

following the most current approved boundaries. Lands outside of existing designated reserves, preserves, or other lands where incidental take has been authorized for the gnatcatcher under section 10(a)(1)(B) of the Act are not proposed as critical habitat. We concluded these lands were not essential to the conservation of the species at the time the permits were issued. We have reviewed those conclusions in developing this revised proposed rule and determined that these conclusions are still valid, and that such lands are not essential to the conservation of the species.

We then evaluated those areas where ongoing regional habitat conservation planning efforts have resulted in the preparation of biological analyses that identify habitat important for the conservation of the gnatcatcher. These include: the Western Riverside County MSHCP, the Rancho Palos Verdes MSHCP, the MHCP, the North County Subarea of the MSCP for unincorporated San Diego County, and the Southern Subregion of Orange County's NCCP. We utilized those biological analyses in concert with data regarding current coastal California gnatcatcher occurrences, sage scrub vegetation, elevation, and connectivity to identify those lands that are essential for the conservation of the coastal California gnatcatcher within the respective planning area boundaries.

Finally, we evaluated other lands for their conservation value for the coastal California gnatcatcher. We delimited a study area by selecting geographic boundaries based on the following: (1) California gnatcatcher occurrences, (2) sage scrub vegetation, (3) elevation, and (4) connectivity to other coastal California gnatcatcher occurrences. We determined conservation value based on the presence of, or proximity to, significant core populations and/or sage scrub, sage scrub habitat quality, parcel or habitat patch size, surrounding land-uses, and potential to support resident coastal California gnatcatchers and/or facilitate movement of birds between known habitat areas.

After determining those specific areas that are biologically essential to the gnatcatcher, we evaluated the areas relative to approved and legally operative individual and regional HCPs, completed and approved INRMPs for DoD lands, and other adequate conservation management plans or agreements. This comparison was conducted to ascertain the extent to which these conservation measures precluded the need to designate critical habitat on those lands based on the management provisions and protections afforded the gnatcatcher and its habitat. As previously discussed, we are not proposing as critical habitat pursuant to sections 3(5)(a) and/or 4(b)(2) lands covered by: (1) Legally operative individual or regional HCPs that cover the coastal California gnatcatcher, (2) a completed and approved INRMP that adequately address the Coastal California gnatcatcher and its habitat, and (3) other appropriate conservation management plans or agreements. Consequently, lands within the boundaries of the Central-Coastal NCCP/HCP, San Diego MSCP, mission-essential training areas on Camp Pendleton; MCAS, Miramar; and Tribal lands of the Pala Band of Mission Indians are not proposed as critical habitat for the gnatcatcher. Maps showing the essential areas considered, but not proposed, are available for public review and comment at the Carlsbad Fish and Wildlife Office (*see ADDRESSES* section) or on the Internet at <http://carlsbad.fws.gov>. These maps are provided to allow the public to adequately comment on these exclusions.

Proposed Critical Habitat Units are defined by specific map units. We did not map critical habitat in sufficient detail to exclude all individual developed areas (e.g., structures, roads), other lands unlikely to contain primary constituent elements essential for coastal California gnatcatcher conservation, or lands where incidental take for the gnatcatcher has been authorized under a section 7 biological opinion. Within the delineated critical

habitat unit boundaries, only lands containing the primary constituent elements described above, including those lands where primary constituent elements occur through natural successional processes, are considered critical habitat. Existing features and structures within proposed areas, such as buildings, roads, aqueducts, railroads, and other features, do not contain the primary constituent elements. Federal actions limited to these areas, therefore, would not trigger consultation relative to critical habitat under section 7 of the Act unless they affect the species, or affect primary constituent elements in adjacent habitat.

### Proposed Critical Habitat Designation

The approximate area of proposed critical habitat by county and land ownership is shown in Table 1. Proposed critical habitat includes gnatcatcher habitat throughout the species' range in the United States (*i.e.*, Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura counties, California). Lands proposed are under private, state, and Federal ownership, with Federal lands including lands managed by the Bureau of Land Management (BLM), DoD, Service, and Forest Service. Lands proposed for critical habitat include primary constituent elements for the coastal California gnatcatcher that provide for foraging, nesting, rearing of young, intra-specific communication, roosting, dispersal, genetic exchange, or sheltering (Atwood 1990). Lands proposed include populations throughout the U.S. range of the species in a variety of climatic zones and vegetation types in order to preserve the genetic and behavioral diversity that currently exist within the species. Known movement corridors are also included to allow for demographic and genetic interchange between populations. Lands proposed as critical habitat have been divided into 13 Critical Habitat Units. A brief description of each unit and reasons for proposing it as critical habitat are presented below.

TABLE 1.—APPROXIMATE PROPOSED CRITICAL HABITAT AREA (HA (AC)) BY COUNTY AND LAND OWNERSHIP  
[Estimates reflect the total area within critical habitat unit boundaries]

County	Federal*	Local/State	Private	Total
Los Angeles .....	2,760 ha (6,825 ac) .....	810 ha (2,010 ac) .....	27,875 ha (68,900 ac) ...	31,445 ha (77,735 ac).
Orange .....	420 ha (1,045 ac) .....	1,835 ha (4,535 ac) .....	19,655 ha (48,580 ac) ...	21,910 ha (54,160 ac).
Riverside .....	4,345 ha (10,740 ac) ....	3,535 ha (8,740 ac) .....	60,890 ha (150,465 ac) ...	68,770 ha (169,945 ac).
San Bernardino .....	335 ha (830 ac) .....	645 ha (1,590 ac) .....	8,450 ha (20,890 ac) ....	9,430 ha (23,310 ac).
San Diego .....	10,490 ha (25,940 ac) ...	705 ha (1,755 ac) .....	39,295 ha (97,110 ac) ...	50,490 ha (124,805 ac).
Ventura .....	0 .....	0 .....	18,550 ha (45,840 ac) ...	18,550 ha (45,840 ac).