

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain any information collection requirements for which OMB approval under the Paperwork Reduction Act is required. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB Control Number.

National Environmental Policy Act

We have determined that we do not need to prepare an Environmental Assessment or an Environmental Impact Statement as defined by the National Environmental Policy Act of 1969 in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act. We published a notice outlining our reason for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This determination does not constitute a major Federal action significantly affecting the quality of the human environment.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951), Executive Order 13175, and 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. We have determined that there are no Tribal lands essential for the conservation of the Kauai cave wolf spider and Kauai cave amphipod. Therefore, designation of critical habitat for these species does not involve any Tribal lands.

References Cited

A complete list of all references cited in this final rule is available, upon request, from the Pacific Islands Fish and Wildlife Office (*see ADDRESSES* section).

Author

This rule was primarily prepared by the Pacific Islands Fish and Wildlife Office (*see ADDRESSES* section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

■ Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations as set forth below:

PART 17—[AMENDED]

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

■ 2. In § 17.11(h), revise the entries for "spider, Kauai cave wolf" under "ARACHNIDS" and "amphipod, Kauai cave" under "CRUSTACEANS" to read as follows:

§ 17.11 Endangered and threatened wildlife.

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(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
* ARACHNIDS	*	*	*	*	*		*
* Spider, Kauai cave wolf	<i>Adelocosa anops</i>	U.S.A. (HI)	NA	E	676	17.95(g)	NA
* CRUSTACEANS	*	*	*	*	*		*
* Amphipod, Kauai cave	<i>Spelaeorchestia koloana</i> .	U.S.A. (HI)	NA	E	676	17.95(h)	NA
*	*	*	*	*	*		*

■ 3. Amend § 17.95 by adding, in the same alphabetical order as these species occur in § 17.11(h):

■ a. In paragraph (g), critical habitat for the Kauai cave wolf spider (*Adelocosa anops*); and

■ b. In paragraph (h), critical habitat for the Kauai cave amphipod (*Spelaeorchestia koloana*), as set forth below.

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(g) *Arachnids*.

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Kauai cave wolf spider (*Adelocosa anops*).

(1) Critical habitat units are depicted for the island of Kauai, Hawaii, on the maps below.

(2) The primary constituent elements for the Kauai cave wolf spider are:

(i) The presence of subterranean spaces from 5 mm to 25 cm (0.2 in to 10 in) at their narrowest point (collectively termed "mesocaverns") and/or cave passages greater than 25 cm (>10 in);

(ii) Dark and/or stagnant air zones that maintain relative humidity at saturation levels (≥100 percent); and

(iii) The presence in these types of mesocaverns or caves of roots from living, nontoxic plants such as, but not

limited to, ohia (*Metrosideros polymorpha*), maiapilo (*Capparis sandwichiana*), and aalii (*Dodonea viscosa*).

(3) All critical habitat areas contain one or more of the primary constituent elements for the Kauai cave wolf spider.

(4)(i) Existing human-constructed features and structures within the boundaries of mapped units that involved trenching, filling, or excavation resulting in below-surface modification or alteration would not contain either of the primary constituent elements and are excluded from critical habitat designation. Such features and structures include but are not limited to: