

Corrections

Chapter 2, Paragraph 3326 through Paragraph 3337.25, read:

(3326)

§ 226.203 Critical habitat for North Atlantic right whales (*Eubalaena glacialis*).

(3327) Critical habitat is designated for North Atlantic right whales as described in this section. The textual descriptions in paragraph (b) of this section are the definitive source for determining the critical habitat boundaries. The maps of the critical habitat units provided in paragraph (c) of this section are for illustrative purposes only.

(3328) (a) Physical and biological features essential to the conservation of endangered North Atlantic right whales.

(3329) (1) Unit 1. The physical and biological features essential to the conservation of the North Atlantic right whale, which provide foraging area functions in Unit 1 are: The physical oceanographic conditions and structures of the Gulf of Maine and Georges Bank region that combine to distribute and aggregate *C.finmarchicus* for right whale foraging, namely prevailing currents and circulation patterns, bathymetric features (basins, banks, and channels), oceanic fronts, density gradients, and temperature regimes; low flow velocities in Jordan, Wilkinson, and Georges Basins that allow diapausing *C.finmarchicus* to aggregate passively below the convective layer so that the copepods are retained in the basins; late stage *C.finmarchicus* in dense aggregations in the Gulf of Maine and Georges Bank region; and diapausing *C.finmarchicus* in aggregations in the Gulf of Maine and Georges Bank region.

(3330) (2) Unit 2. The physical features essential to the conservation of the North Atlantic right whale, which provide calving area functions in Unit 2, are:

(3331) (i) Sea surface conditions associated with Force 4 or less on the Beaufort Scale,

(3332) (ii) Sea surface temperatures of 7°C to 17°C, and

(3333) (iii) Water depths of 6 to 28 meters, where these features simultaneously co-occur over contiguous areas of at least 231 nmi² of ocean waters during the months of November through April. When these features are available, they are selected by right whale cows and calves in dynamic combinations that are suitable for calving, nursing, and rearing, and which vary, within the ranges specified, depending on factors such as weather and age of the calves.

(3334) (b) Critical habitat boundaries. Critical habitat includes two areas (Units) located in the Gulf of Maine and

Georges Bank Region (Unit 1) and off the coast of North Carolina, South Carolina, Georgia and Florida (Unit 2).

(3335) (1) Unit 1. The specific area on which are found the physical and biological features essential to the conservation of the North Atlantic right whale include all waters, seaward of the boundary delineated by the line connecting the geographic coordinates and landmarks identified herein:

(3336) (i) The southern tip of Nauset Beach (Cape Cod) (41°38.39'N., 69°57.32'W.).

(3337) (ii) From this point, southwesterly to 41°37.19'N., 69°59.11'W.

(3337.01) (iii) From this point, southward along the eastern shore of South Monomoy Island to 41°32.76'N., 69°59.73'W.

(3337.02) (iv) From this point, southeasterly to 40°50'N., 69°12'W.

(3337.03) (v) From this point, east to 40°50'N., 68°50'W.

(3337.04) (vi) From this point, northeasterly to 42°00'N., 67°55'W.

(3337.05) (vii) From this point, east to 42°00'N., 67°30'W.

(3337.06) (viii) From this point, northeast to the intersection of the U.S.-Canada maritime boundary and 42°10'N.

(3337.07) (ix) From this point, following the U.S.-Canada maritime boundary north to the intersection of 44°49.727'N., 66°57.952'W.; From this point, moving southwest along the coast of Maine, the specific area is located seaward of the line connecting the following points:

(3337.08) <Inserted Table>

Latitude	Longitude
44°49.727'N.	66°57.952'W.
44°49.67'N.	66°57.77'W.
44°48.64'N.	66°56.43'W.
44°47.36'N.	66°59.25'W.
44°45.51'N.	67°02.87'W.
44°37.07'N.	67°09.75'W.
44°27.77'N.	67°32.86'W.
44°25.74'N.	67°38.39'W.
44°21.66'N.	67°51.78'W.
44°19.08'N.	68°02.05'W.
44°13.55'N.	68°10.71'W.
44°08.36'N.	68°14.75'W.
43°59.36'N.	68°37.95'W.
43°59.83'N.	68°50.06'W.
43°56.72'N.	69°04.89'W.
43°50.28'N.	69°18.86'W.

