§ 226.202 Critical habitat for Steller sea lions.

STELLER SEA LION (*Eumetopias jubatus*)

(a) *Alaska rookeries, haulouts, and associated areas.* In Alaska, all major Steller sea lion rookeries identified in Table 1 and major haulouts identified in Table 2 and associated terrestrial, air, and aquatic zones. Critical habitat includes a terrestrial zone that extends 3,000 feet (0.9 km) landward from the baseline or base point of each major rookery and major haulout in Alaska. Critical habitat includes an air zone that extends 3,000 feet (0.9 km) above the terrestrial zone of each major rookery and major haulout in Alaska, measured vertically from sea level. Critical habitat includes an aquatic zone that extends 3,000 feet (0.9 km) seaward in State and Federally managed waters from the baseline or basepoint of each major rookery and major haulout in Alaska that is east of 144° W. longitude. Critical habitat includes an aquatic zone that extends 20 nm (37 km) seaward in State and Federally managed waters from the baseline or basepoint of each major rookery and major haulout in Alaska that is west of 144° W. longitude.

(b) *California and Oregon rookeries and associated areas.* In California and Oregon, all major Steller sea lion rookeries identified in Table 1 and associated air and aquatic zones. Critical habitat includes an air zone that extends 3,000 feet (0.9 km) above areas historically occupied by sea lions at each major rookery in California and Oregon, measured vertically from sea level. Critical habitat includes an aquatic zone that extends 3,000 feet (0.9 km) seaward in State and Federally managed waters from the baseline or basepoint of each major rookery in California and Oregon.

(c) *Three special aquatic foraging areas in Alaska.* Three special aquatic foraging areas in Alaska, including the Shelikof Strait area, the Bogoslof area, and the Seguam Pass area.

(1) Critical habitat includes the Shelikof Strait area in the Gulf of Alaska and consists of the area between the Alaska Peninsula and Tugidak, Sitkinak, Aiaktilik, Kodiak, Raspberry, Afognak and Shuyak Islands (connected by the shortest lines); bounded on the west by a line connecting Cape Kumlik (56°38″/157°27′ W) and the southwestern tip of Tugidak Island (56°24′ N/154°41′ W) and bounded in the east by a line connecting Cape Douglas (58°51′ N/153°15′ W) and the northernmost tip of Shuyak Island (58°37′ N/152°22′ W).

(2) Critical habitat includes the Bogoslof area in the Bering Sea shelf and consists of the area between 170°00′ W and 164°00′ W, south of straight lines connecting 55°00′ N/170°00′ W and 55°00′ N/168°00′ W; 55°30′ N/168°00′ W and 55°30′ N/166°00′ W; 56°00′ N/166°00′ W and 56°00′ N/164°00′ W and north of the Aleutian Islands and straight lines between the islands connecting the following coordinates in the order listed:

52°49.2′ N/169°40.4′ W
52°49.8′ N/169°06.3′ W
53°23.8′ N/167°50.1′ W
53°18.7′ N/167°51.4′ W
53°59.0′ N/166°17.2′ W
54°02.9′ N/166°03.0′ W
54°07.7′ N/165°40.6′ W
54°08.9′ N/165°38.8′ W
54°11.9′ N/165°23.3′ W
54°23.9′ N/164°44.0′ W

(3) Critical habitat includes the Seguam Pass area and consists of the area between 52°00′ N and 53°00′ N and between 173°30′ W and 172°30′ W.

[58 FR 45278, Aug. 27, 1993. Redesignated and amended at 64 FR 14067, Mar. 23, 1999]

§ 226.203 Critical habitat for North Atlantic right whales (*Eubalaena glacialis*).

Critical habitat is designated for North Atlantic right whales 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 (c) of this section are for illustrative purposes only.

(a) Physical and biological features essential to the conservation of endangered North Atlantic right whales.

(1) *Unit 1.* The physical and biological features essential to the conservation of the North Atlantic right whale, which provide foraging area functions in Unit 1 are: The physical oceanographic conditions and structures of

the Gulf of Maine and Georges Bank region that combine to distribute and aggregate *C. finmarchicus* for right whale foraging, namely prevailing currents and circulation patterns, bathymetric features (basins, banks, and channels), oceanic fronts, density gradients, and temperature regimes; low flow velocities in Jordan, Wilkinson, and Georges Basins that allow diapausing *C. finmarchicus* to aggregate passively below the convective layer so that the copepods are retained in the basins; late stage *C. finmarchicus* in dense aggregations in the Gulf of Maine and Georges Bank region; and diapausing *C. finmarchicus* in aggregations in the Gulf of Maine and Georges Bank region.

(2) *Unit 2.* The physical features essential to the conservation of the North Atlantic right whale, which provide calving area functions in Unit 2, are:

(i) Sea surface conditions associated with Force 4 or less on the Beaufort Scale,

(ii) Sea surface temperatures of 7 °C to 17 °C, and

(iii) Water depths of 6 to 28 meters, where these features simultaneously co-occur over contiguous areas of at least 231 nmi^2 of ocean waters during the months of November through April. When these features are available, they are selected by right whale cows and calves in dynamic combinations that are suitable for calving, nursing, and rearing, and which vary, within the ranges specified, depending on factors such as weather and age of the calves.

(b) *Critical habitat boundaries.* Critical habitat includes two areas (Units) located in the Gulf of Maine and Georges Bank Region (Unit 1) and off the coast of North Carolina, South Carolina, Georgia and Florida (Unit 2).

(1) *Unit 1.* The specific area on which are found the physical and biological features essential to the conservation of the North Atlantic right whale include all waters, seaward of the boundary delineated by the line connecting the geographic coordinates and landmarks identified herein:

(i) The southern tip of Nauset Beach (Cape Cod) (41°38.39′ N./69°57.32′ W.).

(ii) From this point, southwesterly to 41°37.19′ N./69°59.11′ W.

(iii) From this point, southward along the eastern shore of South Monomoy Island to 41°32.76′ N./69°59.73′ W.

(iv) From this point, southeasterly to 40°50′ N./69°12′ W.

(v) From this point, east to 40°50′ N. 68°50′ W.

(vi) From this point, northeasterly to 42°00′ N. 67°55′ W.

(vii) From this point, east to 42°00′ N. 67°30′ W.

(viii) From this point, northeast to the intersection of the U.S.-Canada maritime boundary and 42°10′ N.

(ix) From this point, following the U.S.-Canada maritime boundary north to the intersection of 44°49.727′ N./66°57.952′ W.; From this point, moving southwest along the coast of Maine, the specific area is located seaward of the line connecting the following points:

Latitude	Longitude
44°49.727′ N.	66°57.952′ W.
44°49.67′ N.	66°57.77′ W.
44°48.64′ N.	66°56.43′ W.
44°47.36′ N.	66°59.25′ W.
44°45.51′ N.	67°2.87′ W.
44°37.7′ N.	67°9.75′ W.
44°27.77′ N.	67°32.86′ W.
44°25.74′ N.	67°38.39′ W.
44°21.66′ N.	67°51.78′ W.
44°19.08′ N.	68°2.05′ W.
44°13.55′ N.	68°10.71′ W.
44°8.36′ N.	68°14.75′ W.
43°59.36′ N.	68°37.95′ W.
43°59.83′ N.	68°50.06′ W.
43°56.72′ N.	69°4.89′ W.
43°50.28′ N.	69°18.86′ W.
43°48.96′ N.	69°31.15′ W.
43°43.64′ N.	69°37.58′ W.
43°41.44′ N.	69°45.27′ W.
43°36.04′ N.	70°3.98′ W.
43°31.94′ N.	70°8.68′ W.
43°27.63′ N.	70°17.48′ W.
43°20.23′ N.	70°23.64′ W.
43°4.06′ N.	70°36.70′ W.
43°2.93′ N.	70°41.47′ W.

(x) From this point (43°2.93′ N/70°41.47′ W.) on the coast of New Hampshire south of Portsmouth, the boundary of the specific area follows the coastline southward along the coasts of New Hampshire and Massachusetts along Cape Cod to Provincetown southward along the eastern edge of Cape Cod to the southern tip of Nauset Beach (Cape Cod) (41°38.39′ N./69°57.32′ W.) with the exception of the area landward of the lines drawn by connecting the following points:

