specifying such areas as critical habitat. We cannot exclude such areas from critical habitat when such 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 new 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 attributable to listing these 61 plant species, where such estimates are available. This information on the baseline will allow a fuller appreciation of the economic impacts associated with listing and with critical habitat designation. When completed, we will announce the availability of the revised draft economic analysis with a notice in the **Federal Register**, and we will open a public comment period on the revised draft economic analysis and reopen 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 the public hearing, 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 revised 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 revised 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 islands of Maui and Kahoolawe. 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), including those species for which prudency determinations have been published in previous proposed rules and which have been incorporated by reference;

(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 61 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 or families;

(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 Kanaio Training Area on the island of Maui; whether there will be a significant impact on military readiness or national security if we designate critical habitat on this facility, and whether this facility 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).

The comment period closes on June 3, 2002. Written comments should be submitted to the Service Office listed in the **ADDRESSES** section. 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 **ADDRESSES** 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 revised 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?

Please send any comments that concern how we could make this notice 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 *Clermontia peleana, Cyanea grimesiana* ssp. *grimesiana, Cyanea lobata, Delissea undulata, Mariscus pennatiformis, Phyllostegia parviflora,* and *Phyllostegia mollis,* we followed the taxonomic treatments in Wagner *et al.* (1990), the widely used and accepted *Manual of the*

Flowering Plants of Hawaii. For *Phlegmariurus mannii* we used the ''Revised Checklist of Hawaiian Pteridophytes'' (Wagner and Wagner 1994). 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 Maui and Kahoolawe before we can prepare and publish a notice of taxonomic changes for these eight species. We propose to publish a taxonomic change notice to these eight species after we have published the final critical habitat designations on Maui and Kahoolawe. At that time we will evaluate the critical habitat designations on Maui and Kahoolawe for these eight species in light of any changes that may result from taxonomic changes in each species' current and historical range and primary constituent elements.

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 comment.

(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 61 plant species were listed as threatened or endangered can be found in Table 4(b). Consequently, and as needed, we will 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 61 PLANTS FROM THE ISLANDS OF MAUI AND KAHOOLAWE

Categories of activities	Activities potentially affected by species listing only	Additional activities potentially affected by critical habitat designation
Federal Activities Potentially Affected [2].	Activities the Federal Government (*e.g.,* 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 the Interior) carries out or 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 [3].	Activities that require a Federal action (permit, authorization, or funding) and may remove or destroy in 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 designated areas where section 7 consultations would not have occurred but for the critical habitat designation.

[1] This column represents activities potentially affected by the critical habitat designation in addition to those activities potentially affected by listing the species.
[2] Activities initiated by a Federal agency.
[3] 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 these 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 expect this rule to 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 61 plant species since their listing between 1991 and 1999. 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 agencies' activities, we will continue to review this proposed action for any inconsistencies with other Federal agencies' actions.

(c) We do not expect this proposed rule, if made final, to significantly 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 Fairness 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 a substantial number of 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 impact 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 economic impact 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 Association, 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 some circumstances, especially with proposed critical habitat designations of very limited extent, we may aggregate across all industries and consider whether the total number of small entities affected is substantial. 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 is 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 *Alectryon macrococcus, Argyroxiphium sandwicense* ssp. *macrocephalum, Asplenium fragile* var. *insulare, Bidens micrantha* ssp. *kalealaha, Bonamia menziesii, Brighamia rockii, Cenchrus agrimonioides, Centaurium sebaeoides, Clermontia lindseyana, Clermontia oblongifolia* ssp. *mauiensis, Clermontia samuelii, Colubrina oppositifolia, Ctenitis squamigera, Cyanea copelandii* ssp. *haleakalaensis, Cyanea glabra, Cyanea grimesiana* ssp. *grimesiana, Cyanea hamatiflora* ssp. *hamatiflora, Cyanea lobata, Cyanea mceldowneyi, Cyrtandra munroi, Diellia erecta, Diplazium molokaiense, Dubautia plantaginea* ssp. *humilis, Flueggea neowawraea, Geranium arboreum, Geranium multiflorum, Gouania vitifolia, Hedyotis coriacea, Hedyotis mannii, Hesperomannia arborescens, Hesperomannia arbuscula, Hibiscus brackenridgei, Ischaemum byrone, Isodendrion pyrifolium, Kanaloa kahoolawensis, Lipochaeta kamolensis, Lysimachia lydgatei, Mariscus pennatiformis, Melicope adscendens, Melicope balloui, Melicope knudsenii, Melicope mucronulata, Melicope ovalis, Neraudia sericea, Nototrichium humile, Peucedanum sandwicense, Phlegmariurus mannii, Phyllostegia mannii, Phyllostegia mollis, Plantago princeps, Platanthera holochila, Pteris lidgatei, Remya mauiensis, Sanicula purpurea, Schiedea haleakalensis, Sesbania tomentosa, Spermolepis hawaiiensis, Tetramolopium capillare, Tetramolopium remyi, Vigna o-wahuensis,* 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 is 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 (all of the proposed critical habitat areas are occupied by at least one 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. However, there will be little additional impact on State and local governments and their activities because all of the proposed critical habitat areas are occupied by at least one 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 reinitiate consultation for ongoing Federal activities. However, since these 61 plant species were listed (between 1991 and 1999), on the island of Maui we have conducted only one formal consultation, and 14 informal consultations, in addition to consultations on Federal grants to State wildlife programs, which do not affect small entity. Three informal consultations were conducted with the U.S. Air Force, for the Maui Space Surveillance Site, who requested we review their final draft ''Environmental Assessment,'' ''Integrated Natural Resources Management Plan for the Maui Space Surveillance Complex,'' and the effects of the construction of the surveillance site on listed and proposed endangered and threatened species. One of the 61 species, *Argyroxiphium sandwicense* ssp. *macrocephalum*, was reported from the project area. Three informal consultations were conducted with Haleakala National Park, regarding a collecting permit for two of the 61 species, *Geranium arboreum* and *Geranium multiflorum*; review of the ''Environmental Assessment for Replacement of the Summit Comfort Station and Utilities Systems;'' and review of a park highway resurfacing project. One of the 61 species, *Argyroxiphium sandwicense* ssp. *macrocephalum*, was reported from the comfort station project area and in close proximity to the highway resurfacing project area. One informal consultation was conducted with the Service's Ecological Services Program, for the effects of fencing and replanting on listed endangered and threatened species within the Auwahi Partnership Project area. Four of the 61 species, *Bidens micrantha* ssp. *kalealaha, Geranium arboreum, Clermontia lindseyana*, and *Zanthoxylum hawaiiense*, were reported from the project area. One informal consultation was conducted with the Service's Ecological Services Program, for the effects of fencing and hunting on listed endangered and threatened species within the Kahikinui Partnership Project area. Four of the 61 species, *Bidens micrantha* ssp. *kalealaha, Clermontia lindseyana, Diellia erecta,* and *Diplazium molokaiense*, were reported from the project area. One informal

consultation was conducted with the Service's Ecological Services Program, for the effects of fencing and outplanting on listed endangered and threatened species within the Puu Makua Partnership Project area. Two of the 61 species, *Bidens micrantha* ssp. *kalealaha* and *Geranium arboreum* were reported from the project area. One informal consultation was conducted with the Service, for the effects of ungulate exclusion on listed endangered and threatened species within the Puu Kukui Partnership Project area. Two of the 61 species, *Cyanea mucronulata,* and *Ctenitis squamigera*, were reported from the project area. One informal consultation was conducted with the Department of Defense, for review of the effects of the Kanaio National Guard Training Area on listed endangered and threatened species and review of ''Natural Resources Management Plan: Kanaio Guard Training Area.'' One of the 61 species, *Sesbania tomentosa*, was reported from the training area. Two informal consultations were conducted with the Department of Transportation, for review of the effects of the proposed Kihei-Upcountry Highway on listed endangered and threatened species. Two of the 61 species, *Hibiscus brackenridgei* and *Bonamia menziesii,* were reported from the vicinity of the project area. One informal consultations was conducted with the U.S. Department of Agriculture, for review of the effect of feral pig removal on listed endangered and threatened species within Waikamoi and Kapunakea Preserves. Twelve of the 61 species, *Alectryon macrococcus, Argyroxiphium sandwicense* ssp. *macrocephalum, Bonamia menziesii, Colubrina oppositifolia, Ctenitis squamigera, Diplazium molokaiense, Geranium arboreum, Geranium multiflorum, Melicope balloui, Plantago princeps, Platanthera holochila,* and *Sanicula purpurea,* are known to occur within the preserves. One formal consultation was conducted with the Federal Aviation Administration (FAA), for the review of the ''Final Environmental Impact Statement, Kahului Airport Improvements''. While only one of the 61 species, *Nothocestrum breviflorum*, was reported in the vicinity of the project area, the effects of the Airport Improvement Project were evaluated for all listed species and the designated critical habitat for *Gouania hillebrandii* on the island of Maui.

None of these consultations affected or concerned small entities. In all 14 informal consultations, we concurred with each agency's determination that the project, as proposed, was not likely to adversely affect listed species. For the formal consultation, we determined that the airport improvement project, which included a mandatory state-of-the-art alien species interdiction facility, was not likely to jeopardize listed species nor adversely affect designated critical habitat for *Gouania hillebrandii* on the island of Maui. In addition, only the FAA's proposed airport improvement project is ongoing. The FAA is not a small entity. Therefore, the requirement to reinitiate consultation for ongoing projects will not affect a substantial number of small entities on Maui.

There has been one informal consultation on the island of Kahoolawe. The consultation was conducted on behalf of the Department of the Navy, for the effects of ordinance cleanup on listed endangered and threatened species. Three of the 61 species, *Kanaloa kahoolawensis, Sesbania tomentosa,* and *Vigna o-wahuensis,* were reported from the project area. The Department of the Navy is not a small entity, therefore this consultation did not affect or concern small entities. In this case, we concurred with the agency's determination that the project as proposed was not likely to adversely affect listed species. Although this project is ongoing, it does not affect nor concern small entities, so the requirement to reinitiate consultation for ongoing projects will not affect a substantial number of small entities on Kahoolawe.

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. We are aware of relatively few activities in the proposed critical habitat areas for these 61 plants that have Federal involvement would require consultation or reinitiation of already-completed consultations for ongoing projects. As mentioned above, we have only conducted 15 informal consultations and 1 formal consultation under section 7 involving any of the species. As a result, we cannot, at this time, 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 any future consultations in the area proposed as critical habitat will be due to the critical habitat designations.

On Maui, approximately 17 percent of the proposed designations are on Federal lands, 45 percent are on State lands, and 37 percent are on private lands. Nearly all of the land within the critical habitat units is unsuitable for development, land uses, and activities. This is due to their remote locations, lack of access, and rugged terrain. The majority of this land (77 percent) and all of the land on Kahoolawe is within the State Conservation District where State land-use controls severely limit development and most activities. Approximately 23 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. 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; ranching; road improvements; recreational use such as hiking, camping, picnicking, game hunting, and fishing; botanical gardens; and, crop farming. With the exception of communications and tracking facilities improvements by the Federal Aviation Administration or the Federal Communications Commission, 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 Corps, and watershed management and restoration projects sponsored by NRCS. However the NRCS restoration projects typically are voluntary, and the irrigation ditch system projects within lands that are in agricultural production are rare, and would likely affect only a small percentage of the small entities within these proposed critical habitat designations. We are not aware of any commercial activities on the Federal lands included in these proposed critical habitat designations. Therefore, we conclude that this proposed designation of critical habitat on the island of Maui would not affect a substantial number of small entities.

The entire island of Kahoolawe is under State ownership and within the State Conservation District. The current and projected land uses on Kahoolawe are land restoration and ordinance removal (DAHI 2001). For these reasons we conclude that the proposed rule would not affect a substantial number of small entities on the island of Kahoolawe.

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. As we have a limited consultation history for these 61 species from Maui and Kahoolawe, we can only describe the general kinds of actions that may be identified in future reasonable and prudent alternatives. These are based on our understanding of the needs of these species and the threats they face, especially as described in the final listing rules and in this proposed critical habitat designation, as well as our experience with similar listed plants in Hawaii. In addition, all of these species are protected under the State of Hawaii's Endangered Species Act (Hawaii Revised Statutes, Chap. 195D–4). Therefore, we have also considered the kinds of actions required under the State licensing process for these species. The kinds of actions that may be included in future reasonable and prudent alternatives include conservation set-asides, management of competing non-native species, restoration of degraded habitat, propagation, outplanting and augmentation of existing populations, construction of protective fencing, and periodic monitoring. These measures are not likely to result in a significant economic impact to a substantial number of small entities because any measures included as a reasonable and prudent alternative would have to be economically feasible to the individual landowner, and because as discussed above, we do not believe there will be a substantial number of small entities affected.

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.

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 45 percent of the lands proposed as critical habitat are on State of Hawaii lands. The State of Hawaii is not a small entity. Approximately 37 percent of the lands proposed as critical habitat are on private lands. Many of these parcels are located in areas where likely future land uses are not expected to result in Federal involvement or section 7 consultations. As discussed earlier, 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 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 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 not likely to 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: *Alectryon macrococcus, Argyroxiphium sandwicense* ssp. *macrocephalum, Asplenium fragile* var. *insulare, Bidens micrantha* ssp. *kalealaha, Bonamia menziesii, Brighamia rockii, Cenchrus agrimonioides, Centaurium sebaeoides, Clermontia lindseyana, Clermontia oblongifolia* ssp. *mauiensis, Clermontia samuelii, Colubrina oppositifolia, Ctenitis squamigera, Cyanea copelandii* ssp. *haleakalaensis, Cyanea glabra, Cyanea grimesiana* ssp. *grimesiana, Cyanea hamatiflora* ssp. *hamatiflora, Cyanea lobata, Cyanea mceldowneyi, Cyrtandra munroi, Diellia erecta, Diplazium molokaiense, Dubautia plantaginea* ssp. *humilis, Flueggea neowawraea, Geranium arboreum, Geranium multiflorum, Gouania vitifolia, Hedyotis coriacea, Hedyotis mannii, Hesperomannia arborescens, Hesperomannia arbuscula, Hibiscus brackenridgei, Ischaemum byrone, Isodendrion pyrifolium, Kanaloa kahoolawensis, Lipochaeta kamolensis, Lysimachia lydgatei, Mariscus pennatiformis, Melicope adscendens, Melicope balloui, Melicope knudsenii, Melicope mucronulata, Melicope ovalis, Neraudia sericea, Nototrichium humile, Peucedanum sandwicense, Phlegmariurus mannii, Phyllostegia mannii, Phyllostegia mollis, Plantago princeps, Platanthera holochila, Pteris lidgatei, Remya mauiensis, Sanicula purpurea, Schiedea haleakalensis, Sesbania tomentosa, Spermolepis hawaiiensis, Tetramolopium capillare, Tetramolopium remyi, Vigna o-wahuensis,* 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 not be affected unless they propose an action 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 direct 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 61 species from Maui and Kahoolawe in a preliminary takings implication 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 the 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 61 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 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 61 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) E.O. 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 61 plant species. Therefore, designation of critical habitat for these 61 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 Christa Russell, Marigold Zoll, Michelle Stephens, and Gregory Koob (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and record-keeping requirements, and 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 *Alectryon macrococcus, Argyroxiphium sandwicense* ssp. *macrocephalum, Bidens micrantha* ssp. *kalealaha, Bonamia menziesii, Brighamia rockii, Cenchrus agrimonioides, Centaurium sebaeoides, Clermontia lindseyana, Clermontia oblongifolia* ssp. *mauiensis, Clermontia samuelii, Colubrina oppositifolia, Cyanea copelandii* ssp. *haleakalaensis, Cyanea glabra, Cyanea grimesiana* ssp. *grimesiana, Cyanea hamatiflora* ssp. *hamatiflora, Cyanea lobata, Cyanea mceldowneyi, Cyrtandra munroi, Dubautia plantaginea* ssp. *humilis, Flueggea neowawraea, Geranium arboreum, Geranium multiflorum, Gouania vitifolia, Hedyotis coriacea, Hedyotis mannii, Hesperomannia arborescens, Hesperomannia arbuscula, Hibiscus brackenridgei, Ischaemum byrone, Isodendrion pyrifolium, Kanaloa kahoolawensis, Lipochaeta kamolensis, Lysimachia lydgatei, Mariscus pennatiformis, Melicope adscendens, Melicope balloui, Melicope knudsenii, Melicope mucronulata, Melicope ovalis, Neraudia sericea, Nototrichium humile, Peucedanum sandwicense, Phyllostegia mannii, Phyllostegia mollis, Plantago princeps, Platanthera holochila, Remya mauiensis, Sanicula purpurea, Schiedea haleakalensis, Sesbania tomentosa, Spermolepis hawaiiensis, Tetramolopium capillare, Tetramolopium remyi, Vigna o-wahuensis,* and *Zanthoxylum hawaiiense* under ''FLOWERING PLANTS'' and *Asplenium fragile* var. *insulare, Ctenitis squamigera, Diellia erecta, Diplazium molokaiense, Phlegmariurus (=Lycopodium,=Huperzia) mannii,* and *Pteris lidgatei,* under ''FERNS AND ALLIES'' to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

SPECIES		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
FLOWERING PLANTS							
*	*	*	* *		*		*
Alectryon macrococcus.	Mahoe	U.S.A. (HI)	Sapindaceae	E	467	17.96(a)	NA
*	*	*	* *		*		*
Argyroxiphium sandwicense ssp. *macrocephalum*.	Ahinahina	U.S.A. (HI)	Asteraceae	E	467	17.96(a)	NA
*	*	*	* *		*		*
Bidens micrantha ssp. *kalealaha*.	Kookoolau	U.S.A. (HI)	Asteraceae	E	467	17.96(a)	NA
*	*	*	* *		*		*
Bonamia menziesii	None	U.S.A. (HI)	Convolvulaceae	E	559	17.96(a)	NA
*	*	*	* *		*		*
Brighamia rockii	Pua ala	U.S.A. (HI)	Campanulaceae	E	480	17.96(a)	NA
*	*	*	* *		*		*
Cenchrus agrimonioides.	Kamanomano (=Sandbur, agrimony).	U.S.A. (HI)	Poaceae	E	592	17.96(a)	NA
*	*	*	* *		*		*
Centaurium sebaeoides.	Awiwi	U.S.A. (HI)	Gentianaceae	E	448	17.96(a)	NA
*	*	*	* *		*		*
Clermontia lindseyana	Oha wai	U.S.A. (HI)	Campanulaceae	E	532	17.96(a)	NA

