210	Little Androscoggin River	Critical Habitat.	M
96	0105000301	St. George River	Critical Habitat.	
97	0105000302	Medomak River	Critical Habitat.	
98	0105000303	Johns Bay.		
99	0105000304	Damariscotta River.		
100	0105000305	Sheepscot River	Critical Habitat.	
101	0105000306	Sheepscot Bay	Critical Habitat.	
102	0105000307	Kennebec River Estuary	Critical Habitat	

(iii) HUC 10 watersheds in the Downeast Coastal SHRU analyzed for critical habitat, and those that meet the criteria for critical habitat, and those excluded under ESA section 4(b)(2):

Downeast SHRU	HUC 10 code	HUC 10 name	Status	Tribal (T) exclusions
79	0105000201	Dennys River	Critical Habitat.	T
80	0105000203	Grand Manan Channel	Critical Habitat.	
81	0105000204	East Machias River	Critical Habitat.	
82	0105000205	Machias River	Critical Habitat.	
83	0105000206	Roque Bluffs Coastal	Critical Habitat.	
84	0105000208	Pleasant River	Critical Habitat.	
85	0105000209	Narraguagus River	Critical Habitat.	
86	0105000210	Tunk Stream	Critical Habitat.	
87	0105000211	Bois Bubert Coasta.		
88	0105000212	Graham Lake	Critical Habitat.	
89	0105000213	Union River Bay	Critical Habitat.	
90	0105000214	Lamoine Coastal.		
91	0105000215	Mt. Desert Coastal.		
104	0105000207	Chandler River	Critical Habitat.	

(3) *Primary constituent elements.* Within the GOM DPS, the primary constituent elements (PCEs) for the conservation of Atlantic salmon include sites for spawning and incubation, sites for juvenile rearing, and sites for migration. The physical and biological features of the habitat that are essential to the conservation of Atlantic salmon are those features that allow Atlantic salmon to successfully use

sites for spawning and rearing and sites for migration. These features include:

(i) Deep, oxygenated pools and cover (*e.g.*, boulders, woody debris, vegetation, etc.), near freshwater spawning sites, necessary to support adult migrants during the summer while they await spawning in the fall;

(ii) Freshwater spawning sites that contain clean, permeable gravel and cobble substrate with oxygenated water and cool water temperatures to

support spawning activity, egg incubation and larval development;

(iii) Freshwater spawning and rearing sites with clean gravel in the presence of cool, oxygenated water and diverse substrate to support emergence, territorial development, and feeding activities of Atlantic salmon fry;

(iv) Freshwater rearing sites with space to accommodate growth and survival of Atlantic salmon parr, and population densities needed to support sustainable populations;

(v) Freshwater rearing sites with a combination of river, stream, and lake habitats, that accommodate parr's ability to occupy many niches and to maximize parr production;

(vi) Freshwater rearing sites with cool, oxygenated water to support growth and survival of Atlantic salmon parr;

(vii) Freshwater rearing sites with diverse food resources to support growth and survival of Atlantic salmon parr;

(viii) Freshwater and estuary migratory sites free from physical and biological barriers that delay or prevent access to spawning grounds needed to support a recovered population;

(ix) Freshwater and estuary migration sites with abundant, diverse native fish communities to serve as a protective buffer against predation;

(x) Freshwater and estuary migration sites free from physical and biological barriers that delay or prevent emigration of smolts to the marine environment;

(xi) Freshwater and estuary migration sites with sufficiently cool water temperatures and water flows that coincide with diurnal cues to stimulate smolt migration;

(xii) Freshwater migration sites with water chemistry needed to support sea water adaptation of smolts; and

(xiii) Freshwater and marine sites with diverse, abundant assemblages of native fish communities to enhance survivorship as Atlantic salmon smolts emigrating through the estuary.

(4) Habitat that meets the definition of critical habitat in occupied habitat areas on Passamaquoddy Tribal Indian lands and Fee lands or lands held in Trust by the Penobscot Indian Reservation within the range of the GOM DPS are excluded from designation.

