

Summary of Comments and Recommendations

In the proposed rule published on March 4, 2002 (67 FR 9806), we requested that all interested parties submit written comments on the proposal. We also contacted all appropriate Federal, State, and local agencies, scientific organizations, and other interested parties and invited them to comment. We received one request for a public hearing. We announced the date and time of the public hearing in letters to all interested parties, appropriate State and Federal agencies, county governments, and elected officials, and in notices published in the *Honolulu Advertiser* and the *Maui News* on March 19, 2002. A transcript of the hearing held in Lanai City, Lanai on August 1, 2002, is available for inspection (see **ADDRESSES** section).

We received individually written letters from 19 parties, including three designated peer reviewers, four State agencies, and 12 individuals, and testimony from three individuals at the August 1, 2002, public hearing. Approximately 275 additional letters were submitted as part of a mailing campaign. Of the 22 parties who did not respond as part of the mailing campaign, five supported the proposed designation, eight were opposed, and nine expressed neither support nor opposition. The eight commenters who opposed the proposal specifically opposed designation of critical habitat on lands they own or manage, and requested that these areas be excluded from critical habitat designation.

We reviewed all comments received for substantive issues and new information regarding critical habitat for *Abutilon eremitopetalum*, *Adenophorus periens*, *Bidens micrantha* ssp. *kalealaha*, *Bonania menziesii*, *Brighamia rockii*, *Cenchrus agrimonoides*, *Centaurium sebaeoides*, *Clermontia oblongifolia* ssp. *mauiensis*, *Ctenitis squamigera*, *Cyanea grimesiana* ssp. *grimesiana*, *Cyanea lobata*, *Cyanea macrostegia* ssp. *gibsonii*, *Cyperus trachysanthos*, *Cyrtandra munroi*, *Diellia erecta*, *Diplazium molokaiense*, *Gahnia lanaiensis*, *Hedyotis mannii*, *Hedyotis schlechtendahlia* var. *remyi*, *Hesperomannia arborescens*, *Hibiscus brackenridgei*, *Isodendron pyrifolium*, *Labordia tinifolia* var. *lanaiensis*, *Mariscus fauriei*, *Melicope munroi*, *Neraudia sericea*, *Phyllostegia glabra* var. *lanaiensis*, *Portulaca sclerocarpa*, *Sesbania tomentosa*, *Silene lanceolata*, *Solanum incompletum*, *Spermeolpis hawaiiensis*, *Tetramolopium lepidotum* ssp. *lepidotum*, *Tetramolopium remyi*,

Vigna o-wahuensis, *Viola lanaiensis*, and *Zanthoxylum hawaiiense*. Similar comments were grouped into general issues and are addressed in the following summary.

Issue 1: Biological Justification and Methodology

(1) *Comment:* One reviewer questioned whether loss of wetlands is a threat to *Cyperus trachysanthos* because wetlands are not known to exist on Lanai.

Our Response: Because *Cyperus trachysanthos* requires seasonally wet soils, we feel that the lack of such soils on Lanai does constitute a threat to the species. However, based on information received during the public comment period, we have revised the proposed critical habitat for *C. trachysanthos*. We are no longer proposing critical habitat for this species on Lanai because of the absence of wetland habitat.

Furthermore, we were able to locate sites on other islands that: (1) Contain the primary constituent elements that are essential to the conservation of the species, (2) are within historical range, and (3) accommodate our recovery goals of 8–10 populations.

(2) *Comment:* One reviewer stated that deer and mouflon sheep are threats to *Centaurium sebaeoides*, *Cyperus trachysanthos*, and *Sesbania tomentosa*, and that mouflon sheep, not goats and pigs, are a threat to *Hibiscus brackenridgei*.

Our Response: Goats and pigs were replaced with mouflon sheep and axis deer as current threats throughout the “Discussion of plant taxa” section. Goats and pigs are no longer present on Lanai and were mistakenly included as current threats.

(3) *Comment:* One peer reviewer suggested that high nutrient runoff from a nearby golf course be included as a threat to Unit G.

Our Response: Unit G has been modified to exclude inland areas that do not contain the primary constituent elements for *Portulaca sclerocarpa*. Critical habitat is now proposed only for the cliff faces along the shore. These areas are not at risk of nutrient runoff from the nearby golf course.

(4) *Comment:* Several commenters expressed concern that *Phyllostegia glabra* var. *lanaiensis* be assumed extinct, as it is common for Hawaiian plant species that have not been seen for decades to be rediscovered. The recent rediscoveries of *Asplenium fragile* var. *insulare* on Maui and of *Phyllostegia waimeae* on Kauai are cases in point. Critical habitat should be designated for this species.

Our Response: We continue to believe that it would not be prudent to designate critical habitat for *Phyllostegia glabra* var. *lanaiensis*, a species known only from Kaiholena on Lanai. The species has not been seen on Lanai for over 80 years. This species was last observed on Lanai at Kaiholena in 1914. A report of this plant from the early 1980s was probably erroneous and should be referred to as *P. glabra* var. *glabra* (R. Hobdy, pers. comm., 1992). In addition, this species is not known to be in storage or under propagation. Given these circumstances, we have determined that designation of critical habitat for *P. glabra* var. *lanaiensis* is not prudent because such designation would not be beneficial to the species. If this species is rediscovered, we may reconsider designating critical habitat for this species as new information becomes available (see 16 U.S.C. 1532(5)(B); 50 CFR 424.13(f)).

(5) *Comment:* The Service should not designate critical habitat for *Adenophorus periens*, which was last seen on Lanai in the 1860s, because nothing is known about its threats. The Service must prove that the designated areas for critical habitat are essential to the conservation of *A. periens* before designating critical habitat.

Our Response: The Service believes that designation of critical habitat for *Adenophorus periens* is prudent because information about the habitat requirements of *A. periens* exists in the historical literature and, unlike the case of *Phyllostegia glabra*, individuals of this species are currently in cultivation, allowing populations to be restored. According to recovery goals, reestablishment of wild populations within historical range is essential to the recovery of this species (USFWS 1999). However, the Service excluded proposed unit Lanai D, proposed in part as critical habitat for *A. periens* because we believe the benefits of exclusion outweigh the benefits of inclusion. The landowner has entered into a voluntary memorandum of agreement with the Service to manage the lands in proposed Unit D, as well as adjacent lands, for the conservation benefit of the 28 listed species for which it was proposed as critical habitat. We believe the benefits of these management actions would not occur if critical habitat is designated, are greater than the benefits of including the area as critical habitat. See *Exclusions Under Section 4(b)(2)* for a more detailed discussion of the exclusions. Critical habitat for *A. periens* has been proposed within historical range on Kauai, Molokai, Hawaii, and Oahu.

(6) *Comment:* One peer reviewer suggested that a recommendation to