

Kauai and Niihau (July 30, 2002), Maui and Kahoolawe (August 23, 2002), Lanai (September 16, 2002), and Molokai (October 16, 2002), citing the need to revise the proposals to incorporate or address new information and comments received during the comment periods. The joint stipulation was approved and ordered by the court on October 5, 2001.

On April 5, 2002, we published a revised proposed rule for 51 plant species from Molokai (67 FR 16492). Critical habitat for 46 (*Adenophorus periens*, *Alectryon macrococcus*, *Bidens wiebkei*, *Brighamia rockii*, *Canavalia molokaiensis*, *Centaurium sebaeoides*, *Clermontia oblongifolia* ssp. *brevipes*, *Ctenitis squamigera*, *Cyanea dunbarii*, *Cyanea grimesiana* ssp. *grimesiana*, *Cyanea mannii*, *Cyanea procera*, *Diellia erecta*, *Diplazium molokaiense*, *Eugenia koolauensis*, *Flueggea neowawraea*, *Hedyotis mannii*, *Hesperomannia arborescens*, *Hibiscus arnotianus* ssp. *immaculatus*, *Hibiscus brackenridgei*, *Ischaemum byrnone*, *Isodendron pyrifolium*, *Labordia triflora*, *Lysimachia maxima*, *Mariscus fauriei*, *Marsilea villosa*, *Melicope mucronulata*, *Melicope reflexa*, *Neraudia sericea*, *Peucedanum sandwicense*, *Phyllostegia mannii*, *Phyllostegia mollis*, *Plantago princeps*, *Platanthera holochila*, *Pteris lidgatei*, *Schiedea lydgatei*, *Schiedea nuttallii*, *Schiedea sarmentosa*, *Sesbania tomentosa*, *Silene alexandri*, *Silene lanceolata*, *Spermolepis hawaiiensis*, *Stenogyne bifida*, *Tetramolopium rockii*, *Vigna o-wahuensis*, and *Zanthoxylum hawaiiense*) of the 51 plant species from Molokai was proposed on approximately 17,614 ha (43,532 ac) of land (67 FR 16492). We proposed that critical habitat was prudent for one species (*Eugenia koolauensis*) for which a prudency finding had not been made previously. Critical habitat was not proposed for *Bonamia menziesii*, *Cyperus trachysanthos*, *Melicope munroi*, and *Solanum incompletum* on the island of Molokai because these plants no longer occur on Molokai, and we are unable to identify habitat that is essential to their conservation on this island.

The publication of the revised proposed rule opened a 60-day public comment period, which closed on June 4, 2002. On July 11, 2002, we submitted joint stipulations to the U.S. District Court with Earthjustice requesting extension of the court orders for the final rules to designate critical habitat for plants from Lanai (December 30, 2002), Kauai and Niihau (January 31, 2003), Molokai (February 28, 2003), Maui and Kahoolawe (April 18, 2003), Oahu (April 30, 2003), the Northwestern

Hawaiian Islands (April 30, 2003), and the island of Hawaii (May 30, 2003), citing the need to conduct additional review of the proposals, address comments received during the public comment periods, and to conduct a series of public workshops on the proposals. The joint stipulations were approved and ordered by the court on July 12, 2002. On August 12, 2002, we published a notice announcing the availability of the draft economic analysis on the proposed critical habitat (67 FR 52419). On August 23, 2002, we published a notice announcing a public hearing (67 FR 54607). On August 26, 2002, we held a public information meeting at the Mitchell Pauole Center Hall, Kaunakakai, Molokai. On August 26, 2002, we published a notice reopening the public comment period until September 30, 2002 (67 FR 54766). On September 9, 2002, we held a public hearing at the Mitchell Pauole Center Hall, Kaunakakai, Molokai.

Summary of Comments and Recommendations

We received a total of two oral and 702 written comments during the three comment periods on the revised proposal and draft economic analysis, including the public hearing held on September 9, 2002. These included responses from three State agencies, two county agencies, and 19 private organizations or individuals, including four designated peer reviewers. Approximately 680 of these were identical letters submitted as part of a mailing campaign, in support of the proposed critical habitat designations. Of the 24 parties who did not respond as part of the mailing campaign, eight supported the proposed designations, 13 were opposed, and three provided information or declined to oppose or support the proposed designations.

We reviewed all comments received for substantive issues and new information regarding critical habitat for *Adenophorus periens*, *Alectryon macrococcus*, *Bidens wiebkei*, *Brighamia rockii*, *Canavalia molokaiensis*, *Centaurium sebaeoides*, *Clermontia oblongifolia* ssp. *brevipes*, *Ctenitis squamigera*, *Cyanea dunbarii*, *Cyanea grimesiana* ssp. *grimesiana*, *Cyanea mannii*, *Cyanea procera*, *Diellia erecta*, *Diplazium molokaiense*, *Eugenia koolauensis*, *Flueggea neowawraea*, *Hedyotis mannii*, *Hesperomannia arborescens*, *Hibiscus arnotianus* ssp. *immaculatus*, *Hibiscus brackenridgei*, *Ischaemum byrnone*, *Isodendron pyrifolium*, *Labordia triflora*, *Lysimachia maxima*, *Mariscus fauriei*, *Marsilea villosa*, *Melicope mucronulata*, *Melicope reflexa*, *Neraudia sericea*,

Peucedanum sandwicense, *Phyllostegia mannii*, *Phyllostegia mollis*, *Plantago princeps*, *Platanthera holochila*, *Schiedea lydgatei*, *Schiedea nuttallii*, *Schiedea sarmentosa*, *Sesbania tomentosa*, *Silene alexandri*, *Silene lanceolata*, *Spermolepis hawaiiensis*, *Stenogyne bifida*, *Tetramolopium rockii*, *Vigna o-wahuensis*, and *Zanthoxylum hawaiiense*. Similar comments were grouped into general issues and are addressed in the summary below.

Peer Review

In accordance with our policy published on July 1, 1994 (59 FR 34270), we solicited independent opinions from 15 knowledgeable individuals with expertise in one or several fields, including familiarity with the species, familiarity with the geographic region that the species occurs in, and familiarity with the principles of conservation biology. We received comments from four. All four generally supported our methodology and conclusion, but none supported or opposed the proposed critical habitat designations. Comments received from the peer reviewers are summarized in the following section and were considered in developing the final rule.

Issue 1: Biological Justification and Methodology

(1) *Comment*: One peer reviewer wrote that the amount and location of lands in the proposed rule appears to be adequate for the long-term conservation of these species if lands, that were not included in the proposal because they were not in need of special management or protection are managed properly. Further, the peer reviewer stated that deletion of significant portions of any of the proposed critical habitat units is likely to prevent the recovery of, or lead to the extinction of, listed species. Another peer reviewer commented that the proposed rule identifies enough land to provide for the long-term conservation of multiple populations. Another commenter wrote in support of tripling the acreage of critical habitat on Molokai in order to help ensure the survival of plant species. Conversely, other commenters felt that the proposed critical habitat units are larger than necessary and that the Service should work to ensure that: (1) The benefits of exclusion are carefully weighed against the benefits of designating critical habitat, (2) "critical habitat does not include the entire geographical area which can be occupied by the threatened or endangered species" (16 U.S.C. 1532(5)(C)), and (3) the final rule will exclude large areas that do not