

predominance of associated native plants versus nonnative plants), potential as a recovery area, and current or expected management of known threats (e.g., weed control and nonnative insect, slug, and snail control). Areas that contain high quality primary constituent elements, are zoned or managed specifically for conservation, and have ongoing or expected threat abatement actions were considered the most essential within these areas, and we selected adequate area to meet recovery goals (e.g., 8 to 10 populations).

Of the proposed critical habitat for *Mariscus pennatiformis* and *Sesbania tomentosa*, areas that did not contain high quality constituent elements and that may provide habitat for populations above the recovery goal of 8 to 10 populations were determined not essential for the conservation of the species and excluded from final designation. However, all of the proposed critical habitat for *Sesbania tomentosa* on Nihoa and Necker and all of the proposed critical habitat on Laysan for *Mariscus pennatiformis* was considered essential for conservation of these species and is designated as

critical habitat. For *Amaranthus brownii*, *Pritchardia remota*, and *Schiedea verticillata*, taxa known only from the NWHI, we determined that critical habitat on the islands of Laysan and Nihoa was essential for their conservation because it contains occupied habitat important for the expansion of current colonies and the establishment of additional colonies. In addition, these areas may require special management considerations or protection in order to address the threats to each species.

Within the critical habitat boundaries, section 7 consultation is generally necessary, and adverse modification could occur only if the primary constituent elements are affected. Therefore, not all activities within critical habitat would trigger an adverse modification conclusion. In addition, existing manmade features and structures within boundaries of the mapped unit do not contain one or more of the primary constituent elements and would be excluded under the terms of this proposed regulation. Federal actions limited to those areas would not trigger a section 7 consultation unless they affect the species or primary

constituent elements in adjacent critical habitat.

In summary, the critical habitat areas described below constitute our best assessment of the physical and biological features needed for the conservation of *Amaranthus brownii*, *Mariscus pennatiformis*, *Pritchardia remota*, *Schiedea verticillata*, and *Sesbania tomentosa* and the special management needs of these species, and are based on the best scientific and commercial information available and described above. We publish this final rule acknowledging that we have incomplete information regarding many of the primary biological and physical requirements for these species. However, both the Act and the relevant court orders require us to proceed with designation at this time based on the best information available. As new information accrues, we may consider reevaluating the boundaries of areas that warrant critical habitat designation.

The approximate areas of the designated critical habitat by landownership or jurisdiction are shown in Table 4.

TABLE 4.—APPROXIMATE CRITICAL HABITAT DESIGNATED AREA BY UNIT AND LANDOWNERSHIP OR JURISDICTION, NORTHWESTERN HAWAIIAN ISLANDS, HAWAII

Unit name	State/local	Private	Federal	Total
Nihoa 1— <i>Amaranthus brownii</i>	none	none	69 ha (171 ac)	69 ha (171 ac)
Nihoa 2— <i>Pritchardia remota</i>	none	none	69 ha (171 ac)	69 ha (171 ac)
Nihoa 3— <i>Schiedea verticillata</i>	none	none	69 ha (171 ac)	69 ha (171 ac)
Nihoa 4— <i>Sesbania tomentosa</i>	none	none	69 ha (171 ac)	69 ha (171 ac)
Necker 1— <i>Sesbania tomentosa</i>	none	none	19 ha (46 ac)	19 ha (46 ac)
Laysan 1— <i>Mariscus pennatiformis</i>	none	none	405 ha (1,002 ac)	405 ha (1,002 ac)
Laysan 2— <i>Pritchardia remota</i>	none	none	405 ha (1,002 ac)	405 ha (1,002 ac)
Grand Total	none	none	493 ha (1,219 ac)	493 ha (1,219 ac)

Critical habitat includes habitat for these five species on the islands of Nihoa, Necker, and Laysan. Lands designated as critical habitat are under Federal ownership and managed by the Department of the Interior (the Service). The designated lands have been divided into seven units. A brief description of each unit is presented below.

Descriptions of Critical Habitat Units

Nihoa 1—*Amaranthus brownii*

This unit is critical habitat for *Amaranthus brownii* and is 69 ha (171 ac) on federally owned land. It includes the entire island, which is part of the HINWR. The unit is currently unoccupied but provides habitat that is essential to the conservation of up to 500 reproducing individuals of this annual species endemic to Nihoa. The

area designated as critical habitat is considered to be the most likely to contain a viable seed bank of *Amaranthus brownii*. The habitat features contained in this unit that are essential for this species include, but are not limited to, shallow soil and rocky outcrops in fully exposed locations that contain one or more of the following associated native plant species: *Chenopodium oahuense*, *Eragrostis variabilis*, *Ipomoea indica*, *Ipomoea pes-caprae* ssp. *brasiliensis*, *Panicum torridum*, *Scaevola sericea*, *Schiedea verticillata*, *Sicyos pachycarpus*, *Sida fallax*, and *Solanum nelsonii*. This critical habitat unit is essential to the conservation of the species because it supports habitat for the re-establishment of populations of this endemic species.

Nihoa 2—*Pritchardia remota*

This unit is critical habitat for *Pritchardia remota* and is 69 ha (171 ac) on federally owned land. It includes the entire island, which is part of the HINWR. This unit, which contains at least 4 colonies that consist of at least 1,074 individuals (including seedlings) of *P. remota*, provides habitat that is essential to the conservation of 100 mature, reproducing individuals of this long-lived perennial species. The habitat features contained in this unit that are essential for this species include, but are not limited to, a coastal forest community that contains one or more of the following associated native plant species: *Chenopodium oahuense*, *Sesbania tomentosa*, *Solanum nelsonii*, and *Sida fallax*. This unit is essential to the conservation of the species because