

section). Requests for copies of the regulations on listed plants and animals, and inquiries about prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Branch of Endangered Species/Permits, 911 N.E. 11th Ave., Portland, OR 97232-4181 (telephone 503/231-2063; facsimile 503/231-6243).

#### **Relationship to Habitat Conservation Plans and Other Planning Efforts**

Currently, there are no HCPs that include any of the plant species discussed in this proposal as covered species. In the event that future HCPs covering any of the discussed plant species are developed within the boundaries of designated critical habitat, we will work with applicants to ensure that the HCPs provide for protection and management of habitat areas essential to the conservation of the species. This will be accomplished by either directing development and habitat modification to nonessential areas, or appropriately modifying activities within essential habitat areas so that such activities will not adversely modify the primary constituent elements. The HCP development process would provide an opportunity for more intensive data collection and analysis regarding the use of particular areas by these plant species.

#### **Economic and Other Relevant Impacts**

Section 4(b)(2) of the Act requires us to designate critical habitat on the basis of the best scientific and commercial information available and to consider the economic and other relevant impacts of designating a particular area as critical habitat. We may exclude areas from critical habitat upon a determination that the benefits of such exclusions outweigh the benefits of specifying such areas as critical habitat. However, we cannot exclude such areas from critical habitat if the exclusion will result in the extinction of the species concerned. We will conduct an analysis of the economic impacts of designating these areas as critical habitat in light of this proposal and in accordance with recent decisions in the *N.M. Cattlegrowers Ass'n v. U.S. Fish and Wildlife Serv.*, 248 F.3d 1277 (10th Cir. 2001) prior to a final determination. The economic analysis will include detailed information on the baseline costs and benefits of the critical habitat designation regardless of whether the costs are coextensive with listing, where such estimates are available. This information on the baseline will allow a fuller appreciation of the economic impacts associated with critical habitat designation. When completed, we will

announce the availability of the draft economic analysis with a notice in the **Federal Register**, and we will open a public comment period on the draft economic analysis and re-open the comment period on the proposed rule at that time.

We will utilize the final economic analysis, and take into consideration all comments and information regarding economic or other impacts submitted during the public comment period and any public hearings, if requested, to make final critical habitat designations. We may exclude areas from critical habitat upon a determination that the benefits of such exclusions outweigh the benefits of specifying such areas as part of critical habitat; however, we cannot exclude areas from critical habitat when such exclusion will result in the extinction of the species.

#### **Public Comments Solicited**

It is our intent that any final action resulting from this proposal be as accurate and as effective as possible. Therefore, we solicit comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry or any other interested party concerning this proposed rule.

We invite comments from the public that provide information on whether lands within proposed critical habitat are currently being managed to address conservation needs of these listed plants. As stated earlier in this proposed rule, if we receive information that any of the areas proposed as critical habitat are adequately managed, we may delete such areas from the final rule, because they would not meet the definition in section 3(5)(A)(i) of the Act. In determining adequacy of management, we must find that the management effort is sufficiently certain to be implemented and effective so as to contribute to the elimination or adequate reduction of relevant threats to the species.

We are soliciting comment in this proposed rule on whether current land management plans or practices applied within areas proposed as critical habitat adequately address the threat to these listed species.

We are aware that the State of Hawaii and some private landowners are considering the development and implementation of land management plans or agreements that may promote the conservation and recovery of endangered and threatened plant species on the island of Hawaii. We are soliciting comments in this proposed rule on whether current land management plans or practices applied within the areas proposed as critical

habitat provide for the conservation of the species by adequately addressing the threats. We are also soliciting comments on whether future development and approval of conservation measures (e.g., HCPs, Conservation Agreements, Safe Harbor Agreements) should be excluded from critical habitat and if so, by what mechanism.

In addition, we are seeking comments on the following:

(1) The reasons why critical habitat for any of these species is prudent or not prudent as provided by section 4 of the Act and 50 CFR 424.12(a)(1);

(2) The reasons why any particular area should or should not be designated as critical habitat for any of these species, as critical habitat is defined by section 3 of the Act (16 U.S.C. 1532 (5));

(3) specific information on the amount, distribution, and quality of habitat for the 47 species and what habitat is essential to the conservation of the species and why;

(4) land use practices and current or planned activities in the subject areas and their possible impacts on proposed critical habitat;

(5) any economic or other impacts resulting from the proposed designations of critical habitat, including any impacts on small entities, energy development, low income households, and local governments;

(6) economic and other potential values associated with designating critical habitat for the above plant species such as those derived from non-consumptive uses (e.g., hiking, camping, birding, enhanced watershed protection, increased soil retention, "existence values," and reductions in administrative costs);

(7) the methodology we might use, under section 4(b)(2) of the Act, in determining if the benefits of excluding an area from critical habitat outweigh the benefits of specifying the area as critical habitat; and

(8) the effects of critical habitat designation on military lands, and how it would affect military activities, particularly military activities at the Pohakuloa Training Area lands on the island of Hawaii. Whether there will be a significant impact on military readiness or national security if we designate critical habitat on these facilities. Whether these facilities should be excluded from the designation under section 4(b)(2) of the Act.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address, which

we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this request prominently at the beginning of your comment. However, we will not consider anonymous comments. To the extent consistent with applicable law, we will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address (see **ADDRESSES** section).

If you wish to comment, you may submit your comments and materials concerning this proposal by any of several methods: You may submit written comments and information to the Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala Moana Blvd., P.O. Box 50088, Honolulu, HI 96850-0001. You may hand-deliver comments to our Honolulu Fish and Wildlife Office at the address above. You may send comments by electronic mail (e-mail) to: *FW1PIE\_Hawaii\_Island\_Crithab@r1.fws.gov*. If you submit comments by e-mail, please submit them as an ASCII file and avoid the use of special characters and any form of encryption. Please also include "Attn: RIN 1018-AH02" and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Honolulu Fish and Wildlife Office at telephone number 808/541-3441.

The comment period closes on July 29, 2002. We are seeking comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested parties concerning the proposed rule. For additional information on public hearings see the **DATES** section.

#### Peer Review

In accordance with our policy published on July 1, 1994 (59 FR 34270), we will seek the expert opinions

of at least three appropriate and independent specialists regarding this proposed rule. The purpose of such review is to ensure listing and critical habitat decisions are based on scientifically sound data, assumptions, and analyses. We will send copies of this proposed rule to these peer reviewers immediately following publication in the **Federal Register**. We will invite the peer reviewers to comment, during the public comment period, on the specific assumptions and conclusions regarding the proposed designations of critical habitat.

We will consider all comments and data received during the 60-day comment period on this proposed rule during preparation of a final rulemaking. Accordingly, the final decision may differ from this proposal.

#### Clarity of the Rule

Executive Order 12866 requires each agency to write regulations and notices that are easy to understand. We invite your comments on how to make this proposed rule easier to understand including answers to questions such as the following: (1) Are the requirements in the proposed rule clearly stated? (2) Does the proposed rule contain technical language or jargon that interferes with the clarity? (3) Does the format of the proposed rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Is the description of the proposed rule in the **SUPPLEMENTARY INFORMATION** section of the preamble helpful in understanding the document? (5) What else could we do to make the proposed rule easier to understand?

Send a copy of any comments that concern how we could make this rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW, Washington, DC 20240.

#### Taxonomic Changes

At the time we listed *Delissea undulata*, *Hibiscus brackenridgei*, *Mariscus fauriei*, *Mariscus pennatiflorus*, 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. Due to the court-ordered deadlines we are required to publish this proposal to designate critical

habitat on the island of Hawaii before we can prepare and publish a notice of taxonomic changes for these five species. We propose to publish a taxonomic change notice for these five species after we have published the final critical habitat designations on the island of Hawaii.

#### Required Determinations

##### Regulatory Planning and Review

In accordance with Executive Order 12866, this document is a significant rule and was reviewed by the Office of Management and Budget (OMB) in accordance with the four criteria discussed below. We are preparing an economic analysis of this proposed action, which will be available for public comment, to determine the economic consequences of designating the specific areas identified as critical habitat. The availability of the draft economic analysis will be announced in the **Federal Register** so that it is available for public review and comments.

a. While we will prepare an economic analysis to assist us in considering whether areas should be excluded pursuant to section 4 of the Act, we do not believe this rule will have an annual economic effect of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State or local governments or communities. Therefore, at this time, we do not believe a cost benefit and economic analysis pursuant to Executive Order 12866 is required. We will revisit this if the economic analysis indicates greater impacts than currently anticipated.

The dates for which the 47 plant species were listed as threatened or endangered can be found in Table 4(b). Consequently, and as needed, we conduct formal and informal section 7 consultations with other Federal agencies to ensure that their actions will not jeopardize the continued existence of these species. Under the Act, critical habitat may not be adversely modified by a Federal agency action. Critical habitat does not impose any restrictions on non-Federal persons unless they are conducting activities funded or otherwise sponsored, authorized, or permitted by a Federal agency (see Table 6).

TABLE 6.—IMPACTS OF CRITICAL HABITAT DESIGNATION FOR 47 PLANTS FROM THE ISLAND OF HAWAII

Categories of activities	Activities potentially affected by species listing only	Additional activities potentially affected by critical habitat designation <sup>1</sup>
Federal Activities Potentially Affected <sup>2</sup> .	Activities conducted by the Army Corps of Engineers, Department of Transportation, Department of Defense, Department of Agriculture, Environmental Protection Agency, Federal Emergency Management Agency, Federal Aviation Administration, Federal Communications Commission, Department of Interior activities that require a Federal action (permit, authorization, or funding) and may remove or destroy habitat for these plants by mechanical, chemical, or other means (e.g., overgrazing, clearing, cutting native live trees and shrubs, water diversion, impoundment, groundwater pumping, road building, mining, herbicide application, recreational use etc.) or appreciably decrease habitat value or quality through indirect effects (e.g., edge effects, invasion of exotic plants or animals, fragmentation of habitat).	These same activities carried out by Federal Agencies in designated areas where section 7 consultations would not have occurred but for the critical habitat designation.
Private or other non-Federal Activities Potentially Affected <sup>3</sup> .	Activities that require a Federal action (permit, authorization, or funding) and may remove or destroy habitat for these plants by mechanical, chemical, or other means (e.g., overgrazing, clearing, cutting native live trees and shrubs, water diversion, impoundment, groundwater pumping, road building, mining, herbicide application, recreational use etc.) or appreciably decrease habitat value or quality through indirect effects (e.g., edge effects, invasion of exotic plants or animals, fragmentation of habitat).	These same activities carried out by Federal Agencies in designated areas where section 7 consultations would not have occurred but for the critical habitat designation.

<sup>1</sup> This column represents activities potentially affected by the critical habitat designation in addition to those activities potentially affected by listing the species.

<sup>2</sup> Activities initiated by a Federal agency.

<sup>3</sup> Activities initiated by a private or other non-Federal entity that may need Federal authorization or funding.

Section 7 of the Act requires Federal agencies to ensure that they do not jeopardize the continued existence of these species. Based on our experience with these species and their needs, we conclude that most Federal or federally-authorized actions that could potentially cause an adverse modification of the proposed critical habitat would currently be considered as “jeopardy” under the Act in areas occupied by the species because consultation would already be required due to the presence of the listed species, and the duty to avoid adverse modification of critical habitat would not trigger additional regulatory impacts beyond the duty to avoid jeopardizing the species. Accordingly, we do not expect the designation of currently occupied areas as critical habitat to have any additional incremental impacts on what actions may or may not be conducted by Federal agencies or non-Federal persons that receive Federal authorization or funding.

The designation of areas as critical habitat where section 7 consultations would not have occurred but for the critical habitat designation (that is, in areas currently unoccupied by the listed species), may have impacts that are not attributable to the species listing on what actions may or may not be conducted by Federal agencies or non-Federal persons who receive Federal authorization or funding. We will evaluate any impact through our economic analysis (under section 4 of the Act; see Economic Analysis section

of this rule). Non-Federal persons who do not have a Federal nexus with their actions are not restricted by the designation of critical habitat.

b. We do not believe this rule will create inconsistencies with other agencies’ actions. As discussed above, Federal agencies have been required to ensure that their actions not jeopardize the continued existence of the 47 plant species since their listing between 1991 and 1996. For the reasons discussed above, the prohibition against adverse modification of critical habitat would be expected to impose few, if any, additional restrictions to those that currently exist in the proposed critical habitat on currently occupied lands. However, we will evaluate any impact of designating areas where section 7 consultations would not have occurred but for the critical habitat designation through our economic analysis. Because of the potential for impacts on other Federal agency activities, we will continue to review this proposed action for any inconsistencies with other Federal agency actions.

c. We do not expect this proposed rule, if made final, would materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. Federal agencies are currently required to ensure that their activities do not jeopardize the continued existence of a listed species, and, as discussed above, we do not anticipate that the adverse modification prohibition, resulting from critical habitat designation will have

any incremental effects in areas of occupied habitat on any Federal entitlement, grant, or loan program. We will evaluate any impact of designating areas where section 7 consultation would not have occurred but for the critical habitat designation through our economic analysis.

d. OMB has determined that this rule may raise novel legal or policy issues and, as a result, this rule has undergone OMB review.

**Regulatory Flexibility Act (5 U.S.C. 601 et seq.)**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Act (SBREFA) of 1996), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act (RFA) to require Federal agencies to provide a statement of the factual basis for certifying that the rule will not have a significant economic effect on a substantial number of small entities. SBREFA also amended the RFA to require a certification statement. In

today's rule, we are certifying that the rule will not have a significant effect on a substantial number of small entities. However, should our economic analysis provide a contrary indication, we will revisit this determination at that time. The following discussion explains our rationale.

According to the Small Business Administration, small entities include small organizations, such as independent non-profit organizations, and small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents, as well as small businesses. Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than \$5 million in annual sales, general and heavy construction businesses with less than \$27.5 million in annual business, special trade contractors doing less than \$11.5 million in annual business, and agricultural businesses with annual sales less than \$750,000. To determine if potential economic impacts to these small entities are significant, we consider the types of activities that might trigger regulatory impacts under this rule as well as the types of project modifications that may result. In general, the term significant economic impact is meant to apply to a typical small business firm's business operations.

To determine if the rule would affect a substantial number of small entities, we consider the number of small entities affected within particular types of economic activities (e.g., housing development, grazing, oil and gas production, timber harvesting, etc.). We apply the "substantial number" test individually to each industry to determine if certification is appropriate. In estimating the numbers of small entities potentially affected, we also consider whether their activities have any Federal involvement; some kinds of activities are unlikely to have any Federal involvement and so will not be affected by critical habitat designation.

Designation of critical habitat only affects activities conducted, funded, or permitted by Federal agencies; non-Federal activities are not affected by the designation. In areas where the species are present, Federal agencies are already required to consult with us under section 7 of the Act on activities that they fund, permit, or implement that may affect *Achyranthes mutica*, *Adenophorus periens*, *Argyroxiphium kauense*, *Asplenium fragile* var. *insulare*, *Bonamia menziesii*,

*Clermontia drepanomorpha*, *Clermontia lindseyana*, *Clermontia peleana*, *Clermontia pyralia*, *Colubrina oppositifolia*, *Cyanea hamatiflora* ssp. *carlsonii*, *Cyanea platyphylla*, *Cyanea shipmanii*, *Cyanea stictophylla*, *Cyrtandra giffardii*, *Cyrtandra tintinnabula*, *Delissea undulata*, *Diellia erecta*, *Flueggea neowawraea*, *Gouania vitifolia*, *Hedyotis coriacea*, *Hibiscadelphus giffardianus*, *Hibiscadelphus hualalaiensis*, *Hibiscus brackenridgei*, *Ischaemum byrone*, *Isodendron hosakae*, *Isodendron pyriformis*, *Mariscus fauriei*, *Melicope zahlbruckneri*, *Neraudia ovata*, *Nothoecstrum breviflorum*, *Phyllostegia racemosa*, *Phyllostegia velutina*, *Phyllostegia warshaueri*, *Plantago hawaiiensis*, *Pleomele hawaiiensis*, *Portulaca sclerocarpa*, *Sesbania tomentosa*, *Sicyos alba*, *Silene hawaiiensis*, *Silene lanceolata*, *Solanum incompletum*, *Spermolepis hawaiiensis*, *Tetramolopium arenarium*, *Vigna o-wahuensis*, *Zanthoxylum dipetalum* ssp. *tomentosum*, and *Zanthoxylum hawaiiense*. If these critical habitat designations are finalized, Federal agencies must also consult with us if their activities may affect designated critical habitat. However, in areas where the species are present, we do not believe this will result in any additional regulatory burden on Federal agencies or their applicants because consultation would already be required due to the presence of the listed species, and the duty to avoid adverse modification of critical habitat likely would not trigger additional regulatory impacts beyond the duty to avoid jeopardizing the species.

Even if the duty to avoid adverse modification does not trigger additional regulatory impacts in areas where the species is present, designation of critical habitat could result in an additional economic burden on small entities due to the requirement to reinstate consultation for ongoing Federal activities. However, since these 47 species were listed (between 1991 and 1996), on the island of Hawaii we have conducted only two formal and 20 informal consultations, 11 of which concerned the Army's Pohakuloa Training Area (PTA), in addition to consultations on Federal grants to State wildlife programs, which do not affect small entities.

One of the two formal consultations involving the 47 species was conducted with the Army regarding the addition of two firing lanes to Range 8 at PTA. *Silene hawaiiensis*, one of the 47 species, was the only listed species addressed in the biological opinion, which concluded that with

implementation of the preferred alternative and accompanying mitigation procedures, the project was not likely to jeopardize the continued existence of the species. The other formal consultation was with the Federal Highways Administration (FHWA) on realignment of and improvements to Saddle Road. *Silene hawaiiensis* and the palila (or honeycreeper, *Loxioides bailleui*), a listed bird, were the two species addressed in the biological opinion, which concluded that with the conservation and mitigation measures built into the project by FHWA, the project was not likely to jeopardize the continued existence of the two species and was not likely to adversely modify critical habitat for the palila. Neither of the two formal consultations directly affected or concerned small entities. In both consultations, we concluded that the preferred alternative for the project, with accompanying conservation and mitigation procedures, was not likely to jeopardize the continued existence of the species. The only ongoing project is the Saddle Road realignment, which does not directly affect small entities. Neither of these formal consultations directly affected or concerned small entities, nor does the ongoing project directly affect small entities. As a result, the requirement to reinstate consultation for ongoing projects will not affect a substantial number of small entities on the island of Hawaii.

Three of the 20 informal consultations that have been conducted on the island of Hawaii concern the National Park Service's Hawaii Volcanoes National Park: one on fence construction to exclude ungulates regarding three of the 47 species (*Asplenium fragile* var. *insulare*, *Plantago hawaiiensis*, and *Silene hawaiiensis*) as well as one listed bird and two listed plants not included in the 47 species in today's rule; one on use of the Marsokhod planetary rover at Kilauea Volcano's summit regarding *Silene hawaiiensis*; and one on outplanting food plants for the endangered Hawaiian nene goose regarding *Sesbania tomentosa* and two listed birds. Four informal consultations were conducted with the Army Corps of Engineers (ACOE): one for the Defense Environmental Restoration Program on removal of unexploded ordnance from the former Waikoloa Maneuver Area regarding *Portulaca sclerocarpa*; one on the Alenaio Stream flood control project in Hilo regarding *Asplenium fragile* var. *insulare* as well as several listed birds and a listed plant not included in today's rule; one for the Multi-Purpose Range Complex at PTA regarding

*Asplenium fragile* var. *insulare*, *Hedyotis coriacea*, *Silene hawaiiensis*, *Silene lanceolata*, and one listed plant not in today's rule; and one consultation for the Endangered Species Management Plan for PTA regarding eight of the 47 species (*Asplenium fragile* var. *insulare*, *Hedyotis coriacea*, *Portulaca sclerocarpa*, *Silene hawaiiensis*, *Silene lanceolata*, *Solanum incompletum*, *Tetramolopium arenarium*, and *Zanthoxylum hawaiiense*) and three listed plants not in today's rule. Eleven informal consultations were conducted with the Army concerning PTA: three on archery hunts regarding *Silene hawaiiensis* and three listed plants not in today's rule; one on a grenade machine gun range regarding *Asplenium fragile* var. *insulare* and *Silene hawaiiensis*; one on a quarry rock crusher regarding *Silene hawaiiensis* and a listed plant not in today's rule; one on the proposed acquisition of a Parker Ranch parcel regarding *Silene lanceolata* and a listed plant not in today's rule; one on military training regarding *Hedyotis coriacea*, *Portulaca sclerocarpa*, *Silene hawaiiensis*, *Silene lanceolata*, *Tetramolopium arenarium*, and *Zanthoxylum hawaiiense*; two on threats to rare plants from feral ungulates regarding eight of the 47 species (*Asplenium fragile* var. *insulare*, *Hedyotis coriacea*, *Portulaca sclerocarpa*, *Silene hawaiiensis*, *Silene lanceolata*, *Solanum incompletum*, *Tetramolopium arenarium*, and *Zanthoxylum hawaiiense*) as well as three listed plants not in today's rule; one on the Ecosystem Management Plan regarding nine of the 47 species (*Asplenium fragile* var. *insulare*, *Hedyotis coriacea*, *Neraudia ovata*, *Portulaca sclerocarpa*, *Silene hawaiiensis*, *Silene lanceolata*, *Solanum incompletum*, *Tetramolopium arenarium*, and *Zanthoxylum hawaiiense*) as well as the listed Hawaiian hoary bat and two listed plants not in today's rule; and one consultation concerning PTA's Ecosystem Management Plan, Endangered Species Management Plan, and Fire Management Plan regarding the same nine species, bat, and two listed plants referred to just above. Two informal consultations were conducted with the Federal Highways Administration on Kealakehe Parkway construction regarding four of the 47 species (*Isodendrion pyriformum*, *Mariscus fauriei*, *Nothoecstrum breviflorum*, and *Pleomele hawaiiensis*) as well as one listed plant not included in the 47 species in today's rule and *Pritchardia affinis*, for which we determine that the designation of

critical habitat is not prudent in today's rule.

