

§ 226.201

regarding designated critical habitats that is not provided in this section may be obtained upon request to the Office of Protected Resources (*see* § 222.102, definition of “Office of Protected Resources”).

[77 FR 25622, May 1, 2012]

§ 226.201 Critical habitat for the Hawaiian monk seal (*Neomonachus schauinslandi*).

Critical habitat is designated for Hawaiian monk seals as described in this section. The textual descriptions of critical habitat in this section are the definitive source for determining the critical habitat boundaries.

(a) *Critical habitat boundaries.* Critical habitat is designated to include all areas in paragraphs (a)(1) and (2) of this section and as described in paragraphs (b)(1) and (2) of this section:

(1) Northwestern Hawaiian Islands: Hawaiian monk seal critical habitat areas include all beach areas, sand spits and islets, including all beach crest vegetation to its deepest extent inland, lagoon waters, inner reef waters, and including marine habitat through the water's edge, including the seafloor and all subsurface waters and marine habitat within 10 m of the seafloor, out to the 200-m depth contour line (relative to mean lower low water) around the following 10 areas:

- (i) Kure Atoll,
- (ii) Midway Islands,

50 CFR Ch. II (10–1–22 Edition)

- (iii) Pearl and Hermes Reef,
- (iv) Lisianski Island,
- (v) Laysan Island,
- (vi) Maro Reef,
- (vii) Gardner Pinnacles,
- (viii) French Frigate Shoals,
- (ix) Necker Island, and
- (x) Nihoa Island.

(2) Main Hawaiian Islands: Hawaiian monk seal critical habitat areas surrounding the following islands listed below are defined in the marine environment by a seaward boundary that extends from the 200-m depth contour line (relative to mean lower low water), including the seafloor and all subsurface waters and marine habitat within 10 m of the seafloor, through the water's edge into the terrestrial environment where the inland boundary extends 5 m (in length) from the shoreline between identified boundary points listed in the table below around the areas listed in paragraphs (a)(2)(i)–(vi) of this section. The shoreline is described by the upper reaches of the wash of the waves, other than storm or seismic waves, at high tide during the season in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth or the upper limit of debris (except those areas identified in paragraph (c) of this section). In areas where critical habitat does not extend inland, the designation has a seaward boundary of a line that marks mean lower low water.

Area	Island	Textual description of segment	Boundary points	Latitude	Longitude
13	Kauai	Southeast coast of Kauai (Nomilu Fishpond area through Mahaulepu).	KA 11	21°53'08" N.	159°31'48" W.
13	Kauai	Kaweliko Point to Molehu	KA 12	21°53'34" N.	159°24'25" W.
13	Kauai	Lydgate Park through Wailua canal	KA 21	21°54'26" N.	159°23'26" W.
13	Kauai	Wailua canal through Waikaea canal	KA 22	21°54'48" N.	159°23'08" W.
13	Kauai	Waikaea canal through Kealia	KA 31	22°02'11" N.	159°20'08" W.
13	Kauai	Anahola and Aliomanu areas	KA 32	22°02'41" N.	159°20'11" W.
13	Kauai	Molokai Bay through Kepuhi Point	KA 41	22°02'45" N.	159°20'10" W.
13	Kauai	Southeast of Kilauea	KA 42	22°04'14" N.	159°18'60" W.
13	Kauai	Wainiha Beach Park through Kee Beach Park	KA 51	22°04'15" N.	159°19'01" W.
13	Kauai	Milolii State Park Beach Area	KA 52	22°05'59" N.	159°18'08" W.
13	Kauai	Keana Point Area	KA 61	22°07'46" N.	159°17'35" W.
13	Kauai	Maui Beach through Kalaeloa Barbers Point Harbor	KA 62	22°09'28" N.	159°18'18" W.
13	Kauai	Maui Beach through Kalaeloa Barbers Point Harbor	KA 71	22°11'38" N.	159°19'46" W.
13	Kauai	Maui Beach through Kalaeloa Barbers Point Harbor	KA 72	22°12'52" N.	159°21'14" W.
13	Kauai	Maui Beach through Kalaeloa Barbers Point Harbor	KA 81	22°13'48" N.	159°23'52" W.
13	Kauai	Maui Beach through Kalaeloa Barbers Point Harbor	KA 82	22°13'55" N.	159°24'06" W.
13	Kauai	Maui Beach through Kalaeloa Barbers Point Harbor	KA 91	22°12'60" N.	159°32'30" W.
13	Kauai	Maui Beach through Kalaeloa Barbers Point Harbor	KA 92	22°13'13" N.	159°35'01" W.
13	Kauai	Maui Beach through Kalaeloa Barbers Point Harbor	KA 101	22°09'13" N.	159°42'52" W.
13	Kauai	Maui Beach through Kalaeloa Barbers Point Harbor	KA 102	22°08'59" N.	159°43'21" W.
14	Oahu	Maui Beach through Kalaeloa Barbers Point Harbor	OA 11	21°34'43" N.	158°15'37" W.
14	Oahu	Maui Beach through Kalaeloa Barbers Point Harbor	OA 12	21°32'45" N.	158°14'25" W.
14	Oahu	Maui Beach through Kalaeloa Barbers Point Harbor	OA 21	21°25'43" N.	158°10'48" W.
14	Oahu	Maui Beach through Kalaeloa Barbers Point Harbor	OA 22	21°19'24" N.	158°07'20" W.

