

conduct activities. Similarly, including these areas in the proposed critical habitat rule would require this facility to conference with us on any activities that might adversely modify or destroy proposed critical habitat. This could result in unnecessary delays and disruption of base's activities and potentially impair our Nation's military readiness. In light of our country's national security interest, we have considered, but have not proposed critical habitat on MCAS, Miramar.

#### **Relationship to Lands Managed by DoD and Exclusions Under 4(b)(2) of the Act**

##### *Marine Corps Base, Camp Pendleton*

As we indicated previously, we have considered, but have not proposed mission-essential training areas on Camp Pendleton as critical habitat for the coastal California gnatcatcher under section 4(b)(2) of the Act.

Camp Pendleton operates an amphibious training base that promotes the combat readiness of military forces. The camp is the only West Coast Marine Corps facility where amphibious operations can be combined with air, sea, and ground assault training activities year-round. Currently, the Marine Corps has no alternative installation available for the types of training that occur on Camp Pendleton.

The Marine Corps consults with us under section 7 of the Act for activities that may affect Federally listed species on Camp Pendleton. On March 30, 2000, at the request of the Marine Corps, we initiated a formal consultation regarding Marine Corps activities on upland areas of Camp Pendleton. The consultation covers approximately 50,500 ha (125,000 ac) of land and addresses numerous activities that currently are expected to occur within the upland areas of Camp Pendleton, including combat readiness operations, air operations, vehicle operations, facility maintenance and operations, fire management, recreation activities, and housing. The upland consultation for the gnatcatcher and other species is not yet completed. We are currently working cooperatively with Camp Pendleton to facilitate the completion of this upland consultation.

In order to continue its critical training mission pending completion of the consultation, the Marine Corps has implemented measures which will avoid jeopardy to the coastal California gnatcatcher and other listed species within the uplands area and comply with section 7(d) of the Act. In particular, the Marine Corps is implementing a set of "programmatic

instructions" to avoid adverse effects to the coastal California gnatcatcher.

The primary benefit of proposing critical habitat is to identify lands essential to the conservation of the species which, if critical habitat were designated, would require consultation with us to ensure that activities would not adversely modify critical habitat or jeopardize the continued existence of the species. We are already in consultation with the Marine Corps regarding their upland activities to ensure current and proposed actions will not jeopardize the species' continued existence. That consultation already takes into account the essential habitat requirements of the species. Therefore, we do not believe that designation of mission critical training areas on Camp Pendleton as critical habitat will appreciably benefit the gnatcatcher beyond the protection already afforded the species under the Act.

In contrast to the absence of an appreciable benefit resulting from designation of Camp Pendleton training areas as critical habitat, there are substantial benefits to excluding these areas from critical habitat. If critical habitat were to be designated within the training areas, the Marine Corps would be compelled to consult under section 7 of the Act on any activity that may affect designated critical habitat. The additional burden of requirements to avoid the adverse modification of habitat within mission critical training areas could significantly delay and impair the ability of the Marine Corps to conduct effective training activities, thus, severely limiting Camp Pendleton's utility as a military training installation. Similarly, including these areas in the proposed critical habitat rule would require the Marine Corps to conference with us on any activities that might adversely modify or destroy proposed critical habitat. This could result in similar delays and disruption of base's military training mission and impairment of our Nation's military readiness.

In light of our country's national security interests and the Marine Corps' need for the ability to maintain a high level of readiness and fighting capabilities and the disruption to the Marine Corps' training mission that could result from proposing critical habitat on lands identified as mission-essential training areas, we have considered, but have not proposed those areas. We also find that the exclusion of these lands will not lead to the extinction of the gnatcatcher.

We are soliciting public review and comment on our decision to consider,

but not propose critical habitat for the coastal California gnatcatcher on mission-essential training areas on Camp Pendleton, reserve and targeted reserve lands in the San Diego MSCP and the Orange County Central-Coastal NCCP and Tribal lands of the Pala Band of Mission Indians based on section 4(b)(2) of the Act. Maps of habitat areas essential to the conservation of the coastal California gnatcatcher that occur within training areas on Camp Pendleton, reserve and targeted reserve lands in the San Diego MSCP and the Orange County Central-Coastal NCCP and Tribal lands of the Pala Band of Mission Indians are available for public review at the Carlsbad Fish and Wildlife Office (*see ADDRESSES* section) or on the Internet at <http://carlsbad.fws.gov>. Additionally, maps showing lands essential to the conservation of the gnatcatcher, but not included in the proposed critical habitat based on adequate management and the provisions of section 3(5)(A)(i)(II), are available for viewing at the Carlsbad Fish and Wildlife Office (*see ADDRESSES*). We will review this issue in light of all public comments received during the public review period and may reconsider our position in the final rule.

Our Policy on Information Standards Under the Endangered Species Act, published in the **Federal Register** on July 1, 1994 (59 FR 34271), provides criteria, establishes procedures, and provides guidance to ensure that our decisions represent the best scientific and commercial data available. It requires our biologists to use the best scientific and commercial data available and, whenever possible, to use primary and original sources of information as the basis for recommendations to designate critical habitat. When determining which areas are critical habitat, a primary source of information is often the listing package for the species. Additional information may be obtained from a recovery plan, articles in peer-reviewed journals, conservation plans developed by States and Counties, scientific status surveys and studies, biological assessments, or other unpublished materials that meet the standards required by the Act.

Section 4 of the Act requires that we designate critical habitat based on what we know at the time of designation. Habitat is often dynamic, and species may move from one area to another over time. Furthermore, we recognize that designation of critical habitat may not include all of the habitat areas that may eventually be determined to be necessary for the recovery of the species. For these reasons, critical