PROPOSED RULES

authorized use pursuant to the provisions of any other Act.

c) The licensee shall comply with all applicable State and local regulations and standards as prescribed by the authorized officers and, where appropriate, surface managing agency, including the regulations in Parts 23, 3041, 3500, 3600 of this chapter and 30 CFR Parts 211 and 231.

d) Any person who willfully conducts coal exploration for commercial purposes on lands subject to this subpart without an exploration license shall be subject to the provisions of § 9239.5-3(f) of this chapter.

2. Paragraph (b) (3) of 43 CFR 9239.0-3 be amended to read as follows:

§ 9239.0-3 Authority.


3. 43 CFR 9239.5-3 be amended by adding a new paragraph (f) to read as follows:

§ 9239.5-3 Coal.

(f) Penalties for unauthorized exploration for cool. (1) Any person who willfully conducts coal exploration for commercial purposes without an exploration license issued under Subpart 3507 of this chapter shall be subject to a fine of not more than $1,000 for each day of violation.

(2) All data collected by said person on any Federal lands as a result of such violations shall immediately be made available to the Secretary, who shall make the data available to the public as soon as possible.

(3) No penalty under this section may be assessed unless such person is given notice and opportunity for a hearing with respect to such violation pursuant to Part 4 of this chapter.

Dated: November 2, 1976.

W. W. Lyons,
Deputy Under Secretary.

[F.R. Doc. 76-32600 Filed 11-4-76; 8:45 a.m.]

Fish and Wildlife Service
(50 CFR Part 17)

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Determination of Critical Habitat for the Grizzly Bear

The Director, United States Fish and Wildlife Service (hereinafter, the Director and the Service, respectively) hereby issues a final rulemaking which would determine Critical Habitat for the Grizzly Bear (Ursus arctos horribilis) in the conterminous States of the United States. 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

In the Federal Register of July 28, 1975, (40 FR 31734-31736) the Director issued a final rulemaking determining the Grizzly Bear in the 48 conterminous States of the United States to be a Threatened species, pursuant to the Act. This rulemaking stated that one of the major threats to the Grizzly Bear's status of this bear was the following factor given in Section 4(a) of the Act: "the present or threatened destruction, modification, or curtailment of its habitat or range." Shortly after the Grizzly Bear in the 48 conterminous States was listed as Threatened, the Service began to assemble data that could be utilized as the basis for a Final Determination of Critical Habitat. On April 21-22, 1976, a major meeting on this subject was held in Missoula, Montana. Approximately 50 persons attended this meeting, including representatives of the Fish and Wildlife Service, National Park Service, Bureau of Land Management, Forest Service, private conservation organizations, universities, and the Idaho, Montana, and Washington Fish and Game Departments.

On the basis of the information presented at the meeting, and obtained from other sources, the Service is proposing that the areas delineated below be determined as Critical Habitat. These areas are described below State by State, but they actually merge to form four zones which are: (1) the region where Wyoming, Montana, and Idaho come together, in Yellowstone National Park and adjacent areas, including parts of Cluster, Shoshone, Teton, Beaverhead, and Gallatin National forests; (2) southwestern Montana in Glacier National Park, the Bob Marshall Wilderness Area, most of the Flathead National Forest, and adjacent areas, including parts of Lewis and Clark, Helena, and Lolo National forests, and small parts of the Blackfeet and Flathead Indian reservations; (3) extreme northwest Montana and northern Idaho, in the Cabinet Mountains, mostly in the Kootenai, Kaniksu, and Lolo National Forests; and (4) extreme northern Idaho and northeastern Washington mostly in the Kaniksu National Forest.

These areas coincide approximately with the present regular distribution of the Grizzly Bear in the 48 conterminous States, and are the only remnants of the original range of the species which once covered a region approximately 50 times as great, from Canada to Mexico, and from the Great Plains to the Pacific. These areas contain the only significant Grizzly population south of Canada, and, insofar as is known, provide all biological, physical, and behavioral requirements of the species. Among the important characteristics of these areas are their relative inaccessibility and lack of the kinds of human developments and activities that tend to result in conflicts between bears and man. This degree of isolation and freedom from excessive human presence seems critical to the survival of the Grizzly. It is true that there are many natural or man-made sites scattered over these areas that are seldom or never utilized by the Grizzly Bear. It would not be possible, however, to attempt to identify all of these sites and exclude them from the overall designation.

