DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service

[ 50 CFR Part 17 ]

ENDANGERED AND THREATENED
WILDLIFE AND PLANTS

Proposed Determination of Critical Habitat
for the American Peregrine Falcon

The Director, United States Fish and Wildlife Service (hereinafter, the Director and the Service, respectively) hereby issues a Proposed Rulemaking which would determine a portion of the Critical Habitat of the American Peregrine Falcon (Falco peregrinus australis). This Proposal is issued pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 884; hereinafter the Act).

BACKGROUND

The American Peregrine Falcon is among the rarest and most critically endangered birds in the United States, and has been officially listed as Endangered since 1970. Much of the hope for the survival and recovery of this species depends upon the maintenance of suitable, undisturbed nesting sites. The Service recognizes that areas containing such sites may qualify for recognition as Critical Habitat as referred to in section 7 of the Act. A notice of intent to determine Critical Habitat for the American Peregrine Falcon was published by the Service in the Federal Register of May 16, 1975 (40 FR 21499-21500). Subsequently, in late 1975, the Director was notified by the Region 1 Director of the Service in Portland, and by the Director of the California Department of Fish and Game, that certain areas of northern California, used for nesting by the Peregrine, should be designated as Critical Habitat for the species. After evaluating this recommendation and supporting data, the Director determined to proceed with the Proposed Rulemaking.

The areas delineated below have been utilized extensively by Peregrine Falcons within the last few years, and all contain many excellent nesting sites for the species. These areas also have or are adjacent to high concentrations of passerine birds, taken as prey by the Falcons. The named zones referred to below
were so designated for convenience by
federal personnel. It is emphasized that
these areas represent only small seg-
ments of what may be the overall Criti-
cal Habitat of the American Peregine
Falcon in the United States, and that
additional areas may be proposed for
designation in the near future.

Effects of the Rulemaking
The effects of this determination are
involved primarily with Section 7 of the
Act, which states:
The Secretary shall review other pro-
grams administered by him and utilize
such programs in furtherance of the pur-
pose of the Act. All other Federal de-
partments and agencies shall, in consul-
tation with and with the assistance of the
Secretary's staff, exercise their au-
thorities in furtherance of the purposes
of this Act by carrying out programs for
the conservation of endangered species
and threatened species listed pursuant to
Section 4 of this Act and by taking such
actions necessary to ensure that actions authorized,
undertaken, or carried out by any other person or
organization do not jeopardize the continued existence of such
endangered species and threatened species or
result in their destruction or modification of habitats.

An interpretation of the term "Critical
Habitat" was published by the Fish
and Wildlife Service and the National
Marine Fisheries Service in the Federal
Register of April 22, 1976 (41 Fed.
Reg. 17765). Some of the major points of
that interpretation are:
"Critical Habitat" is an area of land
which could be the entire habitat of a species, or any portion thereof, if any
constituent element is necessary to the
survival or survival of that species;
acting as a Federal agency affecting
Critical Habitats of a species would not
conform with Section 7 if such actions
might be expected to result in a reduction
in the numbers or distribution of that
species; and (3) Critical Habitat for a
species which would not be expected to
degrade the continued existence of such
endangered species and threatened spe-
cies result in their destruction or modifi-
cation of habitats.

In describing the Critical Habitat of
the American Peregine Falcon, the Direc-
tor, therefore, determined that, to fulfill
the purposes of the Act, certain actions
by a Federal agency affecting Critical
Habitat might be expected to result in a reduction in the numbers or dis-
tribution of the species. These actions
would include actions by Federal agencies affecting Critical Habitats of a
species which would not be expected to
degrade the continued existence of such
endangered species and threatened spe-
cies result in their destruction or modifi-
cation of habitats.

PUBLIC COMMENTS SOLICITED
The Director intends that the rules
finally adopted be as accurate as possible
in delineating the Critical Habitat of the
American Peregine Falcon. The Direc-
tor, therefore, desires to obtain the com-
ments and suggestions of the public, and
other concerned governmental agencies,
the scientific community, or any other
interested party on these Proposed Rules.

Final promulgation of Critical Habitat
regulations will take into consideration
the comments received by the Director.
Such comments and any additional in-
formation received may lead the Director
to amend final regulations that differ from
this Proposed Rulemaking.

SUBMITTAL OF WRITTEN COMMENTS
Interested persons may participate in
this Rulemaking by submitting written
comments, preferably in triplicate, to the
Director, Fish and Wildlife Service, P.O.
Box 1913, Washington, D.C. 20013.
All relevant comments re-
ceived no later than October 29, 1976 will
be considered. This Rulemaking will serve
as a final opportunity for public sub-
mission during normal business hours at
the Service's Office in Suite 600, 1612
K Street, N.W., Washington, D.C.

Dated: August 20, 1976.

LYNN A. GIFFORD,
Director, Fish and Wildlife Service.

Accordingly, it is hereby proposed to
amend 50 C.F.R. Part 17 as follows:

Subpart F—Critical Habitat

§ 17.66 American peregrine falcon.

2. By adding a new § 17.68 reading
as follows:

§ 17.68 American peregrine falcon.

The following areas are critical habi-

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