42°59.986′ N	70°44.654′ W	TO	Rye Harbor.
42°59.956′ N.	70°44.737′ W.	.....	Rye Harbor.
42°53.691′ N.	70°48.516′ W.	TO	Hampton Harbor.
42°53.516′ N.	70°48.748′ W.	.....	Hampton Harbor.
42°49.136′ N.	70°48.242′ W.	TO	Newburyport Harbor.
42°48.964′ N.	70°48.282′ W.	.....	Newburyport Harbor.
42°42.145′ N.	70°46.995′ W.	TO	Plum Island Sound.
42°41.523′ N.	70°47.356′ W.	.....	Plum Island Sound.
42°40.266′ N.	70°43.838′ W.	TO	Essex Bay.
42°39.778′ N.	70°43.142′ W.	.....	Essex Bay.
42°39.645′ N.	70°36.715′ W.	TO	Rockport Harbor.
42°39.613′ N.	70°36.60′ W.	.....	Rockport Harbor.
42°20.665′ N.	70°57.205′ W.	TO	Boston Harbor.
42°20.009′ N.	70°55.803′ W.	.....	Boston Harbor.
42°19.548′ N.	70°55.436′ W.	TO	Boston Harbor.
42°18.599′ N.	70°52.961′ W.	.....	Boston Harbor.
42°15.203′ N.	70°46.324′ W.	TO	Cohasset Harbor.
42°15.214′ N.	70°47.352′ W.	.....	Cohasset Harbor.
42°12.09′ N.	70°42.98′ W.	TO	Scituate Harbor.
42°12.211′ N.	70°43.002 W.	.....	Scituate Harbor.
42°09.724′ N.	70°42.378′ W.	TO	New Inlet.
42°10.085′ N.	70°42.875′ W.	.....	New Inlet.
42°04.64′ N.	70°38.587′ W.	TO	Green Harbor.
42°04.583′ N.	70°38.631′ W.	.....	Green Harbor.
41°59.686′ N.	70°37.948′ W.	TO	Duxbury Bay/Plymouth Harbor.
41°58.75′ N.	70°39.052′ W.	.....	Duxbury Bay/Plymouth Harbor.
41°50.395′ N.	70°31.943′ W.	TO	Ellisville Harbor.
41°50.369′ N.	70°32.145′ W.	.....	Ellisville Harbor.
41°45.87′ N.	70°28.62′ W.	TO	Sandwich Harbor.
41°45.75′ N.	70°28.40′ W.	.....	Sandwich Harbor.
41°44.93′ N.	70°25.74′ W.	TO	Scorton Harbor.
41°44.90′ N.	70°25.60′ W.	.....	Scorton Harbor.
41°44.00′ N.	70°17.50′ W.	TO	Barnstable Harbor.
41°44.00′ N.	70°13.90′ W.	.....	Barnstable Harbor.
41°45.53′ N.	70°09.387′ W.	TO	Sesuit Harbor.
41°45.523′ N.	70°09.307′ W.	.....	Sesuit Harbor.
41°45.546′ N.	70°07.39′ W.	TO	Quivett Creek.
41°45.551′ N.	70°07.32′ W.	.....	Quivett Creek.
41°47.269′ N.	70°01.411′ W.	TO	Namskaket Creek.
41°47.418′ N.	70°01.306′ W.	.....	Namskaket Creek.
41°47.961′ N.	70°0.561′ W.	TO	Rock Harbor Creek.
41°48.07′ N.	70°0.514′ W.	.....	Rock Harbor Creek.
41°48.932′ N.	70°0.286′ W.	TO	Boat Meadow River.
41°48.483′ N.	70°0.216′ W.	.....	Boat Meadow River.
41°48.777′ N.	70°0.317′ W.	TO	Herring River.
41°48.983′ N.	70°0.196′ W.	.....	Herring River.
41°55.501′ N.	70°03.51′ W.	TO	Herring River, inside Wellfleet Harbor.
41°55.322′ N.	70°03.191′ W.	.....	Herring River, inside Wellfleet Harbor.
41°53.922′ N.	70°01.333′ W.	TO	Blackfish Creek/Loagy Bay.
41°54.497′ N.	70°01.182′ W.	.....	Blackfish Creek/Loagy Bay.
41°55.503′ N.	70°02.07′ W.	TO	Duck Creek.
41°55.753′ N.	70°02.281′ W.	.....	Duck Creek.
41°59.481′ N.	70°04.779′ W.	TO	Pamet River.
41°59.563′ N.	70°04.718′ W.	.....	Pamet River.
42°03.601′ N.	70°14.269′ W.	TO	Hatches Harbor.
42°03.601′ N.	70°14.416′ W.	.....	Hatches Harbor.
41°48.708′ N.	69°56.319′ W.	TO	Nauset Harbor.
41°48.554′ N.	69°56.238′ W.	.....	Nauset Harbor.
41°40.685′ N.	69°56.781′ W.	TO	Chatham Harbor.
41°40.884′ N.	69°56.28′ W.	.....	Chatham Harbor.