National Marine Fisheries Service/NOAA, Commerce

§ 226.201

Area	Island	Textual description of segment	Boundary points	Latitude	Longitude
14	Oahu	Kalaeloa Barbers Point Harbor through Iroquois Point	OA 31	21°19'18" N.	158°07'17" W.
14	Oahu	Diamond Head area	OA 32	21°19'20" N.	157°58'17" W.
14	Oahu	Hanauma Bay through Sandy Beach	OA 41	21°15'27" N.	157°49'05" W.
14	Oahu	Makapuu Beach Area	OA 42	21°15'24" N.	157°47'45" W.
14	Oahu	Lori Point through Waimea Bay	OA 51	21°16'05" N.	157°41'50" W.
14	Oahu	Kapapa Island (Kaneohe Bay)	OA 52	21°17'45" N.	157°39'27" W.
14	Oahu	Mokulua—Moku Iki	OA 61	21°18'36" N.	157°39'31" W.
14	Oahu	Mokulua—Moku Iki	OA 62	21°18'58" N.	157°39'55" W.
14	Oahu	Manana (Rabbit Island)	OA 71	21°40'26" N.	157°56'00" W.
15	Molokai	Laau Point Area	OA 72	21°38'18" N.	158°03'56" W.
15	Molokai	Kalaupapa Area	OAI 1	21°28'36" N.	157°47'55" W.
15	Molokai	Moku Hooniki	OAI 2	21°23'30" N.	157°41'56" W.
15	Molokai	Shipwreck Beach Area	OAI 3	21°23'16" N.	157°41'52" W.
15	Molokai	Northwest Lanai (Including Poihewa Beach)	OAI 4	21°19'44" N.	157°39'24" W.
15	Molokai	North of Kamalapa Harbor	MO 11	21°07'49" N.	157°17'47" W.
15	Molokai	Kamalapa Harbor through Kaholo Pali	MO 12	21°05'21" N.	157°15'50" W.
15	Molokai	Kaholo Pali through Manele Harbor	MO 21	21°12'33" N.	156°58'52" W.
15	Molokai	Manele Harbor through Nakalahale Cliff	MO 22	21°11'28" N.	156°59'06" W.
15	Molokai	Nakalahale Cliff through Lopa Beach	MOI 1	21°07'59" N.	156°42'10" W.
15	Molokai	Puupehe *	LA 11	20°54'45" N.	156°53'45" W.
15	Molokai	Mid-North coast (including Kaukamoku and Ahupuiki)	LA 12	20°55'20" N.	156°56'45" W.
15	Molokai	Eastern coast of Kahoolawe (Honokaa through Sailer's Hat)	LA 21	20°55'42" N.	156°59'47" W.
15	Molokai	Kuloa Point through Hana Wharf and Ramp	LA 22	20°52'02" N.	157°02'33" W.
15	Molokai	Hana Wharf and Ramp through Kainalimu Bay	LA 31	20°48'38" N.	156°59'15" W.
15	Molokai	Keanee Peninsula to Nauailua Bay	LA 32	20°47'17" N.	156°59'24" W.
15	Molokai	Maliko Bay through Papaula Point	LA 41	20°47'13" N.	156°59'27" W.
15	Molokai	Kahului Harbor West through Waihee Beach Park	LA 42	20°46'59" N.	156°59'31" W.
15	Molokai	Punalau Beach through to Mala Wharf	LA 51	20°44'13" N.	156°58'01" W.
15	Molokai	Southeast of Mala Wharf through to Lahaina Harbor	LA 52	20°44'29" N.	156°53'15" W.
15	Molokai	Southeast of Lahaina Harbor through to Papalaua	LA 61	20°44'35" N.	156°53'14" W.
15	Molokai	East of Maalaea Harbor through to Kihei boat ramp	LA 62	20°44'49" N.	156°52'16" W.
15	Molokai	South of Kihei Boat Ramp through Ahihi Bay	LA 71	20°45'07" N.	156°51'50" W.
15	Molokai	La Perouse Bay from Kalaeloa Point through Pohakueaea Point.	LA 72	20°48'21" N.	156°48'24" W.
15	Molokai	Molokini Crater	LAI 1	20°44'04" N.	156°53'25" W.
16	Hawaii	Waimanu through Laupahoehoe	KH 11	20°34'36" N.	156°37'36" W.
16	Hawaii	Keokea Bay through Kauhola Point	KH 12	20°34'10" N.	156°38'15" W.
16	Hawaii	Kapaa Beach County Park to Mahukona Harbor	KH 21	20°33'08" N.	156°40'35" W.
16	Hawaii	South of Mahukona Harbor	KH 22	20°30'04" N.	156°40'23" W.
16	Hawaii	Pauoa Bay to Makaiwa Bay area	MA 11	20°40'02" N.	156°02'27" W.
16	Hawaii	Anaehoomalu Bay area through Keawai Bay area	MA 12	20°45'21" N.	155°58'54" W.
16	Hawaii		MA 21	20°45'20" N.	155°58'56" W.
16	Hawaii		MA 22	20°46'08" N.	155°59'04" W.
16	Hawaii		MA 31	20°51'56" N.	156°08'46" W.
16	Hawaii		MA 32	20°51'41" N.	156°08'55" W.
16	Hawaii		MA 41	20°56'11" N.	156°21'11" W.
16	Hawaii		MA 42	20°54'30" N.	156°25'06" W.
16	Hawaii		MA 51	20°53'53" N.	156°28'47" W.
16	Hawaii		MA 52	20°56'04" N.	156°30'15" W.
16	Hawaii		MA 61	21°01'20" N.	156°37'28" W.
16	Hawaii		MA 62	20°53'09" N.	156°41'10" W.
16	Hawaii		MA 71	20°53'04" N.	156°41'12" W.
16	Hawaii		MA 72	20°52'26" N.	156°40'43" W.
16	Hawaii		MA 81	20°52'12" N.	156°40'39" W.
16	Hawaii		MA 82	20°47'34" N.	156°34'00" W.
16	Hawaii		MA 91	20°47'32" N.	156°30'34" W.
16	Hawaii		MA 92	20°42'29" N.	156°26'46" W.
16	Hawaii		MA 101	20°42'27" N.	156°26'47" W.
16	Hawaii		MA 102	20°37'39" N.	156°26'40" W.
16	Hawaii		MA 111	20°35'43" N.	156°25'33" W.
16	Hawaii		MA 112	20°34'45" N.	156°23'29" W.
16	Hawaii		MAI 1	20°37'51" N.	156°29'43" W.
16	Hawaii		HA 11	20°08'35" N.	155°37'59" W.
16	Hawaii		HA 12	20°09'54" N.	155°39'18" W.
16	Hawaii		HA 21	20°13'39" N.	155°44'49" W.
16	Hawaii		HA 22	20°14'44" N.	155°46'18" W.
16	Hawaii		HA 31	20°12'16" N.	155°54'06" W.
16	Hawaii		HA 32	20°11'04" N.	155°54'05" W.
16	Hawaii		HA 41	20°10'60" N.	155°54'03" W.
16	Hawaii		HA 42	20°10'51" N.	155°54'07" W.
16	Hawaii		HA 51	19°57'03" N.	155°51'49" W.
16	Hawaii		HA 52	19°56'38" N.	155°52'10" W.
16	Hawaii		HA 61	19°54'42" N.	155°53'26" W.
16	Hawaii		HA 62	19°53'09" N.	155°54'34" W.

