
50 CFR Part 17**Endangered and Threatened Wildlife and Plants; Proposed Endangered Status and Critical Habitat for the Key Largo Woodrat and Key Largo Cotton Mouse**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to list two small mammals, the Key Largo woodrat and the Key Largo cotton mouse, as endangered and to determine their critical habitat. Both species are endemic to Key Largo, Monroe County, Florida. Destruction of tropical hardwood hammock forest, to which these rodents are restricted, is a threat to their continued existence. Forest vegetation is being reduced by residential and commercial development on north Key Largo. Almost all of the Key Largo woodrat and cotton mouse populations are on private land where further habitat destruction is imminent. Both species have already been listed as endangered through an emergency rule, but that rule will expire on May 18, 1984, and permanent protection by the Endangered Species Act is now required. The Service seeks data and comments from the public on this proposal.

DATES: Comments from the public and the State of Florida must be received by April 9, 1984. Public hearing requests must be received by March 26, 1984.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Endangered Species Field

Supervisor, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207. Comments and materials received will be available during normal business hours, by appointment, at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. David Wesley, Endangered Species Field Supervisor, at the above address (907/791-2580 or FTS 946-2580).

SUPPLEMENTARY INFORMATION:

Background

The Key Largo woodrat (*Neotoma floridana smalli*) was described by Sherman (1955). It is the southernmost subspecies of woodrat in the U.S., and is separated by a 150-mile gap from other Florida woodrat (*N. f. floridana*) populations. The Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*) was described by Schwartz (1952). Both the woodrat and cotton mouse are endemic to Key Largo, Monroe County, Florida. Both species were introduced to Lignum Vitae Key, Monroe County, Florida in 1970. The woodrat has apparently flourished on Lignum Vitae Key, a State preserve, and may have reached the carrying capacity of the available habitat on this 90-hectare (220-acre) key. The status of the cotton mouse on Lignum Vitae Key is unknown. The Florida Department of Parks and Recreation had considered relocating the woodrat and cotton mouse from Lignum Vitae Key, because neither species is native there. No such translocation efforts are presently planned, however.

On May 19, 1980, Dr. Stephen R. Humphrey of the Florida State Museum, Gainesville, Florida, petitioned the Service to add the Key Largo woodrat and cotton mouse to the U.S. List of Endangered and Threatened Wildlife, pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). The petition included a status report prepared under contract to the Florida Game and Fresh Water Fish Commission. Portions of the report were recently published (Barbour and Humphrey, 1982). In the *Federal Register* of July 28, 1980 (45 FR 49961-49962), the Service published a notice of petition acceptance and status review, and announced its intention to propose listing the two Key Largo rodents. In the *Federal Register* of September 21, 1983 (48 FR 43040-43043), the Service issued an emergency rule listing both species as Endangered (for details, see below under "Available Conservation Measures."

The upland areas which the woodrat and cotton mouse inhabit on north Key Largo reach an elevation of about 4

meters (13 feet). The uplands support a rich biota, including many rare plant species. The climax vegetation type is a hardwood hammock forest with close floristic affinities to the West Indies. The hammocks are restricted to upland areas because they do not tolerate the intrusion of salt water in the tidal lowland areas.

Species associated with the north Key Largo hammocks include the Schaus swallowtail butterfly (*Papilio aristodemus ponceanus*), federally threatened; and several Florida State-listed plant species: tamarindillo (*Acacia choriophylla*), powdery catopsis (*Catopsis berteroniana*), prickly apple (*Cereus gracilis* var. *simpsonii*, a cactus that the Service presently has under review (45 FR 82496) for possible listing as endangered or threatened), silver palm (*Coccothrinax argentata*), lignum-vitae (*Guaiacum sanctum*), inkwood (*Hypelate trifoliata*), mahogany mistletoe (*Phoradendron rubrum*), and brittle thatch palm (*Thrinax microcarpa*).

Tropical hardwood hammocks develop a closed canopy when they are mature, providing a more moderate, humid environment than the surrounding habitats. The Key Largo woodrat and cotton mouse are restricted to these hammocks. Tropical hardwood hammocks were originally found from Key West northward into the southern peninsula of Florida. Many of the hardwood hammocks on the peninsula, however, have been destroyed due to human activities. This habitat is one of the most limited and threatened ecosystems in Florida. The hammocks on north Key Largo represent some of the largest remaining tracts of this vegetation type.

Hersh (1981) studied the ecology of the woodrat on north Key Largo. Woodrat densities on the 5.25-hectare (13-acre) study area varied between 2 and 2.5 woodrats per hectare (0.8-1.0 woodrats per acre). Mean home range was 0.2368 hectares (0.6 acres). Each woodrat used several stick nests (about 5.6 nests per woodrat). Woodrats fed on leaves, buds, seeds, and flowers of a variety of plants.

Barbour and Humphrey (1982) found that the woodrat and cotton mouse were most abundant in mature hammocks and were rare or absent in young or recovering hammocks. Cotton mouse density was estimated to be 21.8 mice per hectare (8.8 per acre) in mature forest, but only 1.2 per hectare (0.5 per acre) in successional forest. About 466 hectares (1,150 acres) on north Key Largo were occupied by woodrats. The average density of nests was 7.7 per hectare (3.1 per acre). The total woodrat

population was estimated to be 654 individuals.

Both studies recommended protection of hammock forest habitat if the Key Largo woodrat and cotton mouse were to survive on north Key Largo.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 amendments to the Act) set forth the procedures for adding species to the Federal lists. The Secretary of the Interior shall determine whether any species is an endangered or a threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act. These factors and their application to the Key Largo woodrat and cotton mouse are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The native range of the Key Largo woodrat and cotton mouse is Key Largo, Monroe County, Florida. Both species are dependent on tropical hardwood hammock forest. The rodents are presently found only on 1,150 acres of the northern portion of Key Largo, where most of the remaining hardwood hammocks occur. Increased protection for mangroves and wetlands in Florida has moved development pressure to the much more limited upland areas where tropical hammocks occur. The remaining hammocks of north Key Largo are the proposed sites for a large number of residential developments. Intensive development in the Keys generally results in destruction of the hammock ecosystem, even though individual large trees may be preserved. The Florida Keys Aqueduct Authority is presently completing a new pipeline to the Keys. A spur of the pipeline now extends into north Key Largo, and increased availability of water is expected to accelerate the rate of residential, commercial, and recreational development. The Florida Keys Electric Cooperative has requested a loan from the Rural Electrification Administration for construction of a substation to provide increased electrical delivery on northern Key Largo. Up to 6,000 new residential units could be served by this system. Therefore, accelerated development would likely result and a substantial part of the habitat of the Key Largo woodrat and cotton mouse would probably be lost.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Not applicable.

C. *Disease or predation.* Not applicable.

D. *The inadequacy of existing regulatory mechanisms.* Monroe County Ordinance 18-1975 for Site Clearing and Tree Protection recognizes the uniqueness and fragility of the tropical hardwood hammocks in the Keys and regulates clearing of the hammocks. Numerous violations of the Ordinance have occurred, however, and penalties have been small enough that they are not necessarily a deterrent to potential violators. More importantly, the ordinance does not specifically protect the integrity of hammocks, but instead emphasizes the protection of individual large trees. The Key Largo woodrat and cotton mouse are considered endangered by the State of Florida (Chapter 39-27.03 of the Florida Administrative Code), but this legislation does not protect the habitat of these species.

E. *Other natural or manmade factors affecting its continued existence.* The Key Largo woodrat may be at the carrying capacity of the available habitat on Lignum Vitae Key. This status of the cotton mouse on this key is presently unknown. Should these species be removed from Lignum Vitae Key, where they are not native, it would be difficult to locate sufficient suitable habitat to introduce them into.

Critical Habitat

Section 4(a)(3) of the Endangered Species Act, as amended, requires the Secretary, to designate the "critical habitat" of a species, concurrent with listing, "to the maximum extent prudent and determinable." The Act defines critical habitat as: (i) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of the Act, on which are found those physical or biological features: (I) Essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of the Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The proposed critical habitat of the Key Largo woodrat and cotton mouse consists of approximately 810 hectares (2,000 acres) of uplands on north Key Largo which support tropical hardwood hammock, disturbed hammock, and