(xi) In addition, the specific area does not include waters landward of the 72 COLREGS lines (33 CFR part 80) described below.

(A) *Portland Head, ME to Cape Ann, MA.*

(*1*) A line drawn from the northernmost extremity of Farm Point to Annisquam Harbor Light.

(*2*) [Reserved]

(B) *Cape Ann MA to Marblehead Neck, MA.*

(*1*) A line drawn from Gloucester Harbor Breakwater Light to the twin towers charted at latitude 42°35.1′ N. longitude 70°41.6′ W.

(*2*) A line drawn from the westernmost extremity of Gales Point to the

easternmost extremity of House Island; thence to Bakers Island Light; thence to Marblehead Light.

(C) *Hull, MA to Race Point, MA.*

(1) A line drawn from Canal Breakwater Light 4 south to the shoreline.

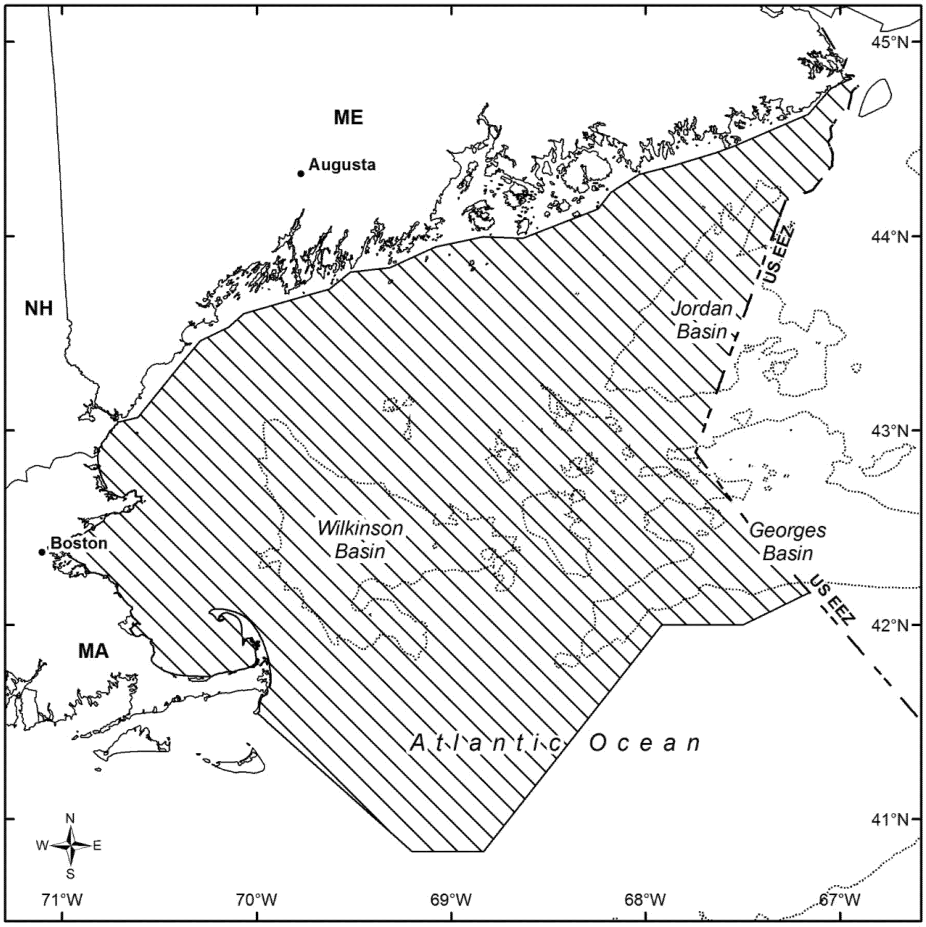
(2) [Reserved]

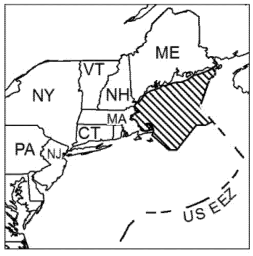
(2) *Unit 2.* Unit 2 includes marine waters from Cape Fear, North Carolina, southward to 28° N . latitude (approximately 31 miles south of Cape Canaveral, Florida) within the area bounded on the west by the shoreline and the 72 COLREGS lines, and on the east by rhumb lines connecting the following points in the order stated from north to south.

