

activities occurring in this area of the island of Hawaii without designated critical habitat than there would be with designated critical habitat in this location. We reached this conclusion because the landowner has agreed to implement voluntary conservation efforts on their lands without critical habitat designation. Therefore, we conclude that the benefits of excluding this portion of proposed unit Hawaii Y2 from critical habitat for *Isodendron pyriformis* and *Neraudia ovata* outweigh the benefits of including it.

(4) Exclusion of This Unit Will Not Cause Extinction of the Species

In considering whether or not exclusion of the Queen Liliuokalani Trust portion of proposed unit Hawaii Y2 might result in the extinction of either of these two species, we first considered the impacts to the species endemic to the island of Hawaii, *Neraudia ovata*, and second to *Isodendron pyriformis*, which is known from the island of Hawaii and other Hawaiian islands.

For both the endemic and the multi-island species, we conclude that the voluntary conservation measures to be provided by Queen Liliuokalani Trust and the Service will provide more net conservation benefits than would be provided by designating the portion of proposed unit Hawaii Y2 as critical habitat. These conservation measures, which are described above, will provide tangible proactive conservation benefits that will reduce the likelihood of extinction for the two listed plants in this area of the island of Hawaii and increase their likelihood of recovery. Extinction for either of these species as a consequence of this exclusion is unlikely because there are no known threats in this portion of proposed unit Hawaii Y2 due to any current or reasonably anticipated Federal actions that might be regulated under section 7 of the Act. Implementation of the conservation measures by Queen Liliuokalani Trust, and the exclusion of their portion of proposed unit Hawaii Y2, have the greatest likelihood of preventing extinction of these two species, especially *Neraudia ovata*, which is endemic to the island of Hawaii.

In addition, critical habitat is being designated on other areas of the island of Hawaii for *Neraudia ovata* (Hawaii 10—*Neraudia ovata*—a and Hawaii 18—*Neraudia ovata*—d), and critical habitat has been designated elsewhere in the state for *Isodendron pyriformis*. We

have designated critical habitat for *Isodendron pyriformis* within its historical range on Oahu (habitat for three populations), Molokai (habitat for one population), and Maui (habitat for two populations) (68 FR 35949, June 17, 2003; 68 FR 12982, March 19, 2003; 68 FR 25934, May 14, 2003). In addition, habitat for two populations is within the area excluded from critical habitat on Lanai (68 FR 1220, January 9, 2003). These other designations identify conservation areas for the maintenance and expansion of the existing populations.

In sum, the above analysis concludes that an exclusion of Queen Liliuokalani Trust land within proposed unit Hawaii Y2 from final critical habitat on the island of Hawaii will have a net beneficial impact with little risk of negative impacts. Therefore, the exclusion of the Queen Liliuokalani Trust portion of proposed unit Hawaii Y2 will not cause extinction and should in fact improve the chances of recovery for *Isodendron pyriformis* and *Neraudia ovata*.

Other Private Landowners

As resources allow, the Service would be willing to consider future revisions or amendments to this final critical habitat rule if other landowners affected by this rule develop conservation programs or partnerships (e.g., Habitat Conservation Plans, Safe Harbor Agreements, conservation agreements, etc.) on their lands that outweigh the regulatory and educational benefits of a critical habitat designation.

Taxonomic Changes

At the time we listed *Delissea undulata*, *Hibiscus brackenridgei*, *Mariscus fauriei*, *Mariscus pennatifolius*, and *Phyllostegia parviflora*, we followed the taxonomic treatments in Wagner *et al.* (1990), the widely used and accepted *Manual of the Flowering Plants of Hawaii*. Subsequent to the final listing, we became aware of new taxonomic treatments of these species. Also, in the recently published *Hawaii's Ferns and Fern Allies* (Palmer 2003), *Asplenium fragile* var. *insulare* has undergone a taxonomic revision. Due to the court-ordered deadlines, we are required to publish this final rule to designate critical habitat on the island of Hawaii before we can prepare and publish a notice of taxonomic changes for these six species. We plan to publish a taxonomic change notice for these six species after we have published the final critical habitat designation on the island of Hawaii.

Summary of Recovery Populations for 255 Hawaiian Plants

During the public comment periods on the proposed designations and nondesignations of critical habitat for plants from the islands of Kauai, Niihau, Lanai, Maui, Molokai, Northwestern Hawaiian Islands, Oahu, and the island of Hawaii, we received several comments regarding the difficulty of commenting in an informed manner on critical habitat for species occurring on more than one island because the proposed rules did not provide information on critical habitat proposed on other islands for multi-island species. To address this concern, on August 20, 2002, we reopened simultaneous comment periods for the proposed designations and nondesignations of critical habitat for plant species on the islands of Kauai, Niihau, Maui, Molokai, and the Northwestern Hawaiian Islands until September 30, 2002, and for plant species on the islands of Hawaii and Oahu until November 30, 2002. The new comment periods allowed all interested parties to review all the proposals together and submit written comments. A comment period for the proposed designations and nondesignations of critical habitat for plant species on Lanai opened on July 15, 2002, and closed on August 30, 2002, overlapping with the reopened comment periods for the islands mentioned above.

As outlined in the above section "Criteria Used to Identify Critical Habitat," the overall recovery goal stated in the recovery plans for each of these species includes the establishment of 8 to 10 populations with a minimum of 100 mature reproducing individuals per population for long-lived perennials; 300 mature reproducing individuals per population for short-lived perennials; and 500 mature reproducing individuals per population for annuals. There are some specific exceptions to this general recovery goal of 8 to 10 populations for species that are believed to be very narrowly distributed on a single island. To be considered recovered, the populations of a multi-island species should be distributed among the islands of its known historic range. In this final critical habitat rule, we include a table that summarizes the distribution of recovery populations by island for each of the 255 species at issue (Table 5).