

status. The Service did not base its original "not prudent" finding on the likelihood that designation would increase threats, as it now attempts to do. Nor does it explain why designating critical habitat on the privately owned island of Niihau would increase collecting beyond current levels.

Our Response: Since the listings of the three *Pritchardia* species on Kauai and Niihau as endangered, and prior to our proposed rules for the designation of critical habitat, we received information verifying vandalism and collection threats to *Pritchardia* throughout the Hawaiian Islands. This information is included in the proposed rules. We have revised critical habitat designations based on additional information received during comment periods. However, no additional information was provided during the comment periods demonstrating that the threats to the *Pritchardia* species on any Hawaiian Island from vandalism or collection would not be increased if critical habitat was designated. We still believe that the benefits of designating critical habitat do not outweigh the potential threats from vandalism and collection of these three species of *Pritchardia*.

(26) *Comment:* The revised proposal identifies as critical habitat only the habitat that *Hibiscus clayi* currently occupies, despite the Service biologist's concession that this area alone is inadequate to support the recovery of the species.

Our Response: We agree that the area proposed as critical habitat for *Hibiscus clayi* is inadequate for the recovery of the species. During the public comment period, we received additional information, and have designated five other units of critical habitat for this species within the previously proposed unit M (now Unit 4), based on the presence of primary constituent elements. Habitat has been designated for six populations, however we do not have information on other locations or additional areas that are suitable or essential for this species.

(27) *Comment:* The expansion of the area in the revised proposal raises concerns about the limited data used in the mapping process.

Our Response: When developing the proposal to designate critical habitat for 83 plants from Kauai and Niihau, we used the best scientific and commercial data available, including but not limited to, information from the known locations, site-specific species information from the HINHP database and our own rare plant database; species information from the Center for Plant Conservation's (CPC) rare plant

monitoring database housed at the University of Hawaii's Lyon Arboretum; the final listing rules for these species; information received at the three informational open houses held on Kauai at the Waimea Community Center, the Kauai War Memorial Convention Hall in Lihue, and the Kilauea Neighborhood Center, on October 19 to 21, 1999, respectively; recent biological surveys and reports; our recovery plans for these species; information received in response to outreach materials and requests for species and management information we sent to all landowners, land managers, and interested parties on the islands of Kauai and Niihau; discussions with botanical experts; recommendations from the Hawaii Pacific Plant Recovery Coordinating Committee (HPPRCC) (Service 1994, 1995, 1996, 1997, 1998a, 1998b, 1998c, 1999; HPPRCC 1998; HINHP Database 2000; CPC *in litt.* 1999); Geographic Information System (GIS) coverages (e.g. vegetation, soils, annual rainfall, elevation contours, land ownership); new information; completed recovery plans; and information received during the public comment periods and public hearings.

(28) *Comment:* What would make sense is for the Service to develop a plan for human intervention, including the required funding, and then designate selected areas as critical habitat.

Our Response: Recovery plans, in which human intervention actions are recommended for the conservation of all of the 83 plants that are the subject of this critical habitat rulemaking, have already been developed (Service 1994, 1995, 1996, 1997, 1998a, 1998b, 1998c, 1999). In the recovery plans we identified habitat areas deemed essential to the recovery of these plant species and referred to these areas during our development of the critical habitat designations.

(29) *Comment:* The designation of critical habitat in unoccupied habitat is particularly important, since this may be the only mechanism available to ensure that Federal actions do not eliminate the habitat needed for the survival and recovery of extremely endangered species.

Our Response: We agree. Our recovery plans for these species (Service 1994, 1995, 1996, 1997, 1998a, 1998b, 1998c, 1999) identify the need to expand existing populations and reestablish wild populations within historic range.

(30) *Comment:* There cannot be adequate assessment of possible impacts by a proposed Federal action to a species that is not there any more. Such

an assessment is impossible without a total analysis of why a plant species no longer occurs in a region.

Our Response: In cases where a proposed Federal action takes place in unoccupied critical habitat, we will assess whether the proposed action is likely to destroy or adversely modify the primary constituent elements that are needed for the future conservation of the species in question. If we find that the proposed action will appreciably diminish the habitat's value for both survival and recovery of the species, we will recommend reasonable and prudent alternatives.

Issue 2: Site-Specific Biological Comments

(31) *Comment:* The proposed rule could and should have included a more detailed discussion of why the revision included an expansion of critical habitat units in northwestern Kauai (*i.e.*, units O and I).

Our Response: We agree that a more detailed discussion of why areas are included and excluded from each unit would be helpful. Therefore, in "Summary of Changes from the Revised Proposed Rule" section, we have given detailed descriptions for each species of why the units have changed.

(32) *Comment:* Unit D does not contain any listed species and so does not appear to be warranted as essential for the conservation of the species. Areas in units D1, D2, and E that do not contain the primary constituent elements should be remapped in the final rule. The critical habitat area on the beach was proposed to be limited to the dunes on the southern portion of the parcel, to what is commonly known as "Long Beach." The lower slopes of the Haupu range and the Kipu/Kipukai/Hoary Head range in Unit E are covered by *Eucalypts robusta*, *Melaleuca*, *Grevillea*, *Casuarina*, mango, Java plum, catclaw vine, *Rhodomyrtus*, *Ficus benjamina*, and other introduced plants and animals, especially below 1,500 feet elevation. These areas do not contain suitable habitat for listed species and should not be critical habitat.

Our Response: We agree that proposed unit D1 is not essential for the conservation of *Sesbania tomentosa*, and have excluded it from critical habitat designation. We agree that parts of proposed units D2 and E do not contain the physical and biological features essential to the conservation of *Brighamia insignis*, *Delissea rhytidosperra*, *Isodendron longifolium*, *Lipochaeta micrantha*, *Melicope haupuensis*, *Munroidendron racemosum*, *Myrsine linearifolia*, *Peucedanum sandwicense*, *Pteralyxia*