

and candidate plants and evaluated species of concern to determine if these essential habitat areas would provide for their habitat needs. However, the HPPRCC's mapping of habitat was distinct from the regulatory designation of critical habitat as defined by the Act. In addition, data have been collected since the recommendations made by the HPPRCC in 1998. Much of the area that was identified by the HPPRCC as inadequately surveyed has now been surveyed to some degree. New location data for many species have been gathered. Also, the HPPRCC identified areas as essential based on species clusters (areas that included listed species as well as candidate species, and species of concern) while we have only delineated areas that are essential for the conservation of the specific listed species at issue. As a result, the critical habitat designations in this rule include not only some habitat that was identified as essential in the 1998 recommendations but also habitat that was not identified as essential in those recommendations.

Issue 3: Site-Specific Biological Comments

(20) *Comment:* One peer reviewer was concerned about the lower elevation wet forests on windward Haleakala because Hanawi NAR is expected to be fenced only above 1,000 meters in elevation. *Cyanea mceldowneyi*, *Cyanea copelandii*, and *Clermontia samuelii* may rely on habitat lower than 1,000 meters in elevation.

Our Response: While the habitat lower than 1,000 m (3,281 ft) in elevation may be important for the conservation of these species, we do not believe that this habitat contains the primary constituent elements for *Cyanea mceldowneyi*, *Cyanea copelandii*, and *Clermontia samuelii*. Therefore, we did not find this area to be essential to the conservation of these three species.

(21) *Comment:* The boundaries of units Maui A and B should be relocated to follow existing conservation boundaries. The boundaries of units C1 and C2 should be refined to reflect that the appropriate habitat of the species of concern is sea cliffs within the spray zone. It should be clarified that units Maui C1 and C2 are unoccupied critical habitat for *Centaurium sebaeoides* and *Sesbania tomentosa*.

Our Response: The boundaries of units Maui A and B have been revised. We are no longer proposing critical habitat units Maui C1 and C2 for *Centaurium sebaeoides* and *Sesbania tomentosa* because we were able to locate other sites that were less

degraded, contain a better representation of the primary constituent elements that are essential to the conservation of the species, are within the species' historical ranges, and accommodate our recovery goals of 8 to 10 populations.

(22) *Comment:* KIRC commented that, while we support the mission of the Service and the extraordinary efforts it is taking to protect endangered plants, the KIRC feels it is unnecessary to establish critical habitat for the listed taxa on Kahoolawe because of ongoing management for endangered species on the island by KIRC. In addition, because Kahoolawe is already a permanent natural and cultural reserve and a National Historic Site, it is already bound by a set of Federal and State rules for careful stewardship and does not require an additional layer of protection. Further, two of the proposed plants, *Hibiscus brackenridgei* and *Neraudia sericea*, have not been seen in over 90 years, although biological consultants continue to survey their historical locations.

Our Response: We did not designate critical habitat for *Hibiscus brackenridgei* and *Neraudia sericea* on Kahoolawe because we were able to locate other sites that contain the primary constituent elements that are essential to the conservation of the species, are within their historical ranges, and accommodate our recovery goals of 8 to 10 populations. The footprint of critical habitat on Kahoolawe is greatly reduced, although it remains designated for *Kanaloa kahoolawensis*, as Kahoolawe has the only suitable habitat for this species identified by our species experts. Designations of critical habitat are to be made on the basis of the best scientific and commercial data available, after taking into account the economic and other relevant impacts of specifying any area as critical habitat (16 U.S.C. 1533(b)(2)). An area may be excluded from designation as critical habitat if the Secretary determines the benefits of excluding the area outweigh the benefits of designating the area as critical habitat (and provided the exclusion would not result in the extinction of the species). However, because this is the last known occupied habitat for *Kanaloa kahoolawensis*, we do not believe that the benefits of excluding Kahoolawe outweigh the benefits of including it. See "Analysis of Impacts Under Section 4(b)(2): Other Impacts".

(23) *Comment:* One peer reviewer commented that the rationale for the configuration of unit Maui H is not clearly explained. In general, units should maximize interior areas and

have easily identifiable boundaries. Why was an area almost encircled by unit Maui H excluded? This area appears to be part of the Kahikinui Forest Reserve with current populations of *Bidens micrantha* ssp. *kalealaha*, *Clermontia lindseyana*, *Diellia erecta*, *Diplazium molokaiense* and *Phyllostegia mollis*. If the Kahikinui area is not managed appropriately, adequate habitat for the above-mentioned species might not exist. Another peer reviewer questions the exclusion of the Waiopae-Wailaulau-Pahihi area from unit Maui H because it contains occurrences for two to three plant species and is DOFAW land slated and funded for fencing, restoration, and removal of cattle. It is crucial to include this parcel.

Our Response: We evaluated the Kahikinui area and determined that it was not essential for the conservation of the species because critical habitat was designated elsewhere for these species that is less degraded and contains a better representation of the primary constituent elements that are essential to the conservation of the species, are within their historical ranges, and accommodates our recovery goals of 8 to 10 populations.

Issue 4: Effects of Critical Habitat Designation

(24) *Comment:* One commenter suggested that critical habitat designation presents an opportunity to expand Hawaii's appeal in ecotourism. Many of the areas covered by the designation are degraded forests that could be restored to showcase Hawaii's unique birds and plants.

Our Response: Although we agree that the restoration of degraded forests is essential to the conservation of federally listed species, critical habitat is only one of many tools established in the Act that can play an important role in the recovery of the species. Critical habitat designation does not create a wilderness area, preserve, or wildlife refuge. It does not require activities associated with conservation management, such as ungulate control and fencing. Critical habitat increases protection of federally listed species by requiring consultation under section 7 of the Act to ensure that any action authorized, funded, or carried out by a Federal agency is not likely to result in the destruction or adverse modification of the critical habitat.

(25) *Comment:* Animal Rights Hawaii stated that although they support protection for endangered species, they are also concerned about protecting nonnative species. The current interpretation of critical habitat allows the Federal government and its partners