transition (between hammock and mangrove) vegetation. Within this overall zone, currently suitable habitat is fragmented, not continuous. Neither is the area currently occupied by the species continuous. The proposed critical habitat includes about 344 hectares (850 acres) not now occupied by the woodrat or cotton mouse, but which are essential to the conservation of the species. Section 3(3) of the Act defines "conservation" as the use of all methods and procedures necessary to bring a protected species to the point where the Act's protections are no longer necessary. The areas within the proposed critical habitat not currently occupied include many disturbed tracts that formerly provided habitat for the two mammals, and that will again become suitable as the hammock vegetation recovers and matures. If these tracts are not protected, the range of the mammals would become excessively and permanently fragmented. If the population in any one segment of the current range were to be eliminated by fire, storm, disease, predation, or some other factor, that population could not be replaced by natural movement of animals from another segment. Such fragmentation and loss of potential habitat would ensure that woodrat and cotton mouse numbers remained small and highly vulnerable, and that recovery would not be possible. The unoccupied portion of the proposed critical habitat also includes tracts of transition vegetation adjacent to the hammock. These tracts protect the shallow-rooted hammock trees from blowdowns, and so are necessary to the integrity of the hammocks. Thus, the proposed critical habitat outside the current range of the species is not only essential to the recovery of the species, but is crucial to the protection of the species in their current range.

In considering designation of critical habitat, the Service is required by 50 CFR 424.12(b) to focus on the biological or physical constituent elements within the defined area that are essential to the conservation of the species involved. With respect to the Key Largo woodrat and cotton mouse, the areas designated as critical habitat satisfy all known criteria for the ecological, behavioral, and physiological requirements of the animals. These elevated forest areas, on an island covered otherwise mainly by mangrove wetlands, have sufficient drainage and vegetation to provide protective cover, a variety of tropical plants for food, and suitable sites for the terrestrial nests of the cotton mouse and the elaborate stick houses of the woodrat.

Section 4(b)(8) of the Act requires, to the maximum extent practicable, that any determination of critical habitat be accompanied by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be affected by such designation. Activities most likely to adversely modify the critical habitat of the Key Largo woodrat and cotton mouse are the continued clearing of hardwood hammocks for residential, commercial, and recreational development. Minor adverse private activities include poaching of tropical hardwoods, dumping of trash and exotic plant debris, and setting fires.

Subsection 4(b)(2) of the Act requires the Service to consider economic and other impacts of specifying a particular area as critical habitat. Therefore, an impact analysis will be prepared prior to the time of a final permanent rule and will be used as the basis for a decision on whether or not to exclude any area from critical habitat for the Key Largo woodrat and cotton mouse. The Service is notifying Federal agencies that may have jurisdiction over the land and water under consideration. These agencies and other interested parties are requested to submit information on economic or other impacts of the proposed measure.

There are a number of Federal activities that may relate to the proposed critical habitat of the Key Largo woodrat and cotton mouse. These are described below under "Available Conservation Measures." It should be emphasized, however, that critical habitat designation does not necessarily prevent Federal activities. If appropriate, the impacts will be addressed during consultation with the Service as required by Section 7 of the Endangered Species Act, as amended. Modification, and not curtailment, of the affected Federal activity has traditionally been the result of Section 7 consultations.

Available Conservation Measures

Endangered Species regulations already published in Title 50, Section 17.21 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all endangered wildlife species. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale any Key Largo woodrat or cotton mouse in interstate or foreign commerce. It also

would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the U.S. Fish and Wildlife Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing such permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and for incidental takings in limited circumstances. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

This proposed rule requires Federal agencies to satisfy their statutory obligations with respect to the Key Largo woodrat and cotton mouse. Agencies will now be required, in accordance with Section 7(a)(4), to informally confer with the Service on any action that is likely to jeopardize these species or result in the destruction or adverse modification of their proposed critical habitat. Moreover, if the Key Largo woodrat and cotton mouse are ultimately added to the List of Endangered and Threatened Wildlife, Section 7(a)(2) would require Federal agencies to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of these species or result in the destruction or adverse modification of their critical habitat that has been determined by the Secretary (this requirement is currently in effect under the emergency rule of September 21, 1983).

A possible Federal involvement in the upland areas of north Key Largo would be the flood insurance provided by the Federal Emergency Management Agency (FEMA). Monroe County regulations qualify the area under the National Flood Insurance Program administered by this agency. Insurance is provided only for completed structures. Should this program be restricted on north Key Largo, increased risk or increased insurance costs could result. Development would be less attractive in the area.