Per request of the Penobscot Tribe, critical habitat does include occupied habitat that makes up the Penobscot Indian Reservation. The Indian lands specifically excluded from critical habitat are those defined in the Secretarial Order 3206, including:

(i) Lands held in Trust by the United States for the benefit of any Indian Tribe;

(ii) Lands held in trust by the United States for the benefit of any Indian Tribe or individual subject to restrictions by the United States against alienation;

(iii) Fee lands, either within or outside the reservation boundaries, owned by the tribal government; and

(iv) Fee lands within the reservation boundaries owned by individual Indians.

The rivers, streams, lakes, and estuaries on approximately 9,500 acres (38.4 sq km) of lands held by the Passamaquoddy Tribe and approximately 60,500 acres (244.8 sq km) of Fee lands and land held in Trust for the Penobscot Tribe within the areas occupied by the GOM DPS are excluded from critical habitat designation based on the principles of the Secretarial Order discussed above. Per request of the Penobscot Nation, the rivers, lakes, and streams within the approximately 4,400-acre (17.8 sq km) Penobscot Reservation are included as critical habitat.

(5) *Areas that do not meet the definition of critical habitat under section 4(a)(3)(B)(i).* Critical habitat does not include the following areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an integrated natural resources management plan prepared under section 101 of the Sikes Act (16 U.S.C. 670a). These areas that are not included are:

(i) The 435 acres (1.8 sq km) of the Brunswick Naval Air Station in Brunswick Maine within the Little Androscoggin HUC 10 watershed in the Merrymeeting Bay SHRU; and

(ii) The 5,328 acres (21.5 sq km) of the Brunswick Naval Air Stations cold weather survival, evasion, resistance, and escape school within the Sandy River HUC 10 watershed in the Merrymeeting Bay SHRU.

National Marine Fisheries Service/NOAA, Commerce

§ 226.217

(6) *Areas excluded under ESA Section 4(b)(2).* (i) The 396 acres (1.6 sq km) of the Great Pond Outdoor Adventure Center in the Graham Lake HUC 10 watershed in the Downeast Coastal SHRU;

(ii) The 3,000 acres (12.1 sq km) of the Naval Computer and Telecommunications Area Master Station Atlantic Detachment in the Roques Bluffs Coastal HUC 10 in the Downeast Coastal SHRU;

(iii) The Bath Iron Works ship building facility that provides the design, building, and support of complex Navy warships, including AEGIS Class Destroyers. The excluded area extends from U.S. Route 1 bridge over the Kennebec River down river to 50 feet below the south side of BIWs dry dock, but does not include any portion of Hanson Bay or the thoroughfare between Hanson Bay and the Kennebec River. The specific area excluded from designation

lies within a box between four points with the following coordinates: Point 1: N43 54'39.8", W069 48'43.5"; Point 2: N43 54'40", W069 48'17.8"; Point 3: N43 54'0.0", W069 48'47"; Point 4: N43 54'0.0", W069 48'28";

(iv) The Belfast Bay HUC 10 Watershed (HUC 105000218);

(v) The Passadumkeag River HUC 10 Watershed (HUC 102000503); and

(vi) The Molunkus Stream HUC 10 Watershed (HUC102000306).

(7) *Description of critical habitat.* Critical habitat is designated to include the areas defined in the following hydrological units in the three SHRUs with the exception of those particular areas specifically identified:

(i) Downeast Coastal SHRU. Critical habitat area (in sq km), areas excluded under ESA section 4(b)(2) (in sq km), and exclusion type, by HUC 10 watersheds:

Sub-basin	HUC 10 code	HUC 10 watershed name	Critical habitat		Excluded areas [type]*	
			River, stream and estuary (km)	Lake (sq. km)	River, stream and estuary (km)	Lake (sq. km)
Coastal Washington Hancock sub-basin.	0105000201	Dennys River	218	45		
	0105000203	Grand Manan Channel	641	15.5		
	0105000204	East Machias River	575	70	16 [T]	0.1 [T]
	0105000205	Machias River	991	58		
	0105000206	Roque Bluffs Coastal	321	.9	13(M)	.004(M)
	0105000207	Chandler River	154	0.1		
	0105000208	Pleasant River	325	6.5		
	0105000209	Narraguagus River	573	15.5		
	0105000210	Tunk Stream	117	14		
	0105000212	Graham Lake	974	121	2.3(M)	.2(M)
	0105000213	Union River Bay	303	18		
	0105000211	Bois Bubert Coastal.				
	0105000214	Lamoine Coastal.				
	0105000215	Mt. Desert Coastal.				