Area	Island	Textual description of segment	Boundary points	Latitude	Longitude
16	Hawaii	Puu Alii Bay Area through Mahaiula Bay	HA 71	19°47'37" N.	156°01'33" W.
			HA 72	19°46'53" N.	156°02'18" W.
16	Hawaii	Keahole Point through Kaloko-Honokohau National Historic Park.	HA 81	19°43'54" N.	156°03'26" W.
			HA 82	19°40'28" N.	156°01'34" W.
16	Hawaii	South of Oneo Bay area through to Hualaloa Bay area	HA 91	19°38'10" N.	155°59'29" W.
			HA 92	19°36'31" N.	155°58'41" W.
16	Hawaii	Kahaluu Bay Area through Keauhou Bay Area	HA 101	19°34'49" N.	155°57'59" W.
			HA 102	19°33'43" N.	155°57'43" W.
16	Hawaii	Kealahou Bay Area	HA 111	19°28'38" N.	155°55'13" W.
			HA 112	19°28'25" N.	155°55'10" W.
16	Hawaii	Honaunau Bay Area	HA 121	19°25'35" N.	155°55'02" W.
			HA 122	19°25'01" N.	155°54'42" W.
16	Hawaii	Miloli Bay Area through Honomali Bay Area	HA 131	19°11'07" N.	155°54'29" W.
			HA 132	19°10'04" N.	155°54'35" W.
16	Hawaii	Ka Lae National Historic Landmark District through Mahana Bay.	HA 141	18°54'54" N.	155°40'59" W.
			HA 142	18°55'00" N.	155°40'09" W.
16	Hawaii	Papakolea Green Sand Beach Area	HA 151	18°56'10" N.	155°38'47" W.
			HA 152	18°56'11" N.	155°38'45" W.
16	Hawaii	Kaalualu Bay Area	HA 161	18°58'14" N.	155°37'01" W.
			HA 162	18°58'18" N.	155°36'49" W.
16	Hawaii	Whittington Beach Area through Punaluu Beach Area	HA 171	19°05'04" N.	155°33'03" W.
			HA 172	19°08'06" N.	155°30'09" W.
16	Hawaii	Halape Area through Keauhou Point Area	HA 181	19°16'14" N.	155°15'20" W.
			HA 182	19°15'45" N.	155°13'59" W.
16	Hawaii	Kapoho Bay Area	HA 191	19°29'38" N.	154°49'01" W.
			HA 192	19°30'10" N.	154°48'46" W.
16	Hawaii	Lehia Beach Park through to Hilo Harbor	HA 201	19°44'07" N.	155°00'38" W.
			HA 202	19°43'56" N.	155°03'02" W.
16	Hawaii	Papaikou Area	HA 211	19°46'39" N.	155°05'18" W.
			HA 212	19°46'43" N.	155°05'18" W.
16	Hawaii	Onomea Bay Area	HA 221	19°48'33" N.	155°05'34" W.
			HA 222	19°48'37" N.	155°05'22" W.
16	Hawaii	Hakalau Area	HA 231	19°54'02" N.	155°07'32" W.
			HA 232	19°54'05" N.	155°07'43" W.

- (i) Kaula Island,
- (ii) Niihau,
- (iii) Kauai,
- (iv) Oahu,
- (v) Maui Nui (including Kahoolawe, Lanai, Maui, and Molokai), and
- (vi) Hawaii.

(b) *Essential features.* The essential features for the conservation of the Hawaiian monk seal are the following:

(1) *Terrestrial areas and adjacent shallow, sheltered aquatic areas with characteristics preferred by monk seals for pupping and nursing.* Preferred areas that serve an essential service or function for Hawaiian monk seal conservation are defined as those areas where two or more females have given birth or where a single female chooses to return to the same site more than one year. Preferred pupping areas generally include sandy, protected beaches located adjacent to shallow sheltered aquatic areas, where the mother and pup may nurse, rest, swim, thermoregulate, and shelter from extreme weather. Additionally, this habitat area provides relatively protected

space for the newly weaned pup to acclimate to life on its own. The newly weaned pup uses these areas for swimming, exploring, socializing, thermoregulatory cooling and the first attempts at foraging. Characteristics of terrestrial pupping habitat may include various substrates such as sand, shallow tide pools, coral rubble, or rocky substrates, as long as these substrates provide accessibility to seals for hauling out. Some preferred sites may also incorporate areas with low lying vegetation used by the pair for shade or cover, or relatively low levels of anthropogenic disturbance. Characteristics of the adjoining sheltered aquatic sites may include reefs, tide pools, gently sloping beaches, and shelves or coves that provide refuge from storm surges and predators.

(2) *Marine areas from 0 to 200 m in depth that support adequate prey quality and quantity for juvenile and adult monk seal foraging.* Inshore, benthic and off-shore teleosts, cephalopods, and crustaceans are commonly described as monk seal prey items. Habitat types that are

regularly used for foraging include the sand terraces, talus slopes, submerged reefs and banks, nearby seamounts, barrier reefs, and slopes of reefs and islands. Monk seals focus foraging in bottom habitats on bottom-associated prey species, with most foraging occurring in waters between 0 to 200 m in depth. Habitat conditions, such as water quality, substrate composition and available habitat, should support growth and recruitment of bottom-associated prey species to the extent that monk seal populations are able to successfully forage.

(3) *Significant areas used by monk seals for hauling out, resting or molting.* Significant haul-out areas are defined by the frequency with which local populations of seals use a stretch of coastline or particular beach. Significant haul-out areas are defined as natural coastlines that are accessible to Hawaiian monk seals and are frequented by Hawaiian monk seals at least 10 percent as often as the highest used haul out site(s) on individual islands, or islets. Significant haul-out areas are essential to Hawaiian monk seal conservation because these areas provide space that supports natural behaviors important to health and development, such as resting, molting, and social interactions. Hawaiian monk seals use terrestrial habitat to haul out for resting, and molting. Certain areas of coastline are more often favored by Hawaiian monk seals for hauling out. These favored areas may be located near preferred foraging areas, allow for relatively undisturbed periods of rest, or allow small numbers of Hawaiian

monk seals to socially interact as young seals and reproductive adults. These haul-out sites are generally characterized by sandy beaches, sand spits, or low shelving reef rocks accessible to seals.

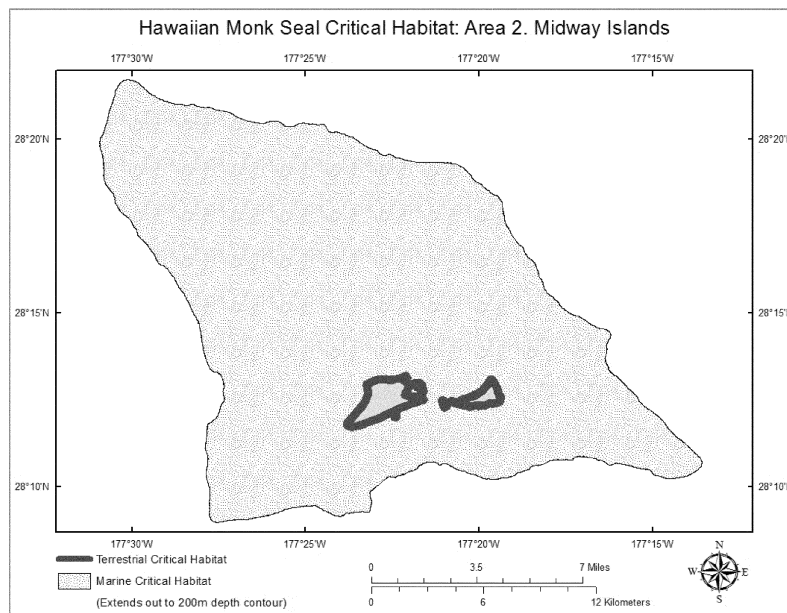
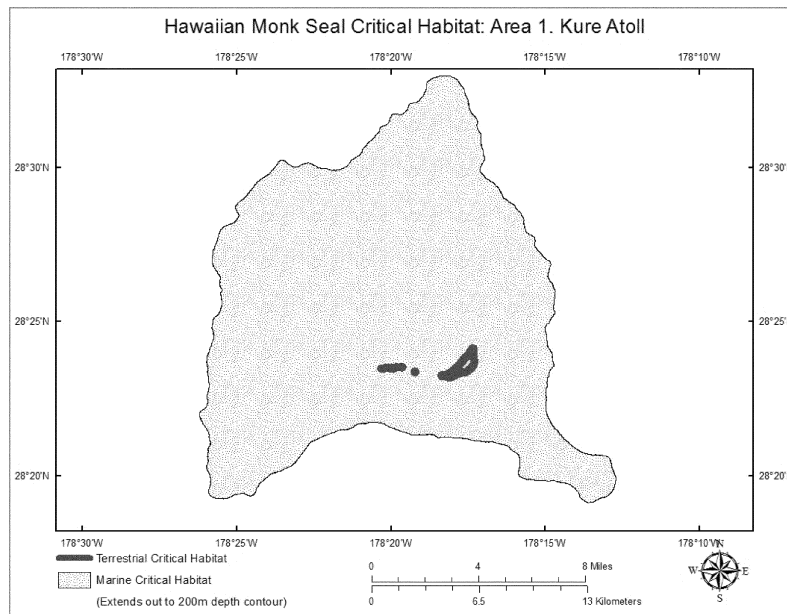
(c) *Areas not included in critical habitat.* Critical habitat does not include the following particular areas where they overlap with the areas described in paragraph (a) of this section:

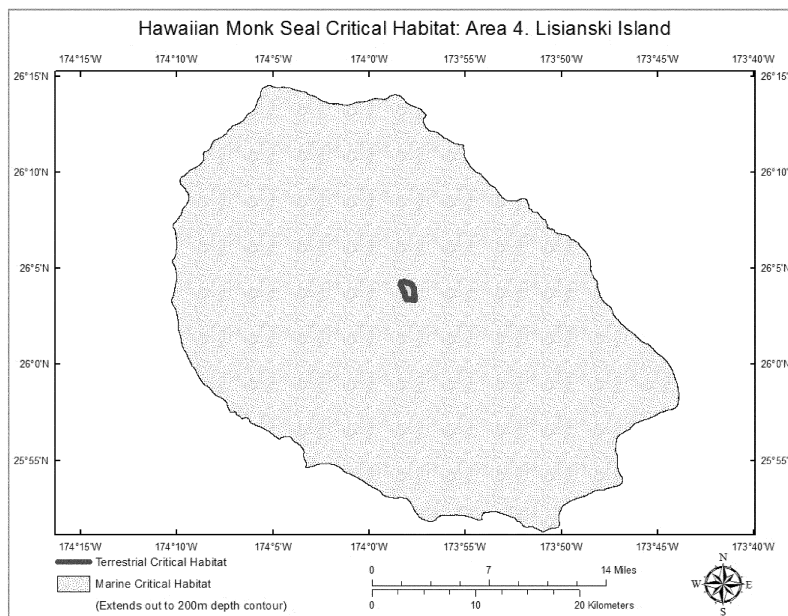
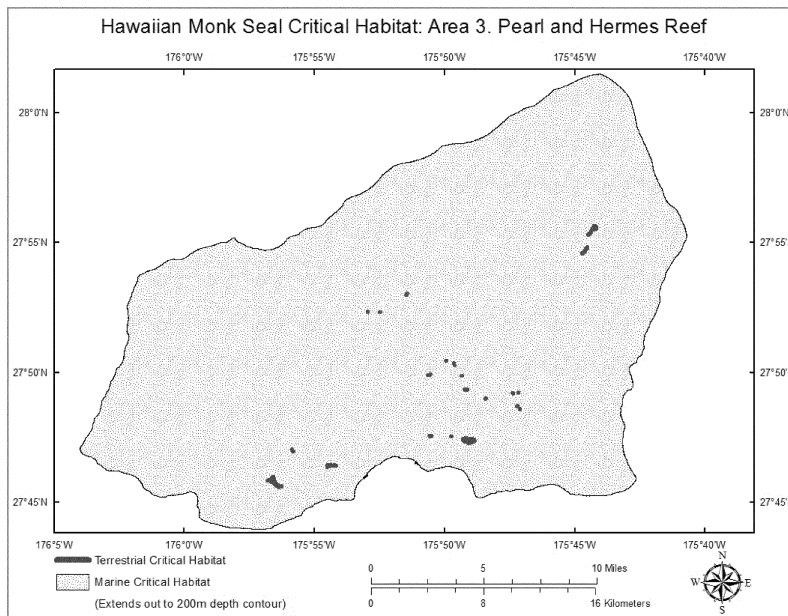
(1) Pursuant to ESA section 3(5)(A)(i), all cliffs and manmade structures, such as docks, seawalls, piers, fishponds, roads, pipelines, boat ramps, platforms, buildings, ramparts and pilings existing within the legal boundaries on September 21, 2015.

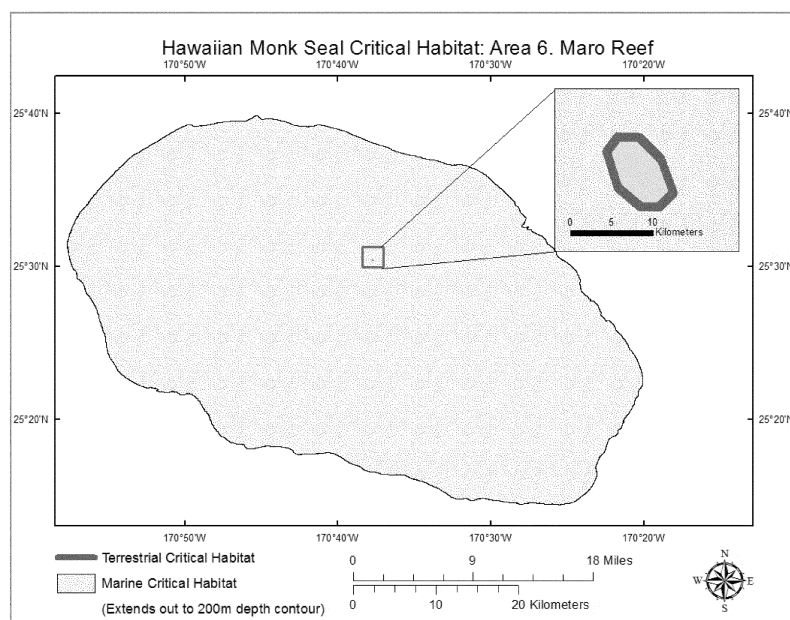
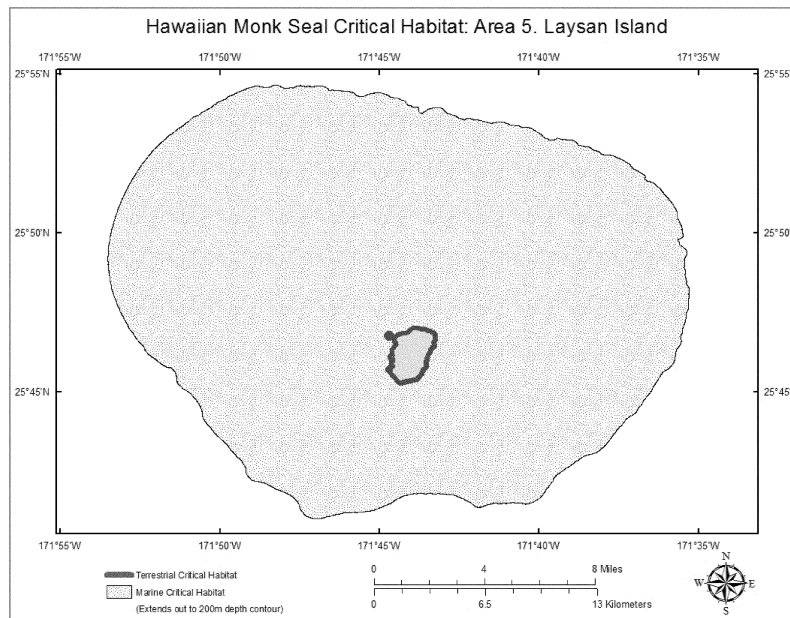
(2) Pursuant to ESA section 4(a)(3)(B) all areas subject to the Marine Corps Base Hawaii, the Joint Base Pearl Harbor-Hickam, and the Pacific Missile Range Facility Integrated Natural Resource Management Plans.