Latitude	Longitude
33°51′ N.	at shoreline.
33°42′ N.	77°43′ W.
33°37′ N.	77°47′ W.
33°28′ N.	78°33′ W.
32°59′ N.	78°50′ W.
32°17′ N.	79°53′ W.
31°31′ N.	80°33′ W.
30°43′ N.	80°49′ W.
30°30′ N.	81°01′ W.
29°45′ N.	81°01′ W.
29°15′ N.	80°55′ W.
29°08′ N.	80°51′ W.
28°50′ N.	80°39′ W.
28°38′ N.	80°30′ W.
28°28′ N.	80°26′ W.
28°24′ N.	80°27′ W.
28°21′ N.	80°31′ W.
28°16′ N.	80°31′ W.
28°11′ N.	80°33′ W.
28°00′	80°29′ W.
28°00′ N.	At shoreline.

(c) Overview maps of the designated critical habitat for the North Atlantic right whale follow.

North Atlantic Right Whale Critical Habitat
Northeastern U.S. Foraging Area **Unit 1**

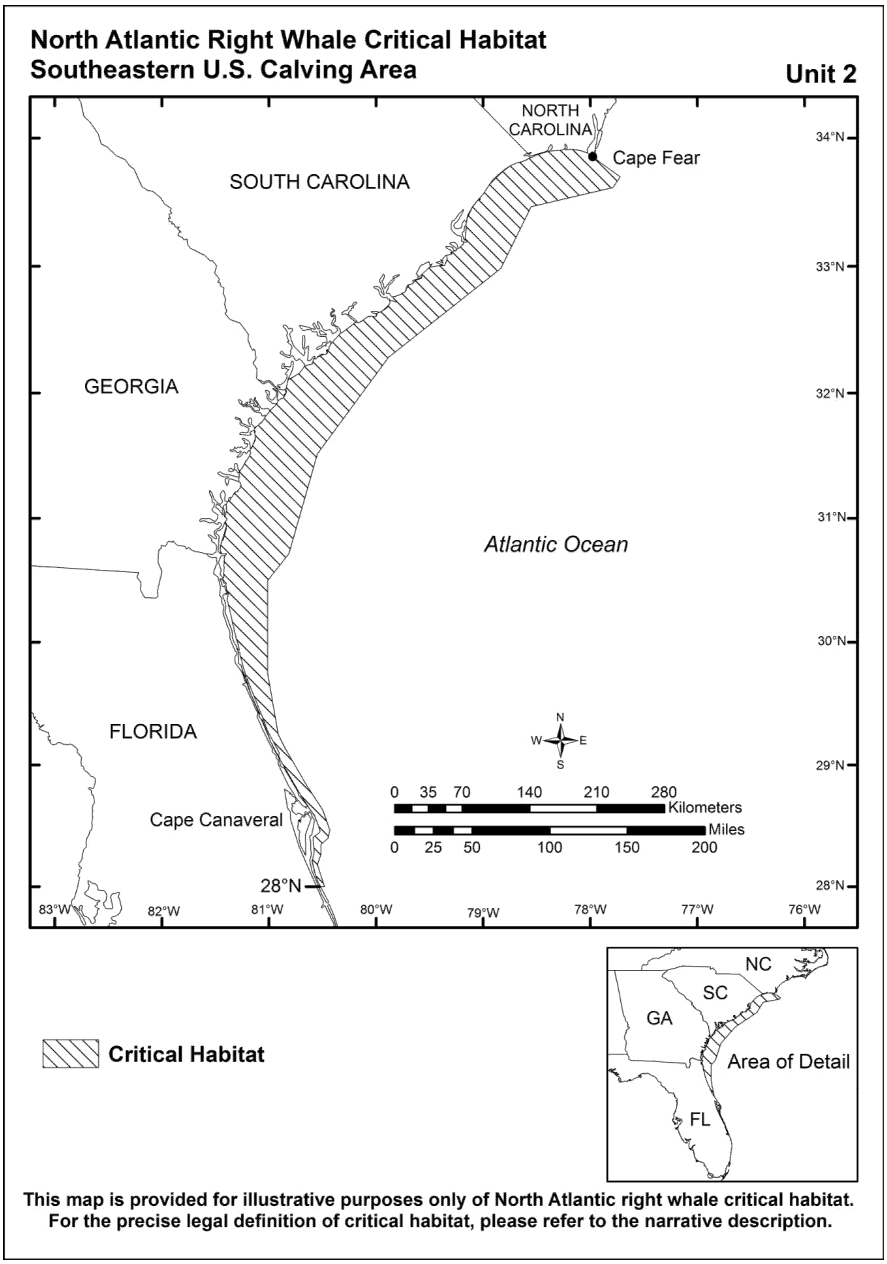




Critical Habitat

200m Depth Contour

This map is provided for illustrative purposes only of North Atlantic right whale critical habitat. For the precise legal definition of critical habitat, please refer to the narrative description.



[81 FR 4871, Jan. 27, 2016]

§ 226.204 Critical habitat for Sacramento winter-run chinook salmon.

The following waterways, bottom and water of the waterways and adjacent riparian zones: The Sacramento River from Keswick Dam, Shasta County (River Mile 302) to Chipps Island (River Mile 0) at the westward margin of the Sacramento-San Joaquin Delta, all waters from Chipps Island westward to Carquinez Bridge, including Honker Bay, Grizzly Bay, Suisun Bay, and Carquinez Strait, all waters of San Pablo Bay westward of the Carquinez Bridge, and all waters of San Francisco Bay (north of the San Francisco/Oakland Bay Bridge) from San Pablo Bay to the Golden Gate Bridge.

[58 FR 33218, June 16, 1993. Redesignated and amended at 64 FR 14067, Mar. 23, 1999]

§ 226.205 Critical habitat for Snake River sockeye salmon, Snake River fall chinook salmon, and Snake River spring/summer chinook salmon.

The following areas consisting of the water, waterway bottom, and adjacent riparian zone of specified lakes and river reaches in hydrologic units presently or historically accessible to listed Snake River salmon (except reaches above impassable natural falls, and Dworshak and Hells Canyon Dams). Adjacent riparian zones are defined as those areas within a horizontal distance of 300 feet (91.4 m) from the normal line of high water of a stream channel (600 feet or 182.8 m, when both sides of the stream channel are included) or from the shoreline