

conservation organizations regarding the potential conservation value of an area, but this goal is already being accomplished through the identification of this area in the management plans described above. Likewise, there will be little additional Federal regulatory benefit to the species because (a) there is a low likelihood that these proposed critical habitat units will be negatively affected to any significant degree by Federal activities requiring section 7 consultation, and (b) much are already occupied by 14 listed species and a section 7 nexus already exists. The Service is unable to identify any other potential benefits associated with critical habitat for these TNCH preserves.

5. It is well documented that publicly owned lands and lands owned by conservation organizations such as TNCH, alone, are too small and poorly distributed to provide for the conservation of most listed species (Bean 2002, Crouse *et al.* 2002). Excluding these TNCH lands from critical habitat may, by way of example, provide positive social, legal, and economic incentives to other non-Federal landowners on Molokai who own lands that could contribute to listed species recovery if voluntary conservation measures on these lands are implemented (Norton 2000, Main *et al.* 1999, Shogren *et al.* 1999, Wilcove and Chen 1998). As resources allow, the Service would be willing to consider future revisions or amendments to this final critical habitat rule if landowners affected by this rule develop conservation programs or partnerships (e.g., Habitat Conservation Plans, Safe Harbor Agreements, conservation agreements, etc.) on their lands that outweigh the regulatory and educational benefits of a critical habitat designation.

In conclusion, we find that the exclusion of critical habitat on the TNCH Molokai preserves would most likely have a net positive conservation effect on the recovery and conservation of these 19 plant species when compared to the positive conservation effects of a critical habitat designation. As described above, the overall benefits to these species of a critical habitat designation for these TNCH areas are relatively small. In contrast, we believe that this exclusion will enhance our existing partnership with TNCH, and it will set a positive example and provide positive incentives to other non-Federal landowners who may be considering implementing voluntary conservation activities on their lands. We conclude there is a higher likelihood of beneficial conservation activities occurring in these and other areas of Molokai

without designated critical habitat than there would be with designated critical habitat in these TNCH preserves.

#### (4) Exclusion of This Unit Will Not Cause Extinction of the Species

In considering whether or not exclusion of these Preserves might result in the extinction of any of these 19 species, the Service first considered the impacts to the 11 species endemic to Molokai (*Bidens wiebkei*, *Canavalia molokaiensis*, *Clermontia oblongifolia* ssp. *brevipes*, *Cyanea mannii*, *Cyanea procera*, *Labordia triflora*, *Lysimachia maxima*, *Schiedea sarmentosa*, *Silene alexandrii*, *Stenogyne bifida*, and *Tetramolopium rockii*), and second to the eight species known from Molokai and one or more other Hawaiian islands (*Centaurium sebaeoides*, *Hedyotis mannii*, *Mariscus fauriei*, *Melicope mucronulata*, *Phyllostegia mannii*, *Phyllostegia mollis*, *Platanthera holochila*, and *Vigna o-wahuense*).

For both the 11 endemic and the eight "multi-island" species, it is the Service's conclusion that the TNCH's mission and management plans will provide as much or more net conservation benefits as would be provided if these preserves were designated as critical habitat. These management plans, which are described above, will provide tangible proactive conservation benefits that will reduce the likelihood of extinction for the listed plants in these areas of Molokai and increase their likelihood of recovery. Extinction for any of these species as a consequence of this exclusion is unlikely because there are no known threats in these preserves due to any current or reasonably anticipated Federal actions that might be regulated under section 7 of the Act. Further, these areas are already occupied by 14 of the 19 species and thereby benefit from the section 7 protections of the Act, should such an unlikely Federal threat actually materialize. The exclusion of these preserves will not increase the risk of extinction to any of these species, and it may increase the likelihood these species will recover by encouraging other landowners to implement voluntary conservation activities as TNCH has done.

In addition, critical habitat is being designated on other areas of Molokai for all 11 of the endemic species (Molokai 6—*Bidens wiebkei*—a, Molokai 7—*Bidens wiebkei*—b, Molokai 8—*Bidens wiebkei*—c, Molokai 6—*Canavalia molokaiensis*—a, Molokai 6—*Canavalia molokaiensis*—b, Molokai 6—*Canavalia molokaiensis*—c, Molokai 6—*Clermontia oblongifolia* ssp. *brevipes*—a, Molokai 6—*Clermontia oblongifolia*

ssp. *brevipes*—b, 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—*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—*Schiedea sarmentosa*—a, Molokai 6—*Schiedea sarmentosa*—b, Molokai 6—*Silene alexandrii*—a, Molokai 6—*Silene alexandrii*—b, Molokai 6—*Stenogyne bifida*—a, Molokai 1—*Tetramolopium rockii*—a, Molokai 2—*Tetramolopium rockii*—b, Molokai 3—*Tetramolopium rockii*—c, Molokai 5—*Tetramolopium rockii*—d), and critical habitat has been designated elsewhere on Molokai, and or designated on other islands for the remaining eight multi-island species consistent with the guidance in recovery plans. These other designations identify conservation areas for the maintenance and expansion of the existing populations.

In sum, the above analysis concludes that an exclusion of TNCH lands from final critical habitat on Molokai will have a net beneficial impact with little risk of negative impacts. Therefore, the exclusion of these lands will not cause extinction and should in fact improve the chances of recovery for *Bidens wiebkei*, *Canavalia molokaiensis*, *Centaurium sebaeoides*, *Clermontia oblongifolia* ssp. *brevipes*, *Cyanea mannii*, *Cyanea procera*, *Hedyotis mannii*, *Labordia triflora*, *Lysimachia maxima*, *Mariscus fauriei*, *Melicope mucronulata*, *Phyllostegia mannii*, *Phyllostegia mollis*, *Platanthera holochila*, *Schiedea sarmentosa*, *Silene alexandrii*, *Stenogyne bifida*, *Tetramolopium rockii*, and *Vigna o-wahuense*.

#### Taxonomic Changes

At the time we listed *Cyanea grimesiana* ssp. *grimesiana*, *Hibiscus brackenridgei*, *Mariscus fauriei*, and *Phyllostegia mollis*, we followed the taxonomic treatments in Wagner *et al.* (1990), the widely used and accepted *Manual of the Flowering Plants of Hawaii*. Subsequent to the final listing, we became aware of new taxonomic treatments of these species. Also, the soon-to-be-published book *Hawaii's Ferns and Fern Allies* (Palmer, in press) has changed the family name for *Ctenitis squamigera* (from Aspleniaceae to Dryopteridaceae). Due to the court-ordered deadlines, we are required to