Latitude	Longitude
43°48.96'N.	69°31.15'W.
43°43.64'N.	69°37.58'W.
43°41.44'N.	69°45.27'W.
43°36.04'N.	70°03.98'W.
43°31.94'N.	70°08.68'W.
43°27.63'N.	70°17.48'W.
43°20.23'N.	70°23.64'W.
43°04.06'N.	70°36.70'W.
43°02.93'N.	70°41.47'W.
43°02.55'N.	70°43.33'W.

(3337.09) (x) From this point (43°2.55'N., 70°43.33'W.) on the coast of New Hampshire south of Portsmouth, the boundary of the specific area follows the coastline southward along the coasts of New Hampshire and Massachusetts along Cape Cod to Provincetown southward along the eastern edge of Cape Cod to the southern tip of Nauset Beach (Cape Cod) (41°38.39'N., 69°57.32'W.) with the exception of the area landward of the lines drawn by connecting the following points:

(3337.10) <Inserted Table>

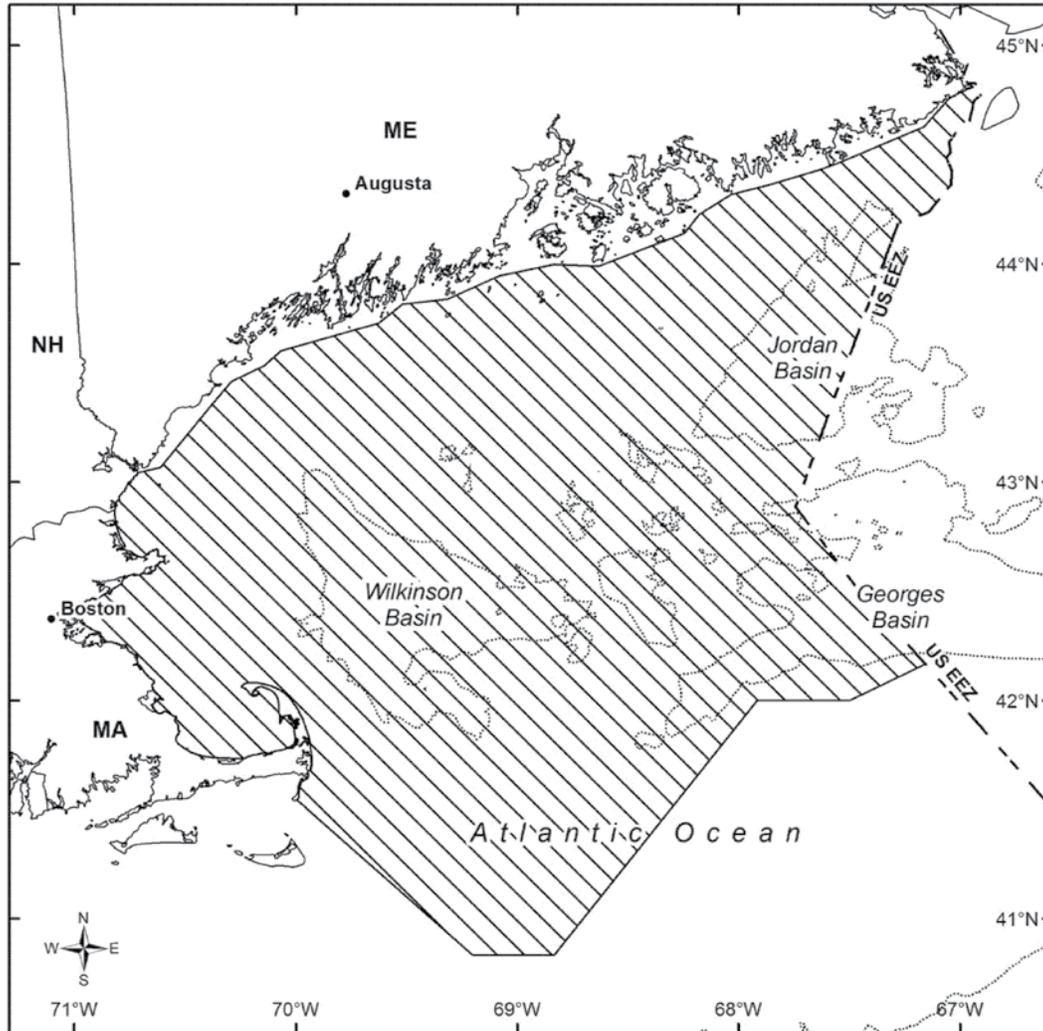
42°59.986'N.	70°44.654'W.	to	Rye Harbor
42°59.956'N.	70°44.737'W.		Rye Harbor
42°53.691'N.	70°48.516'W.	to	Hampton Harbor
42°53.519'N.	70°48.748'W.		Hampton Harbor
42°49.136'N.	70°48.242'W.	to	Newburyport Harbor
42°48.964'N.	70°48.282'W.		Newburyport Harbor
42°42.145'N.	70°46.995'W.	to	Plum Island Sound
42°41.523'N.	70°47.356'W.		Plum Island Sound
42°40.266'N.	70°43.838'W.	to	Essex Bay
42°39.778'N.	70°43.142'W.		Essex Bay
42°39.645'N.	70°36.715'W.	to	Rockport Harbor
42°39.613'N.	70°36.60'W.		Rockport Harbor
42°20.665'N.	70°57.205'W.	to	Boston Harbor
42°20.009'N.	70°55.803'W.		Boston Harbor
42°19.548'N.	70°55.436'W.	to	Boston Harbor
42°18.599'N.	70°52.961'W.		Boston Harbor
42°15.203'N.	70°46.324'W.	to	Cohasset Harbor
42°15.214'N.	70°47.352'W.		Cohasset Harbor
42°12.09'N.	70°42.98'W.	to	Scituate Harbor
42°12.211'N.	70°43.002'W.		Scituate Harbor
42°09.724'N.	70°42.378'W.	to	New Inlet
42°10.085'N.	70°42.875'W.		New Inlet
42°04.64'N.	70°38.587'W.	to	Green Harbor

