

*Our Response:* Although we agree that this habitat may be important to the recovery of these species, it has not been identified as essential to the conservation of these species. The Service has identified habitat for 8 populations of *Cyanea grimesiana* elsewhere on Oahu and habitat for 10 populations of *Lipochaeta lobata*. In addition, the Service identified enough habitat for six populations of *Trematolobelia singularis*. Although this does not reach the goal of 8 to 10 populations listed in the recovery plan for this species, the Service did not have sufficient information on the habitat suggested by the commenter to determine that it is essential to the conservation of the species.

(31) *Comment:* One peer reviewer commented that any and all suitable habitat in the geographic ranges of the following species should be protected because of potential seed banks and impending climatic changes that could render existing sites unsuitable: *Alsinidendron trinerve*, *Dubautia herbstobatae*, *Hedyotis degeneri* var. *degeneri*, and *Scheidea kealiae*.

*Our Response:* We have designated all habitat considered to be essential for the conservation of *Alsinidendron trinerve* (habitat for seven populations), *Dubautia herbstobatae* (habitat for six populations), *Hedyotis degeneri* var. *degeneri* (habitat for nine populations), and *Schiedea kealiae* (habitat for four populations). The only areas not included in the final designation of critical habitat for these species were those areas that do not contain the primary constituent elements necessary for the conservation of these species.

#### *Issue 5: Mapping and Primary Constituent Elements*

(32) *Comment:* The State Department of Transportation (DOT) stated that the proposed designations near State routes would restrict the design, maintenance, and construction of highways. In particular, Units A and I may impact Route 93 (Farrington Highway), Unit L may impact Interstate Highway H-3, and Unit W may impact Route 72 (Kalanianaʻole Highway). The DOT recommends that buffer zones on each side of the State highway right-of-way should be excluded from critical habitat. The buffer zones should be based on topography and be a minimum of 100 feet in width. The map of proposed critical habitat units that shows Interstate Highway H-3 ending in the middle of Unit L should be corrected.

*Our Response:* The DOT's comments did not identify any planned widening or other significant improvement project within these units. Rather, their

concerns focused on the impact to routine repair and maintenance. Operation and maintenance of existing manmade features and structures adjacent to critical habitat are not likely to affect critical habitat and therefore are not likely to be subject to section 7 consultation. Because the areas identified in the proposed rule are essential to the conservation of several of the plant species on Oahu, they are included within the final designation. The land area located over the Interstate Highway H-3 tunnel is essential for the conservation of 7 of the 99 Oahu plant species (*Cyanea crispata*, *Cyanea st.-johnii*, *Lobelia oahuensis*, *Lysimachia filifolia*, *Sanicula purpurea*, *Tetraplasandra gymnocarpa*, and *Viola oahuensis*) and is included in the final designated critical habitat.

(33) *Comment:* Several commenters suggested that roads and trails be excluded from critical habitat.

*Our Response:* Existing manmade features and structures within the boundaries of the mapped units, such as buildings; roads; aqueducts and other water system features, including but not limited to pumping stations, irrigation ditches, pipelines, siphons, tunnels, water tanks, gaging stations, intakes, reservoirs, diversions, flumes, and wells; existing trails; campgrounds and their immediate surrounding landscaped area; scenic lookouts; remote helicopter landing sites; existing fences; telecommunications equipment towers and associated structures and electrical power transmission lines and distribution and communication facilities and regularly maintained associated rights-of-way and access ways; radars; telemetry antennas; missile launch sites; arboreta and gardens, heiau (indigenous places of worship or shrines) and other archaeological sites; airports; other paved areas; and lawns and other rural residential landscaped areas do not contain, and are not likely to develop, primary constituent elements and are specifically excluded from designation under this rule. Therefore, unless a Federal action related to such features or structures indirectly affects nearby habitat containing the primary constituent elements, operation and maintenance of such features or structures generally would not be impacted by the designation of critical habitat.

(34) *Comment:* One commenter expressed concern over proposed critical habitat designation of approximately 800 acres of land in Unit I, which has been in cultivation for over 50 years.

*Our Response:* This area was removed from the final designation because it does not contain the primary constituent elements necessary for the recovery of any of the 99 plant species on Oahu.

(35) *Comment:* The configuration of units will be difficult to identify on the ground and will have irregular boundaries. These boundaries will complicate management and increase the risk of fragmentation and edge effects on populations within units.

*Our Response:* We realize that these areas have irregular boundaries, but in many cases they are the only areas with the primary constituent elements needed for each species. We included areas that provide the biological and other processes that are 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 as critical habitat, and making them larger would add areas that lack the primary constituent elements and that are not essential to conservation of the species. All of the changes in critical habitat from the proposal are based on the best available information received during comment periods. If new information becomes available indicating the existing critical habitat designations are not essential for the conservation of the species or that other areas are, we may propose new designations for those species at that time.

(36) *Comment:* One commenter believed that the Service considered most of the key elements required for assigning areas crucial for the persistence of plant species; however, one element that appears to have been overlooked and that requires serious consideration in designating critical habitat is the presence of appropriate pollinators for species that do not self-pollinate, or feasible and sustainable alternatives to key pollinators that may be absent.

*Our Response:* We agree; however, this information is unknown for the majority of these plant species. As new information becomes available, we may reevaluate the critical habitat designations as necessary.

(37) *Comment:* One commenter stated that it appears that a portion of unit M is in the Urban District.

*Our Response:* This area was removed from the final designation because it does not contain the primary constituent elements necessary for the conservation of *Sesbania tomentosa* or *Centaurium sebaeoides*.