

(3) Passage conditions to allow for migration, resting, and foraging.

(d) *Sites owned or controlled by the Department of Defense.* Critical habitat does not include the following areas owned or controlled by the Department of Defense, or designated for its use, in the State of Washington, including shoreline, nearshore areas around structures such as docks and piers, and marine areas:

- (1) Naval Undersea Warfare Center, Keyport;
- (2) Naval Ordnance Center, Port Hadlock (Indian Island);
- (3) Naval Fuel Depot, Manchester;
- (4) Naval Air Station, Whidbey Island;
- (5) Naval Station, Everett;
- (6) Naval Hospital Bremerton;
- (7) Fort Lewis (Army);
- (8) Pier 23 (Army);
- (9) Puget Sound Naval Ship Yard;
- (10) Strait of Juan de Fuca naval air-to-surface weapon range, restricted area;
- (11) Strait of Juan de Fuca and Whidbey Island naval restricted areas;
- (12) Admiralty Inlet naval restricted area;
- (13) Port Gardner Naval Base restricted area;
- (14) Port Orchard Passage naval restricted area;
- (15) Sinclair Inlet naval restricted area;
- (16) Carr Inlet naval restricted area;
- (17) Port Townsend/Indian Island/Walan Point naval restricted area; and
- (18) Crescent Harbor Explosive Ordnance Units Training Area.

[71 FR 69068, Nov. 29, 2006]

§ 226.207 Critical habitat for leatherback turtles (*Dermochelys coriacea*).

Critical habitat is designated for leatherback turtles as described in this section. The textual descriptions of critical habitat in this section are the definitive source for determining the critical habitat boundaries. The overview map is provided for general guidance purposes only and not as a definitive source for determining critical habitat boundaries.

(a) The waters adjacent to Sandy Point, St. Croix, U.S. Virgin Islands, up to and inclusive of the waters from

the hundred fathom curve shoreward to the level of mean high tide with boundaries at 17°42'12" N. and 64°50'00" W.

(b) All U.S. coastal marine waters within the areas in paragraphs (b)(1) and (2) of this section and as described in paragraphs (b)(3) and (4) of this section and depicted in paragraph (b)(5) of this section:

(1) California.

(i) The area bounded by Point Sur (36°18'22" N./121°54'9" W.) then north along the shoreline following the line of extreme low water to Point Arena, California (38°57'14" N./123°44'26" W.) then west to 38°57'14" N./123°56'44" W. then south along the 200 meter isobath to 36°18'46" N./122°4'43" W. then east to the point of origin at Point Sur.

(ii) Nearshore area from Point Arena, California, to Point Arguello, California (34°34'33" N./120°38'41" W.), exclusive of Area 1 (see above) and offshore to a line connecting 38°57'14" N./124°18'36" W. and 34°34'32" N./121°39'51" W along the 3000 meter isobath.

(2) Oregon/Washington. The area bounded by Cape Blanco, Oregon (42°50'4" N./124°33'44" W.) north along the shoreline following the line of extreme low water to Cape Flattery, Washington (48°23'10" N./124°43'32" W.) then north to the U.S./Canada boundary at 48°29'38" N./124°43'32" W. then west and south along the line of the U.S. Exclusive Economic Zone to 47°57'38" N./126°22'54" W. then south along a line approximating the 2,000 meter isobath that passes through points at 47°39'55" N./126°13'28" W., 45°20'16" N./125°21' W. to 42°49'59" N./125°8'10" W. then east to the point of origin at Cape Blanco.

(3) Critical habitat extends to a water depth of 80 meters from the ocean surface and is delineated along the shoreline at the line of extreme low water, except in the case of estuaries and bays where COLREGS lines (defined at 33 CFR part 80) shall be used as the shoreward boundary of critical habitat.