42°04.583'N.	70°38.631'W.		Green Harbor
41°59.686'N.	70°37.948'W.	to	Duxbury Bay/ Plymouth Harbor
41°58.75'N.	70°39.052'W.		Duxbury Bay/ Plymouth Harbor
41°50.395'N.	70°31.943'W.	to	Ellisville Harbor
41°50.369'N.	70°32.145'W.		Ellisville Harbor
41°45.87'N.	70°28.62'W.	to	Sandwich Harbor
41°45.75'N.	70°28.40'W.		Sandwich Harbor
41°44.93'N.	70°25.74'W.	to	Scorton Harbor
41°44.90'N.	70°25.60'W.		Scorton Harbor
41°44.00'N.	70°17.50'W.	to	Barnstable Harbor
41°44.00'N.	70°13.90'W.		Barnstable Harbor
41°45.53'N.	70°09.387'W.	to	Sesuit Harbor
41°45.523'N.	70°09.307'W.		Sesuit Harbor
41°45.546'N.	70°07.39'W.	to	Quivett Creek
41°45.551'N.	70°07.32'W.		Quivett Creek
41°47.269'N.	70°01.411'W.	to	Namskaket Creek
41°47.418'N.	70°01.306'W.		Namskaket Creek
41°47.961'N.	70°0.561'W.	to	Rock Harbor Creek
41°48.07'N.	70°0.514'W.		Rock Harbor Creek
41°48.432'N.	70°0.286'W.	to	Boat Meadow River
41°48.483'N.	70°0.216'W.		Boat Meadow River
41°48.777'N.	70°0.317'W.	to	Herring River
41°48.983'N.	70°0.196'W.		Herring River
41°55.501'N.	70°03.51'W.	to	Herring River, inside Wellfleet Harbor
41°55.322'N.	70°03.191'W.		Herring River, inside Wellfleet Harbor
41°53.922'N.	70°01.333'W.	to	Blackfish Creek/Loagy Bay
41°54.497'N.	70°01.182'W.		Blackfish Creek/Loagy Bay
41°55.503'N.	70°02.07'W.	to	Duck Creek
41°55.753'N.	70°02.281'W.		Duck Creek
41°59.481'N.	70°04.779'W.	to	Pamet River
41°59.563'N.	70°04.718'W.		Pamet River
41°03.601'N.	70°14.269'W.	to	Hatches Harbor

