

habitat remains. Therefore, some units still contain degraded habitat, but we believe that these areas can be restored if the landowner is supportive and resources are made available.

(10) *Comment:* One peer reviewer questioned why some areas designated as essential habitat by the HPPRCC are not included in the proposed critical habitat.

*Our Response:* In accordance with section 3(5)(A)(i) of the Act and regulations at 50 CFR 424.12, in determining which areas to propose as critical habitat, we are required to use the best scientific and commercial data available and to consider those physical and biological features (primary constituent elements) that are essential to the conservation of the species and that may require special management considerations or protection. The HPPRCC used a different set of criteria to select the areas they deemed to be essential plant habitat. They selected habitat for all endangered, threatened, proposed, and candidate species. Some of these species were not included in the selection of critical habitat. Therefore, the essential plant habitat and critical habitat areas will not completely overlap.

(11) *Comment:* One peer reviewer recommended additional consultations with academic and professional experts. Some reviewers stated that no assessment of the quality of any of the data sources is provided, and no information is given as to how data sources of varying qualities were weighted in making delineations of critical habitat or how decisions were made as to what to rely on in the absence of rigorous assessments of relative quality. These commenters agreed with the Service's statement that "lack of detailed scientific data makes it impossible for us to develop a quantitative model." Lack of knowledge means that the proposed critical habitat designation is based only on the general habitat features of the areas in which the plants currently occur. While this approach may be expedient, it has resulted in designations based on best-guess estimations, rather than on science or the realities of plant recovery. The Service needs to give greater weight to scientific or commercial data that is empirical and has been field tested or verified, and the Service needs to allow peer review by a panel of unbiased scientists. One reviewer stated that the scientific basis for critical habitat designation is weak. Other commenters felt that the data on which the proposed critical habitat is based are 30 years old and may need updating.

*Our Response:* In an expansion of our policy on peer review published on July 1, 1994 (59 FR 34270), we solicited the expert opinions of 19 appropriate and independent specialists regarding the proposed rule. The purpose of this peer review was to ensure that our methodology for designation of 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 peer reviewers support our methodology. We also met with field botanists from the Hawaii Natural Heritage Program, the Department of Land and Natural Resources, the Hawaii Army National Guard, and the Department of the Army. All data and information on species status received in preparation of this rule were weighted equally and considered to come from reliable sources. Where discrepancies existed between different data sources, the most current data were used.

New information indicated that some of the areas identified as essential habitat in the "Recovery Plan for Multi Island Plants" (USFWS 1999) do not contain the primary constituent elements necessary for the conservation of any of the 99 plant species included in this final designation. The essential plant habitat maps take into consideration all listed endangered plants on Oahu, as well as species of concern. We agree that additional time would be beneficial for the preparation of these final rules and the collection of more scientific information, but we are required under the court-approved stipulation to finalize this designation by April 30, 2003, using the best information currently available. If provided with new information, we may propose revisions in the critical habitat designation in the future.

(12) *Comment:* Some reviewers commented that deletion of significant portions of any of the proposed critical habitat units is likely to prevent the recovery of, and lead to the extinction of, listed species. Smaller units present real management challenges and may be so small that their ecological integrity and the viability of listed plants cannot be maintained.

*Our Response:* In this final rule, we concluded that many areas were not essential for the conservation of the Oahu plant species, based on information received during the public comment periods concerning the status of the species in specific areas and degree of habitat degradation. Several units or portions of units proposed as critical habitat have been excluded

because they are not essential for the conservation of the species. These excluded units or portions of units are not essential because they either lack the species' primary constituent elements or other areas exist that provide for the conservation of the species. See the "Summary of Changes from the Proposed Rule" section.

We realize that smaller areas will most likely require more management to maintain the plant populations and their habitat, but in many cases they are the only areas with the primary constituent elements needed by each species. We concur with the importance of protecting the ecosystems on which these species depend, as stated in purpose of the Act (section 2(b)), and of managing areas large enough to maintain and expand populations. We considered the importance of this, as well as the location of primary constituent elements, when delineating the boundaries of critical habitat for these final designations of critical habitat. We included areas that provide the biological and other processes essential for the conservation of the species. We acknowledge the potential negative impacts of edge effects on small habitat fragments. However, these species' primary constituent elements are found only within the areas that were designated critical habitat, and expanding the designated critical habitats would add areas that lack the primary constituent elements. All of the changes from the proposed critical habitat are based on the best available information and information received during comment periods and are based on biological issues, not political or social issues. If new information becomes available indicating that the existing critical habitat designations are not essential for the conservation of the species and/or that other areas are, we may propose new designations for those species at that time.

(13) *Comment:* A peer reviewer stated that the absence of native pollinators may demographically doom populations of facultative and obligate out-crossing species. The same peer reviewer commented that relationships among breeding systems (out-crossing or selfing), effective population size, levels of genetic exchange, and spatial distribution need to be considered.

*Our Response:* We agree; however, this information is unknown for the majority of the 99 plant species on Oahu for which we are designating critical habitat. If new information becomes available, we will reevaluate critical habitat based on the new information for that species at that time.