(4) Primary Constituent Elements. The primary constituent element essential for conservation of leatherback turtles is the occurrence of prey species, primarily scyphomedusae of the order Semaestomeae (*Chrysaora*, *Aurelia*, *Phacellophora*, and *Cyanea*), of

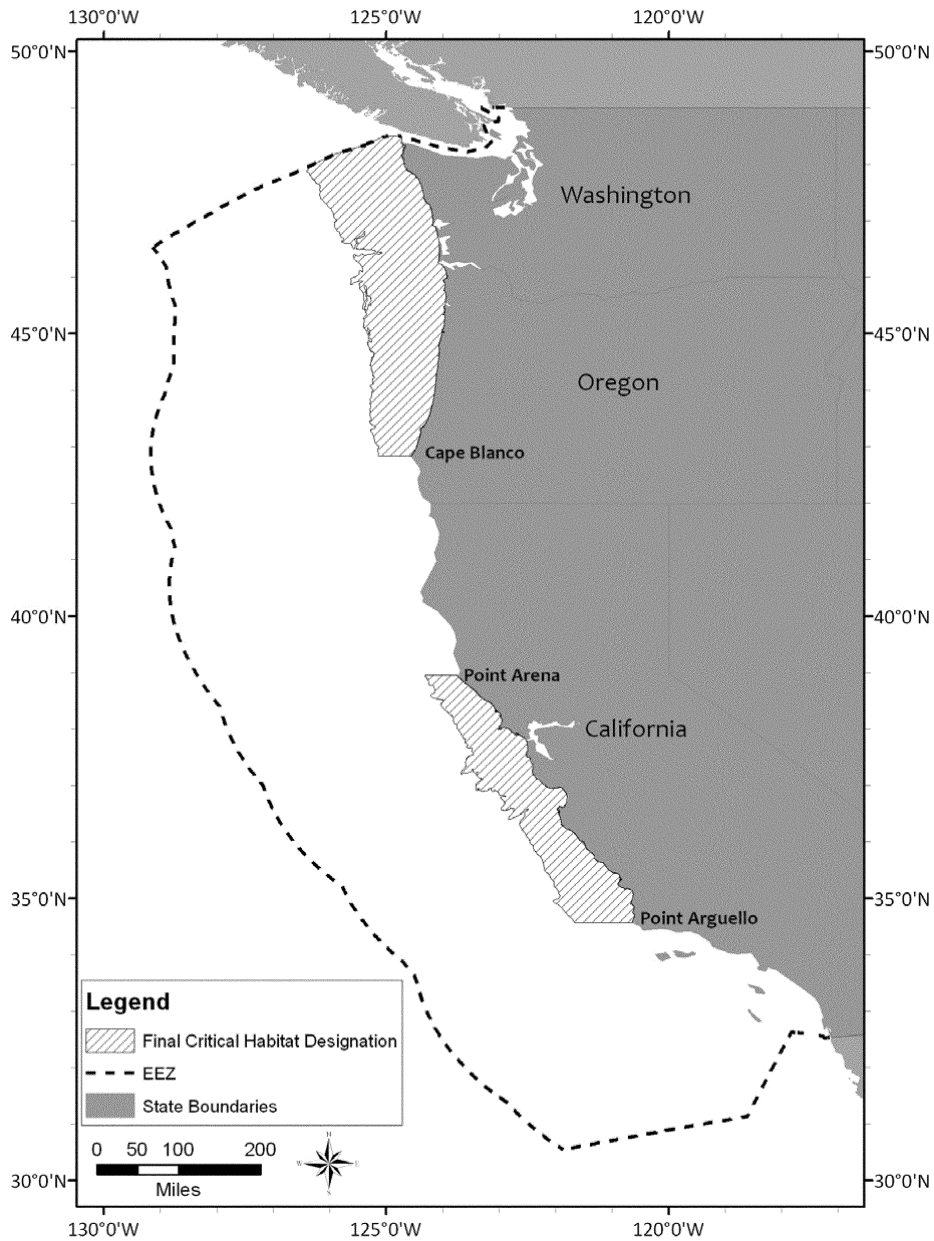
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sufficient condition, distribution, diversity, abundance and density necessary to support individual as well as

population growth, reproduction, and development of leatherbacks.

