

■ 4. In § 17.95 add critical habitat for Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool fairy shrimp (*Branchinecta lynchi*), and vernal pool tadpole shrimp (*Lepidurus packardii*) under paragraph (h) in the same alphabetical order as this species occurs in § 17.11(h), to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

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(h) Crustaceans.

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Conservancy fairy shrimp (*Branchinecta conservatio*)

(1) Critical habitat units are depicted for Tehama, Glenn, Colusa, Stanislaus, Mariposa and Ventura Counties, California, on the map below.

(2) The primary constituent elements of critical habitat for Conservancy fairy shrimp are the habitat components that provide:

(i) Vernal pools, swales, and other ephemeral wetlands and depressions of appropriate sizes and depths that typically become inundated during winter rains and hold water for sufficient lengths of time necessary for Conservancy fairy shrimp incubation, reproduction, dispersal, feeding, and sheltering, including but not limited to large, playa vernal pools often on basin rim landforms and alkaline soils, but which are dry during the summer and do not necessarily fill with water every year; and

(ii) The geographic, topographic, and edaphic features that support aggregations or systems of hydrologically interconnected pools, swales, and other ephemeral wetlands and depressions within a matrix of surrounding uplands that together form hydrologically and ecologically functional units called vernal pool complexes. These features contribute to the filling and drying of the vernal pool, and maintain suitable periods of pool inundation, water quality, and soil moisture for vernal pool crustacean hatching, growth and reproduction, and dispersal, but not necessarily every year.

(3) Existing manmade features and structures, such as buildings, roads, railroads, airports, runways, other paved areas, lawns, and other urban landscaped areas do not contain one or more of the primary constituent elements. Federal actions limited to those areas, therefore, would not trigger a consultation under section 7 of the Act unless they may affect the species and/or primary constituent elements in adjacent critical habitat.

(4) Critical habitat does not include the following lands although they may fall within the legal descriptions below:

(i) Lands within the following California counties: Butte, Madera, Merced, Sacramento, and Solano;

(ii) Federally-owned lands within the boundaries of the Kern, Sacramento, San Francisco Bay, and San Luis National Wildlife Refuges and National Wildlife Refuge Complexes, and the Coleman National Fish Hatchery;

(iii) State-owned lands within the boundaries of the Allensworth, Boggs Lake, Butte Creek Canyon, Calhoun Cut, Carrizo Plains, Dales Lake, Fagan Marsh, Phoenix Field, San Joaquin River, Stone Corral, and Thomes Creek Ecological Reserves;

(iv) State-owned lands within the boundaries of the Battle Creek, Big Sandy, Grizzly Island, Hill Slough, North Grasslands, and Oroville Wildlife Areas.

(5) Unit 1: Butte and Tehama Counties, California. From USGS 1:24,000 quadrangle maps Acorn Hollow, Campbell Mound, Foster Island, Nord, Richardson Springs, Richardson Springs NW, and Vina, California, land bounded by the following UTM 10 NAD 83 coordinates (E, N): 592400, 4416700; 592500, 4416600; 592500, 4416000; 592000, 4416000; 592000, 4415800; 592500, 4415800; 593800, 4416300; 594100, 4416300; 594400, 4416300; 594400, 4415800; 594900, 4415800; 594900, 4416300; 595500, 4416300; 595500, 4416400; 595900, 4416500; 596000, 4416500; 596100, 4416400; 596200, 4416500; 596300, 4416600; 596400, 4416700; 596500, 4416700; 596500, 4416800; 596600, 4416800; 597100, 4416400; 597100, 4415600; 596800, 4415200; 597100, 4415000; 597800, 4415500; 598100, 4415200; 597600, 4414600; 597600, 4414400; 597300, 4413800; 597300, 4413300; 598200, 4413900; 598400, 4413900; 598400, 4413600; 597400, 4411900; 597600, 4411900; 598300, 4412700; 598500, 4413300; 598900, 4413300; 598900, 4411800; 599400, 4411700; 599800, 4411700; 599800, 4411000; 599300, 4410700; 599100, 4410800; 599000, 4410800; 598800, 4410600; 598500, 4410400; 598300, 4410100; 598100, 4410000; 598000, 4409900; 597700, 4409800; 597600, 4409600; 597500, 4409500; 597300, 4409500; 597100, 4409400; 596900, 4409200; 596800, 4409200; 596700, 4409100; 596200, 4409100; 596000, 4408900; 595900, 4408800; 595700, 4408800; 595500, 4408200; 594300, 4408200; 594100, 4408300; 594000, 4408400; 593600, 4408500; 593400, 4408200; 593300, 4408200; 593300, 4408500; 592900,

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