

*haupuensis*, *Melicope knudsenii*, *Melicope pallida*, *Munroidendron racemosum*, *Myrsine linearifolia*, *Nothocestrum peltatum*, *Panicum niihauense*, *Peucedanum sandwicense*, *Phlegmariurus mannii*, *Phyllostegia knudsenii*, *Phyllostegia wawrana*, *Plantago princeps*, *Platanthera holochila*, *Poa mannii*, *Poa sandvicensis*, *Poa siphonoglossa*, *Pteralyxia kauaiensis*, *Remya kauaiensis*, *Remya montgomeryi*, *Schiedea apokremnos*, *Schiedea helleri*, *Schiedea kauaiensis*, *Schiedea membranacea*, *Schiedea nuttallii*, *Schiedea spergulina* var. *leiopoda*, *Schiedea spergulina* var. *spergulina*, *Schiedea stellarioides*, *Sesbania tomentosa*, *Silene lanceolata*, *Solanum sandwicense*, *Spermolepis hawaiiensis*, *Stenogyne campanulata*, *Vigna o-wahuensis*, *Viola helenae*, *Viola kauaiensis* var. *wahiawaensis*, *Wilkesia hobdyi*, *Xylosma crenatum*, and *Zanthoxylum hawaiiense*) that are reported from Kauai and/or Niihau as well as on Maui, Kahoolawe, Lanai, and Molokai. We proposed that critical habitat was not prudent for two species, *Phyllostegia waimeae* and *Melicope quadrangularis*, because they had not been seen recently in the wild, and no genetic material of these species was known to exist. We also proposed that critical habitat was not prudent for three species, *Pritchardia aylmer-robinsonii*, *Pritchardia napaliensis*, and *Pritchardia viscosa*, because it would increase the threat of vandalism to these species.

In the November 7, 2000 proposed rule, we proposed designation of critical habitat on approximately 24,539 ha (60,636 ac) of land on the islands of Kauai and Niihau. The publication of the proposed rule opened a 60-day public comment period, which closed on January 7, 2001. On January 18, 2001, we published a notice (66 FR 4782) announcing the reopening of the comment period until February 19, 2001, on the proposed rule and a notice of a public hearing. On February 6, 2001, we held a public hearing at the Radisson Kauai Beach Resort in Lihue, Kauai. On March 7, 2001, we published a notice (66 FR 13691) announcing the reopening of the comment period and the availability of the draft economic analysis for the proposed rule. This third public comment period was open until April 6, 2001.

On October 3, 2001, we submitted a joint stipulation with Earthjustice to the U.S. District Court requesting extension of the court order for the final rules to designate critical habitat for plants from Kauai and Niihau (July 30, 2002), Maui and Kahoolawe (August 23, 2002), Lanai (September 16, 2002), and Molokai

(October 16, 2002), citing the need to revise the proposals to incorporate or address new information and comments received during the comment periods. The joint stipulation was approved and ordered by the court on October 5, 2001.

On January 28, 2002, in the revised proposed rule, we published proposed prudency determinations for 95 plant species from Kauai and Niihau (67 FR 3940). Many of these proposed prudency determinations were incorporated from previous proposals. We also proposed that critical habitat is prudent for four species (*Achyranthes mutica*, *Isodendron pyriformis*, *Phlegmariurus nutans*, and *Solanum incompletum*) for which a prudency determination had not been made previously and that no longer occur on Kauai or Niihau but are reported from one or more of the other islands.