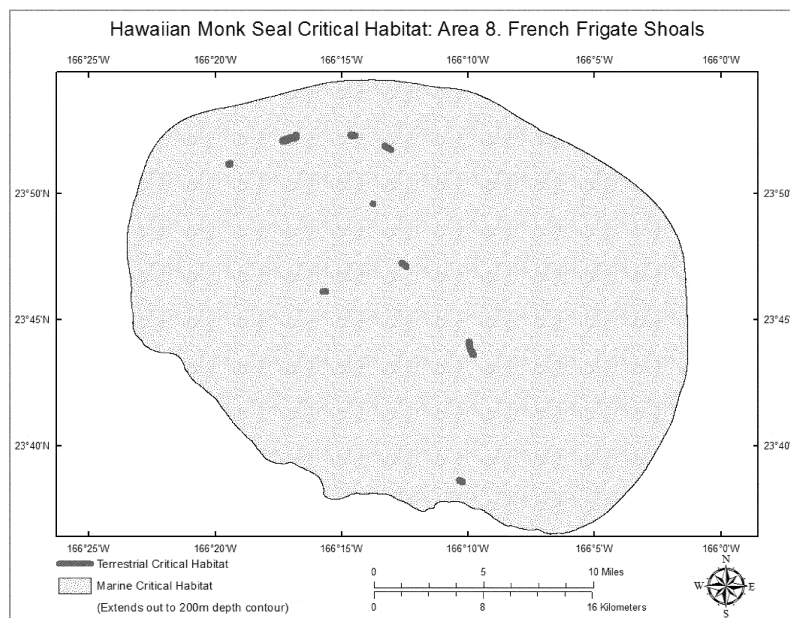
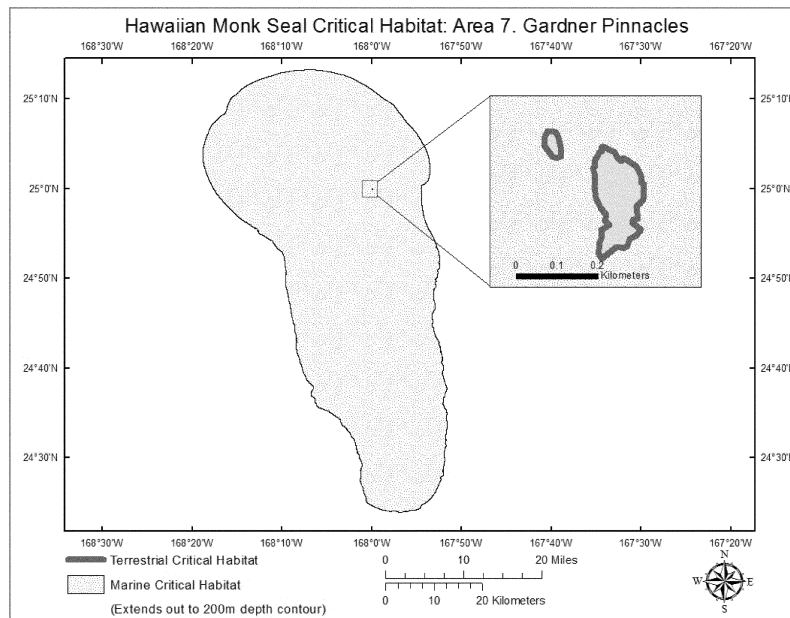
(3) Pursuant to ESA section 4(b)(2) the following areas have been excluded from the designation: The Kingfisher Underwater Training area in marine areas off the northeast coast of Niihau; the Pacific Missile Range Facility Off-shore Areas in marine areas off the western coast of Kauai; the Puuloa Underwater Training Range in marine areas outside Pearl Harbor, Oahu; and the Shallow Water Minefield Sonar Training Range off the western coast of Kahoolawe in the Maui Nui area.

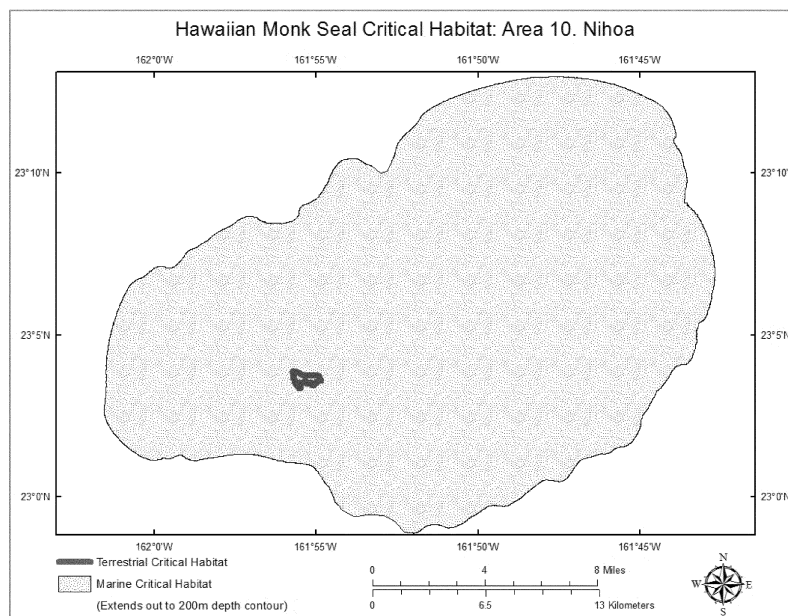
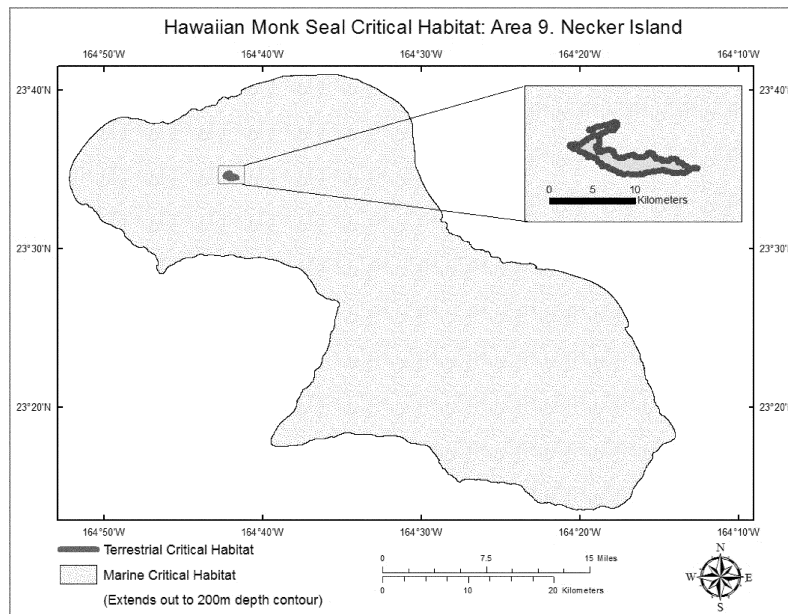
(d) *Maps of Hawaiian monk seal critical habitat.* The following are the overview maps of Hawaiian monk seal critical habitat:

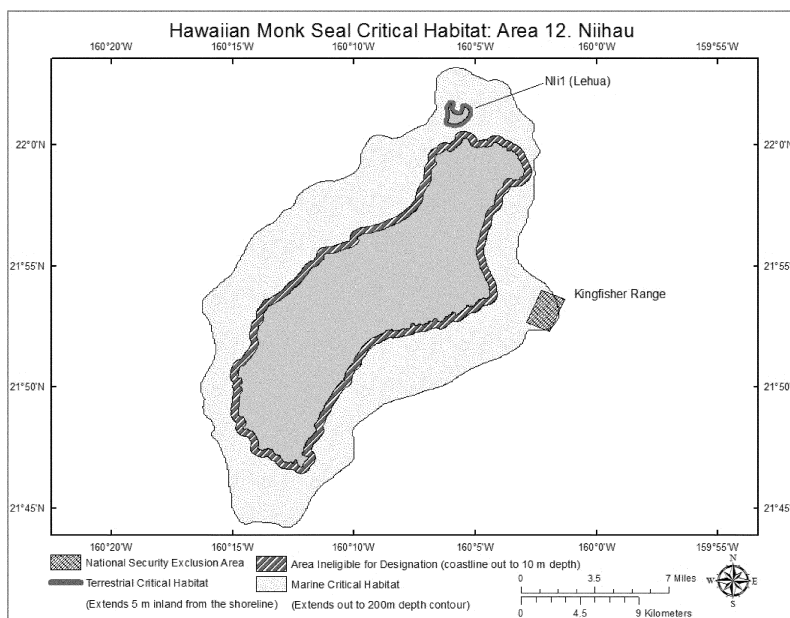
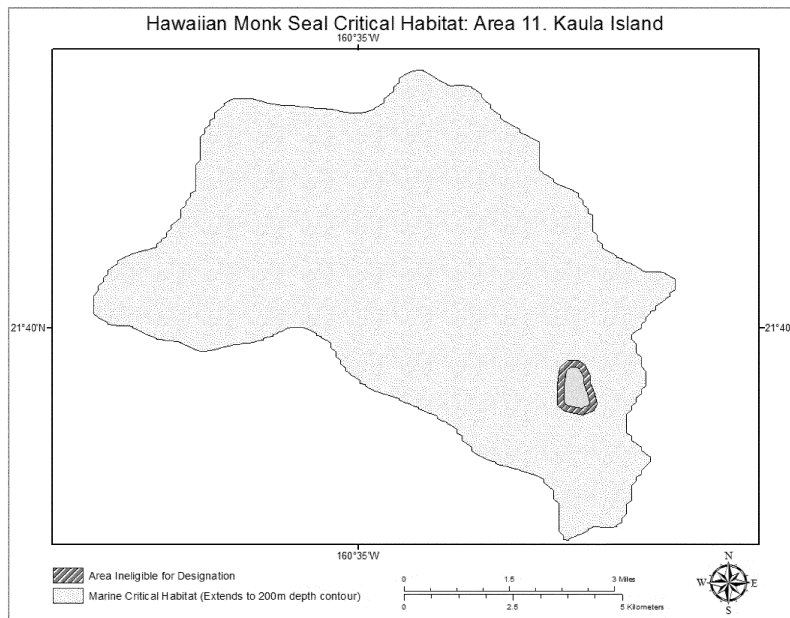


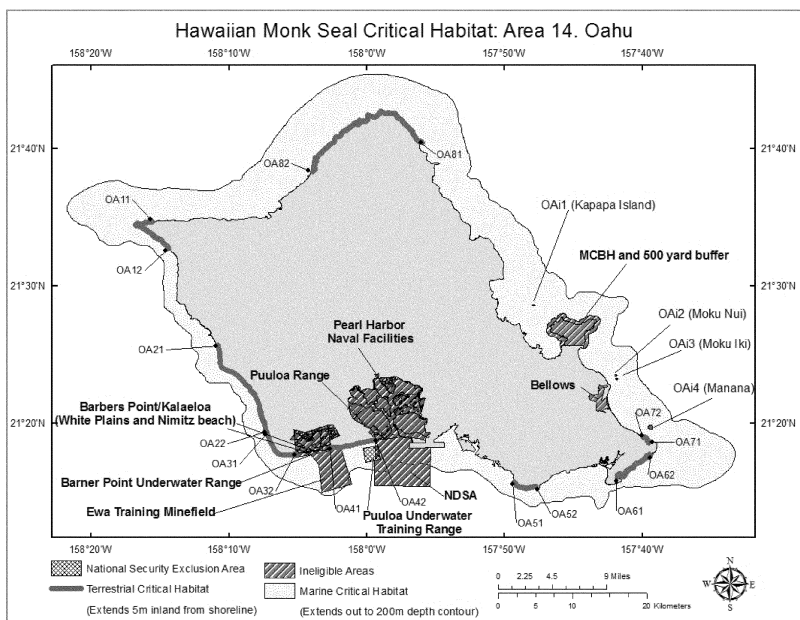
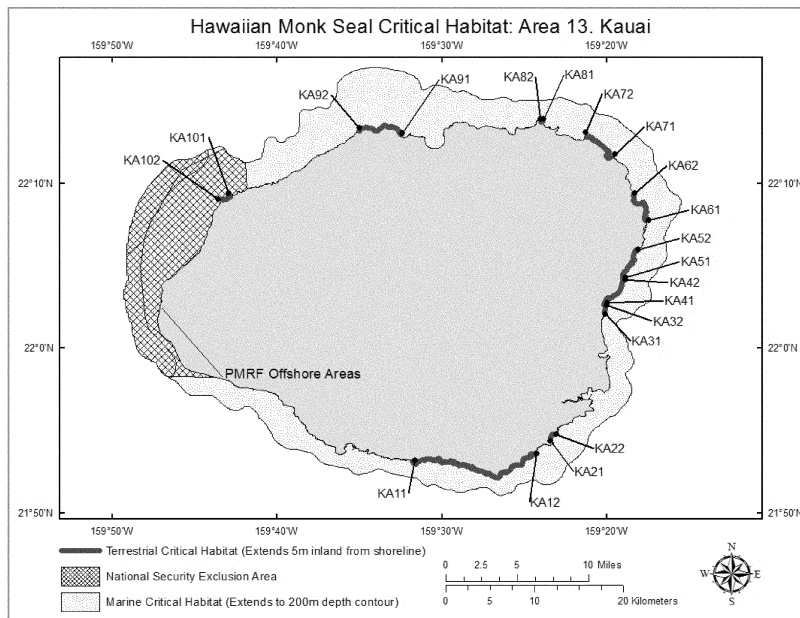