None of these informal consultations directly affected or concerned small entities. In all 20 informal consultations, we concurred with each agency's determination that the project, as proposed or modified, was not likely to adversely affect listed species. The only ongoing projects are Kealakehe Parkway and those concerning military training and management plans at PTA, which do not directly affect small entities. None of these consultations directly affected or concerned small entities, and none of the ongoing projects directly affect small entities. Only a small percentage of the small entities would be affected indirectly. As a result, the requirement to reinstate consultation for ongoing projects will not affect a substantial number of small entities on the island of Hawaii.

In areas where the species is clearly not present, designation of critical habitat could trigger additional review of Federal activities under section 7 of the Act that would otherwise not be required. Other than on military lands, notably the Army's PTA, Hawaii Volcanoes National Park, and construction for Saddle Road and Kealakehe Parkway, we are aware of few activities in the proposed critical habitat areas for these 47 plants that have Federal involvement, and thus, would require consultation or reinitiation of already completed consultations for ongoing projects. As mentioned above, we have conducted only two formal and 20 informal consultations under section 7 involving any of the species, most of them concerning PTA. As a result, other than for PTA, Hawaii Volcanoes National Park, Saddle Road, and Kealakehe, we cannot easily identify future consultations that may be due to the listing of the species or the increment of additional consultations that may be required by this critical habitat designation. Therefore, for the purposes of this review and certification under the Regulatory Flexibility Act, we are assuming that, with those exceptions, future consultations in the area proposed as critical habitat will be due to the critical habitat designations.

On the island of Hawaii, approximately 33 percent of the designations are on Federal lands, 51 percent are on State lands, and 16 percent are on private lands. Most of the land within the critical habitat units will have limited suitability for development, land uses, and activities because of the rather remote locations, limited access, and rugged terrain of these lands. Also, most of this land (84 percent) is within the State

Conservation District where State land-use controls severely limit development and most activities. Approximately 16 percent of this land is within the State Agricultural District where only activities such as crops, livestock, grazing, and accessory structures and farmhouses are allowed. The majority of this land is under State ownership or large estates that do not qualify as small entities. Less than 1 percent of this land is within the State Urban District where land use and development (commercial, industrial, residential, etc.) are subject to the county community plans, zoning, building code regulations, and land-use regulations. On non-Federal lands, activities that lack Federal involvement would not be affected by the critical habitat designations. Activities of an economic nature that are likely to occur on non-Federal lands in the area encompassed by these proposed designations consist of improvements in State parks and communications and tracking facilities; road improvements; recreational use such as hiking, camping, picnicking, game hunting, fishing; and ranching, and crop farming. With the exception of communications and tracking facilities improvements by the Federal Aviation Administration or the Federal Communications Commission and road improvements by FHWA, these activities are unlikely to have Federal involvement. On lands that are in agricultural production, the types of activities that might trigger a consultation include irrigation ditch system projects that may require section 404 authorizations from the Army Corps of Engineers (ACOE), and watershed management and restoration projects sponsored by NRCS. However, the NRCS restoration projects typically are voluntary, and irrigation ditch system projects within lands that are in agricultural production are rare, and may affect only a small percentage of the small entities within these proposed critical habitat designations.

Lands that are within the State Urban District are located almost exclusively within undeveloped coastal areas. The types of activities that might trigger a consultation include shoreline restoration or modification projects that may require section 404 authorizations from the ACOE or Federal Emergency Management Agency, housing or resort development that may require permits from the Department of Housing and Urban Development, and activities funded or authorized by the Environmental Protection Agency. However, we are not aware of a significant number of future activities that would require federal funds,

permits, or authorizations in these coastal areas. Therefore, we conclude that the proposed rule would not affect a substantial number of small entities.

Even if a substantial number of small entities were affected by the consultation requirements of the Act, which we believe would be highly unlikely based on the past consultation history for these 47 species, and based on our experience with section 7 consultations for all listed species, virtually all projects—including those that, in their initial proposed form, would result in jeopardy or adverse modification determinations in section 7 consultations—can be implemented successfully with, at most, the adoption of reasonable and prudent alternatives. These measures must be economically feasible and within the scope of authority of the Federal agency involved in the consultation (see 50 CFR 404.2, definition of reasonable and prudent alternatives). Therefore, such measures are not likely to result in a significant economic impact to a substantial number of small entities.

As required under section 4(b)(2) of the Act, we will conduct an analysis of the potential economic impacts of this proposed critical habitat designation, and will make that analysis available for public review and comment before finalizing these designations. However, court deadlines require us to publish this proposed rule before the economic analysis can be completed.

In summary, we have considered whether this proposed rule would result in a significant economic effect on a substantial number of small entities. It would not affect a substantial number of small entities. Approximately 51 percent of the lands proposed as critical habitat are on State of Hawaii lands. The State of Hawaii is not a small entity. Approximately 16 percent of the lands proposed as critical habitat are on private lands, the majority owned by large estates that do not qualify as small entities. Many of the private parcels are located in areas where likely future land uses are not expected to result in Federal involvement or section 7 consultations. Most of the private and State parcels within the proposed designation are currently being used for recreational and agricultural purposes and, therefore, are not likely to require any Federal authorization. In the remaining areas, section 7 application, the only trigger for economic regulatory impact under this rule, would be limited to a subset of the area proposed. The most likely future section 7 consultations resulting from this rule would be for informal consultations on military training activities, federally

funded highway construction, federally funded land and water conservation projects, species-specific surveys and research projects, and watershed management and restoration projects sponsored by NRCS. These consultations would likely occur on only a subset of the total number of parcels and therefore would not likely affect a substantial number of small entities. This rule would result in project modifications only when proposed Federal activities would destroy or adversely modify critical habitat. While this may occur, it is not expected frequently enough to affect a substantial number of small entities. Even when it does occur, we do not expect it to result in a significant economic impact, as the measures included in reasonable and prudent alternatives must be economically feasible and consistent with the proposed action. Therefore, we are certifying that the proposed designation of critical habitat for the following species: *Achyranthes mutica*, *Adenophorus periens*, *Argyroxiphium kauense*, *Asplenium fragile* var. *insulare*, *Bonania menziesii*, *Clermontia drepanomorpha*, *Clermontia lindseyana*, *Clermontia peleana*, *Clermontia pyralaria*, *Colubrina oppositifolia*, *Cyanea hamatiflora* ssp. *carlsonii*, *Cyanea platyphylla*, *Cyanea shipmanii*, *Cyanea stictophylla*, *Cyrtandra giffardii*, *Cyrtandra tintinnabula*, *Delissea undulata*, *Diellia erecta*, *Flueggea neowawraea*, *Gouania vitifolia*, *Hedyotis coriacea*, *Hibiscadelphus giffardianus*, *Hibiscadelphus hualalaiensis*, *Hibiscus brackenridgei*, *Ischaemum byrone*, *Isodendron hosakae*, *Isodendron pyrifolium*, *Mariscus fauriei*, *Melicope zahlbruckneri*, *Neraudia ovata*, *Nothoecstrum breviflorum*, *Phyllostegia racemosa*, *Phyllostegia velutina*, *Phyllostegia warshaueri*, *Plantago hawaiiensis*, *Pleomele hawaiiensis*, *Portulaca sclerocarpa*, *Sesbania tomentosa*, *Sicyos alba*, *Silene hawaiiensis*, *Silene lanceolata*, *Solanum incompletum*, *Spermolepis hawaiiensis*, *Tetramolopium arenarium*, *Vigna o-wahuensis*, *Zanthoxylum dipetalum* ssp. *tomentosum*, and *Zanthoxylum hawaiiense* will not have a significant economic impact on a substantial number of small entities, and an initial regulatory flexibility analysis is not required. However, should the economic analysis of this rule indicate otherwise, we will revisit this determination.

#### Executive Order 13211

On May 18, 2001, the President issued Executive Order 13211 on regulations

that significantly affect energy supply, distribution, and use. Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. Although this rule is a significant regulatory action under Executive Order 12866, it is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

#### Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.):

(a) We believe this rule, as proposed, will not “significantly or uniquely” affect small governments. A Small Government Agency Plan is not required. Small governments will be affected only to the extent that they have any programs requiring Federal funds, permits or other authorizations. Any such activities will require that the Federal agency ensure that the action will not adversely modify or destroy designated critical habitat. However, as discussed above, these actions are currently subject to equivalent restrictions through the listing protections of the species, and no further restrictions are anticipated to result from critical habitat designation of occupied areas. In our economic analysis, we will evaluate any impact of designating areas where section 7 consultations would not have occurred but for the critical habitat designation.

(b) This rule, as proposed, will not produce a Federal mandate on State or local governments or the private sector of \$100 million or greater in any year, that is, it is not a “significant regulatory action” under the Unfunded Mandates Reform Act. The designation of critical habitat imposes no obligations on State or local governments.

#### Takings

In accordance with Executive Order 12630 (“Government Actions and Interference with Constitutionally Protected Private Property Rights”), we have analyzed the potential takings implications of designating critical habitat for the 47 species from the island of Hawaii in a preliminary takings implications assessment. The takings implications assessment concludes that this proposed rule does not pose significant takings implications. Once the economic analysis is completed for this proposed rule, we will review and revise this preliminary assessment as warranted.

**Federalism**

In accordance with Executive Order 13132, the proposed rule does not have significant Federalism effects. A Federalism assessment is not required. In keeping with Department of Interior policy, we requested information from appropriate State agencies in Hawaii. The designation of critical habitat in areas currently occupied by one or more of the 47 plant species imposes no additional restrictions to those currently in place, and, therefore, has little incremental impact on State and local governments and their activities. The designation of critical habitat in unoccupied areas may require section 7 consultation on non Federal lands (where a Federal nexus occurs) that might otherwise not have occurred. However, there will be little additional impact on State and local governments and their activities because all but one unit and four subunits of the proposed critical habitat areas are occupied by at least one species. The designations may have some benefit to these governments in that the areas essential to the conservation of these species are more clearly defined, and the primary constituent elements of the habitat necessary to the survival of the species are specifically identified. While this definition and identification does not alter where and what federally sponsored activities may occur, it may assist these local governments in long range planning, rather than waiting for case-by-case section 7 consultation to occur.

**Civil Justice Reform**

In accordance with Executive Order 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and does meet the requirements of sections 3(a) and 3(b)(2) of the Order. We are proposing to designate critical habitat in accordance with the provisions of the Endangered Species Act. The rule uses standard property descriptions and identifies the primary constituent elements within the designated areas to assist the public in understanding the habitat needs of the 47 plant species.

**Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)**

This rule does not contain any new collections of information that require

approval by OMB under the Paperwork Reduction Act. This rule will not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**National Environmental Policy Act**

We have determined we do not need to prepare an Environmental Assessment and/or an Environmental Impact Statement as defined by the National Environmental Policy Act of 1969 in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act, as amended. We published a notice outlining our reason for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This proposed determination does not constitute a major Federal action significantly affecting the quality of the human environment.

**Government-to-Government Relationship With Tribes**

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951) Executive Order 13175 and 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized federal Tribes on a government-to-government basis. We have determined that there are no Tribal lands essential for the conservation of these 47 plant species. Therefore, designation of critical habitat for these 47 species has not been proposed on Tribal lands.

**References Cited**

A complete list of all references cited in this proposed rule is available upon request from the Pacific Islands Office (see **ADDRESSES** section).

**Authors**

The primary authors of this notice are Gregory Koob, Christa Russell, Michelle Stephens, and Marigold Zoll (see **ADDRESSES** section).

**List of Subjects in 50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

**Proposed Regulation Promulgation**

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations as set forth below:

**PART 17—[AMENDED]**

1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. In § 17.12(h) revise the entries for "*Achyranthes mutica*, *Argyroxiphium kauense*, *Bonamia menziesii*, *Clermontia drepanomorpha*, *Clermontia lindseyana*, *Clermontia peleana*, *Clermontia pyrularia*, *Colubrina oppositifolia*, *Cyanea hamatiflora* ssp. *carlsonii*, *Cyanea platyphylla*, *Cyanea shipmanii*, *Cyanea stictophylla*, *Cyrtandra giffardii*, *Cyrtandra tintinnabula*, *Delissea undulata*, *Flueggea neowawraea*, *Gouania vitifolia*, *Hedyotis coriacea*, *Hibiscadelphus giffardianus*, *Hibiscadelphus hualalaiensis*, *Hibiscus brackenridgei*, *Ischaemum byrone*, *Isodendron hosakae*, *Isodendron pyriformium*, *Mariscus fauriei*, *Melicope zahlbruckneri*, *Neraudia ovata*, *Nothocentrum breviflorum*, *Phyllostegia racemosa*, *Phyllostegia velutina*, *Phyllostegia warshaueri*, *Plantago hawaiiensis*, *Pleomele hawaiiensis*, *Portulaca sclerocarpa*, *Sesbania tomentosa*, *Sicyos alba*, *Silene hawaiiensis*, *Silene lanceolata*, *Solanum incompletum*, *Spermolepis hawaiiensis*, *Tetramolopium arenarium*, *Vigna o-wahuensis*, *Zanthoxylum dipetalum* var. *tomentosum*, and *Zanthoxylum hawaiiense*" under "FLOWERING PLANTS" and "*Adenophorus periens*, *Asplenium fragile* var. *insulare*, and *Diellia erecta*" under "FERNS AND ALLIES" to read as follows:

**§ 17.12 Endangered and threatened plants.**  
 \* \* \* \* \*  
 (h) \* \* \*

Species		Historic range	Family name	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						

Flowering Plants.

Species		Historic range	Family name	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
<i>Achyranthes mutica</i>	None	U.S.A. (HI)	Amaranthaceae	E	592	17.96A(a)	NA
<i>Argyroxiphium kauense</i>	Mauna Loa silversword.	U.S.A. (HI)	Asteraceae	E	497	17.96A(a)	NA
<i>Bonamia menziesii</i>	None	U.S.A. (HI)	Convolvulaceae	E	559	17.96A(a)	NA
<i>Clermontia drepanomorpha</i>	Oha wai	U.S.A. (HI)	Campanulaceae	E	595	17.96A(a)	NA
<i>Clermontia lindseyana</i>	Oha wai	U.S.A. (HI)	Campanulaceae	E	532	17.96A(a)	NA
<i>Clermontia peleana</i>	Oha wai	U.S.A. (HI)	Campanulaceae	E	532	17.96A(a)	NA
<i>Clermontia pyrularia</i>	Oha wai	U.S.A. (HI)	Campanulaceae	E	532	17.96A(a)	NA
<i>Colubrina oppositifolia</i>	Kauila	U.S.A. (HI)	Rhamnaceae	E	532	17.96A(a)	NA
<i>Cyanea hamatiflora</i> ssp. <i>carlsonii</i>	Haha	U.S.A. (HI)	Campanulaceae	E	532	17.96A(a)	NA
<i>Cyanea platyphylla</i>	Haha	U.S.A. (HI)	Campanulaceae	E	595	17.96A(a)	NA
<i>Cyanea shipmanii</i>	Haha	U.S.A. (HI)	Campanulaceae	E	532	17.96A(a)	NA
<i>Cyanea stictophylla</i>	Haha	U.S.A. (HI)	Campanulaceae	E	532	17.96A(a)	NA
<i>Cyrtandra giffardii</i>	Haiwale	U.S.A. (HI)	Gesneriaceae	E	532	17.96A(a)	NA
<i>Cyrtandra tintinnabula</i>	Haiwale	U.S.A. (HI)	Gesneriaceae	E	532	17.96A(a)	NA
<i>Delissea undulata</i>	None	U.S.A. (HI)	Campanulaceae	E	593	17.96A(a)	NA
<i>Flueggea neowawraea</i>	Mehamehame	U.S.A. (HI)	Euphorbiaceae	E	559	17.96A(a)	NA
<i>Gouania vitifolia</i>	None	U.S.A. (HI)	Rhamnaceae	E	541	17.96A(a)	NA
<i>Hedyotis coriacea</i>	Kioele	U.S.A. (HI)	Rubiaceae	E	467	17.96A(a)	NA
<i>Hibiscadelphus giffardianus</i>	Hau kuahiwi	U.S.A. (HI)	Malvaceae	E	595	17.96A(a)	NA
<i>Hibiscadelphus hualalaiensis</i>	Hau kuahiwi	U.S.A. (HI)	Malvaceae	E	595	17.96A(a)	NA
<i>Hibiscus brackenridgei</i>	Mao hau hele	U.S.A. (HI)	Malvaceae	E	559	17.96A(a)	NA
<i>Ischaemum byrnei</i>	Hilo ischaemum	U.S.A. (HI)	Poaceae	E	532	17.96A(a)	NA
<i>Isodendron hosakae</i>	Aupaka	U.S.A. (HI)	Violaceae	E	414	17.96A(a)	NA



Species		Historic range	Family name	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
<i>Isodendron pyrifolium</i> .	Wahine noho kula ..	U.S.A. (HI) .....	Violaceae .....	E	532	17.96A(a)	NA
<i>Mariscus fauriei</i> .....	None .....	U.S.A. (HI) .....	Cyperaceae .....	E	532	17.96A(a)	NA
<i>Melicope zahlbruckneri</i> .	Alani .....	U.S.A. (HI) .....	Rutaceae .....	E	595	17.96A(a)	NA
<i>Neraudia ovata</i> .....	None .....	U.S.A. (HI) .....	Urticaceae .....	E	595	17.96A(a)	NA
<i>Nothoecstrum brevilorum</i> .	Aiea .....	U.S.A. (HI) .....	Solanaceae .....	E	532	17.96A(a)	NA
<i>Phyllostegia racemosa</i> .	Kiponapona .....	U.S.A. (HI) .....	Lamiaceae .....	E	595	17.96A(a)	NA
<i>Phyllostegia velutina</i>	None .....	U.S.A. (HI) .....	Lamiaceae .....	E	595	17.96A(a)	NA
<i>Phyllostegia warshaueri</i> .	None .....	U.S.A. (HI) .....	Lamiaceae .....	E	595	17.96A(a)	NA
<i>Plantago hawaiiensis</i>	Laukahi kuahiwi .....	U.S.A. (HI) .....	Plantaginaceae .....	E	532	17.96A(a)	NA
<i>Pleomele hawaiiensis</i> .	Halapepe .....	U.S.A. (HI) .....	Liliaceae .....	E	595	17.96A(a)	NA
<i>Portulaca sclerocarpa</i> .	Poe .....	U.S.A. (HI) .....	Portulacaceae .....	E	532	17.96A(a)	NA
<i>Sesbania tomentosa</i>	Ohai .....	U.S.A. (HI) .....	Fabaceae .....	E	559	17.96A(a)	NA
<i>Sicyos alba</i> .....	Anunu .....	U.S.A. (HI) .....	Cucurbitaceae .....	E	595	17.96A(a)	NA
<i>Silene hawaiiensis</i> ...	None .....	U.S.A. (HI) .....	Caryophyllaceae .....	T	532	17.96A(a)	NA
<i>Silene lanceolata</i> .....	None .....	U.S.A. (HI) .....	Caryophyllaceae .....	E	480	17.96A(a)	NA
<i>Solanum incompletum</i> .	Popolo ku mai .....	U.S.A. (HI) .....	Solanaceae .....	E	559	17.96A(a)	NA
<i>Spermolepis hawaiiensis</i> .	None .....	U.S.A. (HI) .....	Apiaceae .....	E	559	17.96A(a)	NA
<i>Tetramolopium arenarium</i> .	None .....	U.S.A. (HI) .....	Asteraceae .....	E	532	17.96A(a)	NA
<i>Vigna o-wahuensis</i> ..	None .....	U.S.A. (HI) .....	Fabaceae .....	E	559	17.96A(a)	NA
<i>Zanthoxylum dipetalum</i> var. <i>tomentosum</i> .	Ae .....	U.S.A. (HI) .....	Rutaceae .....	E	595	17.96A(a)	NA
<i>Zanthoxylum hawaiiense</i> .	Ae .....	U.S.A. (HI) .....	Rutaceae .....	E	532	17.96A(a)	NA
Ferns and Allies.							

Species		Historic range	Family name	Status	When listed	Critical habi- tat	Special rules
Scientific name	Common name						
<i>Adenophorus periens</i>	Pendant kahi fern	U.S.A. (HI)	Grammitidaceae	E	559	17.96A(a)	NA
*	*	*	*	*	*		*
<i>Asplenium fragile</i> var. <i>insulare</i> .	None	U.S.A. (HI)	Aspleniaceae	E	553	17.96A(a)	NA
*	*	*	*	*	*		*
<i>Diellia erecta</i>	Asplenium-leaved diellia.	U.S.A. (HI)	Aspleniaceae	E	559	17.96A(a)	NA
*	*	*	*	*	*		*

3. Section 17.96, as proposed to be amended at 65 FR 66865, November 7, 2000, 65 FR 79192 (December 18, 2000), 65 FR 82086 (December 27, 2000), 65 FR 83193 (December 29, 2000), 67 FR 4072 (January 28, 2002), 67 FR 9806 (March 4, 2002), 67 FR 15856 (April 3, 2002), 67 FR 16492 (April 5, 2002), and 67 FR 34522 (May 14, 2002) is proposed to be further amended as follows:

- a. Add paragraph (a)(1)(i)(H); and
- b. Amend paragraph (a)(1)(ii) by adding the entries set forth below.

