

it supports the only extant wild occurrence of this species and is geographically separated from the designated critical habitat unit on Laysan Island to avoid destruction by one naturally occurring catastrophic event.

Nihoa 3—*Schiedea verticillata*

This unit is critical habitat for *Schiedea verticillata* and is 69 ha (171 ac) on federally owned land. It includes the entire island, which is part of the HINWR. The unit provides habitat that is essential to the conservation of 300 mature, reproducing individuals of this short-lived perennial and, based on surveys conducted in 1996, contained at least 11 colonies and a total of at least 372 individuals. The habitat features contained in this unit that are essential for this species include, but are not limited to, rocky scree, soil pockets, and cracks on coastal cliff faces and in *Pritchardia remota* coastal mesic forest that contain one or more of the following associated native species and lichens: *Eragrostis variabilis*, *Rumex albescens*, and *Tribulus cistoides*. This critical habitat unit is essential to the conservation of the species because it supports extant colonies of *S. verticillata* and includes habitat that is important to the expansion of the present population on Nihoa.

Nihoa 4—*Sesbania tomentosa*

This unit is critical habitat for *Sesbania tomentosa* and is 69 ha (171 ac) on federally owned land. It includes the entire island, which is part of the HINWR. The unit contains habitat essential to the conservation of 300 mature, reproducing individuals of this short-lived perennial and contains one island-wide population of at least 1,000 individuals. The habitat features contained in this unit that are essential for this species include, but are not limited to, shallow sandy soils on beaches and dunes in *Chenopodium oahuense* coastal dry shrubland that contain one or more of the following associated native plant species: *Pritchardia remota*, *Scaevola sericea*, *Sida fallax*, and *Solanum nelsonii*. This critical habitat unit is essential to the conservation of the species because it supports extant colonies of *Sesbania tomentosa* and is also geographically separated from designated critical habitat on other islands to avoid destruction by one naturally occurring catastrophic event.

Necker 1—*Sesbania tomentosa*

This unit is critical habitat for *Sesbania tomentosa* and is 19 ha (46 ac) on federally owned land. It includes the

entire island, which is part of the HINWR. The unit contains Annexation and Summit Hills, is occupied by one population of undetermined size, and provides habitat that is essential for the conservation of up to one population of 300 mature, reproducing individuals of this short-lived perennial species. The habitat features contained in this unit that are essential for this species include, but are not limited to, shallow sandy soils on beaches and dunes in *Chenopodium oahuense* coastal dry shrubland that contain one or more of the following associated native plant species: *Sida fallax*, *Scaevola sericea*, *Solanum nelsonii*, and *Pritchardia remota*. This unit is essential to the conservation of *Sesbania tomentosa* because it supports the only extant colony of the species on Necker. This unit also includes habitat that is important for the expansion of the present population, which is currently considered not viable. This unit is located at the westernmost range of this multi-island species and is geographically separated from designated critical habitat on other islands to avoid destruction by one naturally occurring catastrophic event.

Laysan 1—*Mariscus pennatiformis*

This unit is critical habitat for *Mariscus pennatiformis* and is approximately 405 ha (1,002 ac) in size, which includes a 52 ha (129 ac) hypersaline lagoon in its center. It is all on Federal land and is part of the HINWR. The unit is occupied by one occurrence of approximately 200 individuals and provides habitat essential to the conservation of 300 reproducing individuals. The habitat features contained in this unit that are essential for this species include, but are not limited to, coastal sandy substrate that contains one or more of the following associated native plant species: *Cyperus laevigatus*, *Eragrostis variabilis*, and *Ipomoea* sp. This critical habitat unit is essential to the conservation of *Mariscus pennatiformis* ssp. *bryanii* because it supports the only extant colony, which is currently considered not viable. It also contains habitat that is important to the expansion of this taxon.

Laysan 2—*Pritchardia remota*

This unit is critical habitat for *Pritchardia remota* and is approximately 405 ha (1,002 ac) in size, which includes a 52 ha (129 ac) hypersaline lagoon in its center. It is all on Federal land and is part of the HINWR. The unit is currently unoccupied but provides habitat essential to the conservation of 100 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, the coastal strand community that contains one or more of the following associated native plant species: *Chenopodium oahuense* and *Solanum nelsonii*.

This unit is currently unoccupied but is essential to the conservation of *Pritchardia remota* because it provides habitat for the establishment of a new colony in order to achieve recovery goals for the species. This unit is also geographically separated from the occupied designated critical habitat unit on Nihoa, which serves to avoid the destruction of both colonies by one naturally occurring catastrophic event.

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a) of the Act requires Federal agencies, including the Service, to ensure that actions they fund, authorize, or carry out are not likely to destroy or adversely modify critical habitat. Destruction or adverse modification of critical habitat occurs when a Federal action directly or indirectly alters critical habitat to the extent that it appreciably diminishes the value of critical habitat for the conservation of the species. Individuals, organizations, States, local governments, and other non-Federal entities are directly affected by the designation of critical habitat when their actions occur on Federal lands, require a Federal permit, license, or other authorization, or involve Federal funding.

Section 7(a) of the Act requires Federal agencies, including the Service, to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened, and with respect to its critical habitat, if any is designated or proposed. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act requires Federal agencies (action agency) to confer with us on any action that is likely to jeopardize the continued existence of a species proposed for listing or result in destruction or adverse modification of proposed critical habitat.

If a species is listed or critical habitat is designated, section 7(a)(2) of the Act requires Federal agencies to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal action agency must