Due to the high-cost, luxury type of development planned for north Key Largo, future loans by such Federal agencies as the Federal Housing Administration, Veterans Administration, and Small Business Administration are not considered likely. If loans were sought from these

agencies, however, their availability might be affected by the need to consider the welfare of the Key Largo woodrat and cotton mouse. Some increases in costs, e.g., higher interest rates, could result. Development would continue on north Key Largo, however, without the assistance of these particular federal agencies.

The U.S. Fish and Wildlife Service is presently acquiring lands on north Key Largo for the Crocodile Lake National Wildlife Refuge. The projected size of the refuge is about 7,000 acres. At present, 203 acres have been acquired with an additional 450 acres planned for acquisition in 1983. The projected refuge boundaries include about 800 acres of the proposed critical habitat of the Key Largo woodrat and cotton mouse. Service management would preserve the hardwood hammock vegetation on these uplands. Few if any increased costs to the refuge would result from this listing action.

A previous Service consultation pursuant to Section 7 of the Endangered Species Act occurred in relation to the Farmers Home Administration (FmHA) funding of the Florida Keys Aqueduct Authority's (FKAA) new aqueduct in the Florida Keys. The Service's concern was that the new pipeline would encourage development, thereby adversely affecting listed species. FmHA entered into consultation with the Fish and Wildlife Service on February 4, 1980. The consultation involved one Endangered species, the American crocodile (*Crocodylus actus*), and one Threatened species, the Schaus swallowtail butterfly (*Papilio aristodemus ponceanus*) on north Key Largo. A biological opinion, issued by the Service on May 29, 1980, indicated that these species would be jeopardized by the project. FmHA accepted, as a condition of its loan, a requirement to restrict water delivery on north Key Largo, thus avoiding a violation of subsection 7(a)(2) of the Endangered Species Act. The areas excluded from water delivery were within the boundaries of the Crocodile Lake National Wildlife Refuge as well as uplands of several sections of land east of the refuge. About 45 percent of the total Key Largo woodrat and cotton mouse population on north Key Largo occurs in hammocks denied water in conformity with existing biological opinion. Much of the most densely occupied habitat, however, lies outside these areas. Since the FmHA is not involved with the construction or operation of the pipeline, no future Federal involvement with this project is anticipated.

In addition, on June 27, 1983, the Rural Electrification Administration (REA) submitted to the U.S. Fish and Wildlife Service a request for immediate initiation of formal consultation on a proposed loan to the Florida Keys Electric Cooperative (FKEC) for construction of a substation to provide increased electrical delivery on northern Key Largo. Such consultation was required by Section 7 of the Endangered Species Act, as amended, because of the presence of the threatened Schaus swallowtail butterfly and the endangered American crocodile, which may be affected by the project. Subsection 7(a)(2) requires consultation to insure that Federal actions are not likely to jeopardize the continued existence of listed species or result in the destruction of adverse modification of their critical habitat.

The proposed electric delivery system, which could serve up to 6,000 new residential units, would probably have even greater adverse effects on the Key Largo woodrat and cotton mouse, which were not listed at the time consultation was initiated. These two species occur exclusively in upland hardwood hammocks, which are prime targets of development. Even though a portion of the habitat of these species lies within the authorized boundaries of the approved Crocodile Lake National Wildlife Refuge, little of the upland habitat has been acquired so far, and future acquisitions are expected to proceed slowly. Moreover, most habitat of these species is outside the refuge boundaries. Increased availability of electric power would likely result in accelerated residential and commercial development both within and outside the authorized refuge boundaries. Consequently, a substantial part of the habitat of the Key Largo woodrat and cotton mouse would probably be lost, and the survival of these species would be jeopardized.

