

designations but that did not provide substantive comments. Of the other 56 comments, 12 supported the proposed designation, 31 were opposed to it, and 13 provided information or declined to oppose or support the designation. We reviewed all comments received for substantive issues and new information regarding critical habitat and the Oahu plants. Similar comments were grouped into six general issues relating specifically to the proposed critical habitat designations and the draft economic analysis on the proposed determinations. These are addressed in the following summary.

Peer Review

In accordance with our policy published on July 1, 1994 (59 FR 34270), we solicited independent opinions from 17 knowledgeable individuals with expertise in one or several fields, including familiarity with the species, the geographic region, or the principles of conservation biology. We received comments from eight. All eight generally supported our methodology and conclusion, but none expressed a position for or against the designation of critical habitat. Comments received from the peer reviewers are summarized in the following section and were considered in developing the final rule.

Issue 1: Biological Justification and Methodology

(1) *Comment:* One commenter stated that the proposal designates areas that are not essential to the species.

Our Response: In accordance with our policy on peer review published on July 1, 1994 (59 FR 34270), we solicited the expert opinions of appropriate and independent specialists regarding the proposed rule. The purpose of this peer review was to ensure that our method of designating critical habitat for Oahu plants was based on scientifically sound data, assumptions, and analysis. The comments of the peer reviewers were taken into consideration in the development of this final designation. The majority of our peer reviewers support our methodology. Changes in this final rule that decrease the boundaries of some units are based on additional information received during the public comment periods. The changes in boundaries reflected in this final rule are based on additional information regarding the lack of primary constituent elements or additional information regarding the degradation of some of the proposed critical habitat areas and low probability of restoration that affect the areas' essentiality to the species. Areas that

were inadvertently included in the proposed unit and found to be nonessential have also been removed from the final designation.

(2) *Comment:* One commenter stated that the broad brush of primary constituent elements has resulted in the proposed designation of large amounts of State land with little companion scientific effort to identify limiting factors or management actions needed. Another commenter stated that the critical habitat designations are based on guesswork.

Our Response: The Act requires us to use the best scientific and commercial information available in undertaking species listing and recovery actions, including the designation of critical habitat as set forth in this rule. In this final rule, we concluded that some areas were not essential for the conservation of the Oahu plant species, based on newly available information concerning status of the species in specific areas and level of habitat degradation. Several of the units proposed as critical habitat have been excluded because they are not essential for the conservation of the species. These excluded units are nonessential because either they lack the species' primary constituent elements or other habitat exists for these species that has more primary constituent elements and/or is less degraded. See the "Summary of Changes from the Revised Proposed Rule" section.

The magnitude of additional research and investigations required to determine limiting factors and specific management actions needed for each species at each location is beyond the scope of critical habitat designation. The Act requires us to designate critical habitat on the basis of the best scientific and commercial data available. Based on the information available at the time the proposal was prepared and taking into consideration additional information received during the public comment periods on the proposal and draft economic analysis, we believe we have designated scientifically appropriate areas for the conservation of these species.

(3) *Comment:* The Army requested exclusion of grass-dominated portions of Makua Military Reservation and exclusion of grass-dominated habitat and forested areas dominated by nonnative plants (*e.g.* *Eucalyptus* sp. and *Schinus terebinthifolius*) at Schofield Barracks.

Our Response: These areas were excluded from the final critical habitat designation because they do not contain the primary constituent elements

necessary for the conservation of the Oahu plant species.

(4) *Comment:* One commenter did not believe that the Service has demonstrated that designating this large an area, absent any active management by the Federal government, can lead to the recovery of the identified species.

Our Response: We agree that active management is a necessary part of achieving recovery for these species and that the ultimate purpose of critical habitat is to contribute to the conservation of listed species. This can be best be achieved by cooperation between the Service and other partners. A critical habitat designation alone will not lead to the recovery of these species. Recovery of the species will require the cooperation of Federal and non-Federal land managers to manage lands in a manner that is compatible with species' recovery. We have numerous programs for assisting landowners with management for the conservation of these species.

(5) *Comment:* One peer reviewer indicated that the general goal of establishing at least 8 to 10 viable populations for each species may not apply to some rare, localized island endemics that likely never had 8 to 10 populations throughout their evolutionary history.

Our Response: Fewer than eight populations are being designated for some very restricted species for which adequate habitat does not exist, and which were likely always rare, since they are very narrow endemics (*Alsinidendron trinerve*, *Chamaesyce celastroides* var. *kaenana*, *Chamaesyce deppeana*, *Chamaesyce herbstii*, *Chamaesyce kuwaleana*, *Cyanea pinnatifida*, *Cyrtandra polyantha*, *Cyrtandra subumbellata*, *Diellia unisora*, *Dubautia herbstobatae*, *Eragrostis fosbergii*, *Lipochaeta tenuifolia*, *Lobelia monostachya*, *Melicope saint-johnii*, *Sanicula mariversa*, *Schiedea kealiae*, *Silene perlmanii*, *Stenogyne kanehoana*, *Tetramolopium filiforme*, and *Trematalobelia singularis*). The recovery plan for some more well understood species may also have different recovery objectives (*Marsilea villosa*), and the designation reflects these differences. However, in general, the recovery objectives found in recovery plans for these species state that 8 to 10 viable populations are required for recovery of each species. Establishing and conserving 8 to 10 viable populations on one or more islands within the historic range of the species will provide each species with a reasonable expectation of persistence and eventual recovery, even with the