(5) A map of critical habitat for leatherback sea turtles follows.



[77 FR 4200, Jan. 26, 2012]

§ 226.208 Critical habitat for green turtle.

(a) Culebra Island, Puerto Rico—Waters surrounding the island of Culebra from the mean high water line seaward to 3 nautical miles (5.6 km). These waters include Culebra's outlying Keys including Cayo Norte, Cayo Ballena, Cayos Geniquí, Isla Culebrita, Arrecife Culebrita, Cayo de Luis Peña, Las Hermanas, El Mono, Cayo Lobo, Cayo Lobito, Cayo Botijuela, Alcarraza, Los Gemelos, and Piedra Steven.

(b) [Reserved]

[63 FR 46701, Sept. 2, 1998. Redesignated and amended at 64 FR 14067, Mar. 23, 1999]

§ 226.209 Critical habitat for hawksbill turtle.

(a) Mona and Monito Islands, Puerto Rico—Waters surrounding the islands of Mona and Monito, from the mean high water line seaward to 3 nautical miles (5.6 km).

(b) [Reserved]

[63 FR 46701, Sept. 2, 1998. Redesignated and amended at 64 FR 14067, Mar. 23, 1999]

§ 226.210 Central California Coast Coho Salmon (*Oncorhynchus kisutch*), Southern Oregon/Northern California Coasts Coho Salmon (*Oncorhynchus kisutch*).

Critical habitat is designated to include all river reaches accessible to listed coho within the range of the ESUs listed, except for reaches on Indian lands defined in Tables 5 and 6 to this part. Critical habitat consists of the water, substrate, and adjacent riparian zone of estuarine and riverine reaches in hydrologic units and counties identified in Tables 5 and 6 to this part for all of the coho ESUs listed in this section. Accessible reaches are those within the historical range of the ESUs that can still be occupied by any life stage of coho salmon. Inaccessible reaches are those above longstanding, naturally impassable barriers (i.e., natural waterfalls in existence for at least several hundred years) and specific dams within the historical range of each ESU identified in Tables 5 and 6 to this part. Hydrologic units are those defined by the Department of the Interior (DOI), U.S. Geological Survey

(USGS) publication, "Hydrologic Unit Maps," Water Supply Paper 2294, 1987, and the following DOI, USGS, 1:500,000 scale hydrologic unit maps: State of Oregon, 1974 and State of California, 1978 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, Protected Resources Division, 525 NE Oregon Street—Suite 500, Portland, OR 97232-2737, or NMFS, 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.

(a) *Central California Coast Coho Salmon (*Oncorhynchus kisutch*)*. Critical habitat is designated to include all river reaches accessible to listed coho salmon from Punta Gorda in northern California south to the San Lorenzo River in central California, including Arroyo Corte Madera Del Presidio and Corte Madera Creek, tributaries to San Francisco Bay. Critical habitat consists of the water, substrate, and adjacent riparian zone of estuarine and riverine reaches (including off-channel habitats) in hydrologic units and counties identified in Table 5 of this part. Accessible reaches are those within the historical range of the ESU that can still be occupied by any life stage of coho salmon. Inaccessible reaches are those above specific dams identified in Table 5 of this part or above longstanding, naturally impassable barriers (i.e., natural waterfalls in existence for at least several hundred years).

(b) *Southern Oregon/Northern California Coasts Coho Salmon (*Oncorhynchus kisutch*)*. Critical habitat is designated to include all river reaches accessible to listed coho salmon between Cape Blanco, Oregon, and Punta Gorda, California. Critical habitat consists of the water, substrate, and adjacent riparian zone of estuarine