

ranges for one population of *Bidens wiebkii*; 3 populations each of *Clermontia oblongifolia* ssp. *brevipes* and *Stenogyne bifida*; 5 populations of *Canavalia molokaiensis* and *Cyanea mannii*; 6 populations of *Cyanea procera*, *Lysimachia maxima*, and *Melicope reflexa*; 7 populations of *Schiedea sarmentosa* and *Silene alexandrii*; 8 populations of *Labordia triflora*; and 10 populations of *Cyanea dunbarii* and *Schiedea lydgatei*. The area designated as critical habitat for the following multi-island species provides habitat within their historical ranges for one population each of *Adenophorus periens*, *Alectryon macrococcus*, *Ctenitis squamigera*, *Diellia erecta*, *Fluggea neowawraea*, *Plantago princeps*, *Schiedea nuttallii*, *Spermolepis hawaiiensis*, and *Zanthoxylum hawaiiense*; two populations of *Eugenia koolauensis*, *Phyllostegia mannii*, and *Silene lanceolata*; four populations of *Mariscus fauriei* and *Melicope mucronulata*; and six populations of *Neraudia sericea*.

These modifications resulted in the reduction from 4,956 ha (12,247 ac) to 3,819 ha (9,436 ac). This unit was renamed Molokai 6—*Adenophorus periens*—b, Molokai 6—*Alectryon macrococcus*—a, Molokai 6—*Bidens wiebkii*—a, Molokai 6—*Canavalia molokaiensis*—a, Molokai 6—*Canavalia molokaiensis*—b, Molokai 6—*Canavalia molokaiensis*—c, Molokai 6—*Clermontia oblongifolia* ssp. *brevipes*—b, Molokai 6—*Ctenitis squamigera*—a, Molokai 6—*Cyanea dunbarii*—a, Molokai 6—*Cyanea dunbarii*—b, Molokai 6—*Cyanea dunbarii*—c, Molokai 6—*Cyanea mannii*—a, Molokai 6—*Cyanea mannii*—b, Molokai 6—*Cyanea mannii*—c, Molokai 6—*Cyanea mannii*—d, Molokai 6—*Cyanea mannii*—e, Molokai 6—*Cyanea procera*—a, Molokai 6—*Cyanea procera*—b, Molokai 6—*Diellia erecta*—a, Molokai 6—*Eugenia koolauensis*—a, Molokai 6—*Fluggea neowawraea*—a, Molokai 6—*Labordia triflora*—a, Molokai 6—*Labordia triflora*—b, Molokai 6—*Labordia triflora*—c, Molokai 6—*Labordia triflora*—d, Molokai 6—*Lysimachia maxima*—a, Molokai 6—*Lysimachia maxima*—b, Molokai 6—*Mariscus fauriei*—a, Molokai 6—*Mariscus fauriei*—b, Molokai 6—*Melicope mucronulata*—a, Molokai 6—*Melicope mucronulata*—b, Molokai 6—*Melicope mucronulata*—c, Molokai 6—*Melicope mucronulata*—d, Molokai 6—*Melicope mucronulata*—e, Molokai 6—*Melicope reflexa*—b, Molokai 6—*Neraudia sericea*—a, Molokai 6—*Phyllostegia mannii*—b, Molokai 6—*Plantago princeps*—a,

Molokai 6—*Schiedea lydgatei*—a, Molokai 6—*Schiedea lydgatei*—b, Molokai 6—*Schiedea nuttallii*—b, Molokai 6—*Schiedea sarmentosa*—a, Molokai 6—*Schiedea sarmentosa*—b, Molokai 6—*Silene alexandri*—a, Molokai 6—*Silene alexandri*—b, Molokai 6—*Silene lanceolata*—a, Molokai 6—*Spermolepis hawaiiensis*—a, Molokai 6—*Stenogyne bifida*—a, and Molokai 6—*Zanthoxylum hawaiiense*—a.

Molokai G

This unit was proposed as critical habitat for four species: *Hibiscus brackenridgei*, *Isodendron pyriformis*, *Mariscus fauriei*, and *Sesbania tomentosa*. Modifications were made to this unit to exclude areas not essential to the conservation of these multi-island species. Areas proposed for these four species were excluded because we have designated adequate habitat elsewhere on Molokai and on other islands within their historical ranges. Habitat exists for *Mariscus fauriei* within Pelekunu Preserve. The area designated as critical habitat for these four multi-island species provides habitat within their historical ranges for one population each of *Hibiscus brackenridgei*, *Isodendron pyriformis*, and *Sesbania tomentosa*, and three populations of *Mariscus fauriei*.

These modifications resulted in the reduction from 3,023 ha (7,471 ac) to 130 ha (321 ac). This unit was renamed Molokai 9—*Isodendron pyriformis*—a, Molokai 9—*Hibiscus brackenridgei*—a, Molokai 6—*Mariscus fauriei*—b, Molokai 9—*Sesbania tomentosa*—b.

Critical Habitat

Critical habitat is defined in section 3 of the Act as—(i) the specific areas within the geographic area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection; and, (ii) specific areas outside the geographic area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. “Conservation,” as defined by the Act, means the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which listing under the Act is no longer necessary.

Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure that any action they authorize, fund, or carry out is not likely to result

in the destruction or adverse modification of critical habitat. Section 7 also requires conferences with us on Federal actions that are likely to result in the destruction or adverse modification of proposed critical habitat. In our regulations at 50 CFR 402.02, we define destruction or adverse modification as, “* * * a direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species. Such alterations include, but are not limited to, alterations adversely modifying any of those physical or biological features that were the basis for determining the habitat to be critical.”

The relationship between a species’ survival and its recovery has been a source of confusion to some in the past. We believe that a species’ ability to recover depends on its ability to survive into the future when it is recovery can be achieved; thus, the concepts of long-term survival and recovery are linked. However, in the March 15, 2001, decision of the United States Court of Appeals for the Fifth Circuit (*Sierra Club v. Fish and Wildlife Service et al.*, 245 F.3d 434) regarding a not prudent finding, the Court found our definition of destruction or adverse modification as currently contained in 50 CFR 402.02 to be invalid. In response to this decision, we are reviewing the regulatory definition of adverse modification in relation to the conservation of the species. Nevertheless, because consultation under section 7 of the Act does not apply to activities on private or other non-Federal lands that do not involve a Federal nexus, critical habitat designation would not result in any regulatory requirements for these actions.

In order to be included in a critical habitat designation, the habitat must first contain physical and biological features to be “essential to the conservation of the species.” Critical habitat designations identify, to the extent known, using the best scientific and commercial data available, habitat areas that provide essential lifecycle needs of the species (*i.e.*, areas on which are found the primary constituent elements, as defined at 50 CFR 424.12(b)).

Section 4 requires that we designate critical habitat for a species, to the extent such habitat is determinable, at the time of listing. When we designate critical habitat at the time of listing or under short court-ordered deadlines, we may not have sufficient information to identify all the areas containing physical and biological features