SPECIES		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
*	*	*	*	*	*	*	*
Clermontia oblongifolia ssp. *mauiensis*.	Oha wai	U.S.A. (HI)	Campanulaceae	E	467	17.96(a)	NA
*	*	*	*	*	*	*	*
Clermontia samuelii ..	Oha wai	U.S.A. (HI)	Campanulaceae	E	666	17.96(a)	NA
*	*	*	*	*	*	*	*
Colubrina oppositifolia	Kauila	U.S.A. (HI)	Rhamnaceae	E	532	17.96(a)	NA
*	*	*	*	*	*	*	*
Cyanea copelandii ssp. *haleakalaensis*.	Haha	U.S.A. (HI)	Campanulaceae	E	666	17.96(a)	NA
*	*	*	*	*	*	*	*
Cyanea glabra	Haha	U.S.A. (HI)	Campanulaceae	E	666	17.96(a)	NA
*	*	*	*	*	*	*	*
Cyanea grimesiana ssp. *grimesiana*.	Haha	U.S.A.(HI)	Campanulaceae	E	592	17.96(a)	NA
*	*	*	*	*	*	*	*
Cyanea hamatiflora ssp. *hamatiflora*.	Haha	U.S.A. (HI)	Campanulaceae	E	666	17.96(a)	NA
*	*	*	*	*	*	*	*
Cyanea lobata	Haha	U.S.A. (HI)	Campanulaceae	E	467	17.96(a)	NA
*	*	*	*	*	*	*	*
Cyanea mceldowneyi	Haha	U.S.A. (HI)	Campanulaceae	E	467	17.96(a)	NA
*	*	*	*	*	*	*	*
Cyrtandra munroi	Haiwale	U.S.A. (HI)	Gesneriaceae	E	467	17.96(a)	NA
*	*	*	*	*	*	*	*
Dubautia plantaginea ssp. *humilis*.	Naenae	U.S.A. (HI)	Asteraceae	E	666	17.96(a)	NA
*	*	*	*	*	*	*	*
Flueggea neowawraea.	Mehamehame	U.S.A. (HI)	Euphorbiaceae	E	559	17.96(a)	NA
*	*	*	*	*	*	*	*
Geranium arboreum ..	Hawaiian red-flowered geranium.	U.S.A. (HI)	Geraniaceae	E	465	17.96(a)	NA
*	*	*	*	*	*	*	*
Geranium multiflorum	Nohoanu	U.S.A. (HI)	Geraniaceae	E	467	17.96(a)	NA
*	*	*	*	*	*	*	*
Gouania vitifolia	None	U.S.A. (HI)	Rhamnaceae	E	541	17.96(a)	NA
*	*	*	*	*	*	*	*
Hedyotis coriacea	Kioele	U.S.A. (HI)	Rubiaceae	E	467	17.96(a)	NA
*	*	*	*	*	*	*	*
Hedyotis mannii	Pilo	U.S.A. (HI)	Rubiaceae	E	480	17.96(a)	NA
*	*	*	*	*	*	*	*
Hesperomannia arborescens.	None	U.S.A. (HI)	Asteraceae	E	536	17.96(a)	NA
*	*	*	*	*	*	*	*
Hesperomannia arbuscula.	None	U.S.A. (HI)	Asteraceae	E	448	17.96(a)	NA
*	*	*	*	*	*	*	*
Hibiscus brackenridgei.	Mao hau hele	U.S.A. (HI)	Malvaceae	E	559	17.96(a)	NA
*	*	*	*	*	*	*	*
Ischaemum byrone ...	Hilo ischaemum	U.S.A. (HI)	Poaceae	E	532	17.96(a)	NA

SPECIES		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
*	*	*	*	*	*		*
Isodendrion pyrifolium	Wahine noho kula	U.S.A. (HI)	Violaceae	E	532	17.96(a)	NA
*	*	*	*	*	*		*
Kanaloa kahoolawensis.	Kohe malama malama o Kanaloa.	U.S.A. (HI)	Fabaceae	E	666	17.96(a)	NA
*	*	*	*	*	*		*
Lipochaeta kamolensis.	Nehe	U.S.A. (HI)	Asteraceae	E	467	17.96(a)	NA
*	*	*	*	*	*		*
Lysimachia lydgatei	None	U.S.A. (HI)	Primulaceae	E	467	17.96(a)	NA
*	*	*	*	*	*		*
Mariscus pennatiformis.	None	U.S.A. (HI)	Cyperaceae	E	559	17.96(a)	NA
*	*	*	*	*	*		*
Melicope adscendens	Alani	U.S.A. (HI)	Rutaceae	E	565	17.96(a)	NA
*	*	*	*	*	*		*
Melicope balloui	Alani	U.S.A. (HI)	Rutaceae	E	565	17.96(a)	NA
*	*	*	*	*	*		*
Melicope knudsenii	Alani	U.S.A. (HI)	Rutaceae	E	530	17.96(a)	NA
*	*	*	*	*	*		*
Melicope (= *Pelea*) *mucronulata*.	Alani	U.S.A. (HI)	Rutaceae	E	467	17.96(a)	NA
*	*	*	*	*	*		*
Melicope ovalis	Alani	U.S.A. (HI)	Rutaceae	E	565	17.96(a)	NA
*	*	*	*	*	*		*
Neraudia sericea	None	U.S.A. (HI)	Urticaceae	E	559	17.96(a)	NA
*	*	*	*	*	*		*
Nototrichium humile	Kului	U.S.A. (HI)	Amaranthaceae	E	448	17.96(a)	NA
*	*	*	*	*	*		*
Peucedanum sandwicense.	Makou	U.S.A. (HI)	Apiaceae	E	530	17.96(a)	NA
*	*	*	*	*	*		*
Phyllostegia mannii	None	U.S.A. (HI)	Lamiaceae	E	480	17.96(a)	NA
*	*	*	*	*	*		*
Phyllostegia mollis	None	U.S.A. (HI)	Lamiaceae	E	448	17.96(a)	NA
*	*	*	*	*	*		*
Plantago princeps	Laukahi kuahiwi	U.S.A. (HI)	Plantaginaceae	E	559	17.96(a)	NA
*	*	*	*	*	*		*
Platanthera holochila	None	U.S.A. (HI)	Orchidaceae	E	592	17.96(a)	NA
*	*	*	*	*	*		*
Remya mauiensis	Maui remya	U.S.A. (HI)	Asteraceae	E	413	17.96(a)	NA
*	*	*	*	*	*		*
Sanicula purpurea	None	U.S.A. (HI)	Apiaceae	E	592	17.96(a)	NA
*	*	*	*	*	*		*
Schiedea haleakalensis.	None	U.S.A. (HI)	Caryophyllaceae	E	467	17.96(a)	NA
*	*	*	*	*	*		*
Sesbania tomentosa	Ohai	U.S.A. (HI)	Fabaceae	E	559	17.96(a)	NA
*	*	*	*	*	*		*
Spermolepis hawaiiensis.	None	U.S.A. (HI)	Apiaceae	E	559	17.96(a)	NA

SPECIES		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
*	*	*	*	*	*		*
Tetramolopium capillare.	Pamakani	U.S.A. (HI)	Asteraceae	E	555	17.96(a)	NA
*	*	*	*	*	*		*
Tetramolopium remyi	None	U.S.A. (HI)	Asteraceae	E	435	17.96(a)	NA
*	*	*	*	*	*		*
Vigna o-wahuensis	None	U.S.A. (HI)	Fabaceae	E	559	17.96(a)	NA
*	*	*	*	*	*		*
Zanthoxylum hawaiiense.	Ae	U.S.A. (HI)	Rutaceae	E	532	17.96(a)	NA
*	*	*	*	*	*		*
FERNS AND ALLIES							
*	*	*	*	*	*		*
Asplenium fragile var. *insulare*.	None	U.S.A. (HI)	Aspleniaceae	E	553	17.96(a)	NA
*	*	*	*	*	*		*
Ctenitis squamigera	Pauoa	U.S.A. (HI)	Aspleniaceae	E	553	17.96(a)	NA
*	*	*	*	*	*		*
Diellia erecta	Asplenium-leaved diellia.	U.S.A. (HI)	Aspleniaceae	E	559	17.96(a)	NA
*	*	*	*	*	*		*
Diplazium molokaiense.	None	U.S.A. (HI)	Aspleniaceae	E	553	17.96(a)	NA
*	*	*	*	*	*		*
Phlegmariurus (=*Lycopodium*, =*Huperzia*) *mannii*.	Wawaeiole	U.S.A. (HI)	Lycopodiaceae	E	467	17.96(a)	NA
*	*	*	*	*	*		*
Pteris lidgatei	None	U.S.A. (HI)	Adiantaceae	E	553	17.96(a)	NA
*	*	*	*	*	*		*

3. In 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) and 67 FR 9806 (March 4, 2002), is proposed to be further amended as follows:

a. Revise introductory text of paragraph (a)(1)(i);

b. Add paragraphs (a)(1)(i)(C); and (a)(1)(i)(D): and

c. Revise paragraph (a)(1)(ii).

The revised text reads as follows:

§ 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 manmade features and structures within the boundaries of the mapped unit, such as buildings, roads, aqueducts, railroads, telecommunications equipment, telemetry antennas, radars, missile launch sites, arboreta and gardens, heiau (indigenous places of worship or shrines), 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.

* * * * *

(C) *Maui.* Critical habitat units are described below. Coordinates are in UTM Zone 4 with units in meters using North American Datum of 1983 (NAD83). The following map shows the general locations of the 13 critical habitats units designated on the island of Maui.

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

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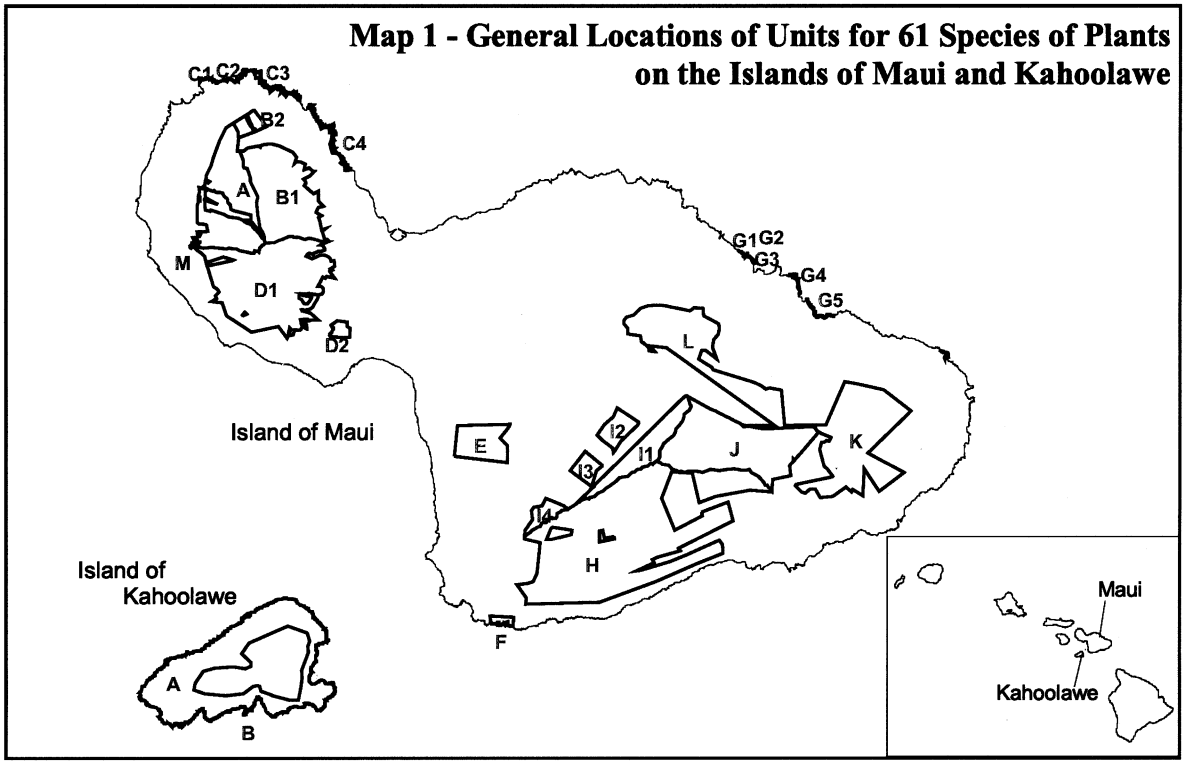
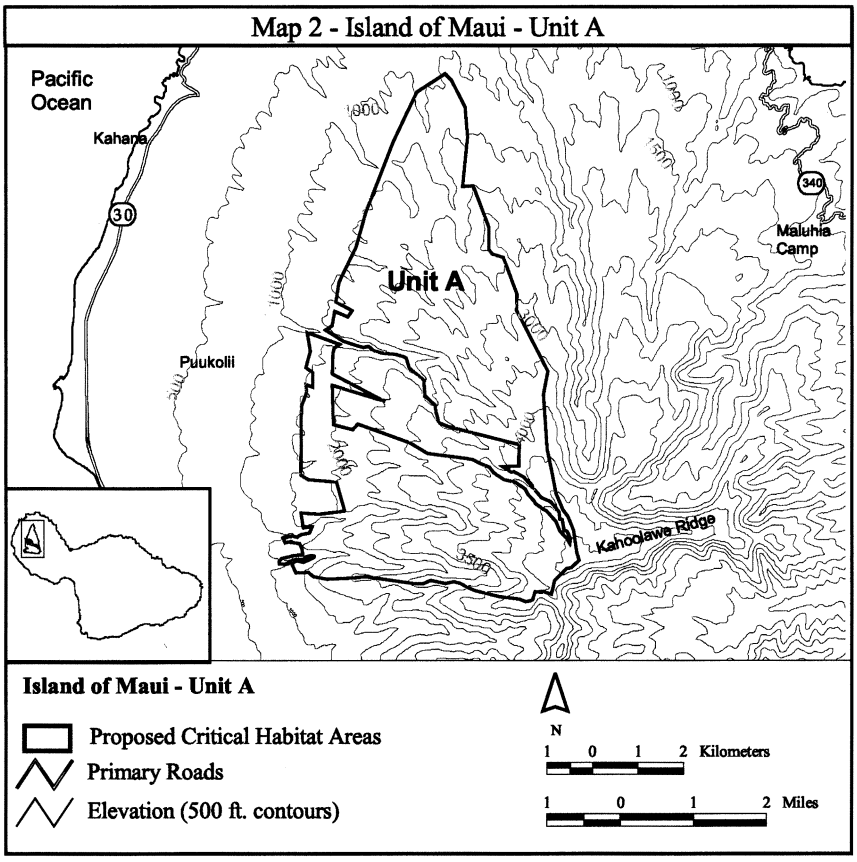


(*2*) Maui A (3,884 ha; 9,598 ac).

(*i*) Unit consists of the following 187 boundary points: 745646, 2316064; 746803, 2315452; 745637, 2315818; 745665, 2314941; 746096, 2314837; 746206, 2314955; 747360, 2314536; 747736, 2314302; 748610, 2314192; 748747, 2314163; 748895, 2314089; 749112, 2314006; 749212, 2313881; 749432, 2313730; 749677, 2313678; 749902, 2313524; 749954, 2313416; 750110, 2313242; 750118, 2313199; 750119, 2313198; 750307, 2313068; 750359, 2313038; 750360, 2313038; 750569, 2312799; 750662, 2312593; 750805, 2312435; 750878, 2312325; 750885, 2312412; 750817, 2312575; 750798, 2312594; 750748, 2312588; 750710, 2312845; 750652, 2312855; 750635, 2313002; 750564, 2313116; 750450, 2313241; 750253, 2313328; 749863, 2313784; 749654, 2313910; 749594, 2313898; 749400, 2314013; 749762, 2314025; 749764, 2314245; 749767, 2314498; 748195, 2314901; 747995, 2314988; 747953, 2315158; 747952, 2315160; 747941, 2315192; 747901, 2315370; 747687, 2315584; 747662, 2315928; 747336, 2316180; 747266, 2316401; 747236, 2316433; 747031, 2316482; 746735, 2316514; 746560, 2316570; 746447, 2316671; 746334, 2316643; 746188, 2316678; 745896, 2316785; 745484, 2317026; 745643, 2317128; 745694, 2317441; 745981, 2317323; 746078, 2317462; 745728, 2317647; 745798, 2318077; 746162, 2318852; 746391, 2319637; 746984, 2321175; 747501, 2322278; 748133, 2322670; 748262, 2322541; 748568, 2321950; 748627, 2321290; 748509, 2320188; 748746, 2320208; 749101, 2319292; 749101, 2318793; 749178, 2318693; 749408, 2318624; 749723, 2317818; 749700, 2317464; 750392, 2316121; 750302, 2315611; 750386, 2314410; 750482, 2313931; 750575, 2313421; 750722, 2313061; 750842, 2312911; 750962, 2312611; 751022, 2312131; 751082, 2311951; 750911, 2311782; 750812, 2311771; 750542, 2311501; 750482, 2311201; 750440, 2311216; 750386, 2311230; 750328, 2311242; 750279, 2311249; 750263, 2311247; 750252, 2311240; 750122, 2311261; 750063, 2311077; 749987, 2311042; 749908, 2311040; 749769, 2311083; 749324, 2311150; 748999, 2311226; 748784, 2311284; 748564, 2311384; 748472, 2311441; 748322, 2311471; 748142, 2311441; 747812, 2311501; 747662, 2311441; 747422, 2311441; 746372, 2311591; 746132, 2311561; 745532, 2311531; 745232, 2311591; 745112, 2311681; 744848, 2311671; 744757, 2311853; 744803, 2311913; 744873, 2311930; 745003, 2311908; 745103, 2311941; 745246, 2312013; 745237, 2312047; 745184, 2312054; 745082, 2312024; 744998, 2311962; 744940, 2311972; 744855, 2311959; 744843, 2311979; 744786, 2311969; 744644, 2311877; 744574, 2311856; 744542, 2311859; 744531, 2311866; 744526, 2311860; 744465, 2311866; 744468, 2311918; 744523, 2311989; 744820, 2312059; 744992, 2312075; 744984, 2312177; 744929, 2312317; 744736, 2312339; 744734, 2312365; 744653, 2312345; 744609, 2312328; 744558, 2312437; 744633, 2312480; 744722, 2312477; 744785, 2312485; 744871, 2312454; 744945, 2312517; 745143, 2312557; 745200, 2312689; 745157, 2312692; 745009, 2312661; 744946, 2312990; 745348, 2312974; 745916, 2313043; 745773, 2313571; 745745, 2313671; 745113, 2313721; 744946, 2313827; 744964, 2315341; 745081, 2315642; 745066, 2315830; 745211, 2315767; 745220, 2316095; 745062, 2316193; 745156, 2316554; 745095, 2316969; 745815, 2316715; 745688, 2316626; 745682, 2316625; 745668, 2316564; 745660, 2316498; 745662, 2316487.

(*ii*) **Note:** Map 2 follows:



BILLING CODE 4310–55–C

(*3*) Maui B1 (4,374 ha; 10,808 ac).

(*i*) Unit consists of the following 84 boundary points: 756585, 2312074; 756481, 2312051; 756356, 2312094; 756039, 2312114; 755355, 2312353; 755012, 2312431; 754622, 2312281; 754412, 2312371; 754172, 2312491; 753872, 2312521; 753812, 2312461; 753632, 2312461; 753542, 2312551; 753182, 2312581; 752556, 2312292; 752222, 2312191; 751892, 2312011; 751082, 2311951; 751022, 2312131; 750962, 2312611; 750842, 2312911; 750722, 2313061; 750575, 2313421; 750482, 2313931; 750386, 2314410; 750302, 2315611; 750392, 2316121; 749700, 2317464; 749723, 2317818; 749408, 2318624; 749178, 2318693; 749101, 2318793; 749101, 2319292; 748746, 2320208; 749105, 2320225; 749490, 2320492; 749492, 2320495; 749509, 2320507; 750442, 2320667; 750595, 2320522; 750652, 2320703; 750913, 2320748; 751322, 2320818; 751504, 2320850; 751662, 2320812; 752336, 2320652; 752694, 2320488; 753547, 2320078; 753884, 2319664; 753684, 2319160; 753794, 2319238; 753831, 2319264; 754230, 2319264; 754437, 2319134; 754628, 2319014; 754566, 2318549; 754986, 2318675; 755406, 2318356; 755428, 2318339; 755028, 2317961; 754461, 2317666; 754650, 2317540; 754692, 2317372; 754543, 2317112; 755365, 2316415; 755848, 2316599; 755848, 2316598; 755848, 2315712; 756262, 2315298; 755831, 2315154; 755624, 2314782; 755582, 2314690; 756114, 2314411; 755852, 2314267; 755926, 2313985; 756109, 2313151; 756469, 2313228; 756146, 2313006; 756382, 2312300; 756646, 2312281; 756765, 2312104; 756687, 2312072; 756684, 2312072; 756585, 2312074.

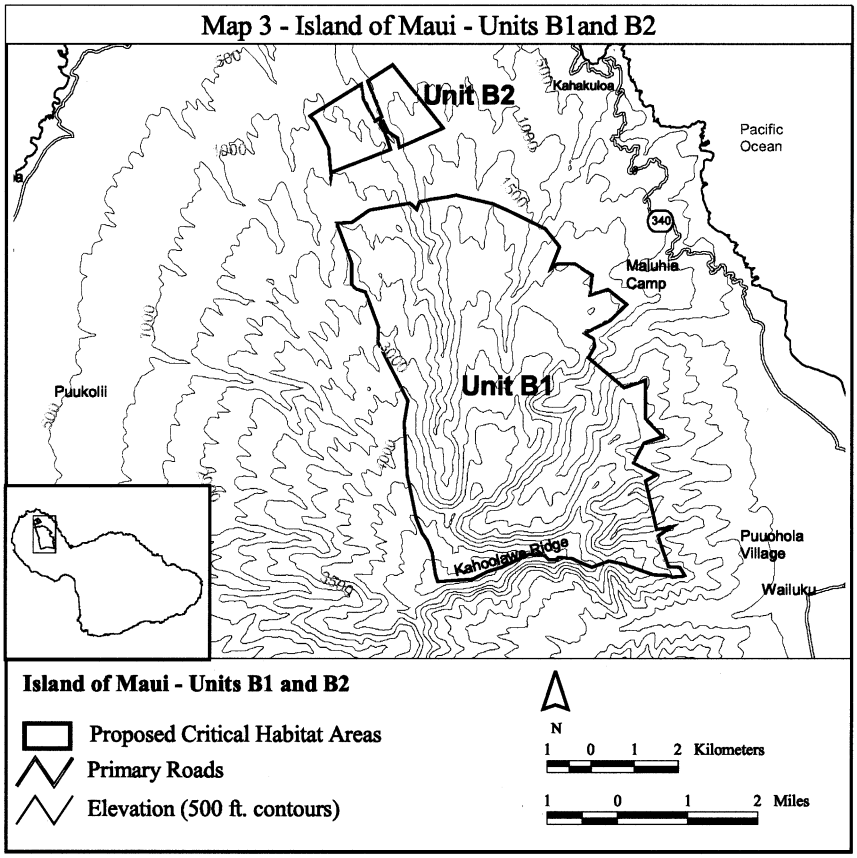
(*ii*) **Note:** See Map 3:

(*4*) Maui B2 (362 ha; 893 ac).

(*i*) Unit consists of the following 26 boundary points: 748262, 2322541; 748133, 2322670; 749321, 2323406; 749364, 2323069; 749536, 2322742; 749536, 2322742; 749537, 2322740; 749637, 2322549; 749783, 2322650; 749455, 2323474; 750016, 2323841; 750018, 2323839; 750033, 2323848; 751197, 2322401; 750188, 2321953; 750152, 2322162; 749940, 2322307; 749812, 2322559; 749759, 2322545; 749742, 2322463; 749858, 2322275; 749993, 2321907; 748635, 2321367; 748627, 2321290; 748568, 2321950; 748262, 2322541.

(*ii*) **Note:** Map 3 follows:

BILLING CODE 4310–55–P



BILLING CODE 4310–55–C

(*5*) Maui C1 (23 ha; 56 ac).

(*i*) Unit consists of the following 20 boundary points: coastline; 747250, 2326499; 747257, 2326478; 747007, 2326430; 746884, 2326397; 746799, 2326342; 746739, 2326262; 746652, 2326280; 746642, 2326406; 746544, 2326446; 746341, 2326386; 746294, 2326499; 746180, 2326580; 745984, 2326637; 745796, 2326602; 745709, 2326596; 745622, 2326620; 745300, 2326566; 745260, 2326492; 745179, 2326343; 745158, 2326345; coastline.

(*ii*) **Note:** See Map 4:

(*6*) Maui C2 (10 ha; 24 ac).

(*i*) Unit consists of the following 14 boundary points: coastline; 747287, 2326549; 748409, 2326346; 748368, 2326302; 748229, 2326384; 748109, 2326548; 747979, 2326564; 747917, 2326610; 747839, 2326650; 747684, 2326547; 747619, 2326463; 747536, 2326537; 747403, 2326505; 747381, 2326532; 747287, 2326549; coastline.

(*ii*) **Note:** See Map 4:

(*7*) Maui C3 (162 ha; 400 ac).

(*i*) Unit consists of the following 96 boundary: coastline; 754099, 2324756; 754053, 2324754; 753955, 2324768; 753953, 2324779; 753930, 2324862; 753759, 2325028; 753669, 2325092; 753524, 2325277; 753446, 2325286; 753388, 2325342; 753325, 2325353; 753252, 2325321; 753085, 2325303; 753034, 2325242; 752911, 2325108; 752865, 2325227; 752886, 2325361; 752879, 2325424; 752841, 2325439; 752828, 2325443; 752732, 2325363; 752722, 2325261; 752662, 2325341; 752615, 2325470; 752535, 2325474; 752438, 2325416; 752516, 2325578; 752501, 2325617; 752373, 2325646; 752189, 2325668; 752167, 2325700; 752138, 2325733; 751990, 2325840; 751898, 2325842; 751835, 2325769; 751804, 2325709; 751734, 2325826; 751714, 2325826; 751630, 2325733; 751547, 2325578; 751562, 2325516; 751525, 2325510; 751492, 2325530; 751475, 2325549; 751455, 2325734; 751461, 2325837; 751273, 2325927; 751251, 2325921; 751203, 2325906; 751187, 2325954; 751123, 2325981; 751071, 2325948; 751040, 2325902; 751010, 2325866; 750988, 2325906; 750957, 2325952; 750990, 2326027; 750973, 2326051; 750852, 2326051; 750801, 2326107; 750821, 2326193; 750779, 2326281; 750598, 2326312; 750549, 2326248; 750486, 2326298; 750482, 2326366; 750526, 2326443; 750607, 2326484; 750622, 2326624; 750617, 2326668; 750334, 2326780; 750225, 2326707; 750174, 2326716; 750157, 2326750; 750156, 2326762; 750143, 2326932; 750116, 2326995; 749976, 2327272; 749806, 2327368; 749392, 2327324; 749324, 2327133; 749250, 2327018; 749018, 2327093; 748987, 2327015; 748913, 2327003; 748859, 2326865; 748906, 2326824; 748978, 2326817; 748990, 2326759; 748786, 2326666; 748648, 2326684; 748567, 2326639; 748572, 2326561; 748637, 2326459; 748673, 2326373; 748516, 2326423; coastline.

(*ii*) **Note:** Map 4:

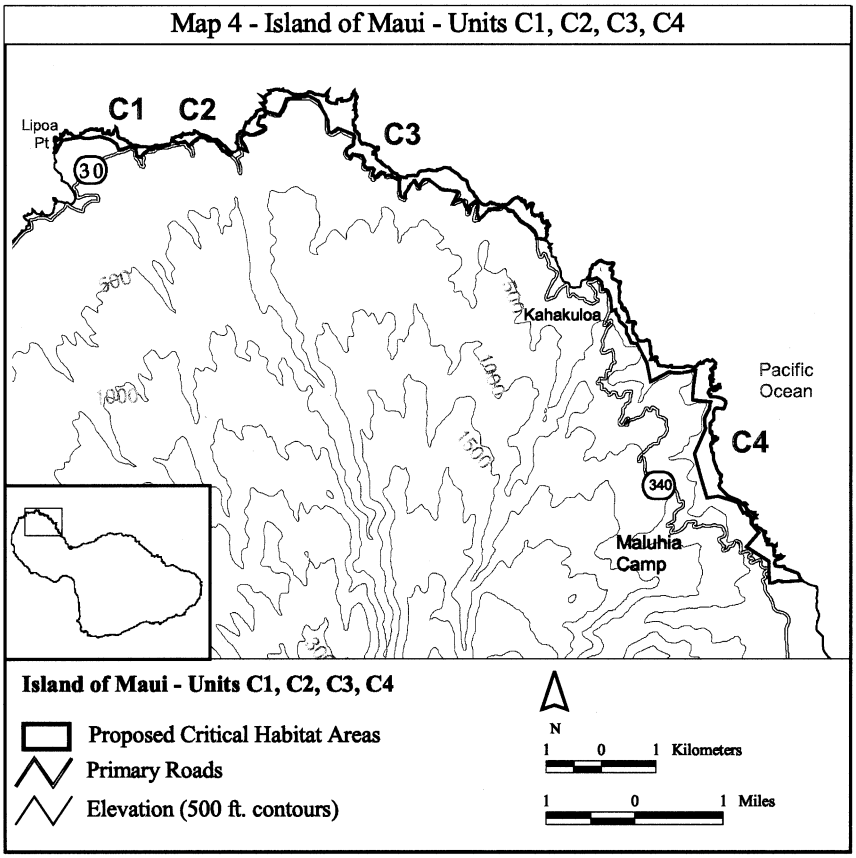
(*8*) Maui C4 (162 ha; 400 ac).

(*i*) Unit consists of the following 64 boundary points: coastline; 758803, 2318519; 758442, 2318485; 758421, 2318506; 758366, 2318516; 758267, 2318469; 758209, 2318463; 758200, 2318729; 758196, 2318869; 757790, 2319126; 758013, 2319396; 757861, 2319563; 757862, 2319690; 757794, 2319720; 757771, 2319757; 757734, 2319748; 757626, 2319942; 757267, 2320057; 757061, 2320021; 756963, 2320372; 756833, 2320832; 757033, 2321273; 757038, 2321301; 757031, 2321316; 757019, 2321449; 757019, 2321491; 757069, 2321583; 757108, 2321658; 757128, 2321761; 757132, 2321784; 757130, 2321785; 756805, 2321814; 756813, 2322040; 756862, 2322355; 756815, 2322353; 756814, 2322353; 756730, 2322336; 756575, 2322315; 756442, 2322315; 756382, 2322329; 756036, 2322156; 755962, 2322490; 755784, 2322847; 755781, 2322847; 755680, 2322859; 755664,

2322913; 755630, 2322976; 755592, 2323043; 755592, 2323144; 755551, 2323181; 755467, 2323256; 755454, 2323349; 755417, 2323374; 755396, 2323441; 755393, 2323463; 755322, 2323443; 755306, 2323674; 755295, 2323702; 755254, 2323811; 755229, 2323833; 755153, 2323833; 755144, 2323974; 755056, 2324045; 754981, 2324021; 754880, 2324041; coastline.

(*ii*) Note: Map 4 follows:

BILLING CODE 4310–55–P



BILLING CODE 4310–55–C

(*9*) Maui D1 (6,950 ha; 17,175 ac).

(*i*) Unit consists of the following 180 boundary points: 754826, 2304297; 754770, 2304254; 754643, 2304333; 754542, 2304415; 754486, 2304579; 754439, 2304653; 754437, 2304765; 754349, 2304956; 754319, 2305108; 754214, 2305093; 754258, 2304902; 754278, 2304785; 754351, 2304474; 754255, 2304192; 754171, 2304150; 754065, 2304164; 753825, 2304139; 753832, 2304195; 753675, 2304217; 753611, 2303762; 753431, 2303730; 753285, 2303705; 753152, 2303682; 753304, 2304113; 753310, 2304130; 753367, 2304292; 753234, 2304365; 753213, 2304104; 753136, 2303909; 753136, 2303653; 753042, 2303454; 752244, 2304494; 749843, 2303965; 748359, 2304949; 747572, 2305437; 747183, 2306649; 746219, 2306757; 746690, 2307032; 746584, 2307222; 746574, 2307254; 746905, 2307584; 746773, 2307831; 746428, 2308069; 745859, 2309952; 745861, 2309954; 745855, 2309967; 745848, 2309987; 746252, 2310016; 748094, 2310374; 748180, 2310466; 747274, 2310703; 745970, 2310264; 745771, 2310115; 745591, 2310776; 745359, 2311057; 744982, 2311291; 744842, 2311439; 744842, 2311603; 744848, 2311671; 745112, 2311681; 745232, 2311591; 745532, 2311531; 746132, 2311561; 746372, 2311591; 747422, 2311441; 747662, 2311441; 747812, 2311501; 748142, 2311441; 748322, 2311471; 748472, 2311441; 748564, 2311384; 748784, 2311284; 748999, 2311226; 749324, 2311150; 749769, 2311083; 749908, 2311040; 749987, 2311042; 750063, 2311077; 750122, 2311261; 750252, 2311240; 750263, 2311247; 750279, 2311249; 750328, 2311242; 750386, 2311230; 750440, 2311216; 750482, 2311201; 750542, 2311501; 750812, 2311771; 750911, 2311782; 751082, 2311951; 751892, 2312011; 752222, 2312191; 752556, 2312292; 753182, 2312581; 753542, 2312551; 753632, 2312461; 753812, 2312461; 753872, 2312521; 754172, 2312491; 754412, 2312371; 754622, 2312281; 755012, 2312431; 755355, 2312353; 756039, 2312114; 756356, 2312094; 756481, 2312051; 756585, 2312074; 756684, 2312072; 756262, 2311897; 756172, 2311897; 756000, 2311819; 756067, 2311803; 756198, 2311730; 756382, 2311473; 756421, 2311340; 756092, 2311244; 755806, 2311216; 755636, 2311122; 755635, 2311122; 755459, 2311035; 755355, 2310968; 755230, 2311019; 754988, 2311042; 754820, 2310941; 754711, 2310770; 755295, 2310580; 755366, 2310585; 755661, 2310703; 755887, 2310863; 756085, 2310888; 756316, 2310888; 756497, 2310849; 756724, 2310720; 756918, 2310584; 756967, 2310340; 757238, 2310389; 757267, 2309857; 756883, 2309679; 757090, 2309531; 756824, 2309443; 756958, 2309254; 757267, 2308822; 756558, 2308999; 756439, 2308822; 756252, 2308927; 755765, 2308074; 756072, 2308080; 756194, 2308023; 756279, 2307861; 756270, 2307644; 756186, 2307440; 755931, 2307335; 755732, 2307367; 755806, 2307294; 755803, 2307043; 755624, 2306756; 755515, 2306552; 755377, 2306367; 755319, 2306243; 755163, 2306105; 755078, 2306075; 754857, 2305996; 754614, 2305982;

754412, 2306019; 754341, 2306032; 754346, 2305896; 754412, 2305877; 755139, 2305668; 755828, 2305033; 755089, 2305043; 755087, 2305045; 754979, 2305016; 754831, 2305142; 754540, 2305162; 754515, 2305057; 754621, 2304863; 754699, 2304812; 754760, 2304616; 754782, 2304447; 754796, 2304431.

(*ii*)Unit excludes three areas:

(*A*) Bounded by the following five points (6 ha, 15 ac): 748930 2305439, 749226 2305793, 749363 2305641, 749057 2305433, 748930 2305439.

(*B*) Bounded by the following 20 points (62 ha, 153 ac): 754495, 2306605; 754472, 2306625; 754334, 2306901; 754090, 2307018; 754065, 2307098; 754087, 2307266; 754141, 2307512; 754162, 2307496; 754243, 2307436; 754381, 2307316; 755039, 2307210; 755145, 2307181; 755188, 2307116; 755155, 2306981; 755028, 2306781; 754890, 2306567; 754808, 2306523; 754788, 2306512; 754588, 2306523; 754495, 2306605.

(*C*) Bounded by the following nine points (5 ha, 13 ac): 754959, 2307449; 75525, 2307432; 755657, 2307376; 755428, 2307345; 754834, 2307383; 754579, 2307430; 754778, 2307426; 754839, 2307410; 754959, 2307449.

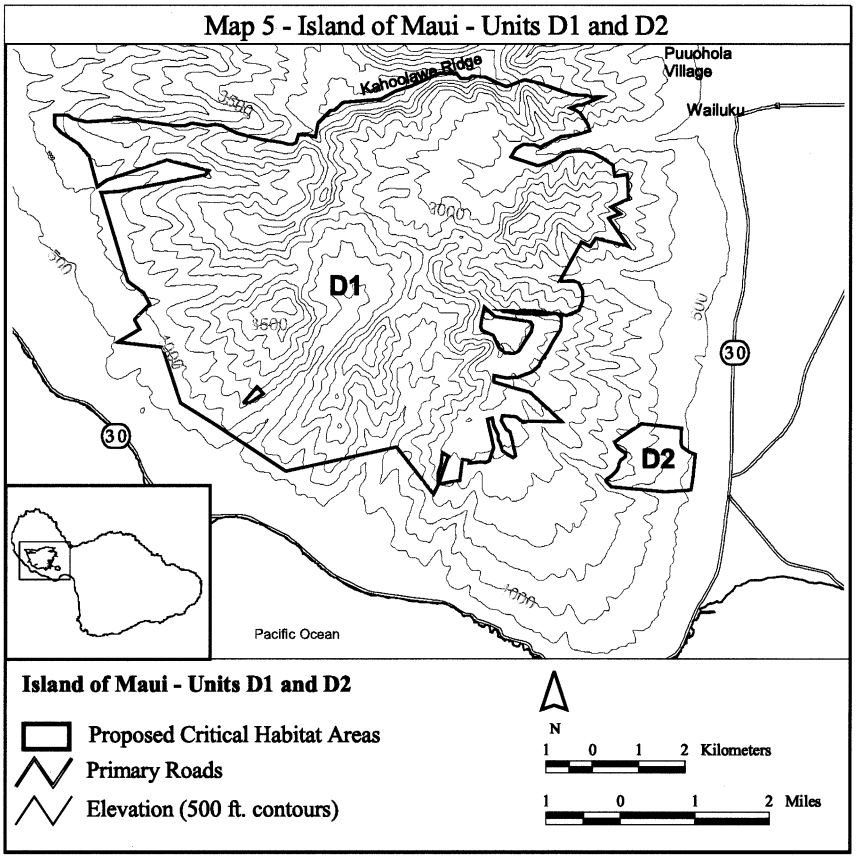
(*iii*) **Note:** See Map 5.

(*10*) Unit D2 (212 ha; 523 ac).

(*i*) unit consists of the following 22 boundary points: 756769, 2303771; 756914, 2303864; 757007, 2303958; 757058, 2304068; 757053, 2304123; 757104, 2304208; 757198, 2304267; 757206, 2304365; 757138, 2304395; 757037, 2304471; 756959, 2304605; 757541, 2304994; 758421, 2304900; 758402, 2304566; 758427, 2304491; 758605, 2304369; 758716, 2304323; 758665, 2303805; 758615, 2303558; 758067, 2303509; 756894, 2303623; 756774, 2303746.

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

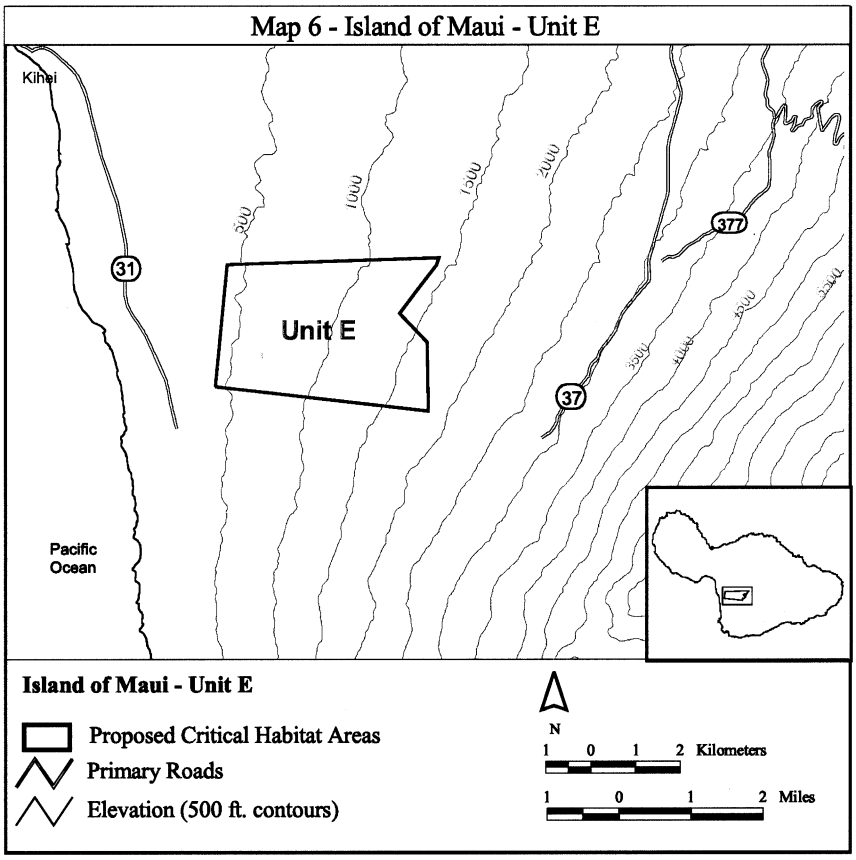
BILLING CODE 4310–55–P



(*11*) Maui E (1,389 ha; 3,432 ac).

(*i*) Unit consists of eight boundary points: 768269, 2295601; 773018, 2295761; 772962, 2295591; 772608, 2295140; 772130, 2294513; 772758, 2293858; 772784, 2292323; 768006, 2292863.

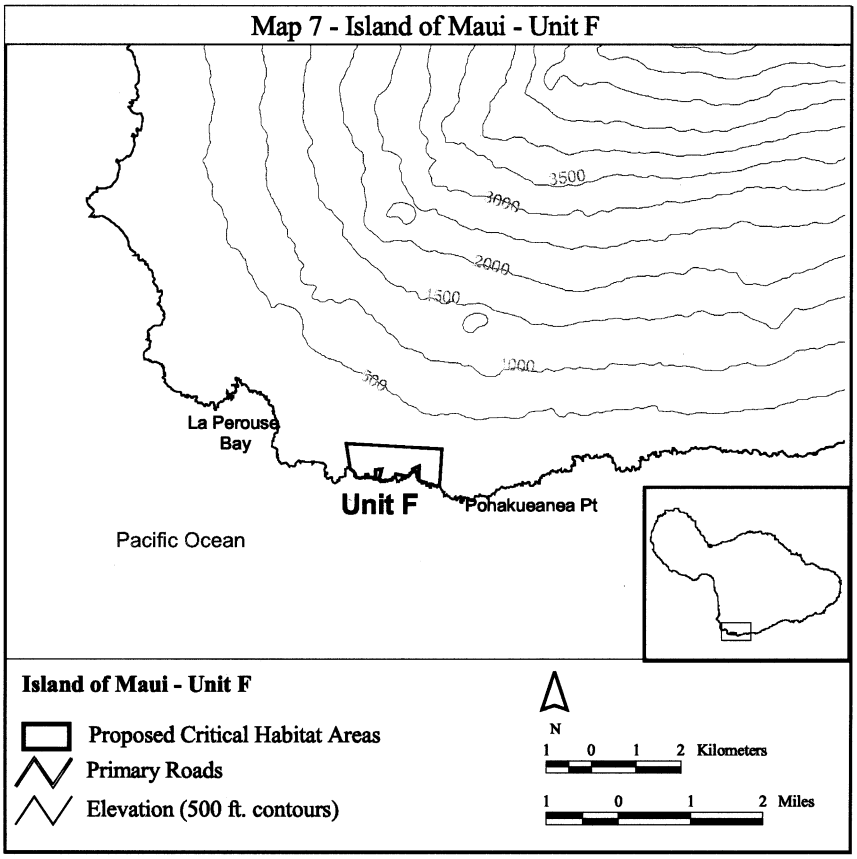
(*ii*) **Note:** Map 6 follows:



(*12*) Maui F (144 ha; 357 ac).

(*i*) Unit consists of the following 19 boundary points: coastline. 771282, 2278049; 771207, 2278581; 773349, 2278461; 773296, 2277638; 773294, 2277610; coastline. Coastline; 771941, 2277804; 772001, 2278009; 771861, 2277996; 771858, 2277785; coastline. Coastline; 772291, 2277823; 772291, 2277823; 772464, 2277817; 772464, 2277818; 772464, 2277873; 772302, 2277904; coastline. Coastline; 772830, 2277758; 772839, 2278087; 772691, 2278009; 772697, 2277944; coastline.

(*ii*) **Note:** Map 7 follows:



(*13*) Maui G1 (4 ha; 10 ac).

(*i*) Unit consists of the following 21 boundary points: coastline; 793988, 2310722; 793988, 2310722; 793988, 2310722; 793937, 2310735; 793898, 2310767; 793920, 2310825; 793940, 2310881; 793932, 2310893; 793907, 2310933; 793885, 2310962; 793833, 2311001; 793781, 2311037; 793768, 2311053; 793690, 2311134; 793635, 2311144; 793527, 2311157; 793498, 2311183; 793411, 2311267; 793362, 2311345; 793988, 2310722; 793988, 2310722; coastline.

(*ii*) **Note:** See Map 8:

(*14*) Maui G2 (.8 ha; 2 ac).

(*i*) Unit consists of the following 21 boundary points: coastline; 794253, 2311026; 794246, 2311002; 794240, 2310987; 794220, 2310955; 794200, 2310914; 794190, 2310902; 794182, 2310899; 794171, 2310899; 794168, 2310900; 794162, 2310906; 794162, 2310935; 794166, 2310959; 794169, 2310967; 794202, 2311009; 794211, 2311034; 794222, 2311052; 794246, 2311078; 794258, 2311082; 794263, 2311080; 794265, 2311076; 794265, 2311065; coastline.

(*ii*) **Note:** See Map 8:

(*15*) Maui G3 (7 ha; 16 ac).

(*i*) Unit consists of the following 22 boundary points: coastline; 794814, 2310166; 794778, 2310176; 794756, 2310192; 794756, 2310217; 794742, 2310240; 794733, 2310282; 794728, 2310324; 794711, 2310345; 794706, 2310368; 794665, 2310393; 794632, 2310428; 794625, 2310446; 794622, 2310523; 794573, 2310595; 794491, 2310645; 794326, 2310728; 794258, 2310741; 794222, 2310764; 794118, 2310718; 794053, 2310679; 794040, 2310715; 794043, 2310738; coastline.

(*ii*) **Note:** See Map 8:

(*16*) Maui G4 (22 ha; 53 ac).

(*i*) Unit consists of the following 14 boundary points: coastline; 798949, 2307406; 798949, 2307406; 798884, 2307470; 798940, 2307502; 798924, 2307613; 798829, 2307836; 798733, 2308042; 798749, 2308233; 798718, 2308487; 798631, 2308684; 798419, 2308844; 798296, 2309004; 797985, 2309037; 798021, 2309124; coastline.

(*ii*) **Note:** See Map 8:

(*17*) Maui G5 (31 ha; 77 ac).

(*i*) Unit consists of the following 27 boundary points: coastline; 801972, 2305512; 801990, 2305372; 801833, 2305382; 801626, 2305463; 801466, 2305444; 801320, 2305260; 801117, 2305232; 801018, 2305293; 800891, 2305373; 800731, 2305387; 800581, 2305284; 800472, 2305307; 800265, 2305505; 800166, 2305599; 800152, 2305712; 800147, 2305849; 800190, 2305990; 800138, 2306094; 800001, 2306188; 799879, 2306263; 799874, 2306386; 799789, 2306428; 799723, 2306527; 799657, 2306626; 799606, 2306800; 799516, 2306902; 799516, 2306902; coastline.

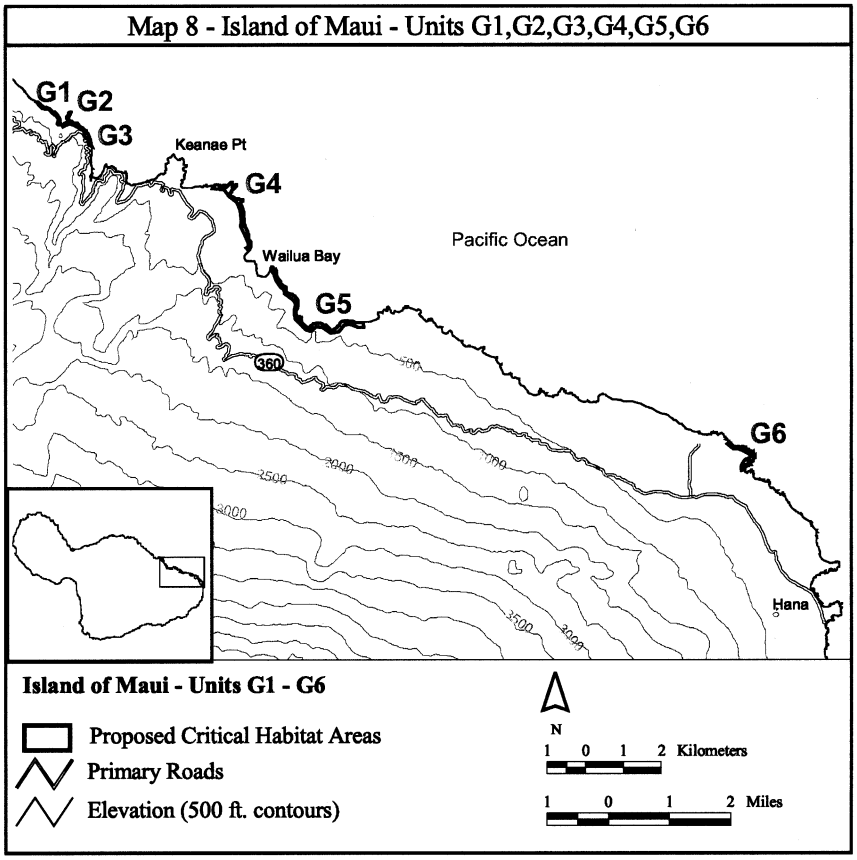
(*ii*) **Note:** See Map 8:

(*18*) Maui G6 (11 ha; 27 ac).

(*i*) Unit consists of the following 14 boundary points: coastline; 811982, 2301617; 811982, 2301617; 811936, 2301585; 811916, 2301671; 811945, 2301774; 812026, 2301885; 812133, 2301927; 812193, 2301995; 812092, 2302061; 811938, 2302135; 811849, 2302164; 811717, 2302172; 811546, 2302307; 811596, 2302341; coastline.

(*ii*) **Note:** Map 8 follows:

BILLING CODE 4310–55–P



BILLING CODE 4310–55–C

(*19*) Maui H (14,101 ha; 34,843 ac).

(*i*) Unit consists of the following 133 boundary points: 792545, 2288808; 792970, 2287110; 788115, 2284625; 788254, 2284423; 786255, 2283830; 785721, 2283591; 785909, 2283329; 784364, 2282634; 784741, 2282683; 785687, 2282923; 787384, 2283423; 788910, 2284092; 791757, 2285370; 792012, 2284972; 792107, 2284459; 792107, 2284163; 789675, 2283199; 786085, 2281630; 781021, 2279811; 774426, 2279632; 774487, 2280204; 773607, 2281357; 774563, 2281463; 775099, 2281680; 775397, 2282390; 775684, 2285109; 774276, 2285496; 774305, 2285732; 774421, 2285732; 774601, 2285942; 774871, 2286062; 774961, 2286242; 775201, 2286392; 775501, 2286512; 775711, 2286572; 775801, 2286842; 775981, 2286962; 776221, 2286932; 776431, 2287082; 776611, 2287292; 776731, 2287292; 776791, 2287382; 776881, 2287322; 777091, 2287322; 777241, 2287472; 777211, 2287742; 777481, 2287862; 777661, 2288072; 778111, 2288132; 778136, 2288218; 778221, 2288151; 778986, 2288684; 779070, 2288768; 779131, 2288792; 779251, 2288792; 779401, 2288972; 779851, 2289092; 780061, 2289062; 780151, 2289182; 780576, 2289283; 780841, 2289542; 781388, 2289777; 781591, 2290022; 781861, 2290202; 782491, 2290652; 782851, 2290952; 783541, 2291072; 783871, 2291402; 784171, 2291462; 784323, 2291635; 784473, 2291725; 784623, 2291725; 784683, 2291725; 784826, 2291868; 784854, 2291851; 784917, 2291907; 784912, 2291915; 785313, 2291995; 785613, 2292265; 785823, 2292175; 785940, 2292307; 785941, 2292306; 785946, 2292314; 786063, 2292445; 786151, 2292452; 786211, 2292452; 786511, 2292242; 786631, 2292122; 787201, 2292092; 787561, 2291702; 787951, 2291582; 788131, 2291492; 788341, 2291522; 788641, 2291432; 789031, 2291522; 789720, 2291522; 790086, 2291458; 790230, 2291432; 790950, 2291672; 791730, 2291582; 792480, 2291702; 792750, 2291702; 793014, 2291770; 793450, 2291683; 793671, 2291645; 794207, 2291635; 794432, 2291674; 794523, 2291573; 794614, 2291434; 795213, 2291075; 795299, 2291051; 795400, 2290907; 795821, 2290462; 795807, 2290385; 795864, 2290318; 796008, 2290304; 796061, 2290232; 796133, 2290112; 796195, 2290069; 796310, 2290016; 796427, 2289780; 796453, 2289731; 796458, 2289724; 796453, 2289665; 794488, 2289840; 791401, 2289270; 789965, 2288718; 789343, 2291348; 787469, 2291492; 786580, 2289125; 787793, 2286254; 790244, 2287538; 790161, 2287892.

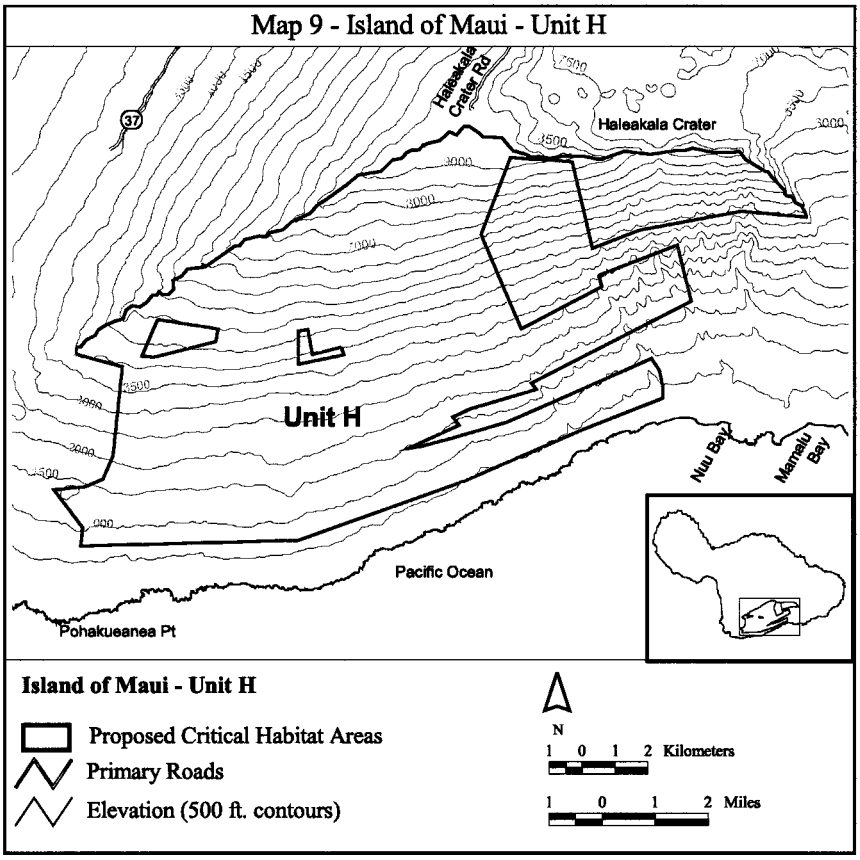
(*ii*) Unit excludes two areas:

(*A*) Bounded by the following seven points (162 ha, 400ac): 776764, 2286552; 778589, 2286255; 778519, 2285877; 776631, 2285401; 776280, 2285436; 776669, 2286345; 776764, 2286552.

(*B*) Bounded by the following 11 points (58 ha, 143 ac): 782337, 2285709; 782398, 2285481; 781035, 2285187; 781028, 2286132; 781029, 2286198; 781305, 2286239; 781412, 2285729; 781455, 2285500; 781459, 2285501; 781459, 2285501; 782337, 2285709.

(*iii*) **Note:** Map 9 follows:

BILLING CODE 4310–55–P



BILLING CODE 4310–55–P

(*20*) Maui I1 (1,862 ha; 4,601 ac).

(*i*) Unit consists of the following 61 boundary points: 788755, 2298314; 788934, 2298211; 788932, 2298142; 789003, 2297908; 789137, 2297528; 789205, 2297438; 789207, 2297318; 789096, 2297113; 789049, 2296968; 788869, 2296843; 788619, 2296647; 788580, 2296262; 788460, 2296022; 788165, 2295603; 787886, 2295369; 787844, 2295067; 787660, 2294754; 787231, 2294372; 786737, 2293972; 786661, 2293742; 786430, 2293387; 786421, 2292812; 786299, 2292576; 786151, 2292452; 786063, 2292445; 785946, 2292314; 785941, 2292306; 785940, 2292307; 785823, 2292175; 785613, 2292265; 785313, 2291995; 784912, 2291915; 784917, 2291907; 784854, 2291851; 784826, 2291868; 784683, 2291725; 784623, 2291725; 784473, 2291725; 784323, 2291635; 784171, 2291462; 783871, 2291402; 783541, 2291072; 782851, 2290952; 782491, 2290652; 781861, 2290202; 781591, 2290022; 781388, 2289777; 780841, 2289542; 780576, 2289283; 780151, 2289182; 780061, 2289062; 779851, 2289092; 779401, 2288972; 779251, 2288792; 779131, 2288792; 779070, 2288768; 780400, 2290082; 780380, 2290097; 788189, 2297787; 788162, 2297781.

(*ii*) **Note:** See Map 10.

(*21*) Maui I2 (680 ha; 1,680 ac).

(*i*) Unit consists of the following 11 boundary points: 784570, 2295895; 784440, 2295690; 782956, 2294207; 782421, 2293422; 782263, 2293191; 782187, 2293615; 781338, 2294254; 780818, 2294804; 781473, 2295735; 782282, 2296409; 782585, 2297193.

(*ii*) **Note:** See Map 10.

(*22*) Maui I3 (452 ha; 1,117 ac).

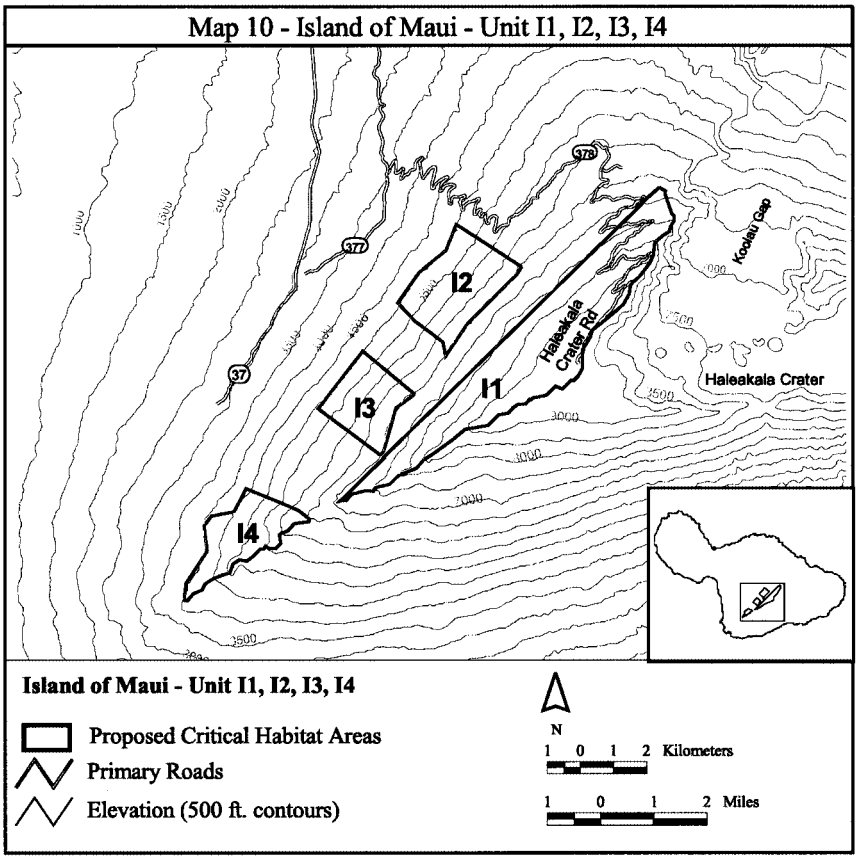
(*i*) Unit consists of the following six boundary points: 781340, 2292025; 780754, 2291599;780373, 2290270;780279, 2290173;778396, 2291591;779749, 2293351.

(*ii*) **Note:** See Map 10.

(*23*) Maui I4 (497 ha; 1,227 ac).

(*i*) Unit consists of the following 31 boundary points: 778136, 2288218; 778111, 2288132; 777661, 2288072; 777481, 2287862; 777211, 2287742; 777241, 2287472; 777091, 2287322; 776881, 2287322; 776791, 2287382; 776731, 2287292; 776611, 2287292; 776431, 2287082; 776221, 2286932; 775981, 2286962; 775801, 2286842; 775711, 2286572; 775501, 2286512; 775201, 2286392; 774961, 2286242; 774871, 2286062; 774601, 2285942; 774421, 2285732; 774305, 2285732; 774368, 2286253; 775008, 2287236; 774920, 2287996; 775155, 2288309; 775846, 2288444; 776207, 2289144; 777437, 2288634; 777822, 2288467.

(*ii*) **Note:** Map 10 follows:



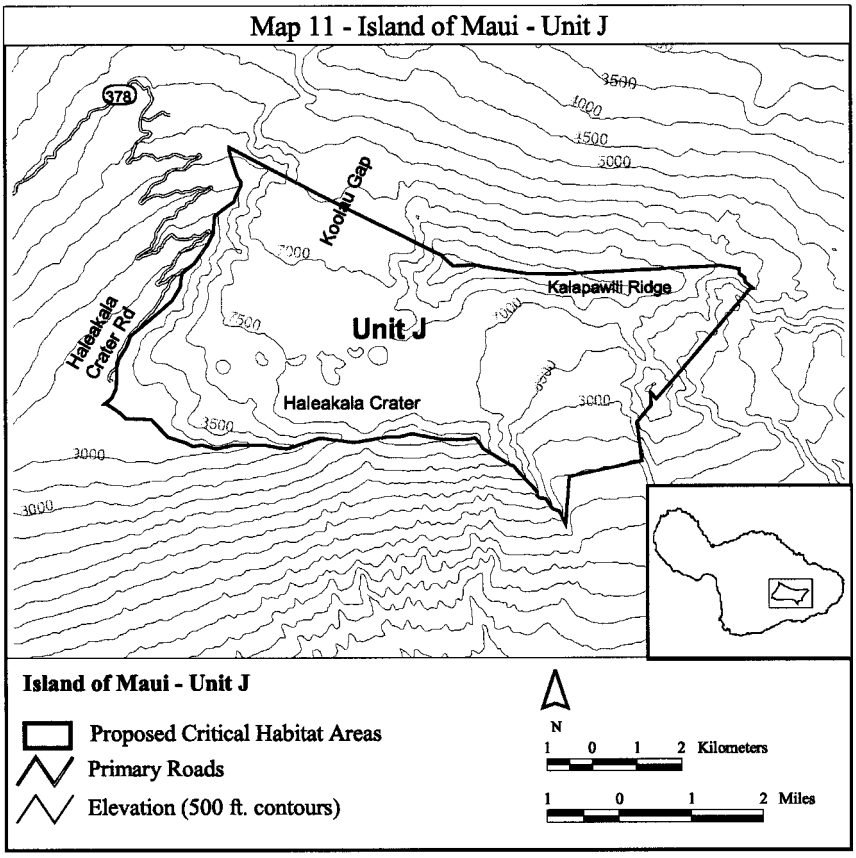
BILLING CODE 4310–55–C

(*24*) Maui J (5,790 ha; 14,308 ac).

(*i*) Unit J consists of the following 93 boundary points: 786211, 2292452; 786151, 2292452; 786299, 2292576; 786421, 2292812; 786430, 2293387; 786661, 2293742; 786737, 2293972; 787231, 2294372; 787660, 2294754; 787844, 2295067; 787886, 2295369; 788165, 2295603; 788460, 2296022; 788580, 2296262; 788619, 2296647; 788869, 2296843; 789049, 2296968; 789096, 2297113; 789207, 2297318; 789205, 2297438; 789137, 2297528; 789003, 2297908; 788932, 2298142; 788934, 2298206; 788942, 2298202; 790992, 2297103; 791410, 2296897; 791825, 2296690; 792099, 2296555; 792241, 2296484; 792656, 2296277; 793071, 2296070; 793542, 2295836; 793699, 2295758; 793717, 2295735; 793949, 2295528; 794430, 2295549; 794610, 2295512; 795570, 2295362; 796387, 2295350; 799935, 2295528; 800349, 2295462; 800349, 2295342; 800469, 2295252; 800469, 2295162; 800636, 2295040; 800632, 2295034; 800620, 2295038; 799311, 2293503; 798490, 2292539; 798357, 2292680; 798374, 2292403; 798056, 2292031; 798165, 2291162; 796545, 2290807; 796458, 2289724; 796453, 2289731; 796427, 2289780; 796310, 2290016; 796195, 2290069; 796133, 2290112; 796061, 2290232; 796008, 2290304; 795864, 2290318; 795807, 2290385; 795821, 2290462; 795400, 2290907; 795299, 2291051; 795213, 2291075; 794614, 2291434; 794523, 2291573; 794432, 2291674; 794207, 2291635; 793671, 2291645; 793450, 2291683; 793014, 2291770; 792750, 2291702; 792480, 2291702; 791730, 2291582; 790950, 2291672; 790230, 2291432; 790086, 2291458; 789720, 2291522; 789031, 2291522; 788641, 2291432; 788341, 2291522; 788131, 2291492; 787951, 2291582; 787561, 2291702; 787201, 2292092; 786631, 2292122; 786511, 2292242; 786211, 2292452.

(ii) **Note:** Map 11 follows:

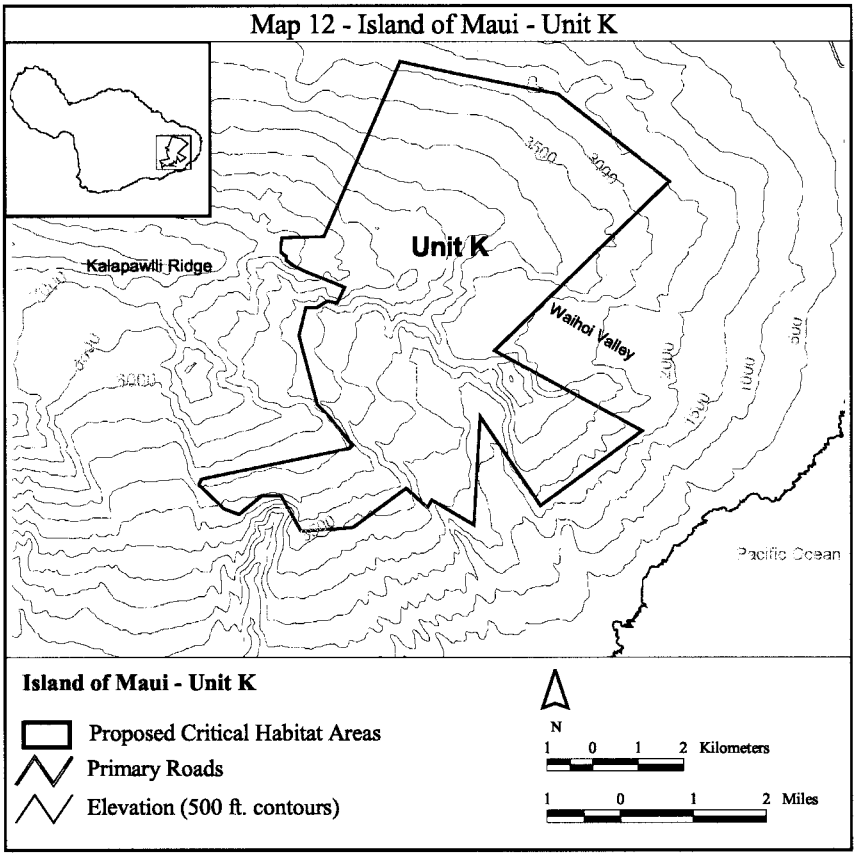
BILLING CODE 4310–55–P



(*25*) Maui K (5,464 ha; 13,502 ac).

(*i*) Unit consists of the following 39 boundary points: 798586, 2290348; 801847, 2291015; 801917, 2291085; 801389, 2291758; 801145, 2291990; 801037, 2292402; 800743, 2293514; 800900, 2294126; 801147, 2294134; 801376, 2294265; 801594, 2294228; 801760, 2294574; 800906, 2294922; 800636, 2295040; 800469, 2295162; 800469, 2295252; 800349, 2295342; 800349, 2295462; 800379, 2295672; 801296, 2295690; 802992, 2299556; 804200, 2299306; 806459, 2298838; 808913, 2296912; 805053, 2293181; 808301, 2291412; 806062, 2289747; 804741, 2291728; 804598, 2289317; 803684, 2289877; 803574, 2289704; 803114, 2290141; 801935, 2289265; 800788, 2289185; 800342, 2289966; 799912, 2289966; 799418, 2289552; 799083, 2289679; 798541, 2290221.

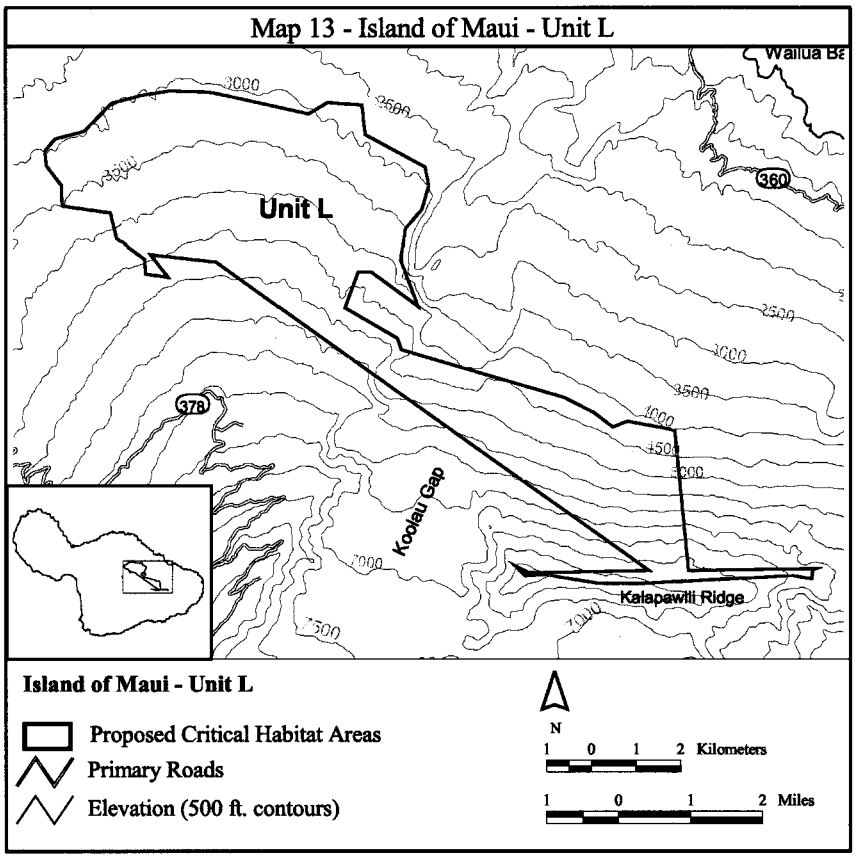
(ii) **Note:** Map 12 follows:



(*26*) Maui L (4,612 ha; 11,396 ac).

(*i*) Unit consists of the following 66 boundary points: 784691, 2306143; 785374, 2306329; 785968, 2306418; 786589, 2306409; 786953, 2306374; 789090, 2305904; 789515, 2306162; 790281, 2306097; 790360, 2305448; 791696, 2304712; 791781, 2304297; 791627, 2303742; 791264, 2303330; 791158, 2302616; 791550, 2301582; 790503, 2302354; 790198, 2302345; 789906, 2301556; 791083, 2300859; 791175, 2300611; 794821, 2299526; 795483, 2299193; 795907, 2298874; 796226, 2298998; 797155, 2298832; 797292, 2298791; 797592, 2295644; 797739, 2295646; 797990, 2295649; 799102, 2295662; 800430, 2295679; 800379, 2295672; 800349, 2295462; 799935, 2295528; 796387, 2295350; 795570, 2295362; 794610, 2295512; 794430, 2295549; 793949, 2295528; 793717, 2295735; 793699, 2295758; 794014, 2295603; 796710, 2295634; 788433, 2301564; 788429, 2301566; 787081, 2302528; 787078, 2302530; 787025, 2302567; 785551, 2302746; 785950, 2302240; 785443, 2302303; 785422, 2302623; 785067, 2302898; 784947, 2303017; 784875, 2303047; 784803, 2303101; 784660, 2303678; 783583, 2303838; 783559, 2304310; 783487, 2304404; 783488, 2304406; 783486, 2304406; 783228, 2304747; 783196, 2305076; 783422, 2305338; 784075, 2305511.

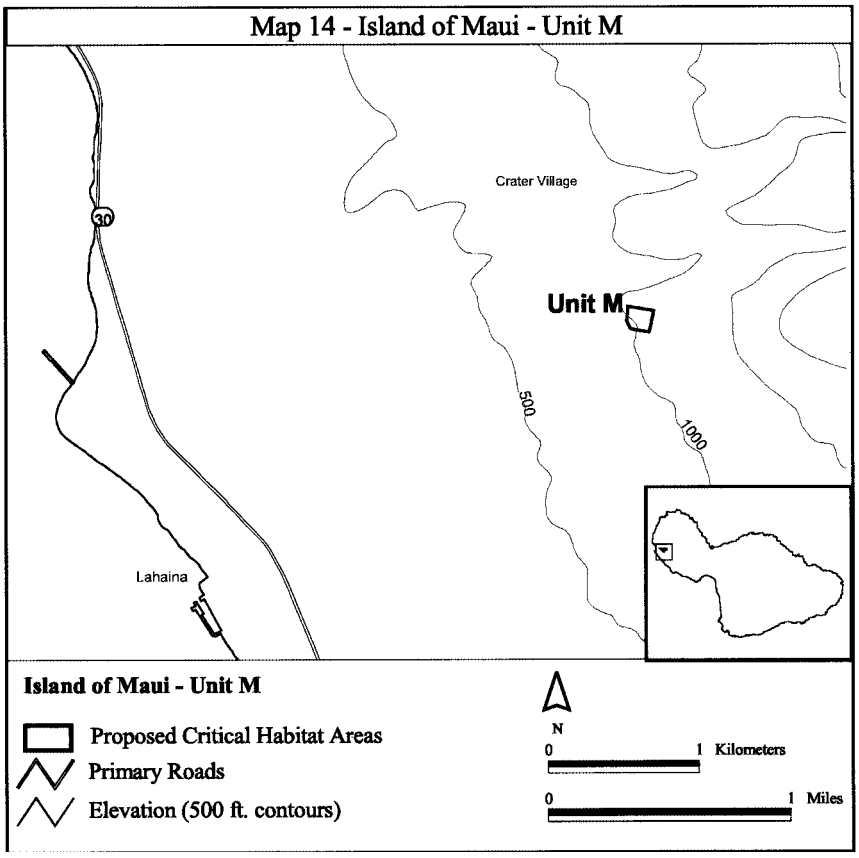
(ii) **Note:** Map 13 follows:



(*27*) Maui M (2 ha; 6 ac).

(*i*) Unit consists of the following six boundary points: 744481, 2311471; 744357, 2311489; 744330, 2311543; 744340, 2311642; 744511, 2311612; 744481, 2311471.

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



BILLING CODE 4310–55–C

TABLE (A)(1)(I)(C). PROTECTED SPECIES WITHIN EACH CRITICAL HABITAT UNIT FOR MAUI

Unit name	Species occupied	Species unoccupied
Maui A	*Clermontia oblongifolia* ssp. *mauiensis, Colubrina oppositifolia, Ctenitis squamigera, Cyanea lobata, Cyrtandra munroi, Remya mauiensis, Sanicula purpurea*.	*Alectryon macrococcus, Cyanea glabra, Gouania vitifolia, Hedyotis mannii, Hesperomannia arbuscula, Phlegmariurus mannii, Platanthera holochila, Plantago princeps, Pteris lydgatei.*
Maui B	*Cyanea lobata, Hesperomannia arborescens, Phlegmariurus mannii, Platanthera holochila, Plantago princeps, Pteris lydgatei, Sanicula purpurea*.	*Clermontia oblongifolia* ssp. *mauiensis, Ctenitis squamigera, Cyrtandra munroi, Diplazium molokaiense.*
Maui C	*Centaurium sebaeoides, Sesbania tomentosa*	*Brighamia rockii.*
Maui D	*Ctenitis squamigera, Cyanea glabra, Cyanea grimesiana* ssp. *grimesiana, Cyanea lobata, Diellia erecta, Dubautia plantaginea* ssp. *humilis, Hedyotis coriacea, Hedyotis mannii, Hesperomannia arbuscula, Hibiscus brackenridgei, Lysimachia lydgatei, Neraudia sericea, Phlegmariurus mannii, Platanthera holochila, Pteris lydgatei, Remya mauiensis, Spermolepis hawaiiensis, Tetramolopium capillare*.	*Cenchrus agrimonioides, Clermontia oblongifolia* ssp. *mauiensis, Cyrtandra munroi, Diplazium molokaiense, Gouania vitifolia, Isodendrion pyrifolium, Peucedanum sandwicense, Plantago princeps, Sanicula purpurea, Tetramolopium remyi*
Maui E	*Bonamia menziesii, Hibiscus brackenridgei*.	
Maui F	*Vigna o-wahuensis*.	
Maui G	*Ischaemum byrone*	*Brighamia rockii, Mariscus pennatiformis, Peucedanum sandwicense*
Maui H	*Alectryon macrococcus, Bidens micrantha* ssp. *kalealaha, Bonamia menziesii, Cenchrus agrimonioides, Flueggea neowawraea, Geranium arboreum, Lipochaeta kamolensis, Melicope adscendens, Melicope knudsenii, Melicope mucronulata, Neraudia sericea, Phlegmariurus mannii, Sesbania tomentosa, Spermolepis hawaiiensis, Zanthoxylum hawaiiense*.	*Argyroxiphium sandwicense* ssp. *macrocephalum, Clermontia lindseyana, Colubrina oppositifolia, Diellia erecta, Diplazium molokaiense, Geranium multiflorum, Nototrichium humile, Phyllostegia mollis, Plantago princeps, Schiedea haleakalensis*
Maui I	*Diellia erecta, Diplazium molokaiense, Geranium arboreum*	*Argyroxiphium sandwicense* ssp. *macrocephalum, Asplenium fragile var. insulare, Bidens micrantha* ssp. *kalealaha, Clermontia lindseyana, Geranium multiflorum, Phlegmariurus mannii, Phyllostegia mollis, Plantago princeps*

TABLE (A)(1)(I)(C). PROTECTED SPECIES WITHIN EACH CRITICAL HABITAT UNIT FOR MAUI—Continued

Unit name	Species occupied	Species unoccupied
Maui J	*Argyroxiphium sandwicense* ssp. *macrocephalum, Bidens micrantha ssp. kalealaha, Geranium multiflorum, Plantago princeps, Schiedea haleakalensis* .	*Asplenium fragile* var. *insulare, Clermontia samuelii, Platanthera holochila*
Maui K	*Clermontia samuelii, Cyanea copelandii* ssp. *haleakalaensis, Cyanea hamatiflora* ssp. *hamatiflora, Melicope balloui, Melicope ovalis, Phlegmariurus mannii, Plantago princeps* .	*Alectryon macrococcus, Cyanea glabra, Geranium multiflorum, Platanthera holochila*
Maui L	*Cyanea copelandii* ssp. *haleakalaensis, Cyanea hamatiflora ssp. hamatiflora, Cyanea mceldowneyi, Geranium multiflorum, Melicope balloui, Phlegmariurus mannii, Zanthoxylum hawaiiense* .	*Alectryon macrococcus, Argyroxiphium sandwicense* ssp. *macrocephalum, Asplenium fragile* var. *insulare, Clermontia samuelii, Cyanea glabra, Diplazium molokaiense, Phyllostegia mannii, Phyllostegia mollis, Platanthera holochila*
Maui M	*Spermolepis hawaiiense* .	

(D) *Kahoolawe.* Critical habitat units are described below. Coordinates are in UTM Zone 4 with units in meters using North American Datum of 1983 (NAD83). The following map shows the general locations of the two critical habitat units designated on the island of Kahoolawe.

(*1*) Kahoolawe A (713 ha, 1,762 ac).

(*i*) Unit consists of the whole island excluding one area that consists of the following 35 boundary points: 754797, 2277077; 755045, 2276297; 754918, 2276004; 754909, 2276004; 754904, 2275863; 754946, 2275320; 754303, 2273696; 754396, 2273017; 754242, 2272155; 754042, 2271056; 753210, 2271022; 751707, 2271460; 751597, 2271496; 751596, 2271487; 750683, 2271836; 750542, 2272275; 750349, 2272348; 749983, 2272296; 749116, 2271616; 747586, 2271444; 747413, 2271428; 747414, 2271426; 745642, 2271630; 744685, 2271955; 744751, 2272554; 745517, 2273620; 746524, 2273925; 748215, 2274039; 749280, 2273853; 749780, 2274053; 749746, 2274386; 748914, 2275218; 749580, 2276150; 753110, 2277682; 754797, 2277077.

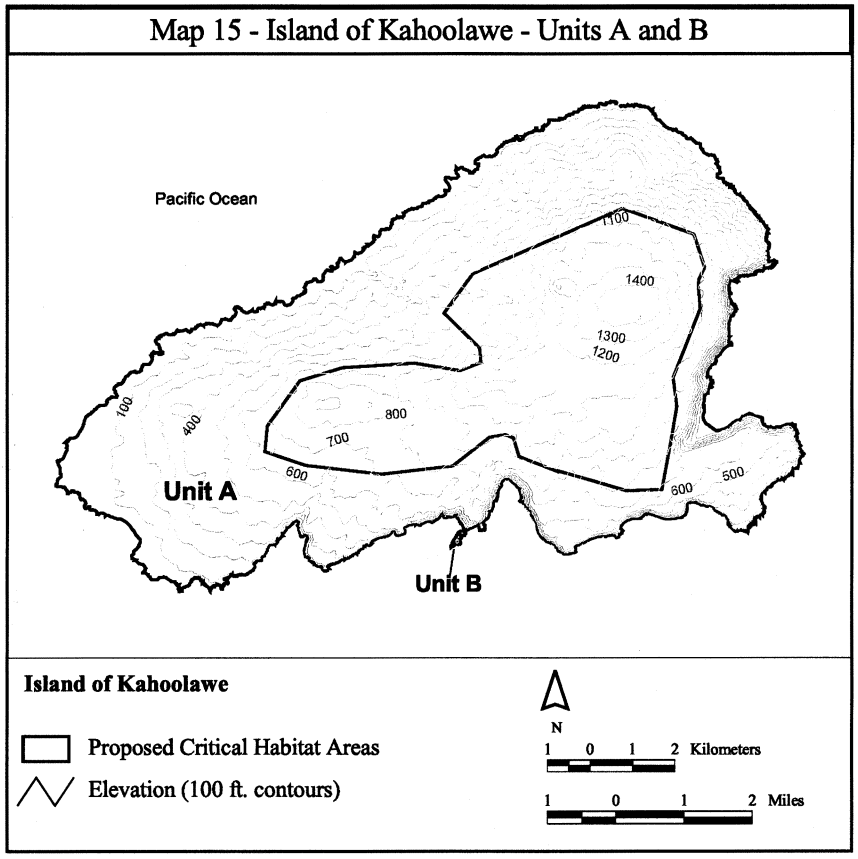
(*ii*) **Note:** See Map 15.

(*2*) Kahoolawe B (0.5 ha, 1 ac).

(*i*) Unit consists of the following 80 boundary points: 749281, 2269833; 749285, 2269821; 749303, 2269801; 749305, 2269787; 749302, 2269778; 749294, 2269774; 749276, 2269779; 749256, 2269768; 749248, 2269757; 749240, 2269754; 749221, 2269774; 749212, 2269790; 749204, 2269793; 749194, 2269793; 749182, 2269780; 749172, 2269771; 749160, 2269766; 749155, 2269743; 749149, 2269730; 749142, 2269724; 749124, 2269721; 749120, 2269713; 749115, 2269705; 749111, 2269704; 749108, 2269707; 749099, 2269706; 749086, 2269701; 749078, 2269704; 749075, 2269707; 749076, 2269721; 749091, 2269738; 749098, 2269756; 749099, 2269769; 749104, 2269777; 749111, 2269827; 749127, 2269843; 749138, 2269874; 749150, 2269880; 749164, 2269883; 749178, 2269912; 749196, 2269952; 749209, 2269970; 749230, 2269988; 749237, 2269999; 749238, 2270015; 749251, 2270040; 749266, 2270057; 749280, 2270068; 749338, 2270081; 749352, 2270078; 749388, 2270073; 749401, 2270060; 749409, 2270057; 749418, 2270046; 749424, 2270033; 749422, 2270025; 749416, 2270012; 749415, 2270003; 749407, 2270000; 749394, 2269996; 749394, 2269987; 749395, 2269978; 749388, 2269973; 749380, 2269976; 749371, 2269980; 749363, 2269977; 749353, 2269968; 749344, 2269968; 749322, 2269972; 749308, 2269961; 749306, 2269951; 749319, 2269921; 749319, 2269916; 749312, 2269909; 749304, 2269905; 749301, 2269891; 749286, 2269880; 749283, 2269867; 749282, 2269842; 749281, 2269833.

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

BILLING CODE 4310–55–P



BILLING CODE 4310–55–C

TABLE (a)(1)(i)(D).—PROTECTED SPECIES WITHIN EACH CRITICAL HABITAT UNIT FOR KAHOOLAWE

Unit name	Species occupied	Species unoccupied
Kahoolawe A	*Vigna o-wahuensis*	*Hibiscus brackenridgei, Kanaloa kahoolawensis, Sesbania tomentosa.*
Kahoolawe B	*Kanaloa kahoolawensis, Sesbania tomentosa.*	

* * * * *

(ii) *Hawaiian plants—Constituent elements*

(A) *Flowering plants.*

Family Amaranthaceae: *Nototrichium humile* (kului)

Maui H, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitutes critical habitat for *Nototrichium humile* on Maui. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Old cinder cones in dry shrubland and containing one or more of the following associated native species: *Dodonaea viscosa, Erythrina sandwicensis, Heteropogon contortus,* or *Nototrichium sandwicense;* and

(*2*) Elevations between 338 and 734 m (1,110 and 2,407 ft).

Family Apiaceae: *Peucedanum sandwicense* (makou)

Maui D and G, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Peucedanum sandwicense* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Sparsely vegetated steep to vertical cliff habitats with little soil in mesic or coastal communities containing one or more of the following associated native species: *Artemisia australis, Eragrostis* spp., *Metrosideros polymorpha, Carex* spp., *Bidens* spp., *Diospyros sandwicensis, Chamaesyce* spp., *Peperomia* spp., *Hedyotis littoralis, Lysimachia mauritiana, Pandanus tectorius, Scaevola sericea,* or *Schiedea globosa;* and

(*2*) Elevations between 237 and 1,131 m (778 and 3,711 ft).

Family Apiaceae: *Sanicula purpurea* (NCN)

Maui B and D, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Sanicula purpurea* on Maui. Within these units the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Open *Metrosideros polymorpha* mixed montane bogs containing one or more of the following associated plant taxa: *Styphelia tameiameiae, Gahnia beecheyi, Geranium hillebrandii, Myrsine vaccinioides, Viola maviensis, Argyroxiphium caliginis, Plantago pachyphylla, Lycopodium* sp., *Argyroxiphium grayanum, Lagenifera maviensis, Machaerina* sp., or *Oreobolus furcatus;* and

(*2*) Elevations between 1,195 and 1,764 m (3,921 and 5,787 ft).

Family Apiaceae: *Spermolepis hawaiiensis* (NCN)

Maui D, H and M, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Spermolepis hawaiiensis* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Shady spots in *Dodonaea viscosa* lowland dry shrubland and containing one or more of the following associated native species: *Eragrostis variabilis, Wikstroemia* sp., *Erythrina sandwicensis, Diospyros* sp., *Pleomele* sp., *Lipochaeta lavarum, Sida fallax, Myoporum sandwicense, Santalum ellipticum, Gouania hillebrandii,* or *Heteropogon contortus;* and

(*2*) Elevations between 221 and 742 m (725 and 2,434 ft).

Family Asteraceae: *Argyroxiphium sandwicense* ssp. *macrocephalum* (ahinahina)

Maui H, I, J, and L, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Argyroxiphium sandwicense* ssp. *macrocephalum* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Lava flows and otherwise barren, unstable slopes of recent (less than several thousand years old) volcanic cinder cones and *Deschampsia* grasslands, a mean annual precipitation of approximately 75 to 250 cm (29.6 to 98.4 in), substrate with almost no soil development and subject to frequent formation of ice at night and extreme heating during cloudless days, alpine dry shrubland and containing one or more of the following associated native plant species: *Agrostis sandwicensis, Deschampsia nubigena, Dubautia menziesii, Silene struthioloides, Styphelia tameiameiae, Tetramolopium humile,* or *Trisetum glomeratum;* and

(*2*) Elevations between 1,511 and 3,053 m (4,957 and 10,016 ft).

Family Asteraceae: *Bidens micrantha* ssp. *kalealaha* (kookoolau)

Maui H, I and J, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Bidens micrantha* ssp. *kalealaha* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Blocky lava flows with little or no soil development, deep pit craters, or sheer rock walls in open canopy *Metrosideros polymorpha-Acacia koa* forest, montane shrubland, *Sophora chrysophylla* forests or cliff faces; and containing one or more of the following associated native plant species: *Styphelia tameiameiae, Coprosma montana, Dodonaea viscosa, Vaccinium reticulatu, Santalum haleakalae, Dubautia menziesii,* or *Dubautia platyphylla;* and

(*2*) Elevations between 1,317 and 2,565 m (4,321 and 8,414 ft).

Family Asteraceae: *Dubautia plantaginea* ssp. *humilis* (naenae)

Maui D, identified in the legal description in paragraph (a)(1)(i)(C) of this section, constitutes critical habitat for *Dubautia plantaginea* ssp. *humilis* on Maui. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Wet, barren, steep, rocky, wind-blown cliffs containing one or more of the following associated native plant species: *Metrosideros polymorpha, Pipturus albidus, Eragrostis variabilis, Carex* sp., *Hedyotis formosa, Lysimachia remyi, Bidens* sp., *Pritchardia* sp., or *Plantago princeps;* and

(*2*) Elevations between 266 and 1,593 m (873 and 5,226 ft).

Family Asteraceae: *Hesperomannia arborescens* (NCN)

Maui B, identified in the legal description in paragraph (a)(1)(i)(C) of this section, constitutes critical habitat for *Hesperomannia arborescens* on Maui. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Slopes or ridges in lowland mesic or wet forest and containing one or more of the following associated native plant species: *Metrosideros polymorpha, Myrsine sandwicensis, Isachne distichophylla, Pipturus* sp., *Antidesma* sp., *Psychotria* sp., *Clermontia* sp., *Cibotium* sp., *Dicranopteris linearis, Bobea* sp., *Coprosma* sp., *Sadleria* sp., *Melicope* sp., *Machaerina* sp., *Cheirodendron* sp., or *Freycinetia arborea;* and

(*2*) Elevations between 346 and 1,335 m (1,135 and 4,380 ft).

Family Asteraceae: *Hesperomannia arbuscula* (NCN)

Maui A and D, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Hesperomannia arbuscula* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Steep forested slopes and ridges in mesic forest dominated by *Metrosideros polymorpha* or *Diospyros sandwicensis* and containing one or more of the following associated native plant species: *Bidens* sp., *Tetraplasandra* sp., *Alyxia oliviformis, Clermontia* sp., *Cyanea* sp., *Cheirodendron* sp., or *Psychotria* sp.; and

(*2*) Elevations between 354 and 1,453 m (1,161 and 4,767 ft).

Family Asteraceae: *Lipochaeta kamolensis* (nehe)

Maui H, identified in the legal description in paragraph (a)(1)(i)(C) of this section, constitutes critical habitat for *Lipochaeta kamolensis* on Maui. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Gulches or gentle slopes outside gulches in dry shrubland and containing one or more of the following associated native plant species: *Dodonaea viscosa, Plumbago zeylanica,* or *Ipomoea indica;* and

(*2*) Elevations between 40 and 602 m (132 and 1,974 ft).

Family Asteraceae: *Remya mauiensis* (NCN)

Maui D, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Remya mauiensis* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Steep, north or northeast-facing slopes in mixed mesophytic forests or *Metrosideros polymorpha* montane wet forests and containing one or more of the following associated native species: *Diospyros sandwicensis, Xylosma hawaiiense, Nestegis sandwicensis, Myrsine lessertiana, Wikstroemia* sp., *Dodonaea viscosa, Diplazium sandwichianum, Lysimachia remyi, Microlepia strigosa, Melicope* sp., *Alyxia oliviformis, Pleomele auwahiensis, Psychotria mariniana,* or *Styphelia tameiameiae;* and

(*2*) Elevations between 400 and 1,228 m (1,312 and 4,029 ft).

Family Asteraceae: *Tetramolopium capillare* (pamakani)

Maui D, identified in the legal description in paragraph (a)(1)(i)(C) of this section, constitutes critical habitat for *Tetramolopium capillare* on Maui. Within this unit, the currently known primary constituent elements of critical

habitat are the habitat components provided by:

(*1*) Rocky substrates in *Heteropogon contortus* lowland dry forest and containing one or more of the following associated native plant species: *Dodonaea viscosa,* or *Myoporum sandwicense;* or in *Metrosideros polymorpha-Styphelia tameiameiae* montane mesic or wet shrubland and wet cliff faces and containing one or more of the following associated plant species: *Metrosideros polymorpha, Styphelia tameiameiae,* or *Dodonaea viscosa;* and

(*2*) Elevations between 131 and 1,432 m (430 and 4,698 ft).

Family Asteraceae: *Tetramolopium remyi* (NCN)

Maui D, identified in the legal description in paragraph (a)(1)(i)(C) of this section, constitutes critical habitat for *Tetramolopium remyi* on Maui. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Dry, exposed ridges or flats in lowland dry shrubland and containing one or more of the following associated native plant species: *Dodonaea viscosa, Heteropogon contortus, Bidens mauiensis, Bidens menziesii, Eragrostis atropioides, Lipochaeta heterophylla,* or *Waltheria indica;* and

(*2*) Elevations between 52 and 550 m (171 and 1,804 ft).

Family Campanulaceae: *Brighamia rockii* (pua ala)

Maui C and G, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Brighamia rockii* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Steep sea cliffs, often within the spray zone, in coastal dry to mesic forests and shrublands and containing one or more of the following associated plant species: *Psydrax odorata, Diospyros sandwicensis, Osteomeles anthyllidifolia,* or *Scaevola sericea;* and

(*2*) Elevations between 0 and 195 m (0 and 640 ft).

Family Campanulaceae: *Clermontia lindseyana* (haha)

Maui H and I, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Clermontia lindseyana* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) *Acacia koa* mesic forest containing one or more of the following associated native plant species: *Cyrtandra* spp., native fern species, *Ilex anomala, Coprosma* sp., or *Myrsine* sp.; and

(*2*) Elevations between 1,142 and 1,870 m (3,747 and 6,134 ft).

Family Campanulaceae: *Clermontia oblongifolia* ssp. *mauiensis* (oha wai)

Maui A, B, and D, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Clermontia oblongifolia* ssp. *mauiensis* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) The sides of ridges and tops of ridges in *Metrosideros polymorpha*-dominated montane wet forest and containing one or more of the following associated native plant species: *Dicranopteris linearis, Ilex anomala, Myrsine* sp., *Cheirodendron* sp., *Coprosma* sp., *Clermontia* sp., *Hedyotis* sp., or *Melicope;* and

(*2*) Elevations between 414 and 1,764 m (1,358 and 5,787 ft).

Family Campanulaceae: *Clermontia samuelii* (oha wai)

Maui J, K, and L, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Clermontia samuelii* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Wet *Metrosideros polymorpha* and *Metrosideros polymorpha-Dicranopteris linearis* forest or wet *Metrosideros polymorpha* and *Metrosideros polymorpha-Cheirodendron trigynum* forest containing one or more of the following associated native plant species: *Tetraplasandra oahuensis, Hedyotis terminalis, Hedyotis hillebrandii, Broussaisia arguta, Cibotium* sp., *Dubautia* sp., *Psychotria mariniana, Melicope clusiifolia, Diplazium sandwichianum, Peperomia obovatilimba, Adenophorus tamariscinus, Vaccinium* spp., *Carex alligata, Melicope* spp., or *Cheirodendron trigynum, Hedyotis hillebrandii, Cibotium* spp., *Broussaisia arguta, Diplazium sandwichianum, Rubus hawaiiensis, Clermontia arborescens* ssp. *waihiae, Dubautia* sp., *Clermontia* sp., *Hedyotis* sp., *Vaccinium* spp., *Carex alligata,* or *Melicope* spp.; and

(*2*) Elevations between 723 and 2,244 m (2,372 and 7,362 ft).

Family Campanulaceae: *Cyanea copelandii* ssp. *haleakalaensis* (haha)

Maui K and L, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Cyanea copelandii* ssp. *haleakalaensis* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Stream banks or wet scree slopes or forest understory in montane wet or mesic forest dominated by *Acacia koa* and/or *Metrosideros polymorpha* and containing one or more of the following associated native plant species: *Cibotium* sp., *Perrottetia sandwicensis, Psychotria hawaiiensis, Broussaisia arguta,* or *Hedyotis acuminata;* and

(*2*) Elevations between 616 and 1,411 m (2,021 and 4,630 ft).

Family Campanulaceae: *Cyanea glabra* (haha)

Maui A, K, and L, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Cyanea glabra* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Soil and rock stream banks in wet lowland forest dominated by *Acacia koa* and/or *Metrosideros polymorpha* and containing one or more of the following associated native plant species: *Xylosma hawaiiense, Dodonea viscosa, Psychotria* sp., *Pipturis albidus, Touchardia latifolia, Boehmeria grandis, Clermontia kakeana, Cyanea elliptica, Perrottetia sandwicensis, Coprosma* sp., *Cibotium* sp., *Dubautia plantaginea, Cheirodendron trigynum, Thelypteris cyatheoides, Diplazium* sp., or *Sadleria* sp.; and

(*2*) Elevations between 413 and 1,572 m (1,355 and 5,156 ft).

Family Campanulaceae: *Cyanea grimesiana* ssp. *grimesiana* (haha)

Maui D, identified in the legal description in paragraph (a)(1)(i)(C) of this section, constitutes critical habitat for *Cyanea grimesiana* ssp. *grimesiana* on Maui. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Rocky or steep slopes of stream banks in wet forest gulch bottoms often dominated by *Metrosideros polymorpha* and containing one or more of the following associated native plant species: *Antidesma* sp., *Bobea* sp., *Myrsine* sp., *Nestegis sandwicensis, Psychotria* sp., or *Xylosma* sp.; and

(*2*) Elevations between 312 and 1,617 m (1,024 and 5,305 ft).

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

Maui K and L, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Cyanea hamatiflora* ssp. *hamatiflora* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Montane wet forest dominated by *Metrosideros polymorpha,* with a *Cibotium* sp. and/or native shrub understory or closed *Acacia koa-Metrosideros polymorpha* wet forest containing one or more of the following associated native plant species: *Dicranopteris linearis, Cheirodendron trigynum, Broussaisia arguta, Cyanea aculeatiflora, Cyanea kunthiana, Vaccinium* sp., *Melicope* sp., *Athyrium microphyllum, Diplazium sandwichianum* or *Myrsine* sp.; and

(*2*) Elevations between 767 and 1,553 m (2,515 and 5,095 ft).

Family Campanulaceae: *Cyanea lobata* (haha)

Maui A, B, and D, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Cyanea lobata* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Steep stream banks in deep shade in wet forest and containing one or more of the following associated native plant species: *Touchardia latifolia, Morinda trimera, Metrosideros polymorpha, Clermontia kakeana, Cyrtandra* spp., *Xylosma* sp., *Psychotria* sp., *Antidesma* sp., *Pipturus albidus, Peperomia* sp., *Touchardia latifolia, Freycinetia arborea, Pleomele* sp., *Athyrium* sp.; and

(*2*) Elevations between 204 and 1,531 m (669 and 5,020 ft).

Family Campanulaceae: *Cyanea mceldowneyi* (haha)

Maui L, identified in the legal description in paragraph (a)(1)(i)(C) of this section, constitutes critical habitat for *Cyanea mceldowneyi* on Maui. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Montane wet and mesic forest with mixed *Metrosideros polymorpha-Acacia koa* and containing one or more of the following associated native plant species: *Melicope clusiifolia, Hedyotis* sp., *Clermontia arborescens, Diplazium sandwichianum, Broussaisia arguta, Cibotium* sp., *Cyrtandra* sp., *Dicranopteris linearis,* or *Cheirodendron trigynum;* and

(*2*) Elevations between 779 and 1,357 m (2,555 and 4,453 ft).

Family Caryophyllaceae: *Schiedea haleakalensis* (NCN)

Maui H and J, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Schiedea haleakalensis* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Rock cracks on sheer cliffs adjacent to barren lava and subalpine shrublands and grasslands with cinder, weathered volcanic ash, or bare lava substrate with little or no soil development and periodic freezing temperatures and containing one or more of the following associated native plant species: *Artemisia mauiensis, Bidens micrantha, Dubautia menziesii, Styphelia tameiameiae, Vaccinium reticulatum,* or *Viola chamissoniana;* and

(*2*) Elevations between 1,678 and 2,434 m (5,505 and 7,986 ft).

Family Convolvulaceae: *Bonamia menziesii* (NCN)

Maui E and H, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Bonamia menziesii* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Aa lava in mixed open dry forest or *Erythrina sandwicensis* lowland dry forest, or in mesic mixed Metrosideros polymorpha forest and containing one or more of the following associated native plant species: *Nestegis sandwicensis, Pleomele auwahiensis, Dodonaea viscosa, Alyxia oliviformis, Diospyros sandwicensis, Osteomeles anthyllidifolia, Alphitonia ponderosa, Santalum ellipticum, Xylosma hawaiiensis, Nothocestrum latifolium, Pouteria sandwicensis, Achyranthes splendens, Acacia koaia, Sida fallax, Reynoldsia sandwicensis, Sicyos* sp., *Lipochaeta rockii, Nototrichium* sp., or *Myoporum sandwicense;* and

(*2*) Elevations between 184 and 906 m (604 and 2,971 ft).

Family Cyperaceae: *Mariscus pennatiformis* (NCN)

Maui G, identified in the legal description in paragraph (a)(1)(i)(C) of this section, constitutes critical habitat for *Mariscus pennatiformis* on Maui. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Cliffs with brown soil and talus within reach of ocean spray in *Pandanus tectorius* coastal wet forests and containing one or more of the following associated native plant species: *Sadleria pallida, Lysimachia mauritiana, Cyperus laevigatus, Eragrostis* spp., or *Ipomoea* sp.; and

(*2*) Elevations between 0 and 188 m (0 and 615 ft).

Family Euphorbiaceae: *Flueggea neowawraea* (mehamehame)

Maui H, identified in the legal description in paragraph (a)(1)(i)(C) of this section, constitutes critical habitat for *Flueggea neowawraea* on Maui. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Dry or mesic forest containing one or more of the following associated native plant species: *Alectryon macrococcus, Bobea timonioides, Charpentiera* sp., *Myrsine lanaiensis, Tetraplasandra* sp., *Diplazium sandwichianum, Nesoluma polynesicum, Diospyros* sp., *Antidesma pulvinatum, Psydrax odorata, Nestegis sandwicensis, Rauvolfia sandwicensis, Pleomele* sp., *Pouteria sandwicensis,* or *Pleomele auwahiensis;* and

(*2*) Elevations between 633 and 971 m (2,078 and 3,186 ft).

Family Fabaceae: *Kanaloa kahoolawensis* (kohe malama malama o Kanaloa)

Kahoolawe A and B, identified in the legal description in (a)(1)(I)(D), constitute critical habitat for *Kanaloa kahoolawensis* on Kahoolawe. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Steep, rocky talus slopes in mixed coastal shrubland and containing one or more of the following associated native plants: *Sida fallax, Senna gaudichaudii, Bidens mauiensis, Lipochaeta lavarum, Portulaca molokiniensis,* or *Capparis sandwichiana;* and

(*2*) Elevations between 45 to 60 m (150 to 200 ft).

Family Fabaceae: *Sesbania tomentosa* (ohai)

(*1*) Maui C and H, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, and Kahoolawe A and B, identified in the legal description in paragraph (a)(1)(I)(D) of this section, constitute

critical habitat for *Sesbania tomentosa* on Maui and Kahoolawe, respectively. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*i*) Windswept slopes, sea cliffs, and cinder cones in *Scaevola sericea* coastal dry shrublands and containing one or more of the following associated native plant species: *Lipochaeta integrifolia, Jacquemontia ovalifolia* ssp. *sandwicensis, Sida fallax, Diospyros sandwicensis, Bidens* sp. and stunted *Dodonaea viscosa;* and

(*ii*) Elevations between 0 and 608 m (0 and 1,993 ft).

(*2*) Kahoolawe A and B, identified in the legal description in paragraph (a)(1)(I)(D) of this section, constitute critical habitat for *Sesbania tomentosa* on Kahoolawe. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*i*) Windswept slopes, sea cliffs, and cinder cones in *Scaevola sericea* coastal dry shrublands and containing one or more of the following associated native plant species: *Lipochaeta integrifolia, Jacquemontia ovalifolia* ssp. *sandwicensis, Sida fallax, Diospyros sandwicensis, Bidens* sp. and stunted *Dodonaea viscosa;* and

(*ii*) Elevations between 0 and 118 m (0 and 387 ft).

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

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

(*i*) Dry or mesic grassland or shrubland containing one or more of the following associated plant species: *Sida fallax, Dodonaea viscosa,* or *Chamaesyce* sp.; and

(*ii*) Elevations between 0 and 50 m (0 and 164 ft).

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

(*i*) Dry or mesic grassland or shrubland containing one or more of the following associated plant species: *Sida fallax, Dodonaea viscosa,* or *Chamaesyce* sp.; and

(*ii*) Elevations between 0 and 50 m (0 and 164 ft).

Family Gentianaceae: *Centaurium sebaeoides* (awiwi)

Maui C, identified in the legal description in paragraph (a)(1)(i)(C) of this section, constitutes critical habitat for *Centaurium sebaeoides* on Maui. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Volcanic or clay soils or cliffs in windward coastal areas and containing one or more of the following associated native plant species: *Panicum torridum, Lysimachia mauritiana, Schiedea globosa, Lipochaeta integrifolia, Bidens mauiensis, Scaevola sericea,* or *Lycium sandwicense;* and

(*2*) Elevations between 0 and 194 m (0 and 636 ft).

Family Geraniaceae: *Geranium arboreum* (nohoanu)

Maui H and I, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Geranium arboreum* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Steep, damp and shaded narrow canyons and gulches, steep banks, and intermittent streams in *Sophora chrysophylla* subalpine dry shrubland or *Metrosideros polymorpha* montane forest and containing one or more of the following associated native plant species: *Vaccinium reticulatum, Dodonaea viscosa, Styphelia tameiameiae, Rubus hawaiiensis,* or *Dryopteris wallichiana;* and

(*2*) Elevations between 1,451 and 2,184 m (4,760 and 7,164 ft).

Family Geraniaceae: *Geranium multiflorum* (nohoanu)

Maui units H, I, J, K, and L, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Geranium multiflorum* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Wet or mesic *Metrosideros polymorpha* montane forest or alpine mesic forest, *Styphelia tameiameiae* shrubland, *Sophora chrysophylla* subalpine dry forest, open sedge swamps, fog-swept lava flows, or montane grasslands containing one or more of the following associated native plant species: *Coprosma montana, Dryopteris glabra, Dryopteris wallichiana, Rubus hawaiiensis, Vaccinium* sp., *Metrosideros polymorpha, Hedyotis* sp., *Styphelia tameiameiae* or *Sadleria cyatheoides;* and

(*2*) Elevations between 1,499 and 2,710 m (4,918 and 8,890 ft).

Family Gesneriaceae: *Cyrtandra munroi* (haiwale)

Maui A, B, and D, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Cyrtandra munroi* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Rich, moist to wet, moderately steep talus slopes in lowland wet *Metrosideros polymorpha* forest and containing one or more of the following associated native plant species: *Diospyros* sp., *Strongylodon ruber, Hedyotis acuminata, Clermontia* sp., *Alyxia oliviformis, Bobea* sp., *Coprosma* sp., *Freycinetia arborea, Melicope* sp., *Myrsine* sp., *Perrottetia sandwicensis, Pipturus* sp., *Pittosporum* sp., *Pouteria sandwicensis, Psychotria* sp., *Sadleria* sp., *Scaevola* sp., *Xylosma* sp., *Sicyos* sp., *Zanthoxylum kauense,* or other *Cyrtandra* spp.; and

(*2*) Elevations between 390 and 1,108 m (1,280 and 3,635 ft).

Family Lamiaceae: *Phyllostegia mannii* (NCN)

Maui L, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitutes critical habitat for *Phyllostegia mannii* on Maui. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Gentle slopes and the steep sides of gulches in mesic to wet forest dominated by *Acacia koa* and/or *Metrosideros polymorpha* and containing one or more of the following associated native plant species: *Cheirodendron trigynum, Melicope* spp., *Alyxia oliviformis, Diplazium sandwichianum, Myrsine lessertiana,* or *Dicranopteris linearis;* and

(*2*) Elevations between 1,069 and 1,615 m (3,506 and 5,297 ft).

Family Lamiaceae: *Phyllostegia mollis* (NCN)

Maui H, I, and L, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for Phyllostegia mollis on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Steep slopes and gulches in mesic forest dominated by *Metrosideros polymorpha* and/or *Acacia koa* and containing one or more of the following

associated native plant species: *Cheirodendron trigynum, Melicope* spp., *Diplazium sandwichianum, Myrsine lessertiana,* or *Alyxia oliviformis;* and

(*2*) Elevations between 1,144 and 1,970 m (3,754 and 6,463 ft).

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

(*1*) Maui D and E, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Hibiscus brackenridgei* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*i*) Lowland dry forest sometimes with *Erythrina sandwicensis* as the dominant tree containing one or more of the following associated native plant species: *Myoporum sandwicense, Chenopodium* sp., *Achyranthes* sp., *Nototrichium* sp., *Diospyros* sp., *Chamaesyce celastroides* var. *lorifolia, Dodonaea viscosa, Psydrax odorata, Schiedea salicaria, Lipochaeta lavarum,* annual *Panicum* spp., or *Sida fallax;* and

(*ii*) Elevations between 43 and 610 m (141 and 2,001 ft).

(*2*) Kahoolawe A, identified in the legal description in paragraph (a)(1)(I)(D) of this section, constitutes critical habitat for *Hibiscus brackenridgei* on Kahoolawe. Within this unit, the currently known primary constituent elements of critical habitat for *Hibiscus brackenridgei* on Kahaoolawe are the habitat components provided by:

(*i*) Lowland dry forest sometimes with *Erythrina sandwicensis* as the dominant tree containing one or more of the following associated native plant species: *Myoporum sandwicense, Chenopodium* sp., *Achyranthes* sp., *Nototrichium* sp., *Diospyros* sp., *Chamaesyce celastroides* var. *lorifolia, Dodonaea viscosa, Psydrax odorata, Schiedea salicaria, Lipochaeta lavarum,* annual *Panicum* spp., or *Sida fallax;* and

(*ii*) Elevations between 43 and 337 m (141 and 1,105 ft).

Family Orchidaceae: *Platanthera holochila* (NCN)

Maui A, B, D, J, K, and L, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Platanthera holochila* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) *Metrosideros polymorpha-Dicranopteris linearis* montane wet forest or *Metrosideros polymorpha* mixed montane bog or mesic scrubby *Metrosideros polymorpha* forest containing one or more of the following associated native plant species: *Cibotium* sp., *Coprosma ernodeoides, Oreobolus furcatus, Styphelia tameiameiae, Wikstroemia* sp., *Scaevola chamissoniana, Sadleria* sp., *Deschampsia nubigena, Metrosideros polymorpha, Luzula hawaiiensis, Sisyrinchium acre, Broussaisia arguta, Clermontia* sp., *Lycopodium cernuum, Dubautia scabra, Polypodium pellucidum, Morelotia gahniiformis,* or *Vaccinium reticulatum;* and

(*2*) Elevations between 536 and 2,314 m (1,759 and 7,592 ft).

Family Plantaginaceae: *Plantago princeps* (laukahi kuahiwi)

Maui A, B, D, H, I, J, and K, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Plantago princeps* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Basalt cliffs that are windblown with little vegetation in *Metrosideros polymorpha* lowland wet forest, or *Acacia koa-Metrosideros polymorpha* montane wet forest, or *Metrosideros polymorpha* montane wet shrubland and containing one or more of the following associated native plant species: *Eragrostis variabilis, Hedyotis formosa, Dubautia plantaginea* ssp. *humilis, Pipturus albidus, Perrottetia sandwicensis, Touchardia latifolia, Dryopteris* sp., various other ferns, *Cyanea* spp, and *Melicope ovalis, Bidens micrantha* ssp. *kalealaha, Chamaesyce celastroides, Styphelia tameiameiae,* or *Dubautia menziesii* and

(*2*) Elevations between 281 and 2,539 m (922 and 8,329 ft).

Family Poaceae: *Cenchrus agrimonioides* (kamanomano (=sandbur, agrimony))

Maui H and D, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitutes critical habitat for *Cenchrus agrimonioides* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Dry forest or *Pleomele-Diospyros* forest and containing one or more of the following associated native plant species: *Dodonaea viscosa, Osteomeles anthyllidifolia, Alyxia oliviformis, Santalum ellipticum*; and

(*2*) Elevations between 471 and 1,091 m (1,544 and 3,579 ft).

Family Poaceae: *Ischaemum byrone* (Hilo ischaemum)

Maui G, identified in the legal description in paragraph paragraph (a)(1)(i)(C) of this section, constitutes critical habitat for *Ischaemum byrone* on Maui. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Close proximity to the ocean, among rocks or on basalt cliffs in windward coastal dry shrubland and containing one or more of the following associated native plant species: *Bidens* sp., *Fimbristylis cymosa*, or *Scaevola sericea*; and

(*2*) Elevations between 0 and 190 m (0 and 623 ft).

Family Primulaceae: *Lysimachia lydgatei* (NCN)

Maui D, identified in the legal description in paragraph paragraph (a)(1)(i)(C) of this section, constitutes critical habitat for *Lysimachia lydgatei* on Maui. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Sides of steep ridges in *Metrosideros polymorpha-Dicranopteris linearis* dominated wet to mesic shrubland or *Metrosideros polymorpha-Cheirodendron* sp. montane forest and containing one or more of the following associated native plant species: *Lycopodium* sp., *Ilex anomala, Dodonaea viscosa, Vaccinium* sp., *Eurya* sp., *Styphelia tameiameiae, Coprosma* sp., *Ochna* sp., *Astelia* sp., *Broussaisia arguta* or mat ferns; and

(*2*) Elevations between 829 and 1,432 m (2,720 and 4,698 ft).

Family Rhamnaceae: *Colubrina oppositifolia* (kauila)

Maui A and H, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Colubrina oppositifolia* on Maui. 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* containing one or more of the following associated native plant species: *Dodonaea viscosa, Canavalia* sp., *Wikstroemia* sp., *Psydrax odorata, Pleomele auwahiensis, Freycinetia arborea, Metrosideros polymorpha, Microlepia strigosa, Bidens micrantha* spp. *micrantha*, or *Reynoldsia sandwicensis*; and

(*2*) Elevations between 192 and 929 m (630 and 3,047 ft).

Family Rhamnaceae: *Gouania vitifolia* (NCN)

Maui A and D, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Gouania vitifolia* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) The sides of ridges and gulches in dry to mesic forests and containing one or more of the following associated native plant species: *Erythrina sandwicensis*, *Dodonea viscosa*, *Hibiscus arnottianus*, *Pipturus albidus*, *Urera glabra*, *Chamaesyce* sp., *Psychotria* sp., *Hedyotis* sp., *Melicope* sp., *Nestegis sandwicensis*, *Bidens* sp., *Carex meyenii*, or *Diospyros sandwicensis*; and

(*2*) Elevations between 155 and 1,326 m (509 and 4,350 ft).

Family Rubiaceae: *Hedyotis coriacea* (kioele)

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

(*1*) Steep, rocky, slopes in dry lowland *Dodonaea viscosa* dominated shrublands and containing one or more of the following associated native plant species: *Sida fallax*, *Gouania hillebrandii*, *Bidens menziesii*, *Lipochaeta lavarum*, *Myoporum sandwicense*, or *Schiedea menziesii*; and

(*2*) Elevations between 110 and 937 m (361 and 3,074 ft).

Family Rubiaceae: *Hedyotis mannii* (pilo)

Maui A and D, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Hedyotis mannii* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Basalt cliffs along stream banks in *Metrosideros polymorpha-Dicranopteris linearis* montane wet forest and containing one or more of the following associated native plant species: *Machaerina* sp., *Carex meyenii*, *Phyllostegia* sp., *Hedyotis acuminata*, *Cyrtandra platyphylla*, *Cyanea* sp., *Psychotria* sp., *Pipturus albidus*, *Boehmeria grandis*, *Urera glabra*, *Touchardia latifolia*, *Cyrtandra grayi*, *Cyrtandra hawaiensis*, or *Isachne distichophylla*; and

(*2*) Elevation between 340 and 1,593 m (1,115 and 5,226 ft).

Family Rutaceae: *Melicope adscendens* (alani)

Maui H, identified in the legal description in paragraph paragraph (a)(1)(i)(C) of this section, constitutes critical habitat for *Melicope adscendens* on Maui. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Aa lava with pockets of soil in *Nestegis sandwicensis-Pleomele auwahiensis-Dodonaea viscosa* lowland mesic forest or open dry forest and containing one or more of the following associated native plant species: *Osteomeles anthyllidifolia*, *Alphitonia ponderosa*, *Chamaesyce celastroides* var. *lorifolia*, *Santalum ellipticum*, *Pouteria sandwicensis*, *Styphelia tameiameiae* or *Xylosma hawaiiensis*; and

(*2*) Elevations between 761 and 1,209 m (2,497 and 3,967 ft).

Family Rutaceae: *Melicope balloui* (alani)

Maui K and L, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Melicope balloui* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Mesic to wet forest and containing one or more of the following associated native plant species: *Acacia koa*, *Cibotium chamissoi*, *Cibotium glaucum*, *Diplazium sandwichianum*, *Melicope clusiifolia*, *Metrosideros polymorpha*, or *Sadleria pallida*; and

(*2*) Elevations between 781 and 1,596 m (2,561 and 5,235 ft).

Family Rutaceae: *Melicope knudsenii* (alani)

Maui H, identified in the legal description in paragraph paragraph (a)(1)(i)(C) of this section, constitutes critical habitat for *Melicope knudsenii* on Maui. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Forested flats or talus slopes in *Nestegis-Pleomele* mixed open dry forests and containing one or more of the following associated native plant species: *Dodonaea viscosa, Osteomeles anthyllidifolia, Alphitonia ponderosa, Santalum ellipticum,* or *Xylosma hawaiiensis;* and

(*2*) Elevations between 648 and 1,331 m (2,125 and 4,367 ft).

Family Rutaceae: *Melicope mucronulata* (alani)

Maui H, identified in the legal description in paragraph paragraph (a)(1)(i)(C) of this section, constitutes critical habitat for *Melicope mucronulata* on Maui. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Gentle south-facing slopes in lowland dry to mesic forest and containing one or more of the following associated species: *Pleomele auwahiensis, Dodonea viscosa, Nestegis sandwicensis, Pouteria sandwicensis, Antidesma pulvinatum, Streblus pendulinus, or Melicope hawaiensis;* and

(*2*) Elevations between 625 and 1,331 m (2,050 and 4,367 ft).

Family Rutaceae: *Melicope ovalis* (alani)

Maui K, identified in the legal description in paragraph paragraph (a)(1)(i)(C) of this section, constitutes critical habitat for *Melicope ovalis* on Maui. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) *Acacia koa* and *Metrosideros polymorpha*-dominated montane wet forests along streams and containing one or more of the following associated species: *Dicranopteris linearis, Machaerina angustifolia, Labordia hedyosmifolia, Wikstroemia oahuensis, Dubautia plantaginea, Hedyotis hillebrandii, Broussaisia arguta, Cheirodendron trigynum, or Perrottetia sandwicensis;* and

(*2*) Elevations between 753 and 1,537 m (2,469 and 5,042 ft).

Family Rutaceae: *Zanthoxylum hawaiiense* (ae)

Maui H and L, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Zanthoxylum hawaiiense* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Open lowland dry or mesic *Nestegis sandwicensis-Pleomele auwahiensis* forests or *Acacia koa-Pleomele auwahiensis* forest, or montane dry forest containing one or more of the following associated native species: *Metrosideros polymorpha, Diospyros sandwicensis, Pisonia* sp., *Xylosma hawaiiensis, Santalum ellipticum, Alphitonia ponderosa, Osteomeles anthyllidifolia, Alectryon macrococcus, Charpentiera* sp.,

Melicope sp., *Dodonaea viscosa, Streblus pendulinus, Myrsine lanaiensis,* or *Sophora chrysophylla;* and

(*2*) Elevations between 882 and 1,540 m (2,894 and 5,051 ft).

Family Sapindaceae: *Alectryon macrococcus* (mahoe)

Maui A, H, K, and L, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Alectryon macrococcus* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Mesic to wetter mesic and upper dryland forest containing one or more of the following associated native plant species: *Alphitonia ponderosa, Antidesma platyphylla, Antidesma pulvinatum, Bobea sandwicensis, Diospyros sandwicensis, Dodonaea viscosa, Nestegis sandwicensis, Osteomeles anthyllidifolia, Pittosporum confertiflorum, Pittosporum glabrum, Pouteria sandwicensis, Santalum ellipticum, Streblus pendulinus, Xylosma* spp., and *Xylosma hawaiiensis;* and

(*2*) Elevations between 333 and 3,562 m (1,092 and 3,337 ft).

Family Urticaceae: *Neraudia sericea* (NCN)

Maui D and H, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for Neraudia sericea on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Dry to mesic *Metrosideros polymorpha-Dodonaea viscosa-Styphelia tameiameiae* shrubland or forest or *Acacia koa* forest containing one or more of the following associated native plant species: *Urera glabra, Cyrtandra oxybapha, Cyrtandra* spp., *Sida fallax, Diospyros* sp., *Bobea* sp., *Coprosma* sp., or *Hedyotis* sp.; and

(*2*) Elevations between 198 and 1,658 m (650 and 5,439 ft).

Family Violaceae: *Isodendrion pyrifolium* (aupaka)

Maui D, identified in the legal description in paragraph (a)(1)(i)(C) of this section, constitutes critical habitat for *Isodendrion pyrifolium* on Maui. Within this unit, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Dry shrubland containing one or more of the following associated native plant taxa: *Psydrax odorata, Capparis sandwichiana, Dodonaea viscosa,* or *Myoporum sandwicene;* and

(*2*) Elevations between 54 and 557 m (177 and 1,827 ft).

(B) Ferns and Allies.

Family Adiantaceae: *Pteris lidgatei* (NCN)

Maui A, B, and D, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Pteris lidgatei* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Steep stream banks in wet *Metrosideros polymorpha-Dicranopteris linearis* montane forest and containing one or more of the following native plant species: *Cibotium chamissoi, Dicranopteris linearis, Elaphoglossum crassifolium, Sadleria squarrosa, Thelypteris cyatheoides,* or *Sphenomeris chusana;* and

(*2*) Elevations between 201 and 1,717 m (659 and 5,633 ft).

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

Maui H, I, J, and L, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Asplenium fragile* var. *insulare* on Maui. Within these units, the primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Streamside hollows and grottos in gulches that occur in mesic to dry subalpine shrubland dominated by *Styphelia tameiameiae* and *Sadleria cyatheoides,* with scattered *Metrosideros polymorpha* and containing one or more of the following native plant species: *Pteris cretica, Grammitis hookeri,* or *Dryopteris wallichiana;* and

(*2*) Elevations between 1,682 and 2,407 m (5,518 and 7,896 ft).

Family Aspleniaceae: *Ctenitis squamigera* (pauoa)

Maui A, B, and D, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Ctenitis squamigera* on Maui. Within these units, the primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Forest understory in *Metrosideros polymorpha* montane wet forest, mesic forest, or diverse mesic forest and containing one or more of the following native plant species: *Alyxia oliviformis, Freycinetia arborea, Coprosma* sp., *Pleomele* sp., *Sadleria* sp., *Doodia* sp., *Pittosporum* sp., *Dryopteris* sp., *Bobea* sp., *Antidesma* sp., *Peperomia* sp., *Dicranopteris linearis, Schiedea pubescens* var. *pubescens, Hibiscus kokio* ssp. *kokio, Hedyotis terminalis, Pritchardia* sp., *Remya mauiensis, Canavalia* sp. *Myrsine* sp., *Psychotria* sp., or *Xylosma* sp.; and

(*2*) Elevations between 74 and 1,593 m (243 and 5,226 ft).

Family Aspleniaceae: *Diellia erecta* (NCN)

Maui D, H, and I, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Diellia erecta* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Steep slopes or gulch sides in deep shade in *Acacia koa-Metrosideros polymorpha* low- to mid-elevation mesic forest and containing one or more of the following associated native plant species: *Styphelia tameiameiae, Melicope* sp., *Coprosma* sp., *Dodonaea viscosa, Dryopteris unidentata, Myrsine* sp., *Psychotria* sp. or *Osteomeles anthyllidifolia;* and

(*2*) Elevations between 338 and 1,744 m (1,109 and 5,722 ft).

Family Aspleniaceae: *Diplazium molokaiense* (NCN)

Maui B, D, H, I, and L, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Diplazium molokaiense* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) Water courses often in proximity to waterfalls in lowland or montane mesic *Metrosideros polymorpha-Acacia koa* forest; and

(*2*) Elevations between 273 and 1,917 m (896 and 6,289 ft).

Family Lycopodiaceae: *Phlegmariurus mannii* (wawaeiole)

Maui A, B, D, H, I, K, and L, identified in the legal descriptions in paragraph (a)(1)(i)(C) of this section, constitute critical habitat for *Phlegmariurus mannii* on Maui. Within these units, the currently known primary constituent elements of critical habitat are the habitat components provided by:

(*1*) An epiphyte on *Metrosideros polymorpha, Dodonaea viscosa,* and *Acacia koa* trees in moist protected gulches or mossy tussocks in mesic to wet montane *Metrosideros polymorpha-Acacia koa* forests or wet montane *Metrosideros polymorpha-Acacia koa* forests and containing one or more of the following associated native plant

species: *Thelypteris* sp., *Athyrium* sp., *Styphelia tameiameiae, Cyanea* sp., *Machaerina* sp., *Cyrtandra* sp., *Sadleria* sp., *Vaccinium* sp., *Astelia menziesii, Coprosma* sp., *Cheirodendron trigynum, Ilex anomala,* or *Myrsine* sp.; and

(*2*) Elevations from 446 and 1,688 m (1,464 and 5,539 ft).

Dated: March 15, 2002.

Craig Manson,

Assistant Secretary for Fish and Wildlife and Parks.

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