

Database 2000, 2001; Wagner *et al.* 1990, 1999).

Based on comments and information we received during the comment periods, we assessed the proposed critical habitat in order to ascertain which areas contained the highest quality habitat, had the highest likelihood of species conservation, and were geographically distributed within the species' historical range and distributed such that all populations of a single species are unlikely to be impacted by a single catastrophic event. We ranked areas of the proposed critical habitat by the quality of the primary constituent elements (*i.e.*, intact native plant communities, predominance of associated native plants versus nonnative plants), potential as a conservation area (*e.g.*, whether the land is zoned for conservation; whether the landowner is already participating in plant conservation or recovery actions), and current or expected management of known threats (*e.g.*, ungulate control; weed control; nonnative insect, slug, and snail control). We ranked as most essential those areas that contain high quality primary constituent elements, are zoned for conservation, and have ongoing or expected threat abatement actions. This ranking process also included determining which habitats were representative of the historic geographical and ecological distributions of the species (see "Primary Constituent Elements"). Areas that are zoned for conservation or have been identified as a State Forest Reserve, NAR, Wildlife Preserve, State Park, or are managed for conservation by a private landowner have a high likelihood of providing conservation benefit to the species and are therefore more essential than other comparable habitat outside of those types of areas. Of these essential areas, we selected adequate area to provide for 8 to 10

populations distributed among the islands of each species' historical range. Of the proposed critical habitat for a species, areas that provide habitat for populations above the recovery goal of 8 to 10 populations were determined not essential for the conservation of the species and were eliminated from the final designation.

Within the critical habitat boundaries, section 7 consultation is generally necessary, and adverse modification could occur only if the primary constituent elements are affected. Therefore, not all activities within critical habitat would trigger an adverse modification conclusion. In selecting areas of designated critical habitat, we made an effort to avoid developed areas, such as towns and other similar lands, that are unlikely to contribute to the conservation of the 41 species. However, the minimum mapping unit that we used to approximate our delineation of critical habitat for these species did not allow us to exclude all such developed areas from the maps. Nevertheless, since manmade features and structures within the boundaries of the mapped unit do not contain the primary constituent elements, they are excluded by the terms of the final regulation such areas include: 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 towers and associated structures and equipment; 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. Federal actions limited to those areas would not trigger a section 7 consultation unless they affect the species or primary constituent elements in adjacent critical habitat.

In summary, for these species we utilized the approved recovery plan guidance to identify appropriately sized land units containing essential occupied and unoccupied habitat. Based on the best available information, we believe these areas constitute the essential habitat on the island of Hawaii to provide for the conservation of these 41 species.

The critical habitat areas described below constitute our best assessment of the physical and biological features needed for the conservation of the 41 plant species from the island of Hawaii and the special management needs of these species, and are based on the best scientific and commercial information available and described above. We publish this final rule acknowledging that we have incomplete information regarding many of the primary biological and physical requirements for these species. However, both the Act and the relevant court orders require us to proceed with designation at this time based on the best information available. As new information accrues, we may consider reevaluating the boundaries of areas that warrant critical habitat designation.

The approximate areas of designated critical habitat by landownership or jurisdiction are shown in Table 3. The approximate final critical habitat area (ha (ac)), essential area, and excluded area are shown in Table 4.

TABLE 3.—APPROXIMATE CRITICAL HABITAT DESIGNATED AREA BY UNIT AND LANDOWNERSHIP OR JURISDICTION, HAWAII COUNTY, HAWAII¹

Unit name	State/local	Private	Federal	Total
Hawaii 9— <i>Achyranthes mutica</i> —a	63 ha (157 ac)	.....	.....	63 ha (157 ac)
Hawaii 9— <i>Achyranthes mutica</i> —b	83 ha (205 ac)	41 ha (101 ac)	.....	125 ha (306 ac)
Hawaii 9— <i>Achyranthes mutica</i> —c	67 ha (166 ac)	.....	.....	67 ha (166 ac)
Hawaii 9— <i>Achyranthes mutica</i> —d	58 ha (143 ac)	.....	.....	58 ha (143 ac)
Hawaii 9— <i>Achyranthes mutica</i> —e	74 ha (182 ac)	23 ha (56 ac)	.....	96 ha (238 ac)
Hawaii 9— <i>Achyranthes mutica</i> —f	43 ha (105 ac)	.....	.....	43 ha (105 ac)
Hawaii 9— <i>Achyranthes mutica</i> —g	37 ha (92 ac)	.....	.....	37 ha (92 ac)