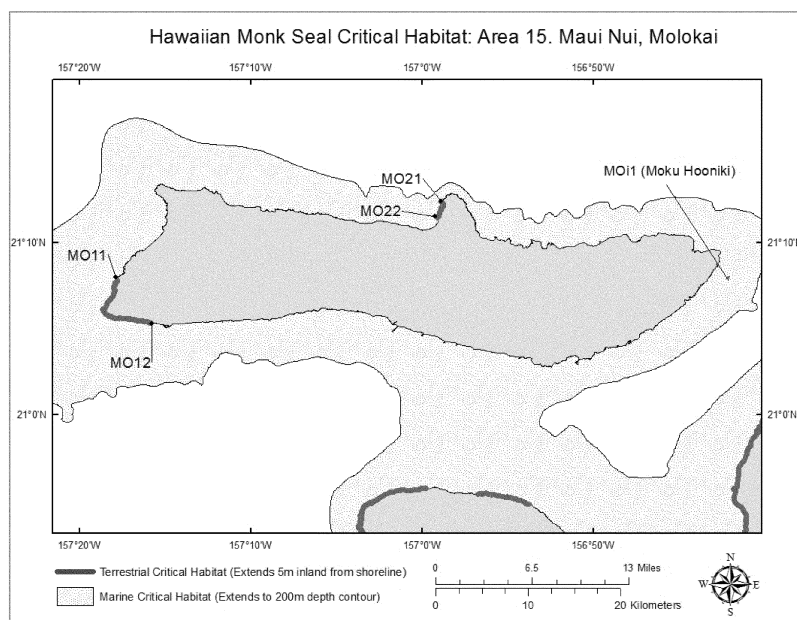
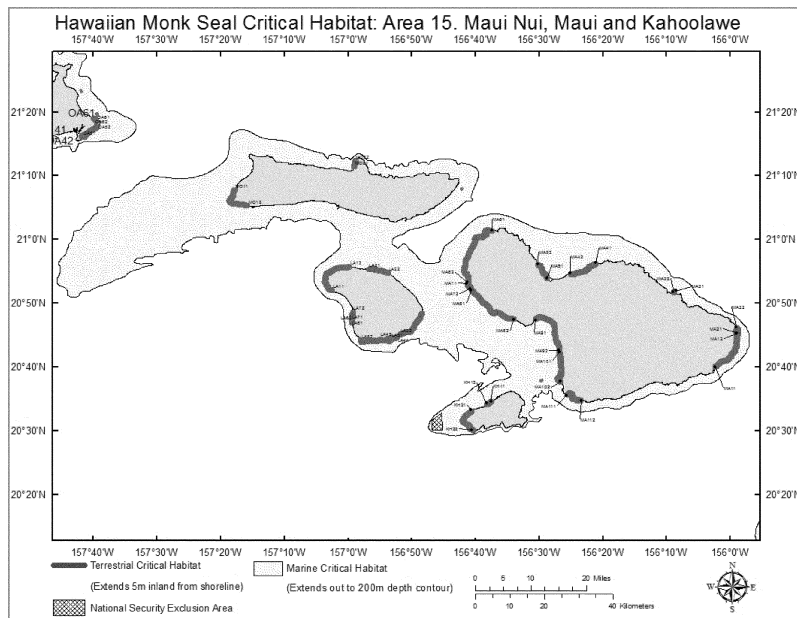


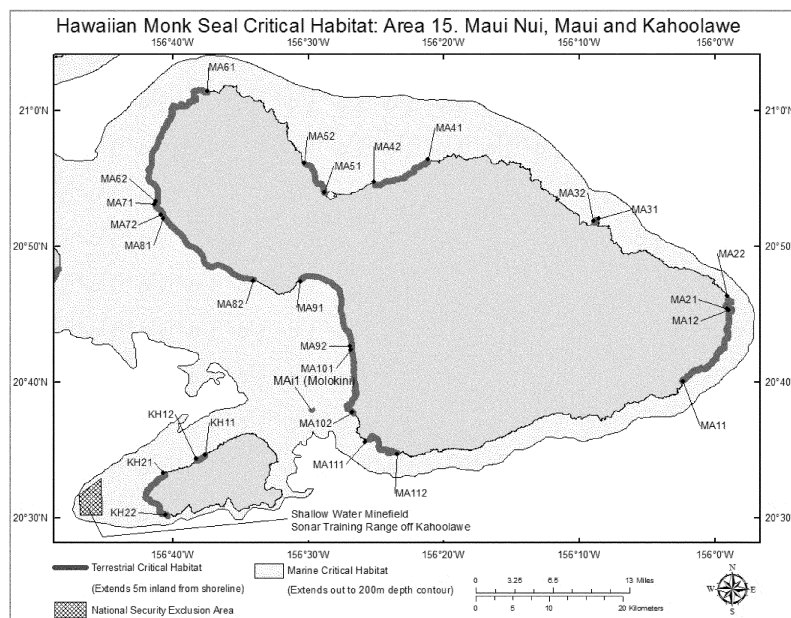
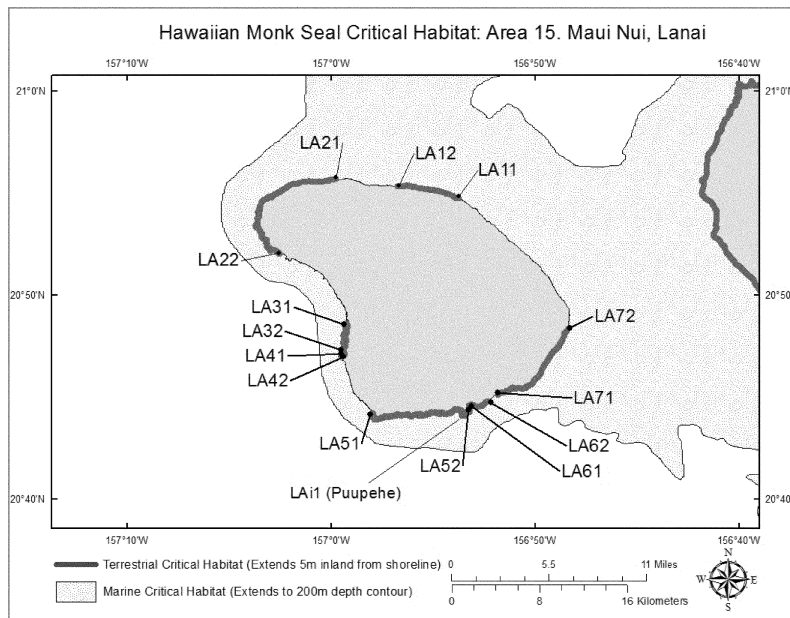


