

1998). The Alabama moccasinshell is currently known to survive only in the Holly Creek portion of this Unit (Evans 2001, Johnson and Evans 2000). The Oostanaula/Coosawattee/Conasauga Unit also contains historic habitat for the southern clubshell, ovate clubshell, upland combshell, and southern acornshell.

Unit 26. Lower Coosa River, Elmore County, Alabama

Unit 26 encompasses 13 km (8 mi) of the Lower Coosa River channel, extending from Alabama State Highway 111 bridge, upstream to Jordan Dam, Elmore County, Alabama. This river

reach is within the historic range of fine-lined pocketbook, southern clubshell, Alabama moccasinshell, Coosa moccasinshell, ovate clubshell, southern pigtoe, triangular kidneyshell, upland combshell, and southern acornshell. (Johnson 2002, Pierson 1991a).

Land Ownership

States were granted ownership of lands beneath navigable waters up to the high water mark upon achieving statehood (Pollard v. Hagan, 44 U.S. (3 How.) 212 (1845)). Prior sovereigns or the States may have made grants to private parties which include lands

below mean high waters of some navigable waters included in this proposal. However, we believe that most navigable waters included in this rule are owned by the States of Mississippi, Alabama, Georgia, and Tennessee. Most non-navigable streams and riparian lands bordering navigable streams are in private ownership. Table 2 summarizes primary riparian landowners in each of the proposed critical habitat units by private, State, or Federal ownership. Approximately 82 percent, 1447 km (897 mi), of stream channels proposed as critical habitat are bordered by private lands.

TABLE 2.—ADJACENT RIPARIAN LAND OWNERSHIP (KM/MI) IN PROPOSED CRITICAL HABITAT UNITS FOR THREATENED AND ENDANGERED MUSSELS IN THE MOBILE RIVER BASIN

Critical habitat unit	Private	State	Federal	Total
1. East Fork Tombigbee River	19/12	.....	6/4	26/16
2. Bull Mountain Creek	34/21	.....	.....	34/21
3. Buttahatchee River	110/68	.....	.....	110/68
4. Luxapalila Creek	29/18	.....	.....	29/18
5. Coalfire Creek	32/20	.....	.....	32/20
6. Lubbub Creek	31/19	.....	.....	31/19
7. Sipsey River	74/46	16/10	.....	90/56
8. Trussels Creek	21/13	.....	.....	21/13
9. Sucarnoochee River	90/56	.....	.....	90/56
10. Sipsey Fork	15/9	.....	132/82	147/91
11. North River	47/29	.....	.....	47/29
12. Locust Fork	102/63	.....	.....	102/63
13. Cahaba River	92/57	26/16	6/4	124/77
14. Alabama River	73/45	.....	.....	73/45
15. Bogue Chitto	52/32	.....	.....	52/32
16. Tallapoosa River	161/100	.....	.....	161/100
17. Uphapee complex	56/35	.....	18/11	74/46
18. Coosa River	63/39	.....	15/9	78/48
19. Hatchet Creek	55/34	.....	11/7	66/41
20. Shoal Creek .....	.....	.....	26/16	26/16
21. Kelly Creek	34/21	.....	.....	34/21
22. Cheaha Creek	16/10	.....	11/7	27/17
23. Yellowleaf Creek	39/24	.....	.....	39/24
24. Big Canoe Creek	29/18	.....	.....	29/18
25. Oostanaula Complex	188/117	.....	18/11	206/128
26. Lower Coosa River	13/8	.....	.....	13/8
Total	1,475/914	42/26	243/151	1,760/1,093

Public lands adjacent to proposed critical habitat units consist of approximately 288 km (179 mi) of riparian lands, including Canal Section Wildlife Management Area in Unit 1 (6 km (4 mi)); Sipsey River Natural Area in Unit 7 (16 km (10 mi)); William B. Bankhead National Forest in Unit 10 (134 km (83 mi)); Cahaba River National Wildlife Refuge (6 km (4 mi)) and Cahaba River Wildlife Management Area (28 km (17 mi)) in Unit 13; Tuskegee National Forest in Unit 17 (16 km (10 mi)); Talladega National Forest in Unit 18 (15 km (9 mi)), Unit 19 (11 km (7 mi)), Unit 20 (27 km (17 mi)), and Unit 22 (11 km (7 mi)); and

Chattahoochee National Forest in Unit 25 (18 km (11 mi)).

Effects of Critical Habitat Designation

Relationship to Section 7 of the Act

The regulatory effects of a critical habitat designation under the Act are triggered through the provisions of section 7 of the Act, which applies only to activities conducted, authorized, or funded by a Federal agency (Federal actions). Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Individuals, organizations, States, local governments, and other non-Federal entities are not affected by the designation of critical habitat unless

their actions occur on Federal lands, require Federal authorization, or involve Federal funding.

Section 7(a)(2) of the Act requires Federal agencies, including us, to insure that their actions are not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. This requirement is met through a consultation under section 7 of the Act. Our regulations define "jeopardize the continued existence" as to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a