It is emphasized that the areas delineated below may not necessarily include all of the potential Critical Habitat of the Grizzly Bear in the 48 conterminous States, and modifications may be proposed in the near future. At the present, the Service and other governmental agencies are studying particular areas which have the potential of being determined as Critical Habitat for the Grizzly. These areas include:

(1) A block of the Kootenai National Forest at the extreme northwestern corner of Montana;

(2) Several relatively small segments of land adjoining or near the presently proposed Critical Habitat in northwestern Montana, including portions of the Blackfeet and Flathead Indian reservations and portions of the Helena and Lolo National forests;

(3) A section of land along the Continental Divide in west-central Montana, at the junction of the Deerlodge, Bitterroot, and Shoshone National forests;

(4) Several relatively small segments of land adjacent to the presently proposed Critical Habitat in the Yellowstone region, including portions of the Gallatin, Clarks, and Shoshone National forests;

(5) A section of land in the Bridger and Shoshone National forests to the west of the Wind River Indian Reservation;

(6) Parts of the Selway-Bitterroot area in east-central Idaho and western Montana.

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 programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the advice of the Secretary, utilize their authorities 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 action necessary to ensure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of the habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.
Critical Habitat 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 to such a degree that the species would not be expected to recover, or place the species in further jeopardy, or might be expected to result in a reduction of that species. Such actions are: (1) any action authorized, funded, or carried out by any Federal agency, or any combination thereof; (2) the effects of actions on Critical Habitat. Therefore, the Service hereby announces that public hearings will be held on this proposed rulemaking at the dates and locations set forth below.

**Dates, locations, and contact person for public hearings**

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Location</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nov. 8, 1976</td>
<td>1 p.m.</td>
<td>John Davis, Region 6, U.S. Fish and Wildlife Service, P.O. Box 26496, Denver Federal Center, Denver, Colo. 80226; Phone (303) 224-9500.</td>
<td></td>
</tr>
<tr>
<td>Nov. 10, 1976</td>
<td>1 p.m.</td>
<td>Philip A. Landersdorfer, Region I, U.S. Fish and Wildlife Service, P.O. Box 3737, Portland, Ore. 97208; Phone (503) 235-2830.</td>
<td></td>
</tr>
</tbody>
</table>

**Submittal of Written Comments**

In addition to oral or written comments presented at the public hearing, written comments may be submitted to the Director; these comments will be available for public inspection during normal business hours. The Service will attempt to acknowledge receipt of comments. Comments received will be available for public inspection during normal business hours. The Service will attempt to acknowledge receipt of comments, but substantive responses to individual comments may not be provided. Comments received will be available for public inspection during normal business hours. The Service will attempt to acknowledge receipt of comments, but substantive responses to individual comments may not be provided.

**Federal Register, Vol. 41, No. 215—Friday, November 5, 1976**

**PROPOSED RULES**

Views and opinions of any person, presented either orally or in writing, are hereby solicited on this proposal. If there are objections to any of these public hearings, the appropriate person listed below under “contact” should be consulted.

<table>
<thead>
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The Service is interested in obtaining as wide and comprehensive public participation as possible in delineating the Critical Habitat for the Grizzly Bear. Therefore, the Service hereby announces that public hearings will be held on this proposed rulemaking at the dates and locations set forth below.

**NOTICE OF PUBLIC HEARING**

The Service is interested in obtaining as wide and comprehensive public participation as possible in delineating the Critical Habitat for the Grizzly Bear. Therefore, the Service hereby announces that public hearings will be held on this proposed rulemaking at the dates and locations set forth below.
PROPOSED RULES

of the Gallatin National Forest; thence northerly along said boundary to the western
boundary of the Beaverhead National Forest; thence northerly along the western
boundary of the Beaverhead National Forest to the north line of T7S; thence easterly along the
north line of T7S to U.S. Highway 191; thence easterly along said U.S. Highway 191 to Swan
Creek; thence easterly along Swan Creek to the headwaters of Swan Creek; thence
southeasterly in a straight line to the southeast corner of T3S R6E; thence easterly in a
straight line to Arrow Peak; thence northwesterly in a straight line to the northwest
corner of T46N R113W; thence northerly along the west line of T46N to the Idaho-Wyoming
border; thence westerly and southerly along said border to the point of beginning.