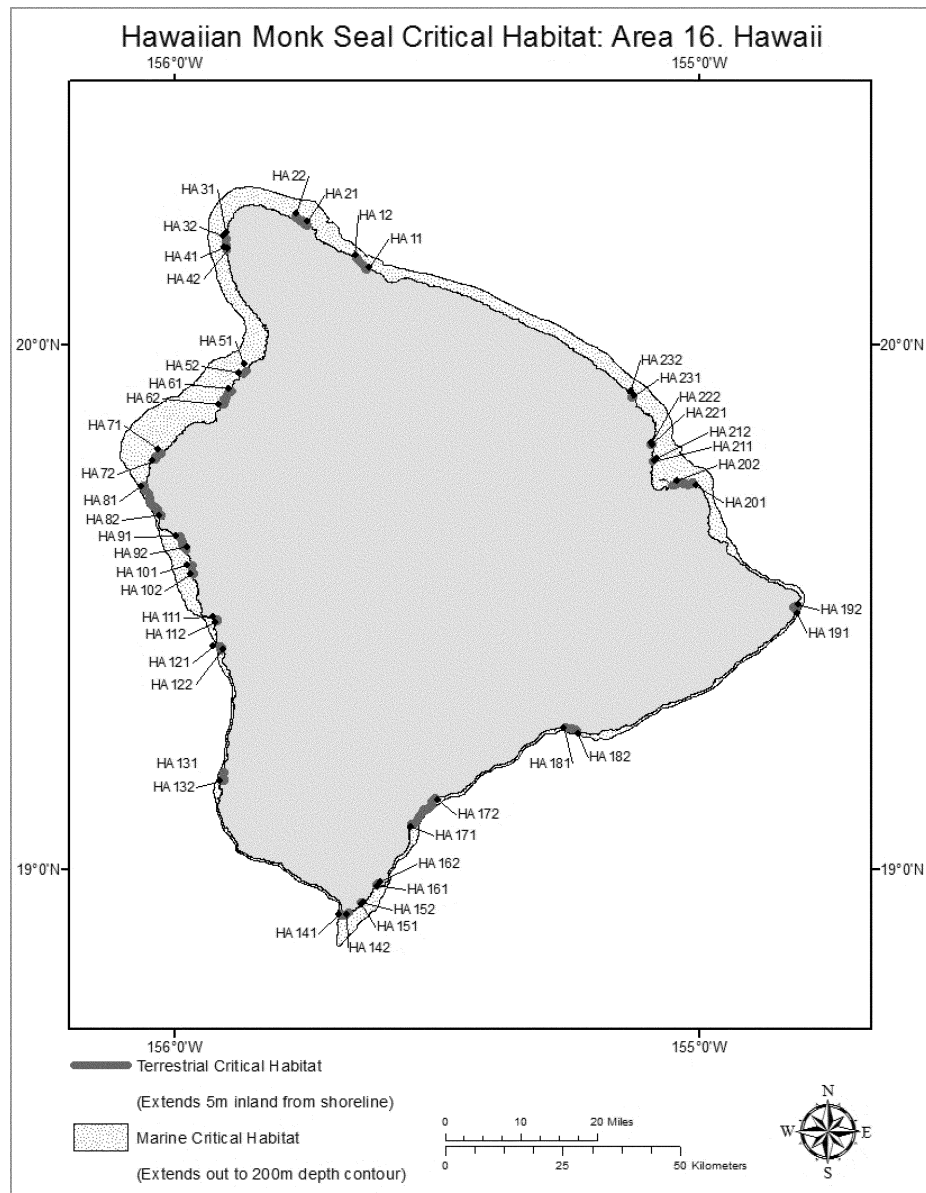


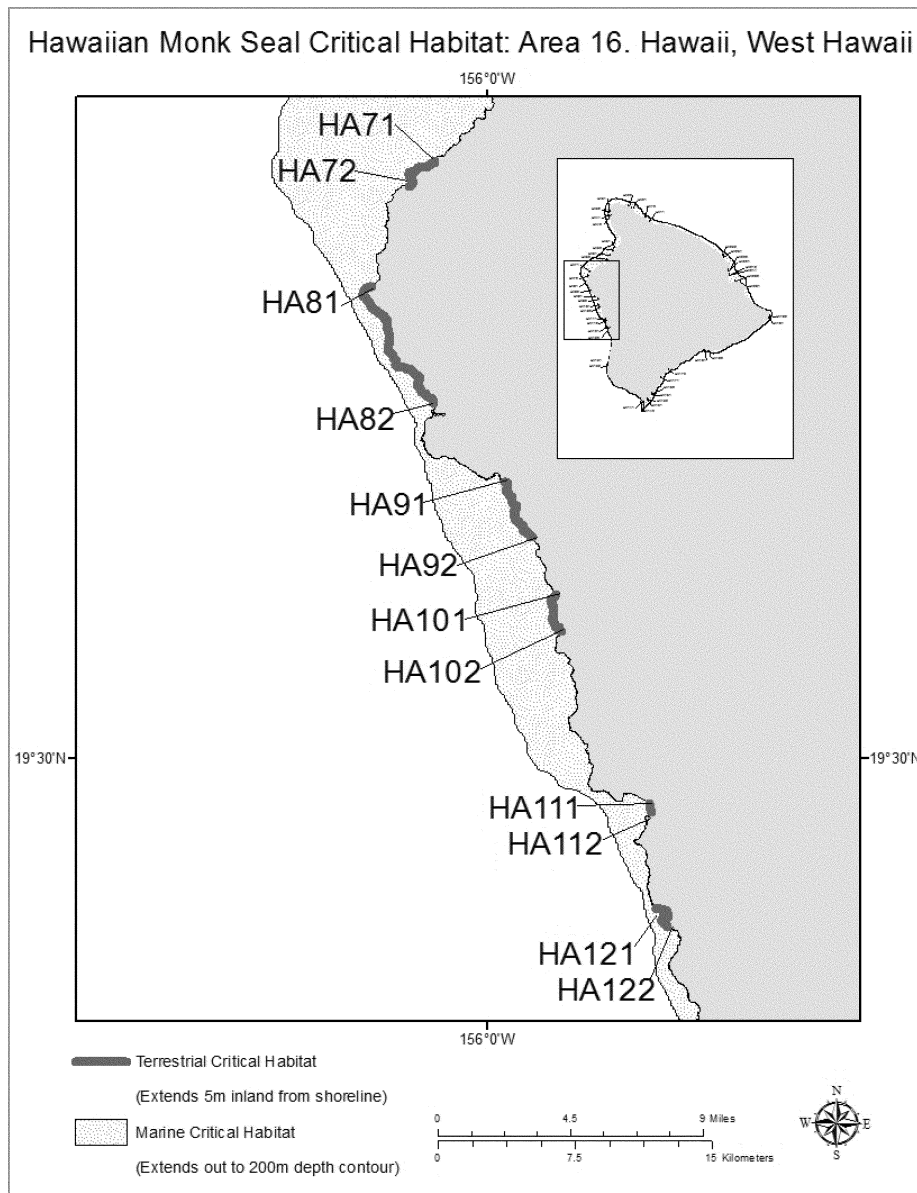












[80 F.R. 50974, Aug. 21, 2015]