(3337.24) Chapter:2

North Atlantic Right Whale Critical Habitat Northeastern U.S. Foraging Area

Unit 1

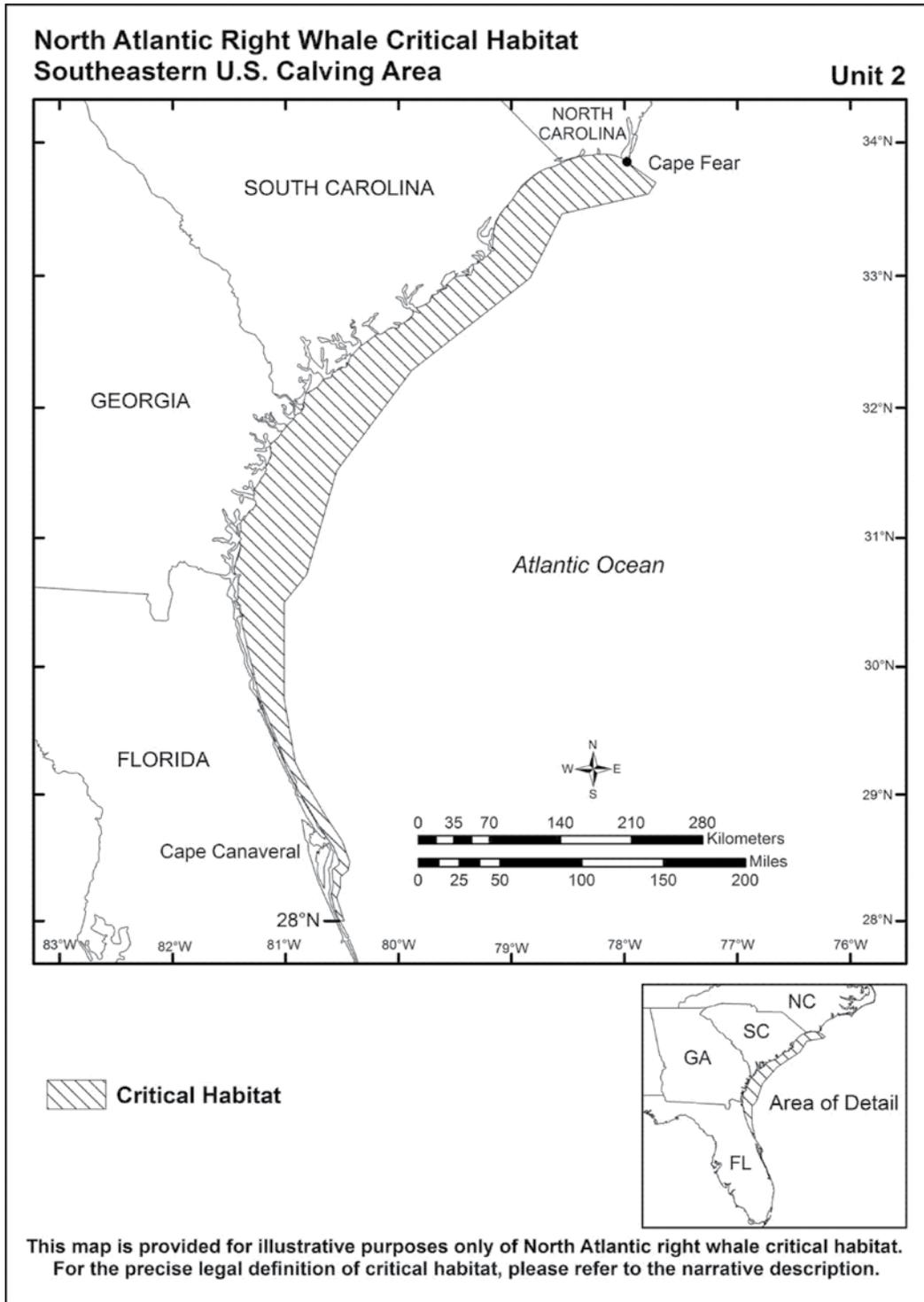


-  Critical Habitat
-  200m Depth Contour

This map is provided for illustrative purposes only of North Atlantic right whale critical habitat. For the precise legal definition of critical habitat, please refer to the narrative description.



(3337.25) Chapter:2



41°03.601'N.	70°14.416'W.		Hatches Harbor
41°48.708'N.	69°56.319'W.	to	Nauset Harbor
41°48.554'N.	69°56.238'W.		Nauset Harbor
41°40.685'N.	69°56.781'W.	to	Chatham Harbor
41°40.884'N.	69°56.28'W.		Chatham Harbor

Latitude	Longitude
28°16'N.	80°31'W.
28°11'N.	80°33'W.
28°00'N.	80°29'W.
28°00'N.	at shoreline

(3337.11) (xi) In addition, the specific area does not include waters landward of the 72 COLREGS lines (33 CFR part 80) described below.

- (3337.12) (A) Portland Head, ME to Cape Ann, MA.
- (3337.13) (1) A line drawn from the northernmost extremity of Farm Point to Annisquam Harbor Light.
- (3337.14) (2) [Reserved]
- (3337.15) (B) Cape Ann MA to Marblehead Neck, MA.
- (3337.16) (1) A line drawn from Gloucester Harbor Breakwater Light to the twin towers charted at latitude 42°35'06.177"N., longitude 70°41'32.330"W.