Since the Key Largo woodrat and cotton mouse were not on the U.S. List of Endangered and Threatened Wildlife at the time consultation on the REA loan was initiated, their welfare could not then be given full consideration in the consultation process. Even if a proposed rule had been issued at that time, it could not have been made final in time for such consideration to have been given, because normally: (1) The proposed rule must be published at least 90 days before the effective date of the final listing, and (2) the consultation process relative to Federal actions must be completed within 90 days of initiation. Also, if these two species were only proposed for listing, they would only be subject to subsection

7(a)(4) of the Endangered Species Act, which requires that Federal agencies informally "confer" on actions likely to jeopardize the continued existence of proposed species. Unlike the protection afforded listed species, this subsection does not legally prohibit such actions, one informal conferral has taken place, and does not prohibit agencies from making irreversible or irretrievable commitments of resources with respect to such actions. Thus, proposed species are afforded no substantive protection pursuant to the Act. Therefore, in order to insure that the welfare of the Key Largo woodrat and cotton mouse was considered in regard to the REA loan, an emergency rule determining both species as endangered was issued in the **Federal Register** of September 21, 1983 (48 FR 43040-43043). Consequently, the opinion issued by the Service on the REA loan indicated that the proposed electric delivery system would result in development that would jeopardize the continued survival of the two species. The emergency rule, however, will expire on May 18, 1984, and it is now necessary to propose permanent Endangered status.

National Environmental Policy Act

In accordance with a recommendation from the Council on Environmental Quality (CEQ), the Service has not prepared any NEPA documentation for this proposed rule. The recommendation from CEQ was based, in part, upon a decision in the Sixth Circuit Court of Appeals which held that the preparation of NEPA documentation was not required as a matter of law for listings under the Endangered Species Act. *PLF v. Andrus* 657 F.2d 829 (6th Cir. 1981).

Public Comments Solicited

The Service intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any endangered or threatened species. Therefore, any comments or

suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly sought include:

- (1) Biological, commercial, or other relevant data concerning any threat (or lack thereof) to the Key Largo woodrat and cotton mouse;
- (2) The location of and the reasons why any habitat of these species should or should not be determined to be critical habitat as provided for by Section 4 of the Act;
- (3) Additional information concerning the range and distribution of these species;
- (4) Current or planned activities that may adversely modify the areas being considered for designation as critical habitat; and
- (5) The foreseeable economic and other impacts of the critical habitat designation on Federal activities, private individuals, etc.

Final promulgation of the regulations on the Key Largo woodrat and cotton mouse will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Endangered Species Field Supervisor, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207. Copies of the base map dated March 31, 1983, which sets out the critical habitat proposed by this rule, are also available at this office, in the Service's Regional Office in Atlanta, Georgia, and at the Service's Office of Endangered Species in Washington, D.C.

Author

The primary author of this proposed rule is Dr. Michael M. Bentzien, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207 (904/791-2580).

References

Barbour, D. B., and S. R. Humphrey. 1982. Status and habitat of the Key Largo woodrat and cotton mouse (*Neotoma floridana smalli* and *Peromyscus gossypinus allapaticola*). J. Mamm. 63:144-148.

Hersh, S. L. 1981. Ecology of the Key Largo woodrat (*Neotoma floridana smalli*). J. Mamm. 62:201-206.

Schwartz, A. 1952. Three new mammals from southern Florida. J. Mamm. 33:381-385.

Sherman, H. B. 1955. Description of a new race of woodrats from Key Largo, Florida. J. Mamm. 36:113-120.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulations Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the U.S. Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 97-350, 90 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531, *et seq.*).

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order, to the List of Endangered and Threatened Wildlife under Mammals:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Mouse, Key Largo cotton	<i>Peromyscus gossypinus allapaticola</i>	U.S.A. (Florida)	Entire	E		17.95(a)	N/A
Woodrat, Key Largo	<i>Neotoma floridana smalli</i>	U.S.A. (Florida)	Entire	E		17.95(a)	N/A

3. It is further proposed that § 17.95(a), *Mammals*, be amended by adding the critical habitat of the Key Largo cotton mouse after that of the Florida manatee as follows:

§ 17.95 Critical habitat—fish and wildlife.

