

the Service's map of the upper Puu Anahulu area in order to omit the central portion, which is dominated by *Pennisetum setaceum*.

Our Response: This unit was proposed as critical habitat for 10 species: *Asplenium fragile* var. *insulare*, *Hedyotis coriacea*, *Neraudia ovata*, *Portulaca sclerocarpa*, *Silene hawaiiensis*, *Silene lanceolata*, *Solanum incompletum*, *Spermolepis hawaiiensis*, *Tetramolopium arenarium*, and *Zanthoxylum hawaiiense*. The entire area proposed for these species was excluded (see "Analysis of Impacts Under Section 4(b)(2)").

(40) **Comment:** One peer reviewer suggested that the northern and eastern portion of PTA be removed from critical habitat, even though this area has numerous populations of *Silene hawaiiensis*, since there are large populations of this species in other critical habitat units.

Our Response: All of PTA lands are being excluded from critical habitat in this rule (see "Analysis of Impacts Under Section 4(b)(2)").

(41) **Comment:** One commenter stated that critical habitat units Hawaii B, D2, N, O, Z, and AA affect grazing lands; units M2 and M3 affect papaya orchards in mauka areas of Puna; and unit Q affects macadamia nut orchards and livestock grazing.

Our Response: Modifications were made to units Hawaii B, D2, O, Q, and Z to remove areas that do not contain the primary constituent elements. Units Hawaii N1, N2, M2, and M3 were all removed, as these areas are not essential to the conservation of *Sesbania tomentosa* and *Ischaemum byrrone*. They are not essential because they have a lower proportion of associated native species than other areas we consider to be essential to the conservation of these species, and there are at least 10 other locations that have been designated for each of these species. In addition, Unit Hawaii AA was excluded (see "Analysis of Impacts Under Section 4(b)(2)").

Issue 3: Species-Specific Biological Comments

(42) **Comment:** One peer reviewer commented that the following should be included in critical habitat: Cinder cone habitats in the Waimea area for *Isodendron hosakae* and *Lipochaeta venosa*; eastern Mauna Kea wet forests, especially the areas downslope from Hakalau National Wildlife Refuge; dry forests north of Kona (for *Neraudia ovata*, *Isodendron pyrifolium*, and *Nothocestrum brevifolium*); and dry and mesic forests in south Kona.

Our Response: *Lipochaeta venosa* is not one of the species at issue in the

court order in *Conservation Council of Hawaii v. Babbitt* (D. Hawaii 1998) and subsequent stipulations and therefore was not included in this rulemaking. Critical habitat is designated elsewhere on the island of Hawaii for *Isodendron hosakae* (for eight populations). Four other critical habitat units for *Neraudia ovata* are designated on the island of Hawaii for a total of six populations, and habitat is provided for four populations on the excluded lands at PTA (see "Analysis of Impacts Under Section 4(b)(2)"). *Isodendron pyrifolium* is known historically on Oahu, Molokai, Lanai, and Maui and is currently found on the island of Hawaii. We designated critical habitat for this species on Oahu (habitat for three populations), Molokai (habitat for one population), and Maui (habitat for two populations). Habitat for two additional populations is in the lands excluded from critical habitat on Lanai. Three critical habitat units for *Nothocestrum breviflorum* are designated in this rule for a total of nine populations. Although the habitat outside of these areas may be important for the conservation of these species, it is not essential.

(43) **Comment:** Several commenters suggested that we update the distribution of *Cyrtandra tintinnabula* by contacting a local expert; another provided information that *Hibiscus brackenridgei* had recently been located on Puuwaawaa.

Our Response: We have revised the designated critical habitat in the final rule to incorporate new information and to address comments and new information received during the comment periods, including information on species occurrences and areas of potentially suitable unoccupied habitat for some of these species.

(44) **Comment:** One commenter stated that the subdivisions of Kona Coastview, Kona Wonderview, and Kona Highlands are not appropriate for propagation of *Pleomele hawaiiensis*, as they are residential areas that are covered with roads, driveways, houses, and lawns.

Our Response: The subdivisions of Kona Coastview, Kona Wonderview, and Kona Highlands are not included in the proposed or final critical habitat for *Pleomele hawaiiensis*.

Issue 4: Mapping and Primary Constituent Elements

(45) **Comment:** One peer reviewer suggested that it would be informative to show State and Federal property boundaries as well as roads and elevation contours.

Our Response: Depending on the scale of the map (which is dependent on unit

size), major roads, geographical landmarks, and elevation contours were included in the maps. It would be cost-prohibitive and make the rule unnecessarily large to include all the information available. Specific maps, such as landownership and land use maps, are available upon request.

(46) **Comment:** One commenter stated that most of the primary constituent elements put forth by the Service are non-specific plant community associations or general physical locations and lack a clear and quantifiable relationship to the species, but this information will be essential for future consultations with the Service.

Our Response: As described in the discussions for each of the 47 species for which critical habitat was proposed, very little is known about the specific physical and biological requirements of these species. As such, we defined the primary constituent elements on the basis of the habitat features of the areas from which the plant species are reported, such as the type of plant community, associated native plant species, locale information (e.g., steep rocky cliffs, talus slopes, stream banks), and elevation. The habitat features represent the ecological components required by the plant. The type of plant community and associated native plant species represent on specific microclimate conditions, retention and availability of water in the soil, soil microorganism community, and nutrient cycling and availability. The locale indicates soil type, elevation, rainfall regime, and temperature. Elevation indicates information on daily and seasonal temperature and sun intensity. Therefore, the descriptions of the physical elements of the locations of each of these species and the plant communities associated with the species represent the primary constituent elements for these species.

(47) **Comment:** One commenter remarked that only a rudimentary map was provided with no indication of the boundaries of the proposed areas, acreage involved, nor any indication of how the Service determined what lands were in or out of proposed critical habitat.

Our Response: The maps in the **Federal Register** provide the general location and shape of critical habitat and are provided for reference purposes to guide Federal agencies and other interested parties in locating the general boundaries of the critical habitat (50 CFR 17.94). The legal descriptions are readily plotted and transferable to a variety of mapping formats and were made available electronically upon request for use with GIS programs. Unit