

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AH09

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Five Plant Species From the Northwestern Hawaiian Islands, Hawaii**AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), designate critical habitat pursuant to the Endangered Species Act of 1973, as amended (Act), for five of six plant species known historically from the Northwestern Hawaiian Islands. The five species are *Amaranthus brownii*, *Mariscus pennatifolius*, *Pritchardia remota*, *Schiedea verticillata*, and

Sesbania tomentosa. A total of approximately 493 hectares (1,219 acres) of land on Nihoa, Necker, and Laysan Islands fall within the boundaries of the seven critical habitat units designated for the five species. This critical habitat designation requires the Service to consult under section 7 of the Act with regard to actions carried out, funded, or authorized by a Federal agency. Section 4 of the Act requires us to consider economic and other relevant impacts when specifying any particular area as critical habitat. We solicited data and comments from the public on all aspects of the proposed rule, including data on economic and other impacts of the designation.

DATES: This rule becomes effective on June 23, 2003.

ADDRESSES: Comments and materials received, as well as supporting documentation, used in the preparation of this final rule will be available for public inspection, by appointment,

during normal business hours at U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala Moana Blvd., Room 3-122, P.O. Box 50088, Honolulu, HI 96850-0001.

FOR FURTHER INFORMATION CONTACT: Paul Henson, Field Supervisor, Pacific Islands Office at the above address (telephone 808/541-3441; facsimile 808/541-3470).

SUPPLEMENTARY INFORMATION:**Background**

In the List of Endangered and Threatened Plants (50 CFR 17.12(h)), there are six plant species that, at the time of listing, were reported from the Northwestern Hawaiian Islands (NWHI). *Amaranthus brownii*, *Pritchardia remota*, and *Schiedea verticillata* are endemic to the NWHI, while *Cenchrus agrimonoides*, *Mariscus pennatifolius*, and *Sesbania tomentosa* are reported from several other Hawaiian islands in addition to the NWHI (see Table 1).

TABLE 1.—SUMMARY OF ISLAND DISTRIBUTION OF SIX SPECIES FROM THE NWHI

Species	Island distribution						
	Kauai	Oahu	Molokai	Lanai	Maui	Hawaii	NWHI, Kahoolawe, Niihau
<i>Amaranthus brownii</i> (no common name) .....	.....	.....	.....	.....	.....	.....	Nihoa (C)
<i>Cenchrus agrimonoides</i> (kamanomano) .....	.....	C	.....	H	C	R	Kure (H*), Laysan (H), Midway (H)
<i>Mariscus pennatifolius</i> (no common name) ..	H	H	.....	.....	C	R	Laysan (C)
<i>Pritchardia remota</i> (loulou) .....	.....	.....	.....	.....	.....	.....	Nihoa (C), Laysan(**)
<i>Schiedea verticillata</i> (no common name) .....	.....	.....	.....	.....	.....	.....	Nihoa (C)
<i>Sesbania tomentosa</i> (ohai)	C	C	C	H	C	C	Niihau (H), Kahoolawe (C), Necker (C), Nihoa (C)

Key:

C (Current)—occurrence last observed within the past 30 years.

H (Historical)—occurrence not seen for more than 30 years.

R (Reported)—reported from undocumented observations.

* *Cenchrus agrimonoides* var. *laysanensis* was last observed 23 years ago.** It has been suggested that *Pritchardia remota* was the species of *Pritchardia* once extant on Laysan; however, this is not known for certain. NWHI include Kure Atoll, Midway Atoll, and Laysan, Necker, Nihoa islands.

Although we considered designating critical habitat on the NWHI for each of the six plant species, for the reasons described below, the final designation includes critical habitat for five of six plant species. Species that also occur on other islands may have critical habitat designated on other islands in previous or subsequent rulemakings.

The Northwestern Hawaiian Islands

The NWHI are a chain of islands that extend along a linear path for approximately 1,600 kilometers (km) (1,000 miles (mi)) in a northwestern direction from Nihoa Island to Kure Atoll and include the following: Nihoa Island, Necker Island, French Frigate Shoals, Gardner Pinnacles, Maro Reef,

Laysan Island, Lisianski Island, Pearl and Hermes Atoll, Midway Atoll, and Kure Atoll (Figure 1). They are remnants of once larger islands that have slowly eroded and subsided and that exist today as small land masses or coral atolls covering the remnants of volcanic islands (Department of Geography 1998; Service 1998).