* Exclusion types: [E] = Economic, [M] = Military, and [T] = Tribal—considered unoccupied at the time of listing.

(ii) *Penobscot Bay SHRU. Critical habitat area (in sq km), areas excluded under*

ESA section 4(b)(2) (in sq km), and exclusion type, by HUC 10 watershed:

<u>Sub-basin</u>	<u>HUC 10 Code</u>	<u>HUC 10 Watershed Name</u>	<u>Critical Habitat</u>		<u>Excluded Areas[type]*</u>	
			<u>River, stream and estuary (km)</u>	<u>Lake (sq. km)</u>	<u>River, stream and estuary (km)</u>	<u>Lake (sq. km)</u>
East Branch Penobscot sub- basin	0102000202	Grand Lake Matagamon	326	30	6[T]	0.5[T]
	0102000203	East Branch Penobscot River (2)	179	3	1[T]	
	0102000204	Seboeis River	418	31		
	0102000205	East Branch Penobscot River (3)	588	5	3[T]	
	0102000201	Webster Brook	---	---		
West Branch Penobscot sub- basin	0102000101	North Branch Penobscot River	---	---		
	0102000102	Seeboomook Lake	---	---		
	0102000103	W. Br. Penobscot R. at Chesuncook	---	---		
	0102000104	Caucomgomok Lake	---	---		
	0102000105	Chesuncook Lake	---	---		
	0102000106	Nesowadnehunk Stream	---	---		
	0102000107	Nahamakanta Stream	---	---		
	0102000108	Jo-Mary Lake	---	---		
	0102000109	West Branch Penobscot River (3)	---	---		
	0102000110	West Branch Penobscot River (4)	---	---		
Mattawamkeag River sub- basin	0102000301	West Branch Mattawamkeag River	657	22		
	0102000302	East Branch Mattawamkeag River	315	12		
	0102000303	Mattawamkeag River (1)	192	0.5		
	0102000305	Mattawamkeag River (2)	451	8		
	0102000307	Mattawamkeag River (3)	226	3		
	0102000306	Molunkus Stream	0	0	438 [E]	11 [E]
	0102000304	Baskahegan Stream	---	---		
Piscataquis River sub-	0102000401	Piscataquis River (1)	762	15		
	0102000402	Piscataquis River (3)	382	6		

National Marine Fisheries Service/NOAA, Commerce

§ 226.217

basin	0102000404	Pleasant River	828	17	16[T]	
	0102000405	Seboeis Stream	312	36	12 [T]	5 [T]
	0102000406	Piscataquis River (4)	328	30		
	0102000403	Sebec River	---	---		
Penobscot River sub-basin	0102000501	Penobscot River (1) at Mattawamkeag	292	7	5[T]	2.5[T]
	0102000502	Penobscot River (2) at West Enfield	551	29	80[T]	5.5[T]
	0102000503	Passadumkeag River	0	0	583[E]	79 [E]
	0102000505	Sunkhaze Stream	177	0.5		
	0102000506	Penobscot River (3) at Orson Island	211	0.5	6[T]	
	0102000507	Birch Stream	120	1	15[T]	
	0102000509	Penobscot River (4) at Veazie Dam	225	10		
	0102000510	Kenduskeag Stream	420	1.5		
	0102000511	Soudabascook Stream	341	5.5		
	0102000512	Marsh River	319	3		
	0102000513	Penobscot River (6)	514	29		
	0102000504	Olamon Stream	---	---		
	0102000508	Pushaw Stream	---	---		
Penobscot Bay sub-basin	0105000218	Belfast Bay	---	---	177 [E]	9 [E]
	0105000219	Ducktrap River	76	4		
	0105000216	Bagaduce River	---	---		
	0105000217	Stonington Coastal	---	---		
	0105000220	West Penobscot Bay Coastal	---	---		