In addition, critical habitat for 83 (*Adenophorus periens*, *Alectryon macrococcus*, *Alsinidendron lychnoides*, *Alsinidendron viscosum*, *Bonania menziesii*, *Brighamia insignis*, *Centaurium sebaeoides*, *Chamaesyce halemanui*, *Ctenitis squamigera*, *Cyanea asarifolia*, *Cyanea recta*, *Cyanea remyi*, *Cyanea undulata*, *Cyperus trachysanthos*, *Cyrtandra cyaneoides*, *Cyrtandra limahuliensis*, *Delissea rhytidosperra*, *Delissea rivularis*, *Delissea undulata*, *Diellia erecta*, *Diellia pallida*, *Diplazium molokaiense*, *Dubautia latifolia*, *Dubautia pauciflora*, *Euphorbia haeleleana*, *Exocarpos luteolus*, *Flueggea neowawraea*, *Gouania meyenii*, *Hedyotis cookiana*, *Hedyotis st.-johnii*, *Hesperomannia lydgatei*, *Hibiscadelphus woodii*, *Hibiscus clayi*, *Hibiscus waimeae* ssp. *hannerae*, *Ischaemum byrone*, *Isodendron laurifolium*, *Isodendron longifolium*, *Kokia kauaiensis*, *Labordia lydgatei*, *Labordia tinifolia* var. *wahiawaensis*, *Lipochaeta fauriei*, *Lipochaeta micrantha*, *Lipochaeta waimeae*, *Lobelia niihauensis*, *Lysimachia filifolia*, *Mariscus pennatifolius*, *Melicope haupuensis*, *Melicope knudsenii*, *Melicope pallida*, *Munroidendron racemosum*, *Myrsine linearifolia*, *Nothocestrum peltatum*, *Panicum niihauense*, *Peucedanum sandwicense*, *Phlegmariurus nutans*, *Phyllostegia knudsenii*, *Phyllostegia waimeae*, *Phyllostegia wawrana*, *Plantago princeps*, *Platanthera holochila*, *Poa mannii*, *Poa sandvicensis*, *Poa siphonoglossa*, *Pteralyxia kauaiensis*, *Remya kauaiensis*, *Remya montgomeryi*, *Schiedea apokremnos*, *Schiedea helleri*, *Schiedea kauaiensis*, *Schiedea membranacea*, *Schiedea nuttallii*, *Schiedea spergulina* var. *leiopoda*,

*Schiedea spergulina* var. *spergulina*, *Schiedea stellarioides*, *Sesbania tomentosa*, *Solanum sandwicense*, *Spermolepis hawaiiensis*, *Stenogyne campanulata*, *Viola helenae*, *Viola kauaiensis* var. *wahiawaensis*, *Wilkesia hobdyi*, *Xylosma crenatum*, and *Zanthoxylum hawaiiense*) of the 95 plant species was proposed on approximately 40,147 ha (99,206 ac) of land on Kauai and 282 ha (697ac) of land on Niihau (67 FR 3940). Critical habitat was not proposed for *Achyranthes mutica*, *Hibiscus brackenridgei*, *Phlegmariurus mannii*, *Silene lanceolata*, and *Solanum incompletum* on the island of Kauai and for *Isodendron pyriformis* and *Vigna o-wahuensis* on the island of Niihau because these plants no longer occur on Kauai or Niihau, and we were unable to identify habitat essential to their conservation on these two islands.

Because *Phyllostegia waimeae* had been rediscovered, we revised an earlier proposal to suggest that critical habitat would be prudent and propose critical habitat for this species in the revised proposed rule.

The publication of the revised proposed rule opened a 60-day public comment period, which closed on March 29, 2002. On February 11, 2002, we published a correction notice (67 FR 6214) correcting information contained in the January 28, 2002, revised proposal pertaining to the notice of a public hearing. On February 13, 2002, we held a public hearing at the Radisson Kauai Beach Resort in Lihue, Kauai. On May 28, 2002, we published a notice (67 FR 36851) announcing the availability of the draft economic analysis for the designation of critical habitat for 83 Kauai plants and reopening the public comment period until June 27, 2002. On August 26, 2002, we published a notice (67 FR 54766) reopening the public comment period until September 30, 2002. On July 11, 2002, we submitted joint stipulations with Earthjustice to the U.S. District Court requesting extension of the court orders for the final rules to designate critical habitat for plants from Lanai (December 30, 2002), Kauai and Niihau (January 31, 2003), Molokai (February 28, 2003), Maui and Kahoolawe (April 18, 2003), Oahu (April 30, 2003), the Northwestern Hawaiian Islands (April 30, 2003), and the island of Hawaii (May 30, 2003), citing the need to conduct additional review of the proposals, address comments received during the public comment periods, and to conduct a series of public workshops on the proposals. The joint stipulations were approved and ordered by the court on July 12, 2002. On September 3 and 4,