

linearifolia, *Nothocestrum peltatum*, *Panicum niihauense*, *Peucedanum sandwicense*, *Phlegmariurus nutans*, *Phyllostegia waimeae*, *Plantago princeps*, *Platanthera holochila*, *Poa mannii*, *Poa sandwicensis*, *Poa siphonoglossa*, *Pteralyxia kauaiensis*, *Remya kauaiensis*, *Remya montgomeryi*, *Schiedea apokremnos*, *Schiedea helleri*, *Schiedea kauaiensis*, *Schiedea membranacea*, *Schiedea spargulina* var. *spargulina*, *Schiedea stellarioides*, *Sesbania tomentosa*, *Solanum sandwicense*, *Spermolepis hawaiiensis*, *Stenogyne campanulata*, *Viola helenae*, *Viola kauaiensis* var. *wahiawaensis*, *Wilkesia hobdyi*, *Xylosma crenatum*, and *Zanthoxylum hawaiiense*.

Although the State conducts some conservation management actions on these lands and provides access to others who are conducting such activities, these programs do not adequately address the threats to these listed plant species on their lands. In addition, there are no comprehensive management plans for the long-term conservation of endangered and threatened plants on these lands, no updated detailed reports on management actions conducted, and no assurances that management actions will be implemented. Therefore, we cannot at this time find that management on these State lands is sufficient to find that they do not meet the definition of critical habitat. However, we will work with the State in developing conservation planning efforts.

Private Lands

We determined that habitat that is essential to the conservation of 38 of the 83 federally listed plant species is found on privately owned lands on Kauai and Niihau: *Adenophorus periens*, *Alsinidendron lychnoides*, *Bonamia menziesii*, *Brighamia insignis*, *Cyanea asarifolia*, *Cyanea recta*, *Cyanea remyi*, *Cyanea undulata*, *Cyrtandra cyaneoides*, *Cyrtandra limahuliensis*, *Delissea rhytidosperra*, *Delissea undulata*, *Dubautia pauciflora*, *Exocarpos luteolus*, *Hesperomannia lydgatei*, *Hibiscus clayi*, *Hibiscus waimeae* ssp. *hannerae*, *Ischaemum byrone*, *Isodendron longifolium*, *Labordia lydgatei*, *Labordia tinifolia* var. *wahiawaensis*, *Lipochaeta micrantha*, *Lobelia niihauensis*, *Lysimachia filifolia*, *Melicope haupuensis*, *Munroidendron racemosum*, *Myrsine linearifolia*, *Peucedanum sandwicense*, *Phlegmariurus nutans*, *Phyllostegia wawana*, *Plantago princeps*, *Platanthera holochila*, *Pteralyxia kauaiensis*, *Schiedea nuttallii*, *Schiedea spargulina* var. *leiopoda*, *Sesbania*

tomentosa, *Viola helenae*, and *Viola kauaiensis* var. *wahiawaensis*.

Based on current information, the main activities being conducted by several of these landowners are weeding, control of human access, and planting of native species. In addition, responses and comments we received during the three comment periods and the public hearings, and new information used in preparing this final rule, did not adequately address the threats to these listed plant species on private lands on Kauai and Niihau. In addition, none of the private landowners are implementing management actions which would exclude them from critical habitat under 3(5)(A). If the private landowner is managing their lands that address the maintenance and improvement of the essential elements for these plant species and provide for their long-term conservation, we will reassess the critical habitat boundaries in light of this new information.

The critical habitat areas described below constitute our best assessment of the physical and biological features needed for the conservation of the 83 plant species 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 the designated critical habitat by landownership or jurisdiction are shown in Table 4.

Critical habitat includes habitat for these 83 species primarily in the upland portions of Kauai, and for one species in the northern portion of Niihau. Lands designated as critical habitat have been divided into a total of 217 units. A brief description of each unit is presented below.

Descriptions of Critical Habitat Units

Kauai 4—*Adenophorus periens*—a

This unit is critical habitat for *Adenophorus periens* and is 237 ha (585 ac) on State (Alakai Wilderness Preserve and Kealia, and Moloaa Forest Reserves) and private land. The unit contains a portion of Waioli and Limahuli Valleys, Ke Ana Kolea and Kahili, Kekoiki,

Leleiwi, Mount Namahana, and Puu Eu Summits. This unit provides habitat for one population of 300 mature, reproducing individuals of the short-lived perennial *Adenophorus periens* and is currently occupied with one plant. This unit is essential to the conservation of the taxon because it supports an extant colony of this species and includes habitat that is important for the expansion of the present population, which is currently considered non-viable. It provides habitat for the westernmost range of the species. The habitat features contained in this unit that are essential for this species include, but are not limited to, *Metrosideros polymorpha* trunks, in riparian banks of stream systems in well-developed, closed, shady canopy. This unit provides for one population within this multi-island species' historical range on Kauai that is some distance away from the other critical habitat for this species, in order to avoid all recovery populations on the island from being destroyed by one naturally occurring catastrophic event.

Kauai 10—*Adenophorus periens*—b

This unit is critical habitat for *Adenophorus periens* and is 492 ha (1,215 ac) on State (Lihue-Koloa Forest Reserve) and private land. The unit contains a portion of Kalalau Valley, Limahuli Valley, Kanaele Swamp, and Hulua, Kahili, and Kapalaoa Summits. This unit provides habitat for one population of 300 mature, reproducing individuals of the short-lived perennial *Adenophorus periens* and is currently occupied with 50 plants. This unit is essential to the conservation of the taxon because it supports an extant colony of this species and includes habitat that is important for the expansion of the present population, which is currently considered non-viable. The habitat features contained in this unit that are essential for this species include, but are not limited to, *Metrosideros polymorpha* trunks, in riparian banks of stream systems in well-developed, closed, shady canopy. This unit provides for one population within this multi-island species' historical range on Kauai that is some distance away from the other critical habitat for this species, in order to avoid all recovery populations on the island from being destroyed by one naturally occurring catastrophic event.

Kauai 11—*Adenophorus periens*—c

This unit is critical habitat for *Adenophorus periens* and is 469 ha (1,160 ac) on State (Halelea Forest Reserve) and private land. The unit contains a portion of Kalalau and