of a standing body of water. The complete text delineating critical habitat for each species follows. Hydrologic units (table 3) are those defined by the Department of the Interior (DOI), U.S. Geological Survey (USGS) publication, ''Hydrologic Unit Maps, United States Geological Survey Water Supply Paper 2294, 1987'', and the following DOI, USGS, 1:500,000 scale hydrologic unit map: State of Oregon, 1974; State of Washington, 1974; State of Idaho, 1974, which are incorporated by reference. This 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 maps may be obtained from the USGS, Map Sales, Box 25286, Denver, CO 80225. Copies may be inspected at NMFS, Endangered Species Branch, Environmental and Technical Services Division, 911 NE. 11th Avenue, room 620, Portland, OR 97232, NMFS, Office of Protected Resources, 1335 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*.

(a) *Snake River Sockeye Salmon (Oncorhynchus nerka).* The Columbia River from a straight line connecting the west end of the Clatsop jetty (south jetty, Oregon side) and the west end of the Peacock jetty (north jetty, Washington side) and including all Columbia River estuarine areas and river reaches upstream to the confluence of the Columbia and Snake Rivers; all Snake River reaches from the confluence of the Columbia River upstream to the confluence of the Salmon River; all Salmon River reaches from the confluence of the Snake River upstream to Alturas Lake Creek; Stanley, Redfish, Yellow Belly, Pettit, and Alturas Lakes (including their inlet and outlet creeks); Alturas Lake Creek, and that portion of Valley Creek between Stanley Lake Creek and the Salmon River. Critical habitat is comprised of all river lakes and reaches presently or historically accessible (except reaches above impassable natural falls, and Dworshak and Hells Canyon Dams) to Snake River sockeye salmon in the following hydrologic units: Lower Salmon, Lower Snake, Lower Snake-Asotin, Lower Snake-Tucannon, Middle Salmon-Chamberlain, Middle Salmon-Panther, and Upper Salmon. Critical habitat borders on or passes through the following counties in Oregon: Clatsop, Columbia, Gillium, Hood River, Morrow, Multnomah, Sherman, Umatilla, Wallowa, Wasco; the following counties in Washington: Asotin, Benton, Clark, Columbia, Cowlitz, Franklin, Garfield, Klickitat, Pacific, Skamania,