**§ 17.96 Critical habitat-plants.**

(a) \* \* \*

(1) \* \* \*

(i) *Maps and critical habitat unit descriptions.* The following sections contain the legal descriptions of the critical habitat units designated for each of the Hawaiian Islands. Existing features and structures within proposed areas, such as buildings, roads, aqueducts, telecommunication equipment, arboreta and gardens, heiaus (indigenous place of worship, shrine), airports, other paved areas, lawns, and other rural residential landscaped areas do not contain one or more of the primary constituent elements described for each species in paragraphs

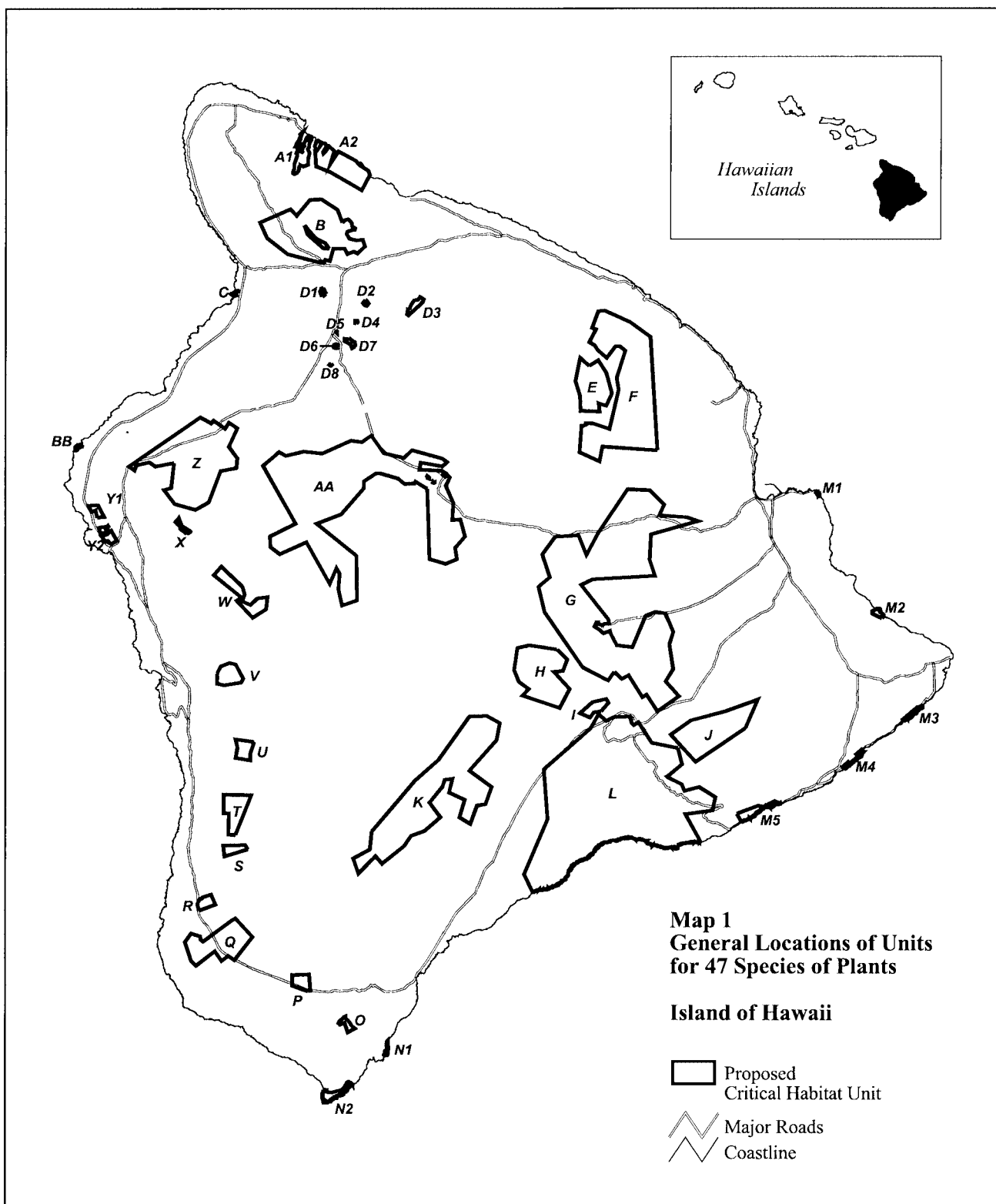
(a)(1)(ii)(A) and (a)(1)(ii)(B) of this section and are not included in the critical habitat designation.

\* \* \* \* \*

(H) *Hawaii.* Critical habitat units are described below. Coordinates are in UTM Zone 5 with units in meters using North American Datum of 1983 (NAD83). The following map shows the general locations of the 28 critical habitat units designated on the island of Hawaii.

(1) **Note:** Map 1—Index map follows:

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(2) Hawaii A1 (719 ha; 1,777 ac).

(i) Unit consists of the following 56 boundary points: 213645, 2235127; 213646, 2235128; 213870, 2235881; 213849, 2236039; 214231, 2236397; 214073, 2236118; 213966, 2236053; 214027, 2235922; 213874, 2235537; 213912, 2235356; 213779, 2235023; 213495, 2234674; 213594, 2234495; 213903, 2234581; 213784, 2233612; 214109, 2233345; 214171, 2233459; 214131, 2233716; 214311, 2234221; 214471, 2234336; 214374, 2234583; 214789, 2235600; 214978, 2235699; 215036, 2235455; 215183, 2235821; 215492, 2235685; 215490, 2235180; 215280, 2234884; 215136, 2234466;

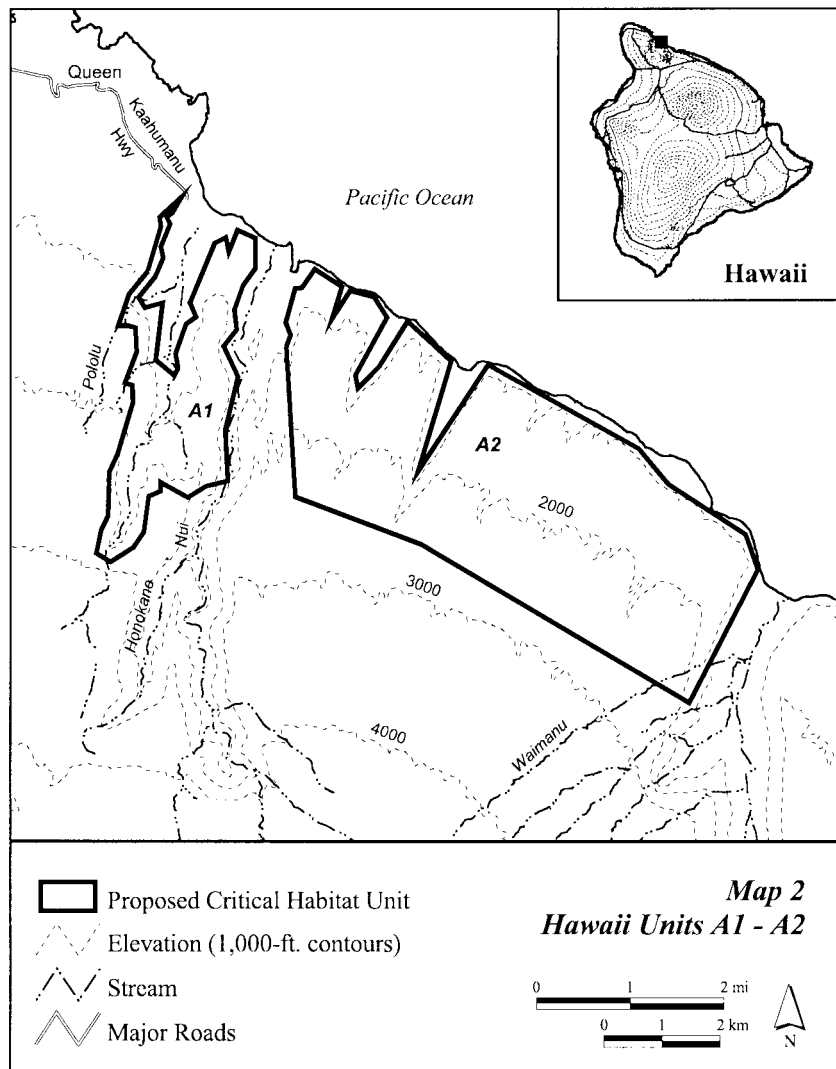
215169, 2234127; 214956, 2233845; 215193, 2233323; 214983, 2232423; 215030, 2231525; 214643, 2231424; 214338, 2231240; 213870, 2231505; 213870, 2231342; 213666, 2231261; 213585, 2230650; 213402, 2230385; 213015, 2230141; 212772, 2230287; 212852, 2230691; 212976, 2230917; 212994, 2231684; 213137, 2232014; 213401, 2232866; 213381, 2233174; 213259, 2233215; 213454, 2233742; 213434, 2234160; 213320, 2234192; 213137, 2234192; 213320, 2234721; 213645, 2235127.

(ii) Note: See Map 2.

(3) Hawaii A2 (2,685 ha; 6,635 ac).

(i) Unit consists of the following 26 boundary points: 216018, 2233828; 216096, 2234031; 216010, 2234247; 216164, 2234825; 216281, 2234837; 216511, 2235154; 216975, 2234861; 216801, 2234306; 217114, 2234782; 217527, 2234678; 217743, 2234334; 217207, 2233347; 217252, 2233124; 217620, 2233502; 218094, 2234265; 218843, 2233587; 218286, 2231694; 219486, 2233520; 222066, 2232085; 222577, 2231460; 223900, 2230601; 224117, 2230006; 222945, 2227734; 218340, 2230439; 216174, 2231252; 216018, 2233828.

(ii) Note: Map 2 follows:



(3) Hawaii B (8,200 ha; 20,263 ac).

(i) Unit consists of the following 34 boundary points: 220056, 2222994; 220386, 2223366; 220886, 2223462; 221152, 2223319; 221480, 2222888; 221459, 2222499; 221971, 2222131; 221869, 2221906; 221398, 2221865;

220845, 2221639; 220702, 2221271; 221132, 2220595; 222094, 2220390; 223077, 2220452; 223466, 2219489; 222340, 2218424; 221746, 2218711; 220845, 2218342; 220436, 2219154; 218738, 2219136; 218273, 2217335; 217531, 2217496; 217361, 2217075;

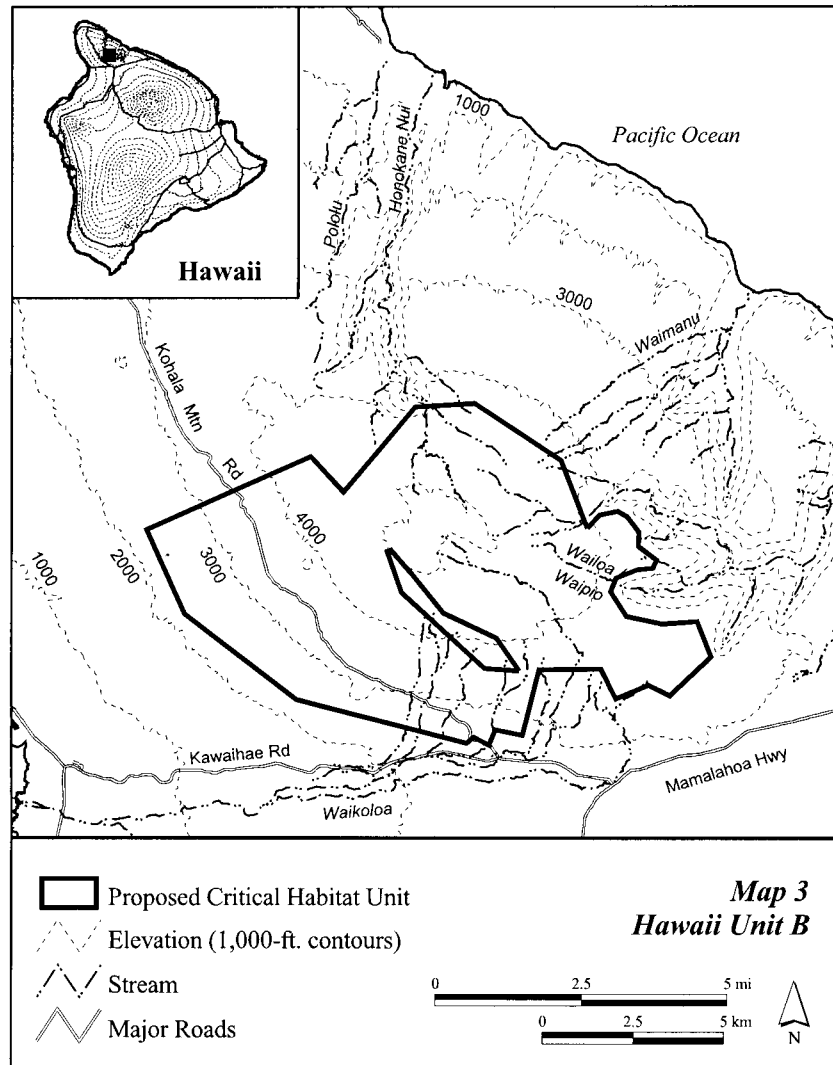
216932, 2217289; 216745, 2217118; 212055, 2218324; 208993, 2220657; 207937, 2222955; 212449, 2224975; 213349, 2223996; 215306, 2226356; 216953, 2226452; 219330, 2224881; 220056, 2222994.

(ii) Excluding the area bounded by the following 9 boundary points (233 ha, 577 ac): 218184, 2219101; 217244,

2219173; 214943, 2221244; 214556, 2222362; 214657, 2222404; 215168,

2221804; 216111, 2220679; 217554, 2220006; 218184, 2219101.

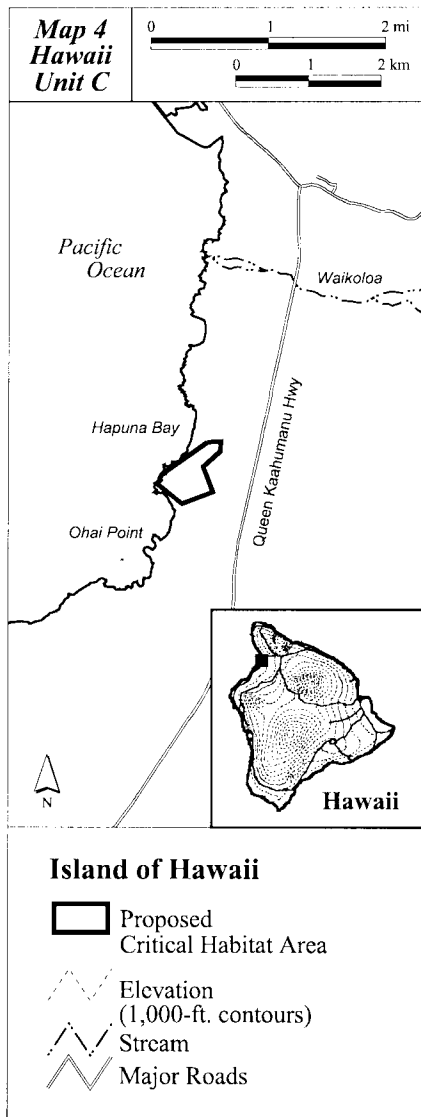
(iii) Note: Map 3 follows:



(4) Hawaii C (38 ha; 94 ac).

(i) Unit consists of the following nine boundary points: 204444, 2212965; 204625, 2212973; 204622, 2212839; 204381, 2212624; 204522, 2212274; 204092, 2212117; 203750, 2212397; 203856, 2212544; 204444, 2212965.

(ii) Note: Map 4 follows:



(5) Hawaii D1 (55 ha; 136 ac).

(i) Unit consists of the following 12 boundary points: 217658, 2212443; 217347, 2212191; 217122, 2212425; 216974, 2212346; 216772, 2212797; 216930, 2213059; 216918, 2213235; 217016, 2213305; 217161, 2212966; 217379, 2213113; 217624, 2212704; 217658, 2212443.

(ii) **Note:** See Map 5.

(6) Hawaii D2 (43 ha; 107 ac).

(i) Unit consists of the following seven boundary points: 223515, 2211644; 223742, 2211502; 223965, 2211046; 223748, 2210727; 223464, 2210758; 223186, 2211148; 223515, 2211644.

(ii) **Note:** See Map 5.

(7) Hawaii D3 (257 ha; 636 ac).

(i) Unit consists of the following 11 boundary points: 229819, 2210481; 230122, 2210409; 230226, 2210890; 230744, 2211568; 231267, 2211631; 231537, 2212023; 232139, 2211722; 231979, 2211293; 229919, 2209314; 229676, 2209450; 229819, 2210481.

(ii) **Note:** See Map 5.

(8) Hawaii D4 (14 ha; 34 ac).

(i) Unit consists of the following six boundary points: 222195, 2208132; 221960, 2208175; 221965, 2208568; 222290, 2208522; 222369, 2208305; 222195, 2208132.

(ii) **Note:** See Map 5.

(9) Hawaii D5 (1 ha; 4 ac).

(i) Unit consists of the following eight boundary points: 219313, 2206792; 219277, 2206743; 219217, 2206755; 219211, 2206878; 219245, 2206912; 219279, 2206913; 219313, 2206868; 219313, 2206792.

(ii) **Note:** See Map 5.

(10) Hawaii D6 (36 ha; 89 ac).

(i) Unit consists of the following eight boundary points: 219524, 2204639; 219285, 2204460; 218903, 2204552; 218798, 2204662; 218872, 2205006; 219122, 2205138; 219438, 2205062; 219524, 2204639.

(ii) **Note:** See Map 5.

(11) Hawaii D7 (112 ha; 278 ac).

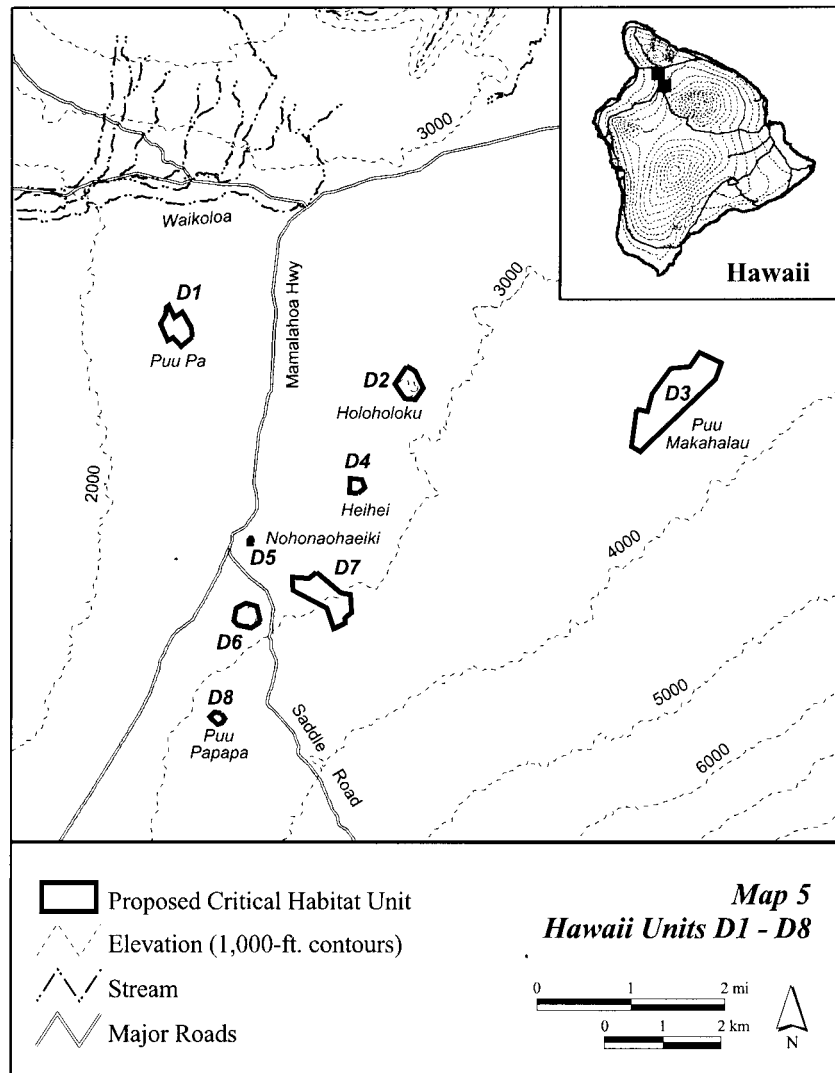
(i) Unit consists of the following 12 boundary points: 221058, 2205989; 221716, 2205427; 221986, 2205377; 222020, 2204891; 221830, 2204740; 221852, 2204603; 221531, 2204445; 221346, 2205006; 220421, 2205505; 220400, 2205861; 220861, 2205816; 221058, 2205989.

(ii) **Note:** See Map 5.

(12) Hawaii D8 (8 ha; 21 ac).

(i) Unit consists of the following seven boundary points: 218460, 2202141; 218559, 2201989; 218475, 2201865; 218371, 2201844; 218139, 2202042; 218291, 2202179; 218460, 2202141.

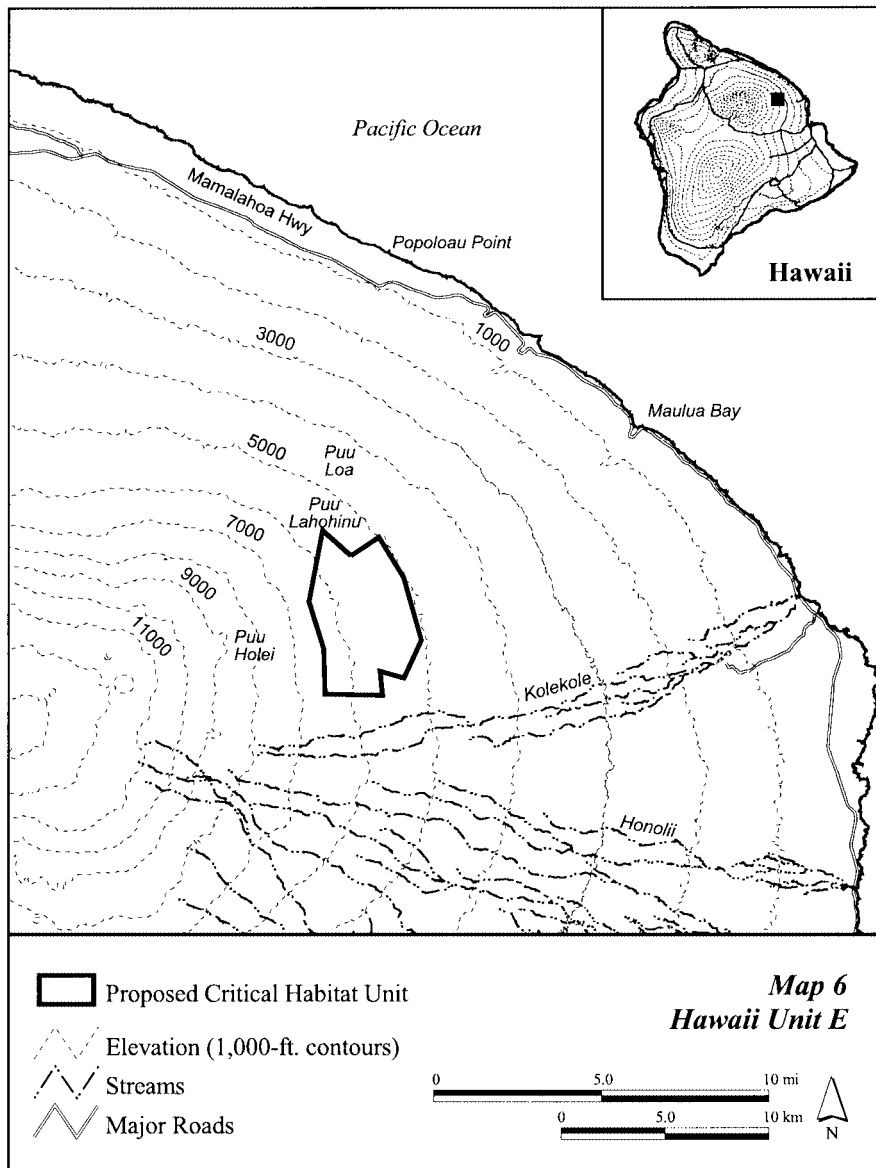
(ii) **Note:** Map 5 follows:



(13) Hawaii E (2,992 ha; 7,393 ac)

(i) Unit consists of the following 12 boundary points: 256602, 2201844; 257942, 2202750; 259136, 2200808; 259973, 2197792; 259164, 2195977; 257990, 2196313; 258115, 2195161; 255348, 2195206; 255294, 2197390; 254588, 2199653; 255244, 2203058; 256602, 2201844.