(a) * * *

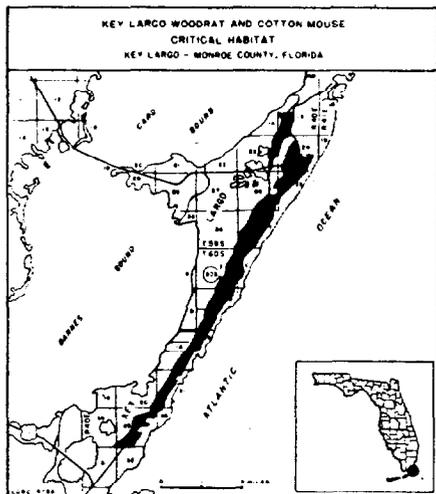
Key Largo Cotton Mouse

(*Peromyscus gossypinus allapaticola*)

Florida. Hammocks (elevated tracts of land naturally supporting hardwood vegetation), distributed hammocks, and zones of transition between hammocks and mangrove (as designated on a base map prepared by the U.S. Fish and Wildlife Service, dated March

31, 1983, the original of which is on file at the Service's Regional Office, Richard B. Russell Federal Building, 75 Spring Street, S.W., Atlanta, Georgia 30303) constituting approximately 810 hectares within the following areas of Key Largo in Monroe County (Tallahassee meridian): Areas in T59S R40E sec. 13 west of Old State Road 905 and south of the east-west road connecting Old State Road 905 with State Road 905 south of the Ocean Reef property; areas, in T59S R40E sec. 13 and 14 west of State Road 905 and south of a line extended westward at a bearing of S89°38'W from the junction of said connecting road and State Road 905; areas in T59S R40E sec. 24 west of Old State Road 905; areas in T59S R40E sec. 24 east of Old State Road 905 and south of the fence line that forms the southern boundary of the Harbor Course section of the Ocean Reef community; areas in T59S R40E sec. 25 and 26 along the east and west sides of both State Road 905 and Old State Road 905; and areas in T59S R40E sec. 23, 34, and 35, and in T60S R40E sec. 2, 3, 9, 10, 15, 16, 20, 21, 28, 29, and 30 along the east and west sides of State Road 905.

Within these areas, the major constituent elements that are known to require special management considerations or protection are uplands and associated tropical hardwood hammock forest trees and shrubs that provide food and cover for the Key Largo cotton mouse.

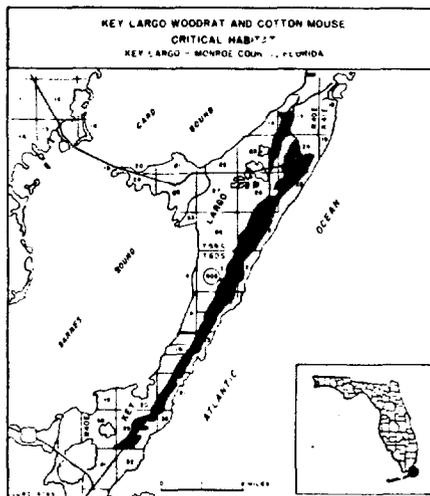


4. It is further proposed that § 17.95(a), Mammals, be amended by adding the Critical Habitat of the Key Largo woodrat after that of the gray wolf as follows:

Key Largo Woodrat
(*Neotoma floridana smalli*)

Florida. Hammocks (elevated tracts of land naturally supporting hardwood vegetation), disturbed hammocks, and zones of transition between hammocks and mangrove (as designated on a base map prepared by the U.S. Fish and Wildlife Service, dated March 31, 1983, the original of which is on file at the Service's Regional Office, Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, Georgia 30303) within the following areas of Key Largo in Monroe County (Tallahassee Meridian): areas in T59S R40E sec. 13 west of Old State Road 905 and south of the east-west road connecting Old State Road 905 with State Road 905 south of the Ocean Reef property; areas in T59S R40E secs. 13 and 14 west of State Road 905 and south of a line extended westward at a bearing of S89°38' W from the junction of said connecting road and State Road 905; areas in T59S R40E sec. 24 west of Old State Road 905; areas in T59S R40E sec. 24 east of Old State Road 905 and south of the fence line that forms the southern boundary of the Harbor Course section of the Ocean Reef community; areas in T59S R40E secs. 25 and 26 along the east and west sides of both State Road 905 and Old State Road 905; and areas in T59S R40E secs. 23, 34, and 35, and in T60S R40E sec. 2, 3, 9, 10, 15, 16, 20, 21, 28, 29, and 30 along the east and west sides of State Road 905.

Within these areas, the major constituent elements that are known to require special management considerations or protection are uplands and associated tropical hardwood hammock forest trees and shrubs that provide food and cover for the Key Largo woodrat.



Dated: January 25, 1984.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

(FR Doc 84-3483 Filed 2-6-84; 8:45 am)

BILLING CODE 4310-55-M