Wyoming. An area of land, water, and airspace with the following boundary (6th Principal
Meridian): Beginning at the northwest corner of Wyoming; thence easterly along the
Wyoming-Montana border to the eastern boundary of the Bighorn National Forest; thence
southerly along said boundary to the point where said boundary intersects the 13th Guide
Meridian in Sec. 36, T60N R105W; thence southerly along the 13th Guide Meridian to the 11th Standard Par-
nallel North; thence westerly along said parallel to the west line of R106W; thence southerly along the west line of
R106W to the south line of T44N; thence westerly along the south line of T44N to the west line of
T40N; thence southerly along the west line of R109W to the north line of T41N; thence
easterly along the north line of T41N to the east line of R105W; thence southerly along the east line of R105W to the south line of
T41N; thence westerly along the south line of T41N to the east line of R111W; thence southerly along the east line of R111W to the south line of T40N; thence westerly along the south line of T40N to the west line of
R113W; thence northerly along the west line of R113W to the southwest corner of T40N
R113W; thence northwesterly in a straight line to the southwestern corner of T40N R114W;

Idaho. (i) An area of land, water and airspace with the following boundary (Boise Merid-
ian): Beginning at the point where the western boundary of the Kootenai National For-
est intersects the Great Northern Railroad line in T61N R3E; thence easterly along said railroad line to the Idaho-Montana border; thence southerly along said boundary to the western boundary of the Kootenai National Forest; thence northerly along said boundary to the point of beginning.

(ii) An area of land, water and airspace with the following boundary (Boise Merid-
ian): Beginning at the point where the Idaho-Washington border intersects the U.S.
Canada border; thence easterly along the U.S.-Canada border to the eastern boundary of
the Kaniksu National Forest in T65N R2W; thence southerly along said boundary to the south line of T63N; thence westerly along the south line of T63N to the Idaho-
Washington border; thence northerly along said border to the point of beginning.

(iii) An area of land, water, and airspace with the following boundary (Boise Merid-
ian): Beginning at the point where the Idaho-Washington border intersects the U.S.
Canada border; thence easterly along the Great Northern Railroad line to the
point where the 13th Guide Meridian intersects the 11th Standard Parallel North; thence
easterly along said railroad line to the Kootenai National Forest; thence southerly along the 13th Guide
Meridian to the 11th Standard Parallel North; thence westerly along said parallel to
the west line of R105W; thence southerly along the west line of R105W to the south line of T44N; thence westerly along the south line of T44N to the west line of
R109W; thence southerly along the west line of R109W to the north line of T41N; thence
easterly along the north line of T41N to the east line of R105W; thence southerly along the east line of R105W to the south line of
T41N; thence westerly along the south line of T41N to the east line of R111W; thence southerly along the east line of R111W to the south line of T40N; thence westerly along the south line of T40N to the west line of
R113W; thence northerly along the west line of R113W to the southwest corner of T40N
R113W; thence northwesterly in a straight line to the southwestern corner of T40N R114W;

Washington. An area of land, water, and airspace with the following boundary (Wil-
lamette Meridian): Beginning at the point where the Idaho-Washington border intersects the U.S.
Canada border; thence easterly along the Washington-Idaho border to the point of
crossing the Idaho-Montana border; thence easterly along said border to the Idaho-
Wyoming border; thence northerly along the Idaho-Wyoming border to Bitch Creek; thence westerly along said creek to the boundary of the Targhee National Forest; thence northwesterly along the west line of R114W to U.S. Highway 89; thence northerly along U.S. Highway 89 to the south line of T46N; thence westerly along the south line of T46N to the Wyoming-Idaho border; thence northerly along said border to the point of beginning.

[FR Doc.76-32607 Filed 11-4-76; 8:45 am]