(ii) **Note:** Map 6 follows:



((14) Hawaii F (13,906 ha; 34,363 ac).

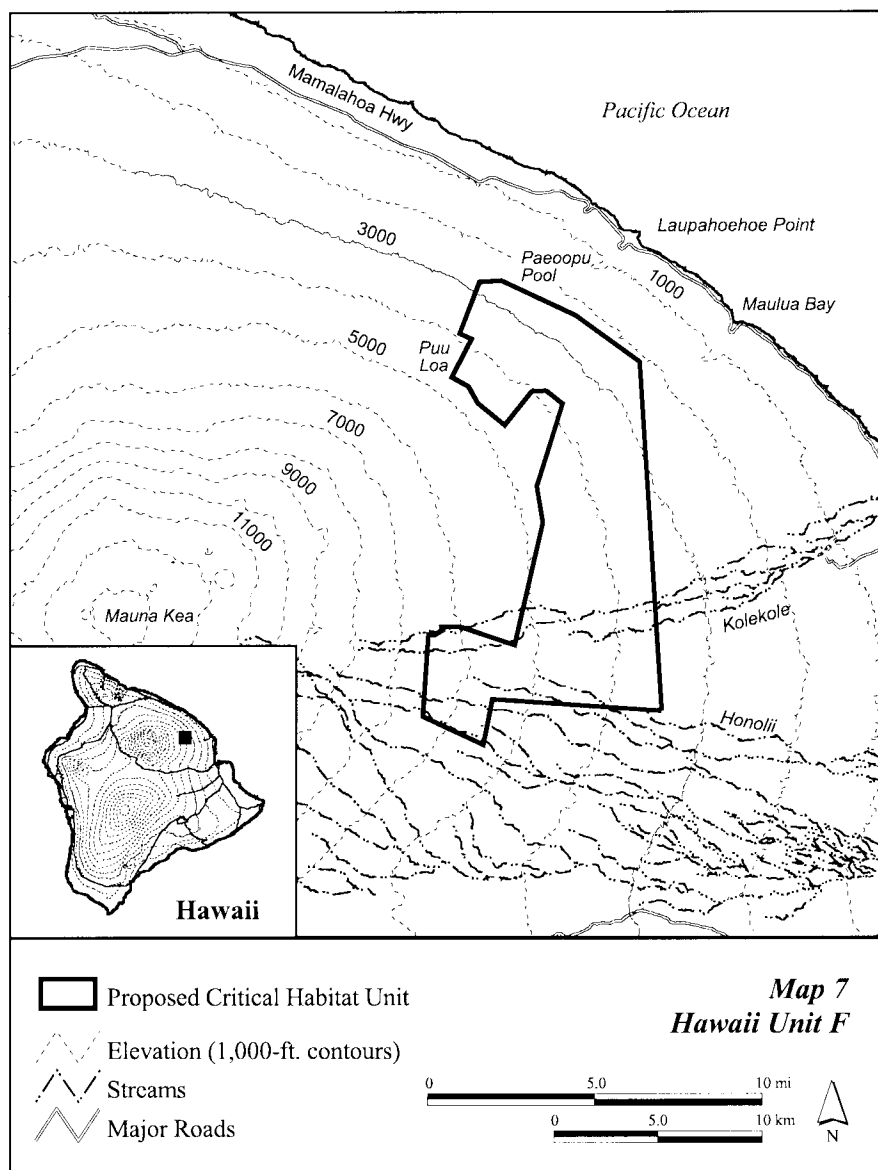
(i) Unit consists of the following 26 boundary points: 266711, 2189400; 258582, 2189967; 258122, 2187775; 255211, 2189128; 255480, 2193046; 255783, 2193024; 256116, 2193190;

256121, 2193417; 257062, 2193396; 259634, 2192559; 260989, 2198401; 260703, 2200148; 261944, 2204127; 261158, 2204766; 260467, 2204723; 259168, 2203086; 257856, 2204159; 257404, 2204963; 256622, 2205405;

257561, 2207252; 257006, 2207522; 257933, 2209976; 258996, 2210030; 262583, 2208378; 265651, 2206158; 266711, 2189400.

(ii) Note: Map 7 follows:





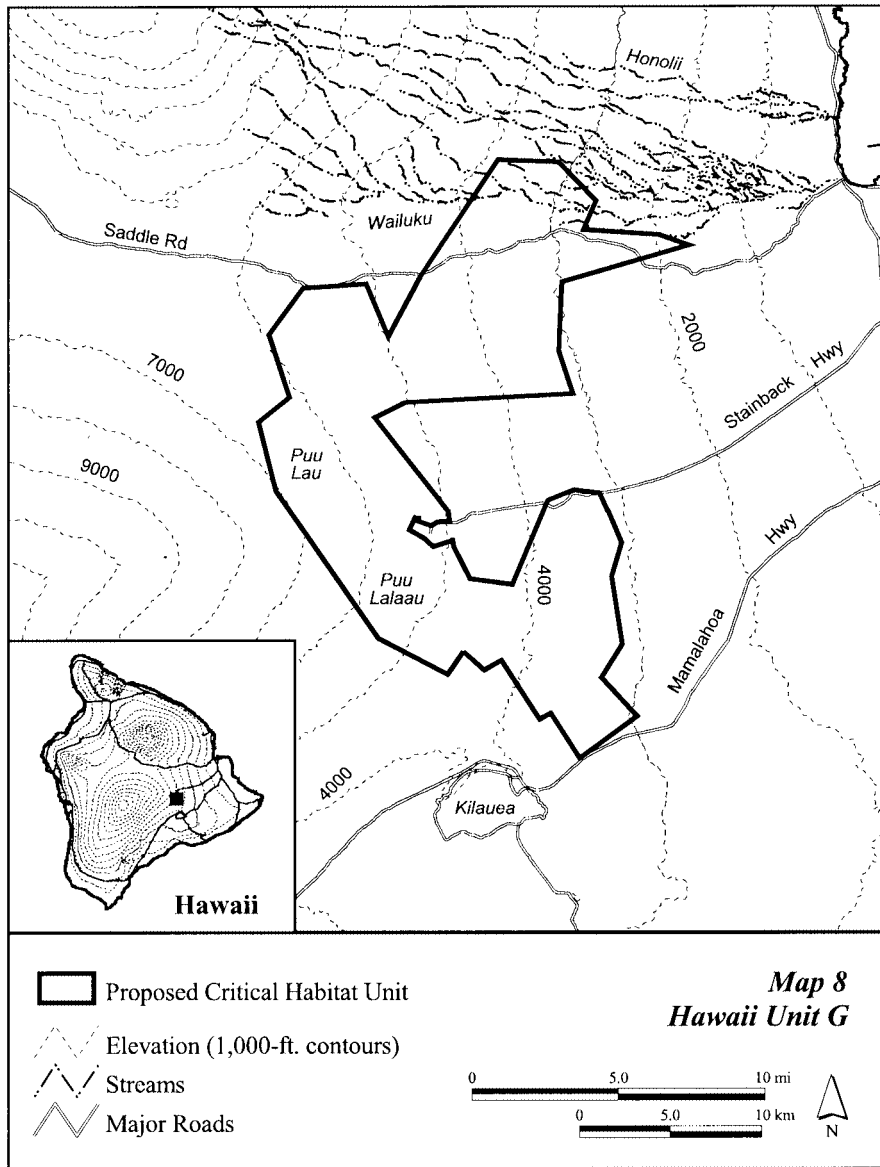
**Map 7**  
**Hawaii Unit F**

(15) Hawaii G (32,286 ha; 79,781 ac).  
 (i) Unit consists of the following 52 boundary points: 260368, 2156706; 259509, 2155445; 255714, 2157400; 250084, 2165481; 249140, 2169300; 250847, 2170639; 249738, 2174070; 251601, 2176619; 255032, 2176864; 256265, 2173968; 258036, 2177250; 262267, 2183657; 265594, 2183524; 267656, 2181395; 266981, 2179799;

271100, 2179533; 272746, 2178964; 265775, 2176949; 265615, 2173174; 266388, 2170855; 257222, 2170390; 255508, 2169531; 259558, 2164351; 259625, 2163807; 258983, 2163775; 258608, 2163559; 257889, 2163809; 257937, 2163979; 257725, 2164003; 257418, 2163342; 258185, 2162891; 258752, 2162422; 259789, 2162776; 259848, 2162373; 260734, 2160659;

263088, 2160361; 265004, 2164964; 266409, 2165548; 267862, 2165369; 268296, 2164387; 268316, 2164392; 269082, 2162635; 268527, 2160814; 269085, 2157102; 267952, 2155276; 269920, 2153164; 266755, 2150858; 265179, 2153340; 264559, 2152994; 262477, 2156217; 261502, 2155677; 260368, 2156706.

(ii) Note: Map 8 follows.

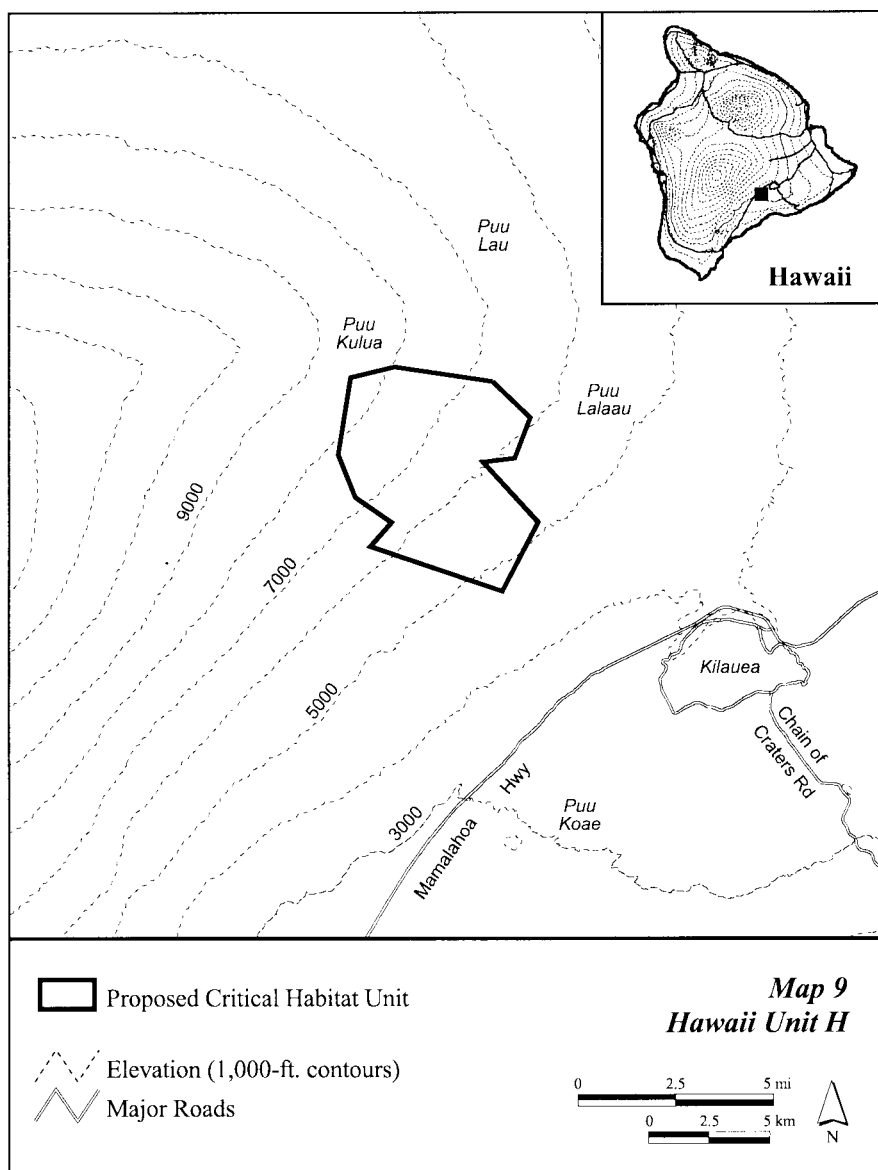


(16) Hawaii H (5,322 ha; 13,151 ac).  
 (i) Unit consists of the following 13  
 boundary points: 251923, 2160023;

253460, 2158526; 252820, 2156844;  
 251512, 2156703; 253803, 2154201;  
 252314, 2151377; 246870, 2153207;

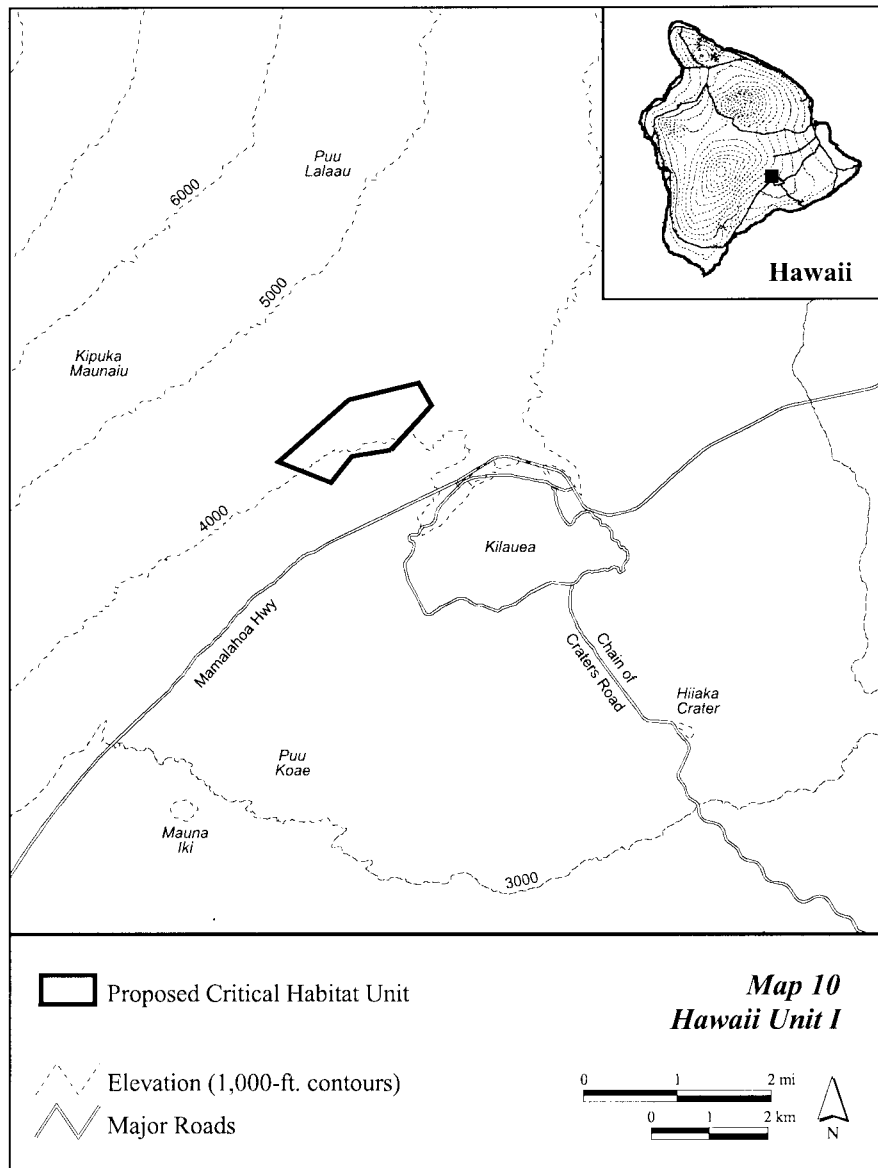
247755, 2154211; 246280, 2155218;  
 245573, 2156986; 246070, 2160207;  
 247871, 2160627; 251923, 2160023.

(ii) **Note:**Map 9 follows.



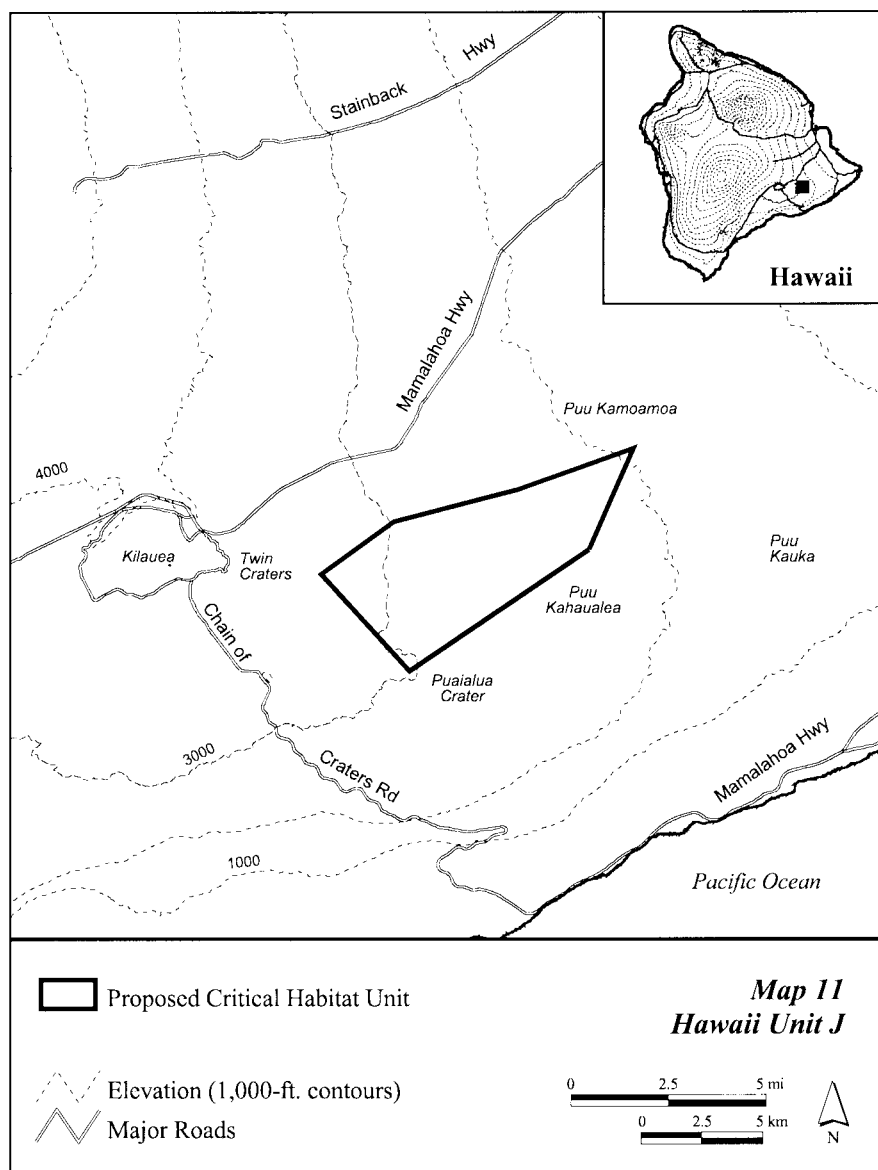
(17) Hawaii I (522 ha; 1,290 ac). 257351, 2150734; 256786, 2149999; 259182, 2152731; 259540, 2152124;  
 (i) Unit consists of the following eight boundary points: 255343, 2150577; 257268, 2152271; 258433, 2150898.

(ii) Note: Map 10 follows.



(18) Hawaii J (5,065 ha; 12,516 ac). 272371, 2143454; 268751, 2147441;  
 (i) Unit consists of the following seven boundary points: 279757, 2148468; 271710, 2149593; 276749, 2150890; 281591, 2152626; 279757, 2148468.