- (3337.17) (2) A line drawn from the westernmost extremity of Gales Point to the easternmost extremity of House Island; thence to Bakers Island Light; thence to Marblehead Light.
- (3337.18) (C) Hull, MA to Race Point, MA.
- (3337.19) (1) A line drawn from Canal Breakwater Light 4 south to the shoreline.
- (3337.20) (2) [Reserved]
- (3337.21) (2) Unit 2. Unit 2 includes marine waters from Cape Fear, North Carolina, southward to 28°N latitude (approximately 31 miles south of Cape Canaveral, Florida) within the area bounded on the west by the shoreline and the 72 COLREGS lines, and on the east by rhumb lines connecting the following points in the order stated from north to south.

(3337.22) <Inserted Table>

Latitude	Longitude
33°51'N.	at shoreline
33°42'N.	77°43'W.
33°37'N.	77°47'W.
33°28'N.	78°33'W.
32°59'N.	78°50'W.
32°17'N.	79°53'W.
31°31'N.	80°33'W.
30°43'N.	80°49'W.
30°30'N.	81°01'W.
29°45'N.	81°01'W.
29°15'N.	80°55'W.
29°08'N.	80°51'W.
28°50'N.	80°39'W.
28°38'N.	80°30'W.
28°28'N.	80°26'W.
28°24'N.	80°27'W.
28°21'N.	80°31'W.

(3337.23) (c) Overview maps of the designated critical habitat for the North Atlantic right whale follow.

(3337.24) <Inserted Image>

(3337.25) <Inserted Image>

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