*Exclusion types: [E] = Economic, [M] = Military, and [T] = Tribal

--- considered unoccupied at the time of listing

(iii) Merrymeeting Bay SHRU. Critical habitat area (in sq km), areas excluded under ESA section 4(b)(2) (in sq km), and exclusion type, by HUC 10 watershed:

Sub basin	HUC 10 code	HUC 10 watershed name	Critical habitat		Excluded areas [type] *	
			River, stream and estuary (km)	Lake (sq. km)	River, stream and estuary (km)	Lake (sq. km)
Kennebec River above the Forks sub-basin.	0103000101	South Branch Moose River.				
	0103000102	Moose River (2) above Attean Pond.				
	0103000103	Moose River (3) at Long Pond.				
	0103000104	Brassua Lake.				
	0103000105	Moosehead Lake.				
	0103000106	Kennebec River (2) above The Forks.				
Dead River sub-basin.	0103000201	North Branch Dead River.				
	0103000202	South Branch Dead River.				
	0103000203	Flagstaff Lake.				
Merrymeeting Bay sub-basin.	0103000204	Dead River.				
	0103000305	Sandy River	1,215	15.8	12 [M]	0.2 [M]
	0103000306	Kennebec River at Waterville Dam.	794	14		

Sub basin	HUC 10 code	HUC 10 watershed name	Critical habitat		Excluded areas [type] *	
			River, stream and estuary (km)	Lake (sq. km)	River, stream and estuary (km)	Lake (sq. km)
Upper Androscoggin sub-basin.	0103000312	Kennebec River at Merrymeeting Bay.	621	22		
	0103000310	Messalonskee Stream.				
	0103000301	Kennebec River (4) at Wyman Dam.				
	0103000302	Austin Stream.				
	0103000303	Kennebec River (6).				
	0103000304	Carrabassett River.				
	0103000307	Sebastcook River at Pittsfield.				
	0103000308	Sebastcook River (3) at Burnham.				
	0103000309	Sebastcook River (4) at Winslow.				
	0103000311	Cobbosseecontee Stream.				
Lower Androscoggin sub-basin.	0104000101	Mooselookmeguntic Lake.				
	0104000102	Umbagog Lake Drainage.				
	0104000103	Aziscohos Lake Drainage.				
	0104000104	Magalloway River.				
	0104000105	Clear Stream.				
	0104000106	Middle Androscoggin River.				
	0104000210	Little Androscoggin River	549	10.5	1 [M]	
	0104000201	Gorham-Shelburne Tributaries.				
	0104000202	Androscoggin River at Rumford Point.				
	0104000203	Ellis River.				
Coastal Drainages East of Small Point sub-basin.	0104000204	Ellis River.				
	0104000205	Androscoggin River above Webb River.				
	0104000206	Androscoggin River at Riley Dam.				
	0104000207	Androscoggin River at Nezinscot River.				
	0104000208	Nezinscot River.				
	0104000209	Androscoggin R. above L. Andro. R.				
	0105000301	St. George River	624	32		
	0105000302	Medomak River	318	6		
	0105000305	Sheepscot River	553	19		
	0105000306	Sheepscot Bay	220	2		
	0105000307	Kennebec River Estuary	275	3.5	1 [M]	
	0105000303	Johns Bay.				
	0105000304	Damariscotta River.				

* Exclusion types: [E] = Economic, [M] = Military, and [T] = Tribal—considered unoccupied at the time of listing.

[74 FR 29333, June 19, 2009, as amended at 74 FR 39904, Aug. 10, 2009]

§ 226.218 Critical habitat for the U.S. DPS of smalltooth sawfish (*Pristis pectinata*).

Critical habitat is designated for the U.S. DPS of smalltooth sawfish as described in this section. The textual descriptions in paragraph (b) of this section are the definitive source for determining the critical habitat boundaries. The maps of the critical habitat units

provided in paragraph (d) of this section are for illustrative purposes only.

(a) *Physical and biological features essential to the conservation of the endangered U.S. DPS of smalltooth sawfish.* The physical and biological features essential to the conservation of the U.S. DPS of smalltooth sawfish, which provide nursery area functions are: red mangroves and shallow euryhaline habitats characterized by water depths between the Mean High Water line and 3 ft (0.9 m) measured at Mean Lower