(ii) Note: Map 11 follows:



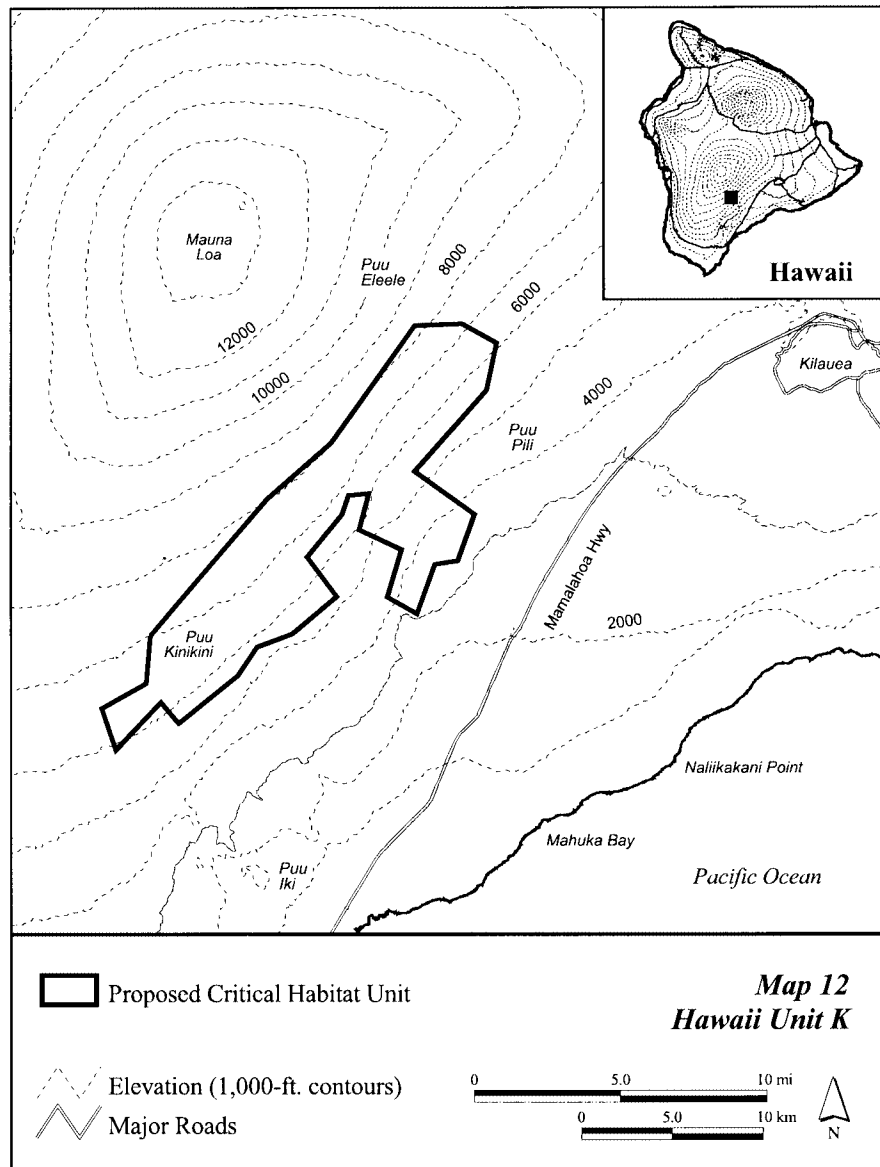
(19) Hawaii K (15,294 ha; 37,792 ac).

(i) Unit consists of the following 29 boundary points: 224527, 2133134; 230903, 2140619; 234438, 2143729; 238998, 2150111; 241626, 2150220; 243506, 2149158; 242986, 2146643;

238998, 2142139; 242286, 2139770; 241367, 2137225; 240125, 2137019; 239140, 2134291; 237510, 2135220; 238298, 2137823; 235958, 2138922; 236512, 2140899; 235380, 2140822; 235020, 2139742; 233111, 2137411;

234739, 2135265; 232310, 2133217; 230373, 2132524; 229332, 2130965; 226078, 2128345; 225106, 2129484; 222624, 2126875; 221850, 2129146; 224293, 2130509; 224527, 2133134.

(ii) Note: Map 12 follows:



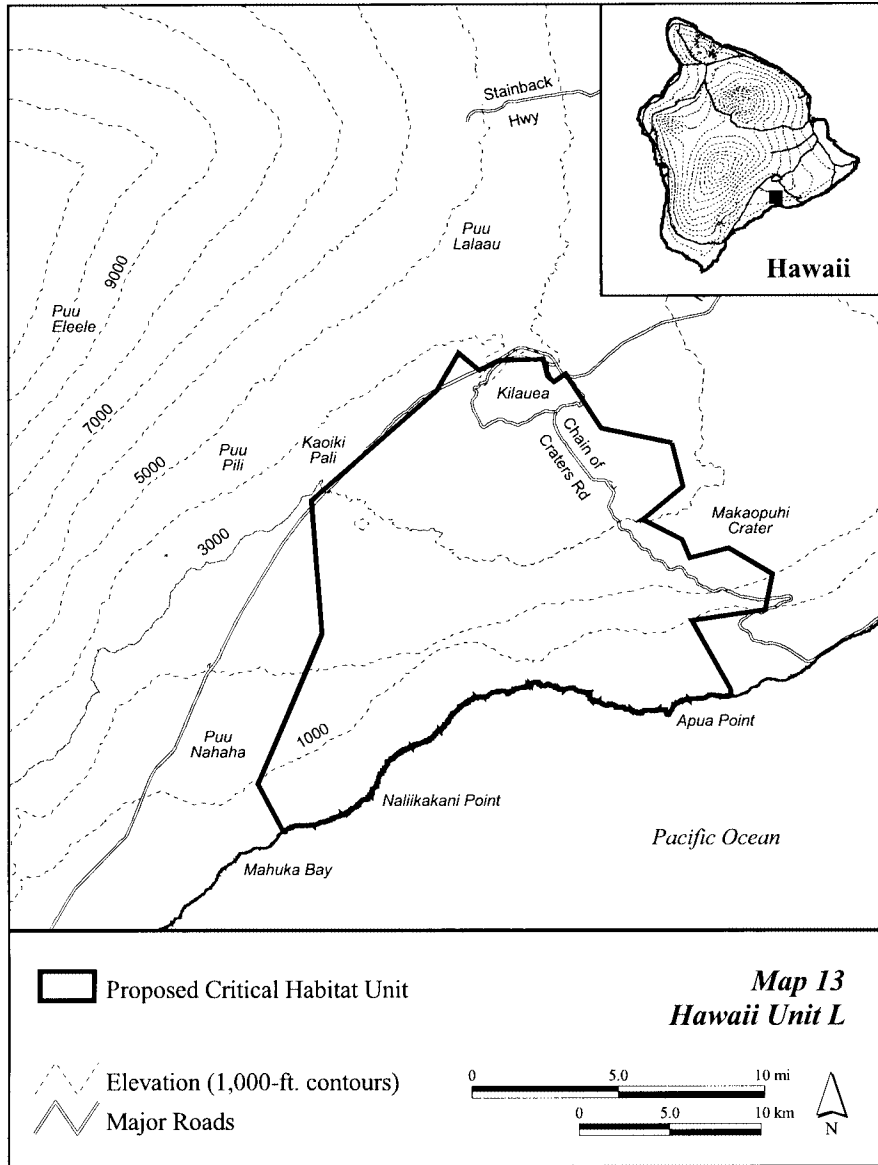
(20) Hawaii L (38,505 ha; 95,148 ac).

(i) Unit consists of the following 27 boundary points and the intermediate coastline: 269799, 2145483; 270429, 2143104; 268294, 2141333; 268202, 2141259; 268224, 2141247; 270343,

2140162; 270786, 2139161; 272920, 2139709; 275334, 2138290; 274935, 2136330; 270882, 2135751; 273045, 2131980; 273073, 2131644; 248432, 2124173; 247059, 2126847; 250585, 2135021; 249994, 2142352; 256883,

2148361; 258069, 2150441; 259217, 2149492; 260325, 2150029; 262724, 2150106; 262978, 2149151; 263296, 2148846; 263963, 2149299; 265911, 2146297; 269799, 2145483.

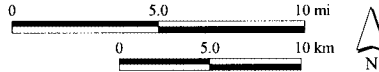
(ii) Note: Map 13 follows:



Proposed Critical Habitat Unit

Elevation (1,000-ft. contours)  
 Major Roads

**Map 13**  
**Hawaii Unit L**



(21) Hawaii M1 (19 ha, 46 ac).

(i) Unit consists of the following six boundary points and the intermediate coastline: 290436, 2182514; 290346, 2182746; 290037, 2183187; 290191, 2183379; 290648, 2182628; 290436, 2182514.

(ii) **Note:** See Map 14:

(22) Hawaii M2 (133 ha, 328 ac).

(i) Unit consists of the following seven boundary points and the intermediate coastline: 299860, 2164658; 298430, 2165311; 298418, 2165662; 298918, 2165882; 299164, 2166128; 300166, 2164994; 299860, 2164658.

(ii) **Note:** See Map 14:

(23) Hawaii M3 (141 ha, 349 ac).

(i) Unit consists of the following eight boundary points and the intermediate coastline: 302785, 2149537; 305121, 2151610; 305379, 2151558; 305688, 2151734; 305768, 2151825; 305926, 2151657; 302998, 2149399; 302785, 2149537.

(ii) **Note:** See Map 14:

(24) Hawaii M4 (141 ha, 348 ac).

(i) Unit consists of the following 10 boundary points and the intermediate coastline: 294327, 2142439; 294091, 2142729; 294897, 2143498; 295092,

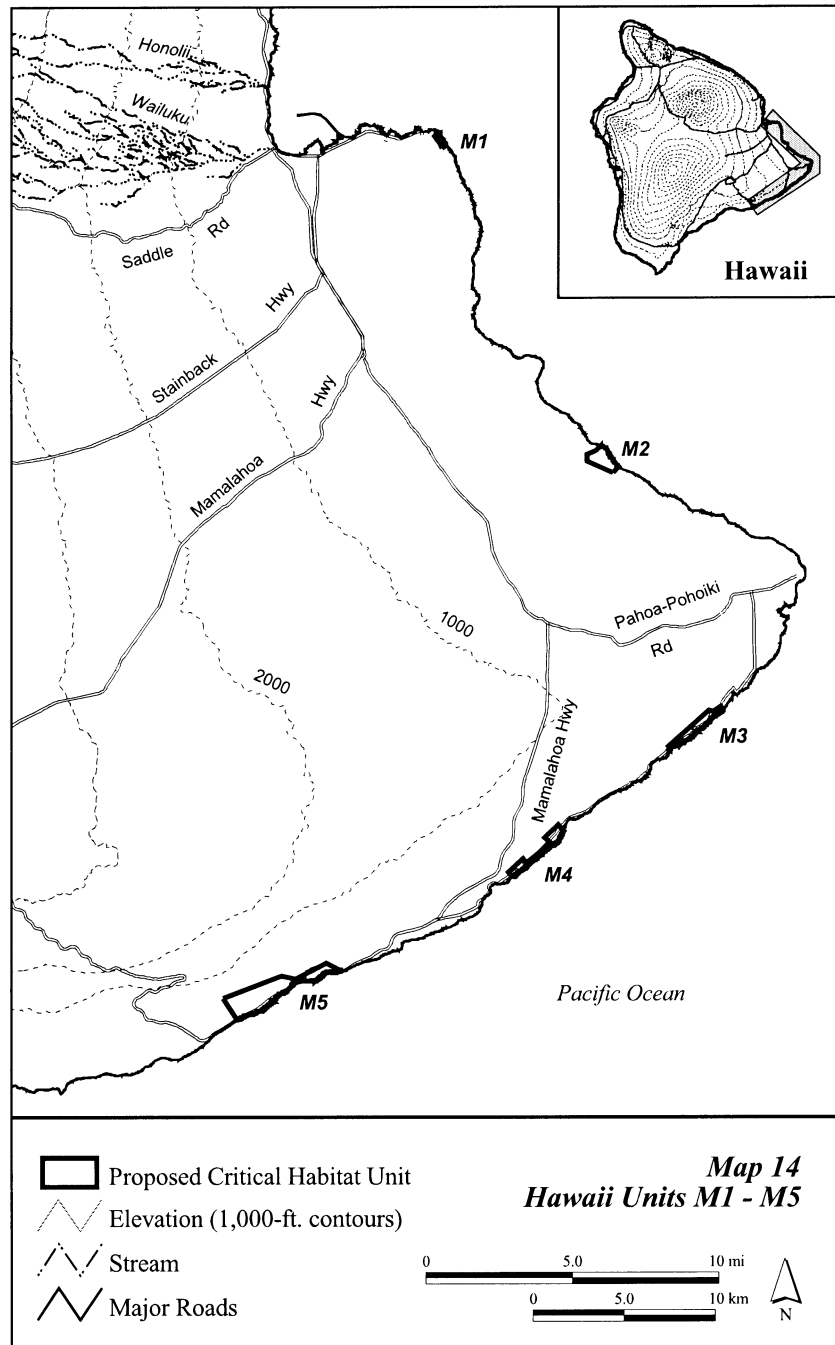
2143256; 295740, 2143796; 296348, 2144415; 296086, 2144633; 296853, 2145365; 297150, 2145025; 294327, 2142439.

(ii) **Note:** See Map 14:

(25) Hawaii M5 (533 ha, 1,316 ac).

(i) Unit consists of the following 10 boundary points and the intermediate coastline: 278462, 2135799; 281674, 2137029; 282395, 2136841; 284108, 2137718; 284803, 2137355; 284850, 2137360; 284874, 2137349; 284893, 2137276; 279221, 2134615; 278462, 2135799.

(ii) **Note:** Map 14 follows:



(26) Hawaii N1 (35 ha; 88 ac).  
 (i) Unit consists of the following 12 boundary points and the intermediate coastline: 226741, 2101686; 226790, 2101953; 226781, 2102176; 226908, 2102299; 226917, 2102261; 226379, 2099994; 226353, 2100102; 226476, 2100184; 226781, 2100602; 226831,

2100880; 226831, 2101257; 226741, 2101686.

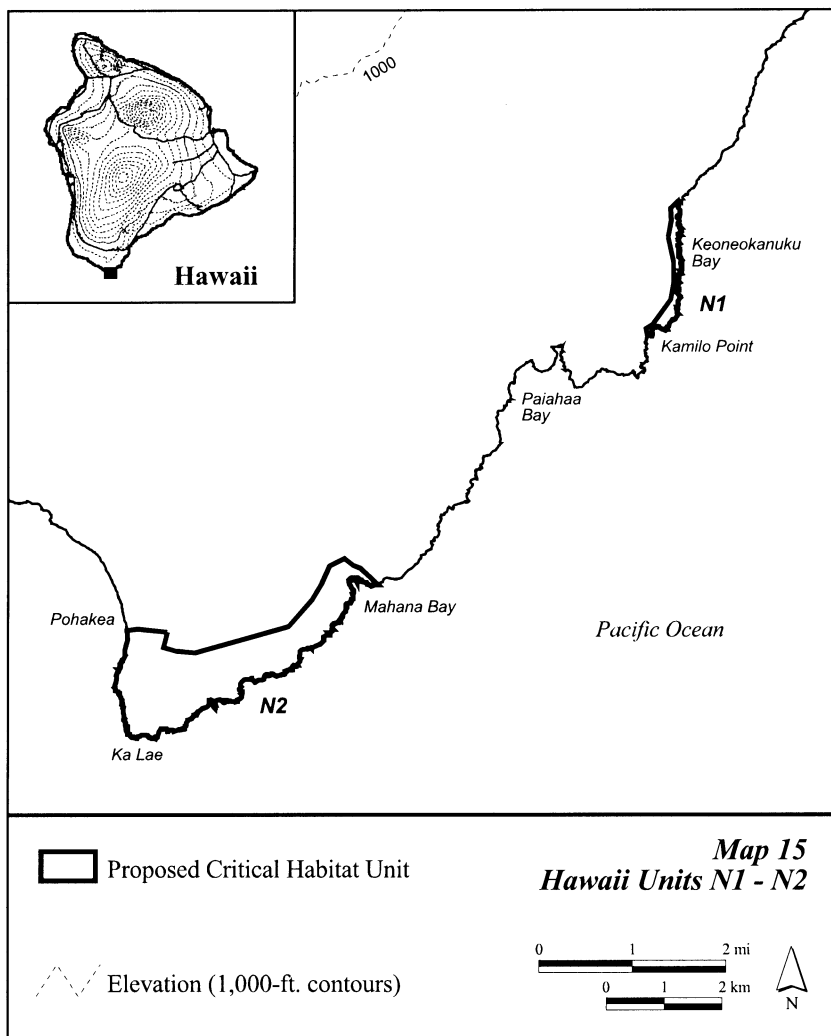
(ii) **Note:** See Map 15:

(27) Hawaii N2 (441 ha; 1,091 ac).  
 (i) Unit consists of the following 17 boundary points and the intermediate coastline: 218146, 2094919; 218077, 2094656; 218291, 2094588; 218623,

2094561; 220226, 2095017; 220630, 2095479; 220789, 2095748; 220926, 2096057; 221185, 2096180; 221326, 2096062; 221462, 2096012; 221594, 2095880; 221763, 2095728; 217452, 2094960; 217481, 2094950; 217632, 2094974; 218146, 2094919.

(ii) **Note:** Map 15 follows:

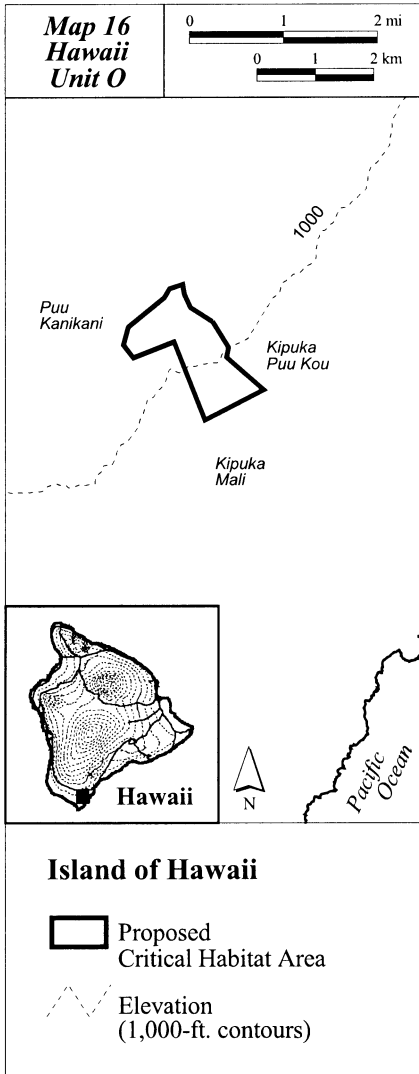




(28) Hawaii O (215 ha; 531 ac).

(i) Unit consists of the following 15 boundary points: 221200, 2105198; 221467, 2104758; 221444, 2104588; 222078, 2104024; 221064, 2103509; 220535, 2104849; 219841, 2104574; 219669, 2104802; 219758, 2105103; 220370, 2105598; 220464, 2105761; 220683, 2105838; 220715, 2105654; 220821, 2105428; 221200, 2105198.

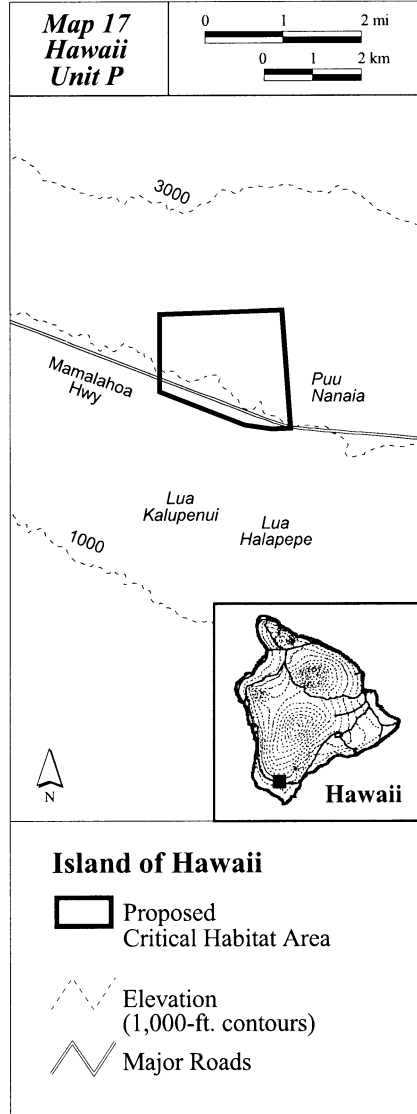
(ii) Note: Map 16 follows:



(29) Hawaii P (547 ha; 1,351 ac).

(i) Unit consists of the following seven boundary points: 215125, 2109609; 214584, 2109691; 212813, 2110371; 212813, 2111962; 215328, 2112049; 215501, 2109621; 215125, 2109609.

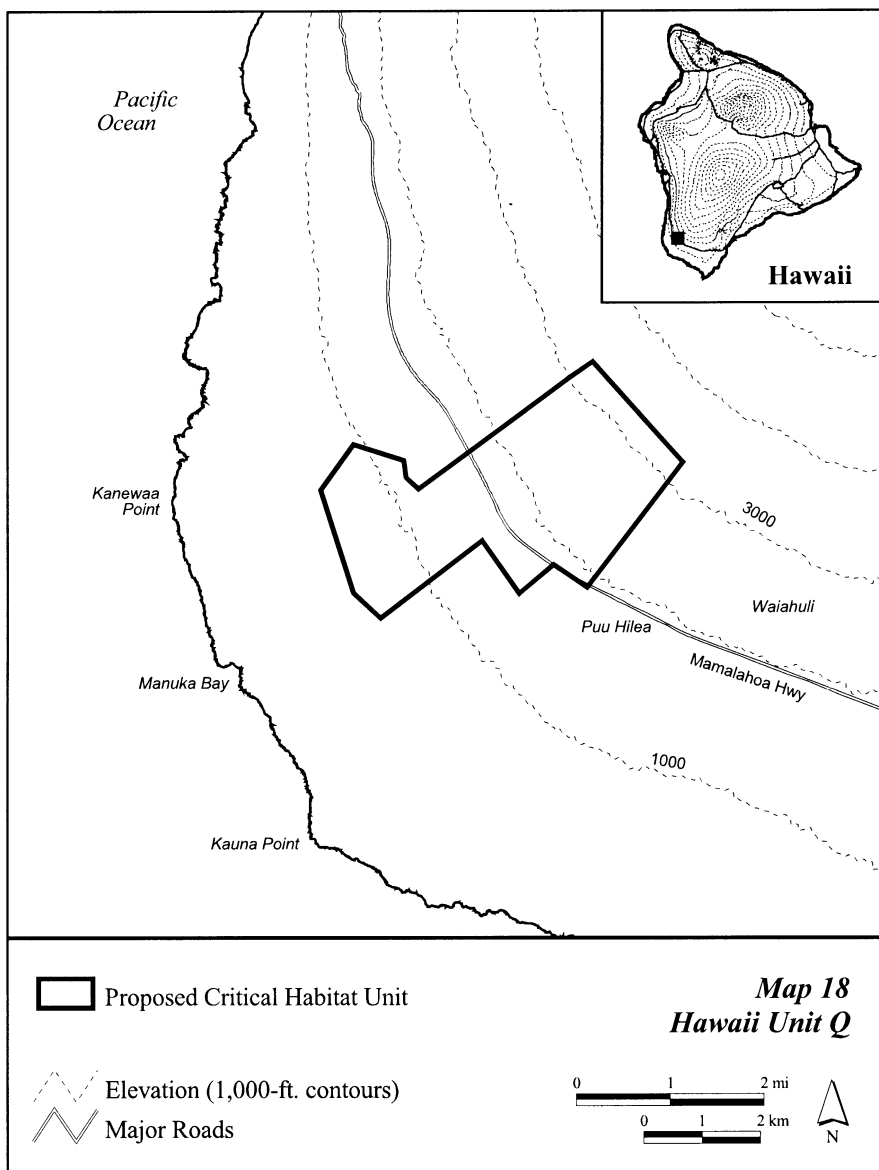
(ii) Note: Map 17 follows:



(i) Unit consists of the following 15 boundary points: 203744, 2119863; 204434, 2120339; 206918, 2117598; 204288, 2114159; 203379, 2114793; 202419, 2113989; 201403, 2115445; 198635, 2113306; 197884, 2114011; 196992, 2116831; 197884, 2118084; 199261, 2117650; 199326, 2117178; 199670, 2116873; 203744, 2119863.

(ii) Note: Map 18 follows:

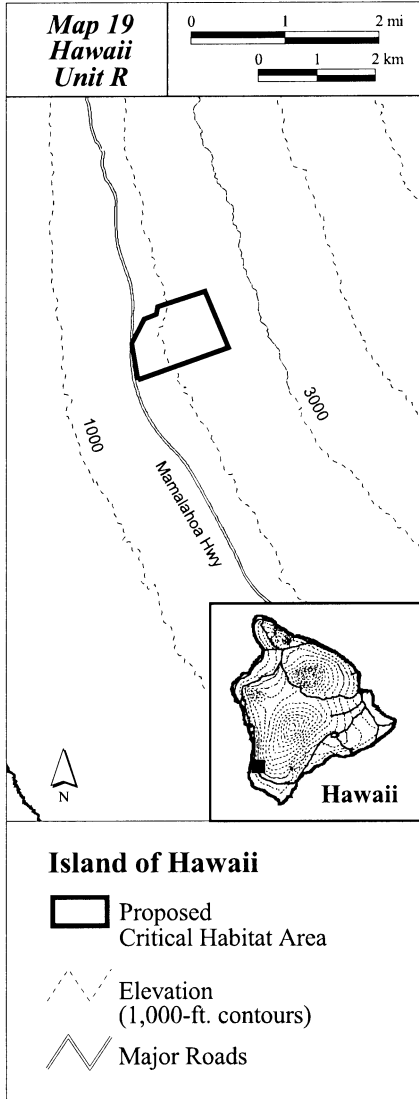
(30) Hawaii Q (3,549 ha; 8,770 ac).



(31) Hawaii R (387 ha; 387 ac).

(i) Unit consists of the following eight boundary points: 199019, 2121433; 198840, 2122426; 199183, 2123093; 199523, 2123234; 199557, 2123431; 200864, 2123853; 201509, 2122322; 199019, 2121433.

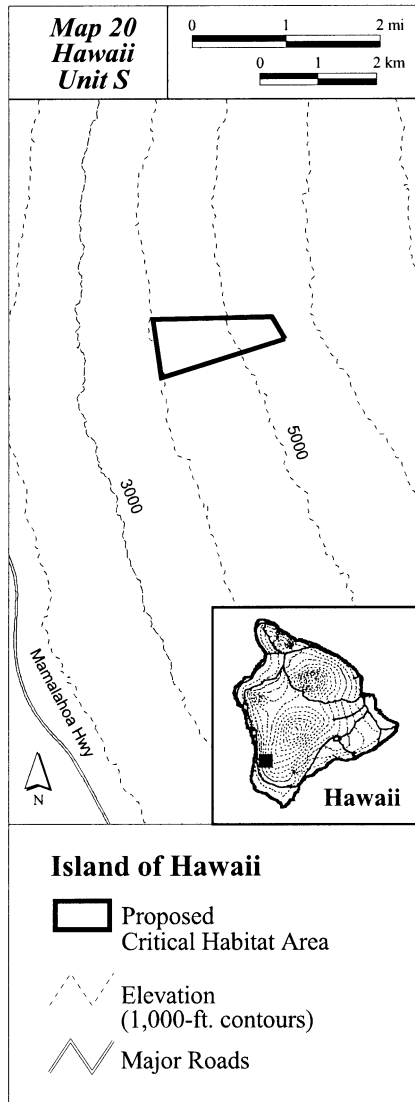
(ii) Note: Map 19 follows:



(32) Hawaii S (383 ha; 947 ac).

(i) Unit consists of the following five boundary points: 206224, 2130517; 202842, 2129444; 202613, 2131045; 205877, 2131123; 206224, 2130517.

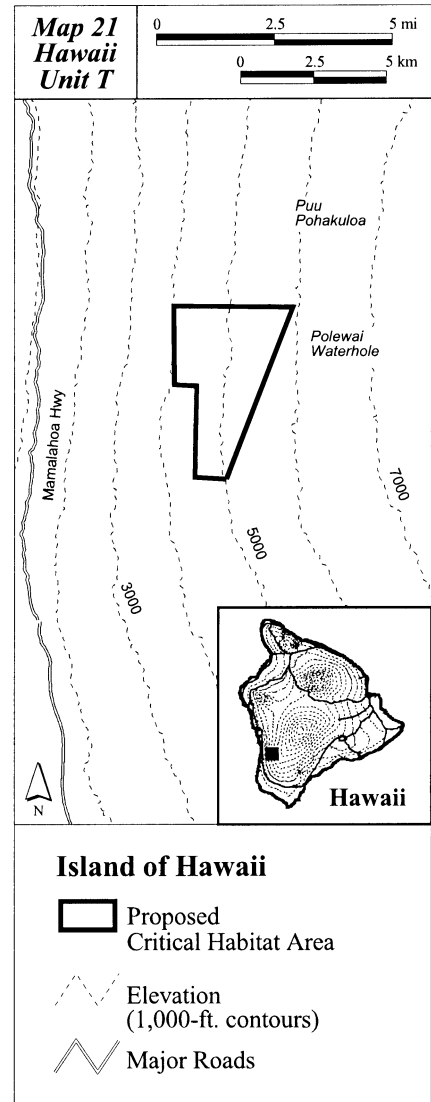
(ii) Note: Map 20 follows:



(33) Hawaii T (1,489 ha; 3,681 ac).

(i) Unit consists of the following seven boundary points: 204443, 2132607; 203375, 2132666; 203443, 2135792; 202673, 2135845; 202654, 2138543; 206732, 2138501; 204443, 2132607.

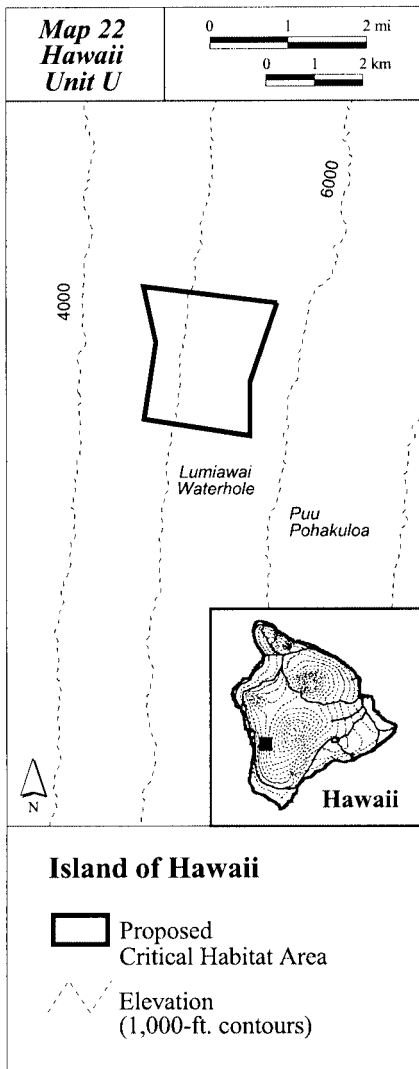
(ii) Note: Map 21 follows:



(34) Hawaii U (615 ha; 1,520 ac).

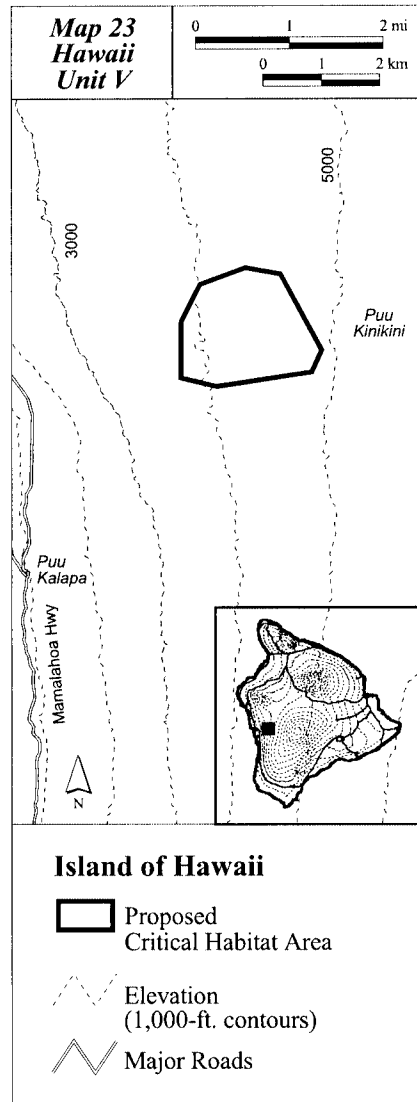
(i) Unit consists of the following seven boundary points: 207156, 2146304; 206598, 2144681; 206598, 2143570; 204428, 2143915; 204674, 2145490; 204421, 2146650; 207156, 2146304.

(ii) Note: Map 22 follows:



(35) Hawaii V (951 ha; 951 ac).  
 (i) Unit consists of the following nine boundary points: 201716, 2156441; 202236, 2157481; 203493, 2157946; 204443, 2157768; 205570, 2155691; 205302, 2155071; 202715, 2154681; 201716, 2154917; 201716, 2156441.

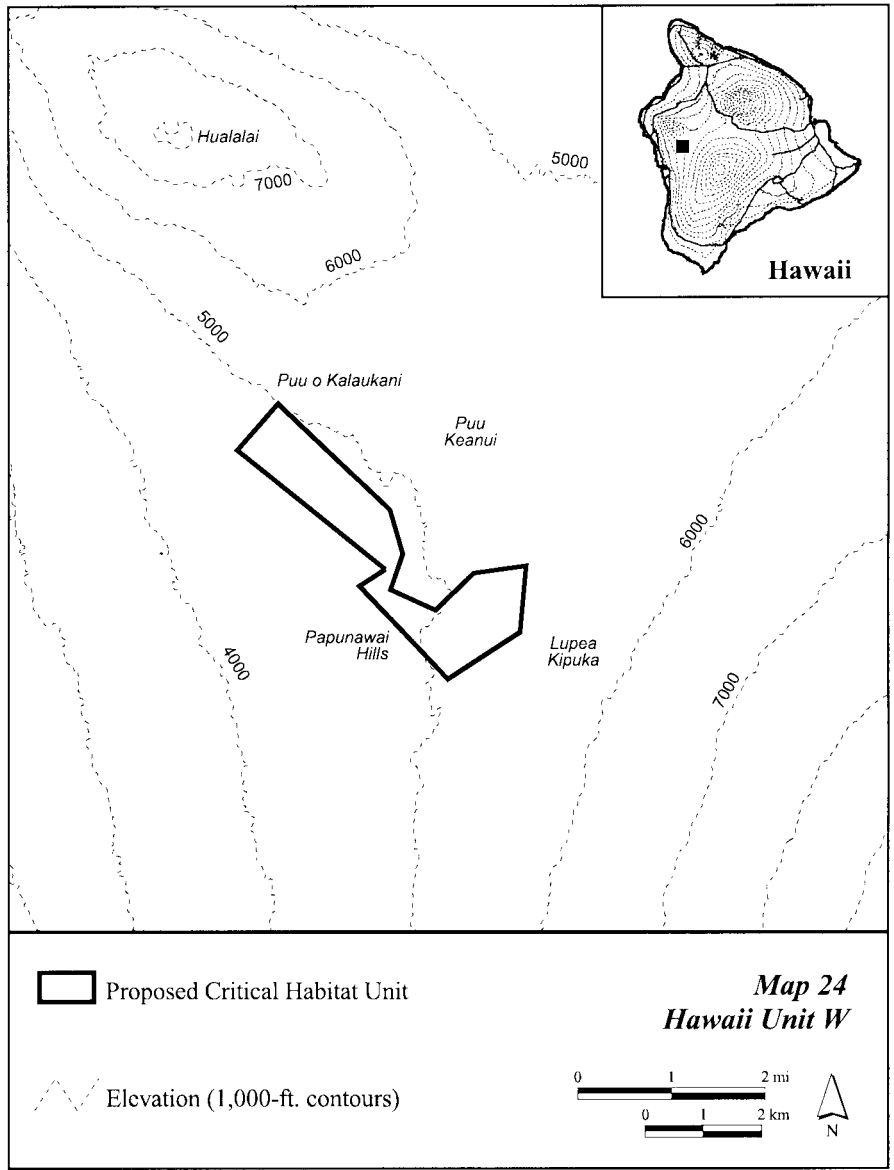
(ii) Note: Map 23 follows:



(36) Hawaii W (1,479 ha; 3,654 ac).

(i) Unit consists of the following 13 boundary points: 205252, 2167635; 201198, 2170923; 202321, 2172189; 205378, 2169282; 205734, 2168071; 205395, 2167074; 206630, 2166529; 207676, 2167534; 209126, 2167741; 208948, 2165908; 206971, 2164632; 204555, 2167184; 205252, 2167635.

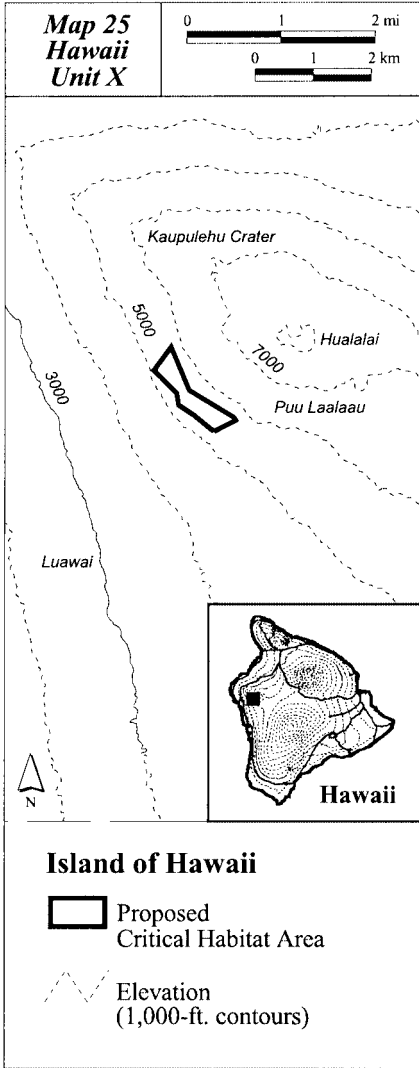
(ii) Note: Map 24 follows:



(37) Hawaii X (138 ha; 340 ac).

(i) Unit consists of the following nine boundary points: 197194, 2177013; 196714, 2177434; 196239, 2177751; 196187, 2178067; 195553, 2178701; 196028, 2179334; 196530, 2178147; 197744, 2177408; 197793, 2177330.

(ii) Note: Map 25 follows:



(38) Hawaii Y1 (212 ha; 524 ac).

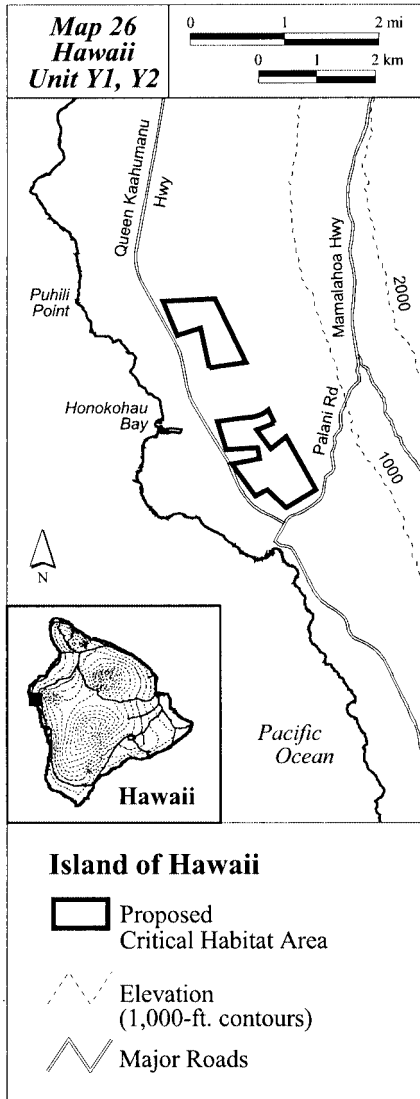
(i) Unit consists of the following seven boundary points: 183972, 2179379; 183738, 2180484; 183094, 2180286; 182697, 2181215; 184122, 2181277; 184966, 2179538; 184138, 2179420.

(ii) Note: Map 26 follows:

(39) Hawaii Y2 (334 ha; 826 ac).

(i) Unit consists of the following 18 boundary points: 185749, 2177865; 185261, 2177684; 185647, 2177155; 186075, 2177494; 186885, 2176018; 186069, 2175532; 185540, 2176019; 185232, 2175842; 184584, 2176731; 185340, 2176888; 185300, 2177182; 184431, 2177142; 184190, 2177908; 184571, 2177971; 184963, 2178008; 185173, 2178026; 185406, 2178122; 185576, 2178230.

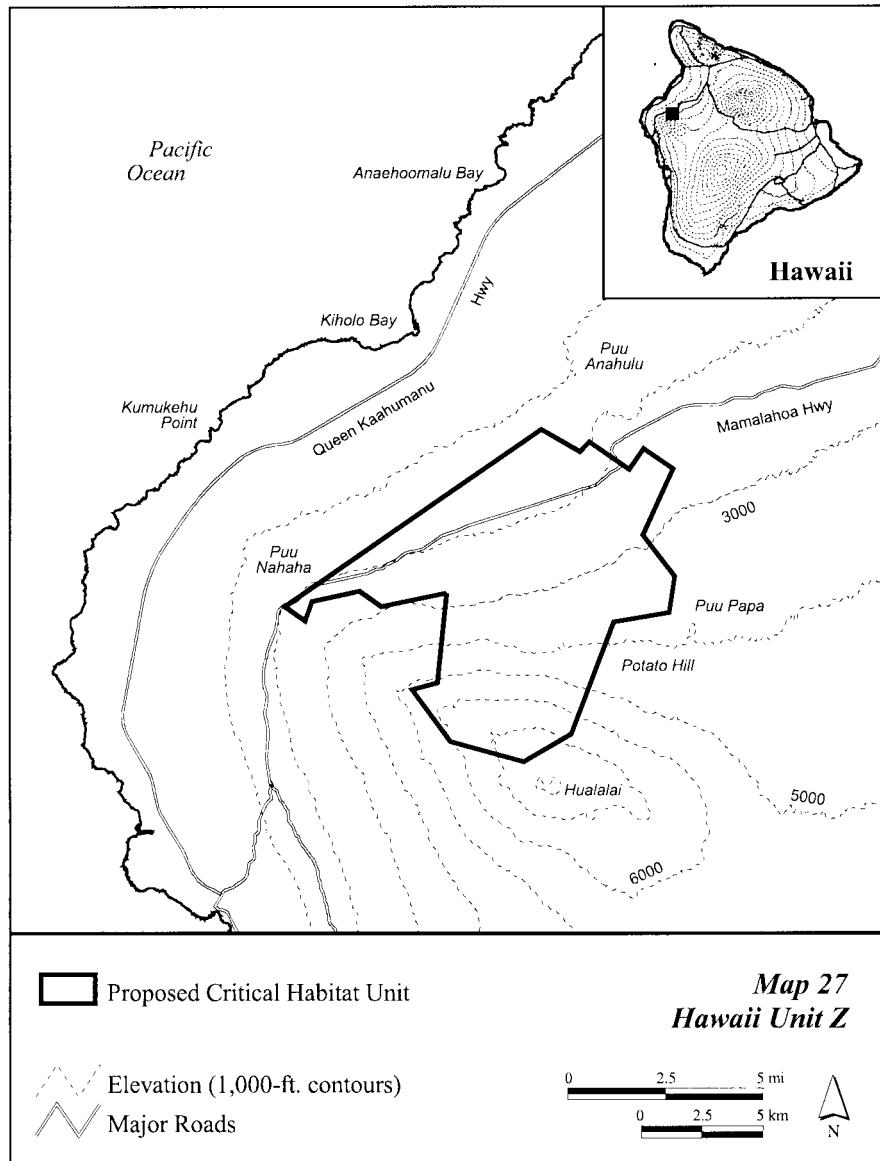
(ii) Note: Map 26 follows:



(40) Hawaii Z (10,738 ha; 26,535 ac).

(i) Unit consists of the following 22 boundary points: 195290, 2187514; 192592, 2186941; 191694, 2187574; 189745, 2187154; 189472, 2186376; 188637, 2186944; 199157, 2194227; 200761, 2193290; 201154, 2193708; 202794, 2192559; 203397, 2193436; 204610, 2192598; 203353, 2189881; 204671, 2188173; 204462, 2186704; 202154, 2186315; 200408, 2181683; 198449, 2180555; 195423, 2181386; 193852, 2183527; 194901, 2183797; 195290, 2187514.

(ii) Note: Map 27 follows:



**Map 27**  
**Hawaii Unit Z**

(41) Hawaii AA (28,384 ha; 70,138 ac).

(i) Unit consists of the following 67 boundary points: 232723, 2183705; 230919, 2184740; 230815, 2184516; 229320, 2184420; 228423, 2185167; 225733, 2185964; 225124, 2185943; 223293, 2184769; 223290, 2183683; 220000, 2179930; 219994, 2179923; 219987, 2179918; 219981, 2179913; 219977, 2179911; 219973, 2179909; 219965, 2179906; 216370, 2178543; 222247, 2173811; 222322, 2167265; 222322, 2167257; 222335, 2167257; 220155, 2166489; 219579, 2168927; 219762, 2171154; 219286, 2172006; 218282, 2169685; 214867, 2175808; 210939, 2174004; 209532, 2175089;

209494, 2176651; 213262, 2178498; 208392, 2187047; 210165, 2188544; 210162, 2188542; 210803, 2189143; 211768, 2188558; 214377, 2189201; 217216, 2188903; 221396, 2190818; 222990, 2190609; 223038, 2190602; 223044, 2190601; 224382, 2191593; 226252, 2188954; 229287, 2188260; 230414, 2189388; 234885, 2188211; 235657, 2187676; 234948, 2187010; 231708, 2187545; 231561, 2186512; 234898, 2186362; 235254, 2186077; 235032, 2185729; 235339, 2185480; 235602, 2185805; 236072, 2185421; 235419, 2184116; 236547, 2181683; 236410, 2179093; 237588, 2179190; 238332, 2176662; 236820, 2174962;

237090, 2173313; 235396, 2172615; 233055, 2173313; 232723, 2183705.

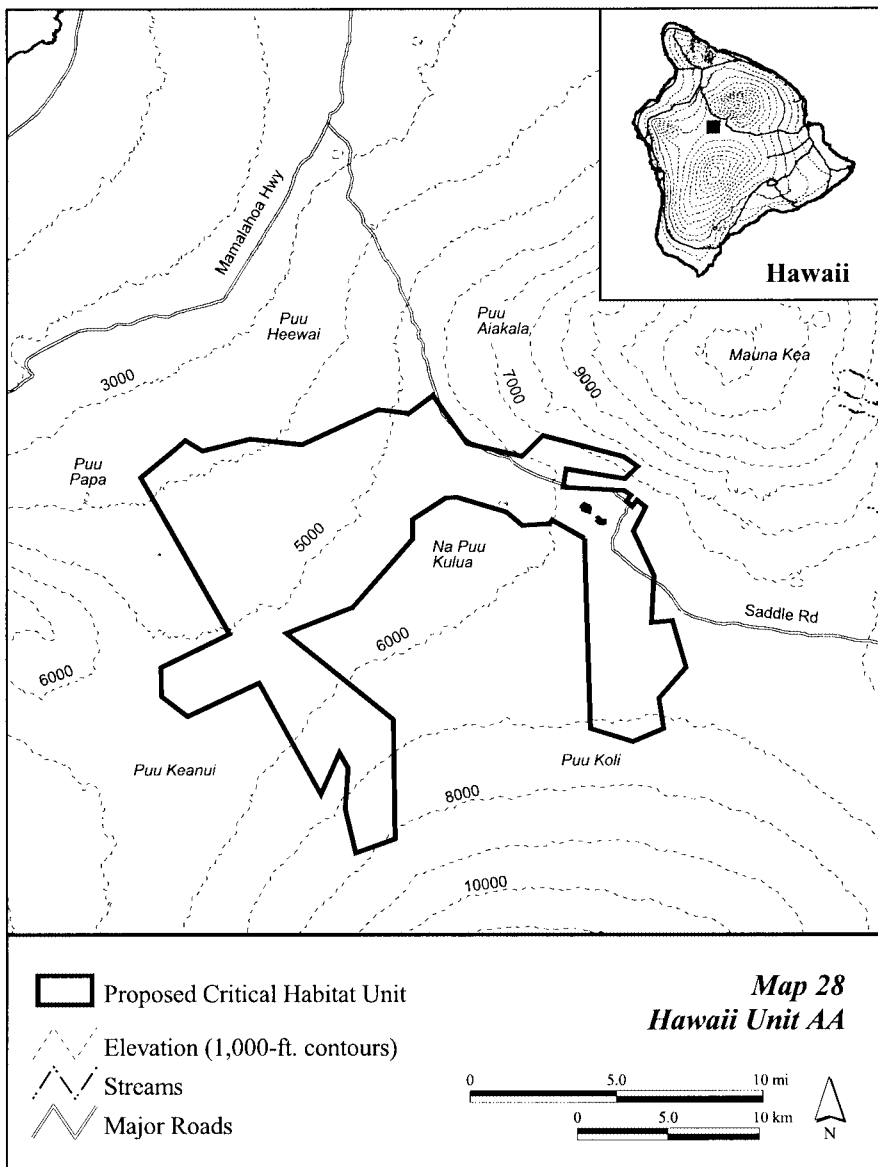
(ii) Excluding the following two areas:

(A) Bounded by the following 7 boundary points (10ha, 24ac): 232577, 2185323; 232599, 2185467; 232714, 2185578; 232934, 2185467; 232998, 2185368; 232954, 2185202; 232577, 2185323.

(B) Bounded by the following 9 boundary points (5ha, 11ac): 233384, 2184752; 233480, 2184822; 233636, 2184644; 233786, 2184671; 233811, 2184653; 233813, 2184596; 233682, 2184541; 233484, 2184638; 233384, 2184752.

(iii) **Note:** Map 28 follows:





(42) Hawaii BB (43 ha; 106 ac).

(i) Unit consists of the following 13 boundary points and the intermediate coastline: 181769, 2190198; 181706, 2189862; 181589, 2189862; 181195, 2189687; 180990, 2189424; 180757, 2189337; 180698, 2189351; 180707, 2189442; 181635, 2190130; 181662, 2190111; 181735, 2190198; 181750, 2190198; 181769, 2190198.

(ii) Note: Map 29 follows:

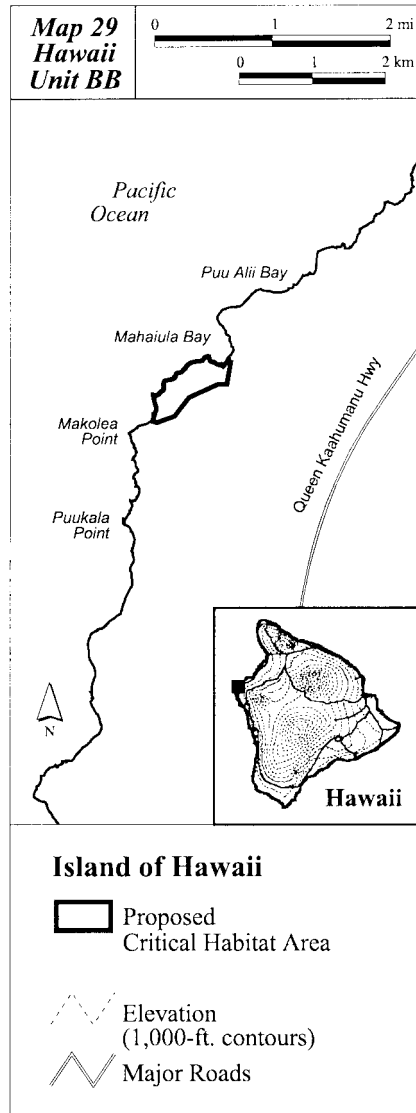


TABLE (a)(1)(i)(H).—PROTECTED SPECIES WITHIN EACH CRITICAL HABITAT UNIT ON THE ISLAND OF HAWAII

Unit name	Species occupied	Species unoccupied
Hawaii A1 .....	<i>Pleomele hawaiiensis</i> .....	
Hawaii A2 .....	<i>Nothocestrum breviflorum</i> .....	
Hawaii B .....	<i>Achyranthes mutica</i> , <i>Clermontia drepanomorpha</i> , <i>Phyllostegia warshaueri</i> .	
Hawaii C .....	<i>Sesbania tomentosa</i> .....	
Hawaii D1 .....	<i>Portulaca sclerocarpa</i> .....	<i>Isodendrion hosakae</i> , <i>Vigna o-wahuensis</i> .
Hawaii D2 .....	.....	<i>Isodendrion hosakae</i> , <i>Portulaca sclerocarpa</i> , <i>Vigna o-wahuensis</i> .
Hawaii D3 .....	.....	<i>Isodendrion hosakae</i> .
Hawaii D4 .....	.....	<i>Isodendrion hosakae</i> , <i>Portulaca sclerocarpa</i> , <i>Vigna o-wahuensis</i> .
Hawaii D5 .....	<i>Isodendrion hosakae</i> , <i>Portulaca sclerocarpa</i> , <i>Vigna o-wahuensis</i> .	
Hawaii D6 .....	.....	<i>Isodendrion hosakae</i> , <i>Portulaca sclerocarpa</i> , <i>Vigna o-wahuensis</i> .
Hawaii D7 .....	<i>Isodendrion hosakae</i> , <i>Portulaca sclerocarpa</i> .....	<i>Vigna o-wahuensis</i> .
Hawaii D8 .....	<i>Isodendrion hosakae</i> .....	<i>Portulaca sclerocarpa</i> , <i>Vigna o-wahuensis</i> .
Hawaii E .....	<i>Clermontia lindseyana</i> , <i>Clermontia pyrularia</i> , <i>Phyllostegia racemosa</i> .	
Hawaii F .....	<i>Cyanea platyphylla</i> , <i>Cyanea shipmanii</i> , <i>Cyrtandra giffardii</i> , <i>Cyrtandra tintinnabula</i> , <i>Phyllostegia racemosa</i> , <i>Phyllostegia warshaueri</i> .	<i>Clermontia peleana</i> .

TABLE (a)(1)(i)(H).—PROTECTED SPECIES WITHIN EACH CRITICAL HABITAT UNIT ON THE ISLAND OF HAWAII—Continued

Unit name	Species occupied	Species unoccupied
Hawaii G	<i>Argyroxiphium kauense</i> , <i>Asplenium fragile</i> var. <i>insulare</i> , <i>Clermontia lindseyana</i> , <i>Cyanea platyphylla</i> , <i>Cyanea shipmanii</i> , <i>Cyanea stictophylla</i> , <i>Cyrtandra giffardii</i> , <i>Phyllostegia racemosa</i> , <i>Phyllostegia velutina</i> , <i>Plantago hawaiiense</i> , <i>Sicyos alba</i> .	<i>Clermontia peleana</i> .
Hawaii H	<i>Argyroxiphium kauense</i> , <i>Phyllostegia racemosa</i> , <i>Plantago hawaiiensis</i> , <i>Silene hawaiiensis</i> .	
Hawaii I	<i>Hibiscadelphus giffardianus</i> , <i>Melicope zahlbruckneri</i> .....	
Hawaii J	<i>Adenophorus periens</i> .....	
Hawaii K	<i>Argyroxiphium kauense</i> , <i>Asplenium fragile</i> var. <i>insulare</i> , <i>Clermontia lindseyana</i> , <i>Cyanea stictophylla</i> , <i>Phyllostegia velutina</i> .	<i>Melicope zahlbruckneri</i>
Hawaii L	<i>Pleomele hawaiiensis</i> , <i>Portulaca sclerocarpa</i> , <i>Sesbania tomentosa</i> .	
Hawaii M1	<i>Ischaemum byrone</i> .....	
Hawaii M2	<i>Ischaemum byrone</i> .....	
Hawaii M3	<i>Ischaemum byrone</i> .....	
Hawaii M4	<i>Ischaemum byrone</i> .....	
Hawaii M5	<i>Ischaemum byrone</i> .....	
Hawaii N1	<i>Sesbania tomentosa</i> .....	
Hawaii N2	<i>Sesbania tomentosa</i> .....	
Hawaii O	<i>Mariscus fauriei</i> .....	
Hawaii P	<i>Pleomele hawaiiensis</i> .....	
Hawaii Q	<i>Colubrina oppositifolia</i> , <i>Diellia erecta</i> , <i>Flueggea neowawraea</i> , <i>Gouania vitifolia</i> , <i>Neraudia ovata</i> .	
Hawaii R	<i>Diellia erecta</i> , <i>Flueggea neowawraea</i> .....	
Hawaii S	<i>Cyanea hamatiflora</i> ssp. <i>carlsonii</i> , <i>Cyanea stictophylla</i>	
Hawaii T	<i>Cyanea stictophylla</i> .....	<i>Cyanea hamatiflora</i> ssp. <i>carlsonii</i> .
Hawaii U	<i>Cyanea hamatiflora</i> ssp. <i>carlsonii</i> .....	
Hawaii V	<i>Nothoecstrum breviflorum</i> .....	
Hawaii W	<i>Delissea undulata</i> .....	<i>Solanum incompletum</i> .
Hawaii X	<i>Cyanea hamatiflora</i> ssp. <i>carlsonii</i> .....	
Hawaii Y1	<i>Neraudia ovata</i> .....	
Hawaii Y2	<i>Isodendron pyrifolium</i> .....	<i>Neraudia ovata</i> .
Hawaii Z	<i>Bonamia menziesii</i> , <i>Colubrina oppositifolia</i> , <i>Cyanea stictophylla</i> , <i>Delissea undulata</i> , <i>Flueggea neowawraea</i> , <i>Hibiscadelphus hualalaiensis</i> , <i>Hibiscus brackenridgei</i> , <i>Nothoecstrum breviflorum</i> , <i>Phyllostegia velutina</i> , <i>Plantago hawaiiensis</i> , <i>Pleomele hawaiiensis</i> , <i>Zanthoxylum dipetalum</i> var. <i>tomentosum</i> .	
Hawaii AA	<i>Asplenium fragile</i> var. <i>insulare</i> , <i>Hedyotis coriacea</i> , <i>Neraudia ovata</i> , <i>Portulaca sclerocarpa</i> , <i>Silene hawaiiensis</i> , <i>Silene lanceolata</i> , <i>Solanum incompletum</i> , <i>Spermolepis hawaiiensis</i> , <i>Tetramolopium arenarium</i> , <i>Zanthoxylum hawaiiense</i> .	
Hawaii BB	<i>Sesbania tomentosa</i> .....	

(ii) *Hawaiian plants—Constituent elements.*

(A) *Flowering plants.*

*Family Amaranthaceae: Achyranthes mutica* (NCN).

Hawaii B, identified in the legal description in paragraph (a)(1)(i)(H), constitutes critical habitat for *Achyranthes mutica* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) *Acacia koaia* lowland dry forest primarily in gulches but also in remnant stands of forest containing one or more of the following associated native plant species: *Dodonaea viscosa*, *Myoporum sandwicense*, *Osteomeles anthyllidifolia*, *Nestegis sandwicensis*, *Metrosideros polymorpha*, *Santalum*

*ellipticum*, *Erythrina sandwicensis*, or *Sophora chrysophylla*; and  
(2) Elevations between 643 and 1,518 m (2,110 and 4,990 ft).

*Family Apiaceae: Spermolepis hawaiiensis* (NCN).

Hawaii AA, identified in the legal description in paragraph (a)(1)(i)(H), constitute critical habitat for *Spermolepis hawaiiensis* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Shady spots in *Dodonaea viscosa* lowland dry shrubland, on pahoehoe lava and containing one or more of the following associated native plant species: *Myoporum sandwicense*, *Osteomeles anthyllidifolia*, or *Sophora chrysophylla*, and

(2) Elevations between 1,134 and 2,140 m (3,720 and 7,020 ft).

*Family Asteraceae: Argyroxiphium kauense* (Mauna Loa silversword).

Hawaii G, H, K, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Argyroxiphium kauense* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Moist open forest; subalpine mesic shrubland, bogs; and weathered, old pahoehoe (smooth) or aa (rough) lava with well developed pockets of soil, and containing one or more of the following associated native plant species: *Coprosma montana*, *Plantago hawaiiensis*, *Silene hawaiiensis*, *Asplenium fragile* var. *insulare*,

*Metrosideros polymorpha*, *Styphelia tameiameia*, *Coprosma ernodeoides*, *Vaccinium reticulatum*, *Dubautia ciliolata*, *Geranium cuneatum*, *Carex montis-eeka*, *Carex alligata*, *Rhynchospora chinensis*, *Dodonaea viscosa*, *Gahnia gahniiformis*, or *Deschampsia nubigena*; and

(2) Elevations between 1,625 and 2,774 m (3,330 and 9,100 ft).

Family Asteraceae: *Tetramolopium arenarium* (NCN).

Hawaii AA, identified in the legal description in paragraph (a)(1)(i)(H), constitutes critical habitat for *Tetramolopium arenarium* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Lowland and montane dry shrublands dominated by *Dodonaea viscosa*, containing one or more of the following associated native plant species: *Styphelia tameiameia*, *Dubautia linearis*, *Chamaesyce olowaluana*, *Haplostachys haplostachya*, *Sida fallax*, or *Chenopodium oahuense*, and

(2) Elevations between 1,363 and 1,762 m (4,470 and 5,780 ft).

Family Campanulaceae: *Clermontia drepanomorpha* (oha wai).

Hawaii B, identified in the legal description in paragraph (a)(1)(i)(H), constitutes critical habitat for *Clermontia drepanomorpha* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) *Metrosideros polymorpha*, *Cheirodendron trigynum*, and *Cibotium glaucum* dominated montane wet forests, containing one or more of the following native plant species: *Carex alligata*, *Melicope clusiifolia*, *Styphelia tameiameia*, *Astelia menziesii*, *Rubus hawaiiensis*, *Cyanea pilosa*, and *Coprosma* sp. or native sphagnum moss; and

(2) Elevations between 808 and 1,676 m (2,650 and 5,500 ft).

Family Campanulaceae: *Clermontia lindseyana* (haha).

Hawaii E, G, K, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Clermontia lindseyana* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Slightly open forest cover in wet and mesic *Metrosideros polymorpha*-*Acacia koa* forest, *Metrosideros polymorpha* forest, and mixed montane mesic *Metrosideros polymorpha*-*Acacia koa* forest and containing one or more of the following associated native plant

species: *Styphelia tameiameia*, *Cheirodendron trigynum*, *Rubus hawaiiensis*, *Coprosma* sp., *Athyrium* sp., or *Peperomia* sp., and

(2) Elevations between 1,314 and 2,256 m (4,310 and 7,400 ft).

Family Campanulaceae: *Clermontia peleana* (oha wai).

Hawaii F, G, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Clermontia pyrularia* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Montane wet *Metrosideros-Cibotium* forest containing one or more of the following associated native plant species: *Clermontia hawaiiensis*, *Cheirodendron trigynum*, *Cyrtandra platyphylla*, *Cibotium menziesii*, *C. chamissoi*, *Ilex anomala*, *Sadleria* spp., or *Coprosma pubens*, and

(2) Elevations between 436 and 1,728 m (1,430 and 5,670 ft).

Family Campanulaceae: *Clermontia pyrularia* (oha wai).

Hawaii E, identified in the legal description in paragraph (a)(1)(i)(H), constitutes critical habitat for *Clermontia pyrularia* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Wet and mesic montane forest dominated by *Acacia koa* or *Metrosideros polymorpha*, and subalpine dry forest dominated by *M. polymorpha* containing one or more of the following associated native plant species: *Coprosma* sp., *Dryopteris wallichiana*, *Rubus hawaiiensis*, or *Hedyotis* sp.; and

(2) Elevations between 1,628 and 2,061 m (5,340 to 6,760 ft).

Family Campanulaceae: *Cyanea hamatiflora* ssp. *carlsonii* (haha).

Hawaii S, T, U, X, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Cyanea hamatiflora* ssp. *carlsonii* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Mesic montane forest dominated by *Metrosideros polymorpha* or *Acacia koa* containing one or more of the following associated native plants species: *Myoporum sandwicense*, *Clermontia clermontioides*, *Coprosma* sp., *Ilex anomala*, *Hedyotis* sp., *Sophora chrysophylla*, *Cibotium* spp., *Dryopteris* sp., or *Athyrium* sp.; and

(2) Elevations between 1,350 to 1,783 m (4,430 to 5,850 ft).

Family Campanulaceae: *Cyanea platyphylla* (haha).

Hawaii F, G, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Cyanea platyphylla* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) *Metrosideros polymorpha*-*Acacia koa* lowland and montane wet forests containing one or more of the following associated native plant species:

*Coprosma* sp., *Psychotria hawaiiensis*, *Perrottetia sandwicensis*, *Scaevola* spp., *Cibotium* sp., *Antidesma platyphyllum*, *Clermontia* spp., *Hedyotis* sp., or *Cyrtandra* spp.; and

(2) Elevations between 120 and 915 m (390 and 3,000 ft).

Family Campanulaceae: *Cyanea shipmanii* (haha).

Hawaii F, G, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Cyanea shipmanii* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Montane mesic forest dominated by *Acacia koa*-*Metrosideros polymorpha* on the windward slopes of the island containing one or more of the following associated native plant species: *Ilex anomala*, *Myrsine lessertiana*, or *Cheirodendron trigynum*; and

(2) Elevations between 1,619 and 2,027 m (5,310 and 6,650 ft).

Family Campanulaceae: *Cyanea stictophylla* (haha).

Hawaii G, K, S, T, Z, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Cyanea stictophylla* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) *Acacia koa* or wet *Metrosideros polymorpha* forests containing one or more of the following associated native plant species: *Melicope* spp., *Cibotium* sp., or *Urera glabra*; and

(2) Between elevations of 1,183 and 1,942 m (3,880 and 6,370 ft).

Family Campanulaceae: *Delissea undulata* (NCN).

Hawaii W, Z, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Delissea undulata* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Dry cinder cones and open *Sophora chrysophylla* and *Metrosideros polymorpha* forest containing one or more of the following associated native plant species: *Diospyros sandwicensis*, *Dodonaea viscosa*, *Psychotria mariniana*, *P. greenwelliae*, *Santalum*

*paniculatum*, *Sophora chrysophylla*, *Nothocestrum breviflorum*, or *Acacia koa*, and

(2) Elevations between 890 to 1,747 m (2,920 to 5,730 ft).

Family *Caryophyllaceae*: *Silene hawaiiensis* (NCN).

Hawaii H, AA, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Silene hawaiiensis* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) In weathered lava, but also on variously aged lava flows and cinder substrates in montane and subalpine dry shrubland and containing one or more of the following associated native plants species: *Metrosideros polymorpha*, *Sophora chrysophylla*, *Vaccinium reticulatum*, *Styphelia tameiameia*, *Rumex giganteus*, or *Dodonaea viscosa*; and

(2) Elevations between 896 and 3,011 m (2,940 and 9,880 ft).

Family *Caryophyllaceae*: *Silene lanceolata* (NCN).

Hawaii AA, identified in the legal description in paragraph (a)(1)(i)(H), constitutes critical habitat for *Silene lanceolata* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Rocky tumuli or outcrops, on aa lava, in deep ash deposits over pahoehoe lava and in Mauna Kea substrate in dry montane shrubland containing one or more of the following associated native plant species:

*Eragrostis* sp., *Metrosideros polymorpha*, *Chamaesyce* sp., *Myoporum sandwicense*, *Sophora chrysophylla*, *Chenopodium oahuense*, *Dodonaea viscosa*, *Styphelia tameiameia*, or *Dubautia linearis*, and

(2) Elevations between 1,253 and 1,320 m (4,110 and 4,330 ft).

Family *Convolvulaceae*: *Bonamia menziesii* (NCN).

Hawaii Z, identified in the legal description in paragraph (a)(1)(i)(H), constitutes critical habitat for *Bonamia menziesii* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Dry forest containing one or more of the following associated native plant species: *Diospyros sandwicensis*, *Erythrina sandwicensis*, *Xylosma hawaiiense*, *Myrsine lanaiensis*, *Metrosideros polymorpha*, *Santalum paniculatum*, *Sapindus saponaria*, *Pouteria sandwicensis*, *Nototrichium sandwicense*, *Chenopodium oahuense*, *Senna gaudichaudii*, *Sophora chrysophylla*, *Sida fallax*, *Osteomeles*

*anthyllidifolia*, *Dodonaea viscosa*, *Canavalia hawaiiensis*, *Argemone glauca*, *Peperomia blanda* var.

*floribunda*, or *Psilotum nudum*, and (2) Elevations between 421 and 704 m (1,380 and 2,310 ft).

Family *Cucurbitaceae*: *Sicyos alba* (anunu).

Hawaii G, identified in the legal description in paragraph (a)(1)(i)(H), constitutes critical habitat for *Sicyos alba* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) *Metrosideros polymorpha-Cibotium glaucum* dominated montane wet forests, containing one or more of the following associated native plant species: *Coprosma* sp., *Astelia menziesii*, *Athyrium* sp., *Psychotria* sp., *Cheirodendron trigynum*, *Pritchardia beccariana*, *Platydesma spatulata*, *Broussaisia arguta*, *Cyrtandra lysiosepala*, *Stenogyne* sp., *Perrottetia sandwicensis*, *Cheirodendron trigynum*, *Cyanea tritomantha*, or *Athyrium microphyllum* and other ferns; and

(2) Elevations between 896 and 1,576 m (2,940 and 5,170 ft).

Family *Cyperaceae*: *Mariscus fauriei* (NCN).

Hawaii O, identified in the legal description in paragraph (a)(1)(i)(H), constitutes critical habitat for *Mariscus fauriei* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) *Diospyros sandwicensis-Metrosideros polymorpha-Sapindus saponaria* dominated lowland dry forests, often on a lava substrate containing one or more of the following associated native plant species: *Sophora chrysophylla*, *Myoporum sandwicense*, *Psydrax odorata*, *Peperomia blanda* var. *floribunda*, *Osteomeles anthyllidifolia*, or *Rauwolfia sandwicensis*, and

(2) Elevations between 107 and 402 m (350 and 1,320 ft).

Family *Euphorbiaceae*: *Flueggea neowawraea* (mehamehame).

Hawaii Q, R, Z, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Flueggea neowawraea* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Mesic *Metrosideros polymorpha* forest containing one or more of the following associated native plant species: *Nestegis sandwicensis*, *Psychotria hawaiiensis*, *Pittosporum hosmeri*, *Pipturus albidus*, *Pisonia* spp., *Diospyros sandwicensis*, *Psydrax odorata*, *Antidesma platyphyllum*, *A. pulvinatum*, or *Nephrolepis* spp., and

(2) Elevations between 424 to 820 m (1,390 to 2,690 ft).

Family *Fabaceae*: *Sesbania tomentosa* (ohai).

Hawaii C, L, N, BB, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Sesbania tomentosa* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Open, dry *Metrosideros polymorpha* forest with mixed native grasses, *Scaevola sericea* coastal dry shrubland on windswept slopes, and weathered basaltic slopes containing one or more of the following associated native plant species: *Sporobolus virginicus*, *Styphelia tameiameia*, *Wollastonia integrifolia*, *Jacquemontia sandwicensis*, *Sida fallax*, *Ipomoea pes-caprae*, *Dodonaea viscosa*, *Fimbristylis hawaiiensis*, *Myoporum sandwicense*, or *Waltheria indica*, and

(2) Elevations between sea level and 954 m (0 and 3,130 ft).

Family *Fabaceae*: *Vigna o-wahuensis* (NCN).

Hawaii D, identified in the legal description in paragraph (a)(1)(i)(H), constitutes critical habitat for *Vigna o-wahuensis* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) *Dodonaea viscosa* lowland dry shrubland containing one or more of the following associated native plant species: *Chenopodium oahuense*, *Dodonaea viscosa*, *Osteomeles anthyllidifolia*, *Wikstroemia* sp., or *Sida fallax*; and

(2) Elevations between 351 and 2,274 m (1,150 to 7,460 ft).

Family *Gesneriaceae*: *Cyrtandra giffardii* (haiwale).

Hawaii F, G, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Cyrtandra giffardii* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Wet montane forest dominated by *Cibotium* sp. or *Metrosideros polymorpha* and *Metrosideros polymorpha-Acacia koa* lowland wet forests containing one or more of the following associated native plant species: *Hedyotis terminalis*, *Astelia menziesiana*, *Diplazium sandwicensis*, *Perrottetia sandwicensis*, or other species of *Cyrtandra*; and

(2) Between elevations of 637 and 1,676 m (2,090 and 5,500 ft).

Family *Gesneriaceae*: *Cyrtandra tintinnabula* (haiwale).

Hawaii F, identified in the legal description in paragraph (a)(1)(i)(H), constitutes critical habitat for *Cyrtandra tintinnabula* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Lowland wet forest dominated by dense *Acacia koa*, *Metrosideros polymorpha*, and *Cibotium* spp. containing one or more of the following associated native plant species: *Cyrtandra* spp. or *Hedyotis* spp.; and

(2) Between elevations 390 and 1,430 m (1,280 and 4,690 ft).

Family Lamiaceae: *Phyllostegia racemosa* (NCN).

Hawaii E, F, G, H, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Phyllostegia racemosa* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Epiphytic conditions in *Acacia koa*, *Metrosideros polymorpha*, and *Cibotium* sp. dominated montane mesic or wet forests containing one or more of the following associated native plant species: *Vaccinium calycinum*, *Rubus hawaiiensis*, or *Dryopteris wallichiana*; and

(2) Elevations between 1,369 and 1,966 m (4,490 to 6,450 ft).

Family Lamiaceae: *Phyllostegia velutina* (NCN).

Hawaii G, K, Z, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Phyllostegia velutina* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) *Metrosideros polymorpha*-*Acacia koa* dominated montane mesic and wet forests containing one or more of the following native plant species: *Cibotium* spp., *Cheirodendron trigynum*, *Vaccinium calycinum*, *Coprosma* sp., *Dryopteris wallichiana*, *Rubus hawaiiensis*, *Pipturus albidus*, *Athyrium microphyllum* and other native wet forest terrestrial ferns, *Myrsine lessertiana*, or *Ilex anomala*; and

(2) Elevations between 908 and 1,887 m (2,980 and 6,190 ft).

Family Lamiaceae: *Phyllostegia warshaueri* (NCN).

Hawaii B, F, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Phyllostegia warshaueri* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) *Metrosideros polymorpha* and *Cibotium montane* and lowland wet forest in which *Acacia koa* or *Cheirodendron trigynum* may co-dominate, containing one or more of the following associated native plant species: *Antidesma platyphyllum*, *Psychotria hawaiiensis*, *Hedyotis* sp., *Coprosma* sp., *Sadleria pallida*, *Broussaisia arguta*, *Pipturus albidus*, *Clermontia parviflora*, *Athyrium sandwicense*, *Machaerina angustifolia*, *Cyanea pilosa*, or other *Cyanea* spp.; and

(2) Elevations between 730 and 1,150 m (2,400 and 3,770 ft).

Family Liliaceae: *Pleomele hawaiiensis* (hala pepe).

Hawaii A, L, P, Z, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Pleomele hawaiiensis* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Open aa lava in diverse lowland dry forests and *Metrosideros-Diospyros* lowland dry forest containing one or more of the following associated native plant species: *Metrosideros polymorpha*, *Reynoldsia sandwicensis*, *Dodonaea viscosa*, *Diospyros sandwicensis*, *Sophora chrysophylla*, *Psydrax odorata*, *Cocculus trilobus*, *Myoporum sandwicense*, *Nestegis sandwicensis*, *Bobea timonioides*, *Kokia drynarioides*, *Nototrachelium sandwicense*, *Sida fallax*, *Erythrina sandwicensis*, *Santalum paniculatum*, *Osteomeles anthyllidifolia*, *Caesalpinia kavaiensis*, *Colubrina oppositifolia*, *Nothocestrum breviflorum*, *Neraudia ovata*, or *Bidens micrantha* ssp. *ctenophylla*; and

(2) Elevations between 152 and 969 m (500 and 3,180 ft).

Family Malvaceae: *Hibiscadelphus giffardianus* (hau kuahiwi).

Hawaii I, identified in the legal description in paragraph (a)(1)(i)(H), constitutes critical habitat for *Hibiscadelphus giffardianus* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Mixed montane mesic forest containing one or more of the following native plant species: *Metrosideros polymorpha*, *Acacia koa*, *Sapindus saponaria*, *Coprosma rhyrachocarpa*, *Pipturus albidus*, *Psychotria* sp., *Nestegis sandwicensis*, *Melicope* spp., *Dodonaea viscosa*, or *Myoporum sandwicense*; and

(2) Elevations between 1,192 and 1,277 m (3,910 and 4,190 ft).

Family Malvaceae: *Hibiscadelphus hualalaiensis* (hau kuahiwi).

Hawaii Z, identified in the legal description in paragraph (a)(1)(i)(H), constitutes critical habitat for *Hibiscadelphus hualalaiensis* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat and the habitat components provided by:

(1) Dry mesic to dry *Metrosideros* forest on rocky substrate in deep soils containing one or more of the following native plants species: *Metrosideros polymorpha*, *Acacia koa*, *Sapindus saponaria*, *Coprosma rhyrachocarpa*, *Pipturus albidus*, *Psychotria* sp., *Nestegis sandwicensis*, *Melicope* spp., *Dodonaea viscosa*, or *Myoporum sandwicense*; and

(2) Between elevations 509 and 1,241 m (1,670 and 4,070 ft).

Family Malvaceae: *Hibiscus brackenridgei* (mao hau hele)

Hawaii Z, identified in the legal description in paragraph (a)(1)(i)(H), constitutes critical habitat for *Hibiscus brackenridgei* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) *Acacia koa* lowland mesic forest between containing one or more of the following native plants species: *Sida fallax* or *Reynoldsia sandwicensis*, and

(2) Elevations between 457 and 793 (1,500 and 2,600 ft).

Family Plantaginaceae: *Plantago hawaiiensis* (laukahi kuahiwi)

Hawaii G, H, Z, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Plantago hawaiiensis* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Either montane wet sedge land (often in damp cracks of pahoehoe lava) with mixed sedges and grasses, montane mesic forest, dry subalpine woodland, or *Metrosideros polymorpha* and native shrub, containing one or more of the following associated native plant species: stunted *Acacia koa* and *Metrosideros polymorpha*, *Styphelia tameiameia*, *Vaccinium reticulatum*, *Dodonaea viscosa*, *Coprosma montana*, or *Coprosma ernodeoides*; and

(2) Elevations between 1,512 and 2,585 m (4,960 and 8,480 ft).

Family Poaceae: *Ischaemum byrone* (Hilo ischaemum)

Hawaii M, identified in the legal description in paragraph (a)(1)(i)(H), constitutes critical habitat for *Ischaemum byrone* on Hawaii. Within this unit, the currently known primary

constituent elements of critical habitat are the habitat components provided by:

(1) Coastal wet to dry shrubland, near the ocean, rocks or pahoehoe lava in cracks and holes containing one or more of the following associated native plant species: *Scaevola sericea* or *Fimbristylis cymosa*, and

(2) Elevations between sea level and 137 m (0 and 460 ft).

Family *Portulacaceae*: *Portulaca sclerocarpa* (poe).

Hawaii D, L, AA, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Portulaca sclerocarpa* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Weathered Mauna Kea soils, cinder cones, or geologically young lavas, in montane dry shrubland, often on bare cinder, near steam vents, or in open *Metrosideros polymorpha* dominated woodlands containing one or more of the following associated native plant species: *Sophora chrysophylla*, *Wollastonia venosa*, or *Dodonaea viscosa*, and

(2) Elevations between 351 and 2,274 m (1,150 to 7,460 ft).

Family *Rhamnaceae*: *Colubrina oppositifolia* (kauila).

Hawaii Q, Z, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Colubrina oppositifolia* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Lowland dry and mesic forests dominated by *Diospyros sandwicensis* or *Metrosideros polymorpha*, containing one or more of the following associated native plant species: *Nototrichium sandwicense*, *Nothocestrum breviflorum*, *Bobea timoniodes*, *Rauwolfia sandwicensis*, *Erythrina sandwicensis*, *Sophora chrysophylla*, *Nestegis sandwicensis*, *Peperomia* sp., *Psydrax odorata*, *Reynoldsia sandwicensis*, *Pleomele hawaiiensis*, or *Styphelia tameiameia*; and

(2) Elevations between 162 and 945 m (530 and 3,100 ft).

Family *Rhamnaceae*: *Gouania vitifolia* (NCN).

Hawaii Q, identified in the legal description in paragraph (a)(1)(i)(H) constitutes critical habitat for *Gouania vitifolia* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Dry, rocky ridges and slopes in dry shrubland or dry to mesic *Nestegis-Metrosideros* forests on old substrate kipuka containing one or more of the

following associated native plant species: *Nestegis sandwicensis*, *Wikstroemia sandwicensis*, *Wikstroemia phillyrifolia*, *Nephrolepis* spp., or *Pipturus albidus*, and

(2) Elevations between 503 and 1,039 m (1,650 and 3,410 ft).

Family *Rubiaceae*: *Hedyotis coriacea* (kioele).

Hawaii AA, identified in the legal description in paragraph (a)(1)(i)(H) constitutes critical habitat for *Hedyotis coriacea* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Geologically young (<3,000 years old) Mauna Loa pahoehoe lava with sparse *Metrosideros* forest, open *Metrosideros* forest with sparse shrub understory or open *Metrosideros* forest with dense shrub understory containing one or more of the following native plant species: *Sophora chrysophylla*, *Myoporum sandwicense*, *Dodonaea viscosa*, *Chenopodium oahuense*, *Styphelia tameiameia*, *Eragrostis deflexa*, *Festuca hawaiiensis*, or *Portulaca sclerocarpa*; and

(2) Elevations between 1,506 to 1,780 m (4,940 to 5,840 ft).

Family *Rubiaceae*: *Melicope zahlbruckneri* (alani).

Hawaii I, K, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Melicope zahlbruckneri* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) *Acacia koa*-*Metrosideros polymorpha* dominated montane mesic forest containing one or more of the following associated native plant species: *Sapindus saponaria*, *Coprosma rhynchocarpa*, *Zanthoxylum dipetalum*, *Pipturus albidus*, *Psychotria hawaiiensis*, *Nestegis sandwicensis*, *Myoporum sandwicense*, *Pisonia brunoniana*, or *Melicope* spp.; and

(2) Elevations between 692 and 1,393 m (2,270 and 4,570 ft).

Family *Rutaceae*: *Zanthoxylum dipetalum* var. *tomentosum* (ae).

Hawaii Z, identified in the legal description in paragraph (a)(1)(i)(M) constitutes critical habitat for *Zanthoxylum dipetalum* var. *tomentosum* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) *Metrosideros polymorpha* dominated montane mesic forest, often on aa lava, containing one or more of the following associated native plant species: *Sophora chrysophylla*, *Diospyros sandwicensis*, *Pouteria sandwicensis*, *Santalum paniculatum*,

*Reynoldsia sandwicensis*, *Myrsine* sp., or *Psychotria* sp.; and

(2) Elevations between 872 and 1,210 m (2,860 and 3,970 ft).

Family *Rutaceae*: *Zanthoxylum hawaiiense* (ae).

Hawaii AA, identified in the legal description in paragraph (a)(1)(i)(H) constitutes critical habitat for *Zanthoxylum hawaiiense* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) *Metrosideros polymorpha* dry forest or in open *Myoporum-Dodonaea* shrubland on rough aa lava containing one or more of the following associated native plant species: *Dodonaea viscosa*, *Myoporum sandwicense*, or *Dubautia linearis*; and

(2) Elevations between 1,204 and 1,756 m (3,950 and 5,760 ft).

Family *Solanaceae*: *Nothocestrum breviflorum* (aiea).

Hawaii A, V, Z, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Nothocestrum breviflorum* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Lowland dry forest, montane dry forest, or montane mesic forest dominated by *Metrosideros polymorpha*, *Acacia koa*, or *Diospyros sandwicensis* on aa lava substrates containing one or more of the following associated native plant species: *Sophora chrysophylla*, *Reynoldsia sandwicensis*, *Psydrax odorata*, *Myoporum sandwicense*, *Bidens micrantha*, *Dodonaea viscosa*, *Osteomeles anthyllidifolia*, *Santalum paniculatum*, *S. ellipticum*, *Caesalpinia kavaiensis*, *Erythrina sandwicensis*, *Colubrina oppositifolia*, *Kokia drynarioides*, *Hibiscadelphus hualalaiensis*, or *Delissea undulata*; and

(2) Elevations between 152 and 1,948 m (500 and 6,390 ft).

Family *Solanaceae*: *Solanum incompletum* (popolo ku mai).

Hawaii W, AA, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Solanum incompletum* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Dry to mesic forest, diverse mesic forest, or subalpine forest containing one or more of the following associated native plant species: *Myoporum sandwicense*, *Myrsine lanaiensis*, or *Sophora chrysophylla*; and

(2) Elevations between 1,192 and 2,259 m (3,910 and 7,410 ft).

Family *Urticaceae*: *Neraudia ovata* (NCN).

Hawaii Q, Y, AA, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Neraudia ovata* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Open *Metrosideros polymorpha-Sophora chrysophylla* dominated lowland, montane dry forests, or *Metrosideros*-shrub woodland containing one or more of the following associated native plant species:

*Reynoldsia sandwicensis*, *Myoporum sandwicense*, *Cocculus triloba*, *Myrsine lessertiana*, *Myrsine lanaiensis*, *Nothoecstrum breviflorum*, *Pleomele hawaiiensis*, *Capparis sandwichiana*, *Fimbristylis hawaiiensis*, or *Bidens micrantha* ssp. *ctenophylla*; and

(2) Elevations between 115 and 1,829 m (380 to 6,000 ft).

Family *Violaceae*: *Isodendron hosakae* (aupaka).

Hawaii D, identified in the legal description in paragraph (a)(1)(i)(H), constitutes critical habitat for *Isodendron hosakae* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Cinder cones with montane dry shrubland containing one or more of the following associated native plant species: *Dodonaea viscosa*, *Styphelia tameiameia*, *Wikstroemia pulcherrima*, *Dubautia linearis*, *Sophora chrysophylla*, *Osteomeles anthyllidifolia*, *Wollastonia venosa*, *Bidens menziesii*, or *Santalum ellipticum*; and

(2) Between elevations 655 and 1,259 m (2,150 and 4,130 ft).

Family *Violaceae*: *Isodendron pyrifolium* (wahine noho kula).

Hawaii Y, identified in the legal description in paragraph (a)(1)(i)(H), constitutes critical habitat for *Isodendron pyrifolium* on Hawaii.

Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Lowland dry forests containing one or more of the following native plant species: *Psydrax odorata*, *Sida fallax*, *Myoporum sandwicense*, *Sophora chrysophylla*, or *Waltheria indica*; and

(2) Elevations between 18 to 137 m (60 to 450 ft).

(B) Ferns and Allies.

Family *Aspleniaceae*: *Asplenium fragile* var. *insulare* (NCN)

Hawaii G, K, AA, identified in the legal descriptions in paragraph (a)(1)(i)(H), constitute critical habitat for *Asplenium fragile* var. *insulare* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) *Metrosideros polymorpha* dry montane forest, *Dodonaea viscosa* dry montane shrubland, *Myoporum sandwicense-Sophora chrysophylla* dry montane forest, *Metrosideros polymorpha-Acacia koa* forest, or subalpine dry forest and shrubland with big, moist lava tubes (from 3.05 m to 4.57 m (10 to 15 ft) in diameter), pits, deep cracks, and lava tree molds, with at least a moderate soil or ash accumulation or, infrequently, the interface between younger aa lava flows and much older pahoehoe lava or ash deposits, with a fairly consistent microhabitat (areas that are moist and dark), and containing one or more of the following associated native plant species: *Phyllostea ambigua*, *Styphelia tameiameia*, *Vaccinium reticulatum*, mosses, or liverworts; and

(2) Elevations between 930 and 2,710 m (3,050 and 8,890 ft).

Family *Aspleniaceae*: *Diellia erecta* (NCN)

Hawaii Q, R, identified in the legal descriptions in paragraph (a)(1)(i)(H),

constitute critical habitat for *Diellia erecta* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) *Metrosideros polymorpha-Nestegis sandwicensis* lowland mesic forest containing one or more of the following associated native plant species:

*Diospyros sandwicensis*, *Psydrax odorata*, *Antidesma platyphyllum*, *A. pulvinatum*, *Microlepis* sp., *Nestegis sandwicensis*, *Wikstroemia sandwicensis*, *Wikstroemia phillyreifolia*, or *Nephrolepis* spp.; and

(2) Elevations between 448 and 982 m (1,470 and 3,220 ft).

Family *Grammitidaceae*: *Adenophorus periens* (pendant kahi fern)

Hawaii J, identified in the legal description in paragraph (a)(1)(i)(H), constitutes critical habitat for *Adenophorus periens* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(1) Epiphytic on *Metrosideros polymorpha* or *Ilex anomala* or possibly other native tree trunks, in *Metrosideros polymorpha-Cibotium glaucum* lowland wet forest containing one or more of the following associated native plant species: *Broussasia arguta*, *Cheirodendron trigynum*, *Cyanea* sp., *Cyrtandra* sp., *Dicranopteris linnearis*, *Freycinetia arborea*, *Hedyotis terminalis*, *Labordia hirtella*, *Machaerina angustifolia*, *Psychotria* sp., or *Psychotria hawaiiensis*; and

(2) Elevations between 338 and 1,180 m (1,110 and 3,870 ft).

Dated: May 2, 2002.

**Craig Manson,**

*Assistant Secretary for Fish and Wildlife and Parks.*

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