

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AI24

Endangered and Threatened Wildlife and Plants; Designations of Critical Habitat for Plant Species From the Island of Oahu, HI

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period, and public hearing announcement.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice of a public hearing on the proposed critical habitat designations for 99 plants from the island of Oahu, Hawaii. In addition, the comment period (which originally closed on July 29, 2002) was reopened on August 26, 2002, and closed on September 30, 2002, will now be reopened. The new comment period and public hearing will allow all interested parties to submit oral or written comments on the proposal. We are seeking comments or suggestions from the public, other concerned agencies, the scientific community, industry, or any other interested parties concerning the proposed rule. Comments already submitted on the proposed rule need not be resubmitted as they will be fully considered in the final determination.

DATES: The comment period for this proposal now closes on November 30, 2002. Any comments received by the closing date will be considered in the final decision on this proposal. The public hearing will be held from 6 to 8 p.m. on Tuesday, November 19, 2002, on the island of Oahu, Hawaii. Prior to the public hearing, the Service will be available from 3:30 to 4:30 p.m. to provide information and to answer questions. We will also be available for questions after the hearing.

ADDRESSES: The public hearing will be held at the Ala Moana Hotel, 410 Atkinson Dr., Honolulu, Hawaii. Comments and materials concerning this proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala Moana Boulevard, Room 3-122, P.O. Box 50088, Honolulu, HI 96850. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Paul Henson, at the above address (telephone 808/541-3441; facsimile 808/541-3470).

SUPPLEMENTARY INFORMATION:

Background

On May 28, 2002, we published a proposed critical habitat rule for 99 of the 101 plant species listed under the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), known historically from the island of Oahu (67 FR 37108). The original comment period closed on July 29, 2002. On August 26, 2002, we reopened the comment period for the proposed designations and non-designations of critical habitat for plant species on the island of Oahu, as well as for plant species on the islands of Kauai, Niihau, Molokai, Maui, Kahoolawe, Northwestern Hawaiian Islands, and Hawaii (67 FR 54766). The reopened comment periods allowed all interested parties to submit written comments on these proposals simultaneously and closed on September 30, 2002. With this notice, we are reopening the comment period for the proposed designations and non-designations of critical habitat for plant species on the island of Oahu. The comment period now closes on November 30, 2002. Written comments should be submitted to the Service (see **ADDRESSES** section).

A total of 101 species historically found on Oahu were listed as endangered or threatened species under the Act between 1991 and 1996. Some of these species may also occur on other Hawaiian islands. Previously, we proposed that designation of critical habitat was prudent for 45 (*Adenophorus periens*, *Alectryon macrococcus*, *Bonamia menziesii*, *Cenchrus agrimonioides*, *Centaurium sebaeoides*, *Colubrina oppositifolia*, *Ctenitis squamigera*, *Cyanea grimesiana* ssp. *grimesiana*, *Cyperus trachysanthos*, *Diellia erecta*, *Diplazium molokaiense*, *Eugenia koolauensis*, *Euphorbia haeleleana*, *Flueggea neowawraea*, *Gouania meyenii*, *Gouania vitifolia*, *Hedyotis coriacea*, *Hesperomannia arborescens*, *Hesperomannia arbuscula*, *Hibiscus brackenridgei*, *Isodendron laurifolium*, *Isodendron longifolium*, *Isodendron pyriformis*, *Lobelia niihauensis*, *Lysimachia filifolia*, *Mariscus pennatifolius*, *Marsilea villosa*, *Melicope pallida*, *Nototrichium humile*, *Peucedanum sandwicense*, *Phlegmariurus nutans*, *Phyllostegia mollis*, *Phyllostegia parviflora*, *Plantago princeps*, *Platanthera holochila*, *Pteris lidgatei*, *Sanicula purpurea*, *Schiedea hookeri*, *Schiedea nuttallii*, *Sesbania tomentosa*, *Silene lanceolata*, *Solanum sandwicense*, *Spermolepis hawaiiensis*, *Tetramolopium lepidotum* ssp. *lepidotum*, and *Vigna o-wahuensis*) of the 101 species reported from the island

of Oahu. No change is made to the 45 proposed prudency determinations in the May 28, 2002, proposed critical habitat rule for plants from Oahu. In the May 28, 2002, proposed critical habitat rule, we proposed that designation of critical habitat was not prudent for *Pritchardia kaalae* because it would likely increase the threats from vandalism or collection of this species on Oahu. In the same rule, we proposed that designation of critical habitat was not prudent for *Cyrtandra crenata* because it had not been seen recently in the wild and no viable genetic material of this species is known to exist. In the May 28, 2002, proposed critical habitat rule, we proposed that designation of critical habitat is prudent for 54 (*Abutilon sandwicense*, *Alsinidendron obovatum*, *Alsinidendron trinerve*, *Chamaesyce celastroides* var. *kaenana*, *Chamaesyce deppeana*, *Chamaesyce herbstii*, *Chamaesyce kuwaleana*, *Chamaesyce rockii*, *Cyanea acuminata*, *Cyanea crispa*, *Cyanea grimesiana* ssp. *obatae*, *Cyanea humboldtiana*, *Cyanea koolauensis*, *Cyanea longiflora*, *Cyanea pinnatifida*, *Cyanea st.-johnii*, *Cyanea superba*, *Cyanea truncata*, *Cyrtandra dentata*, *Cyrtandra polyantha*, *Cyrtandra subumbellata*, *Cyrtandra viridiflora*, *Delissea subcordata*, *Diellia falcata*, *Diellia unisora*, *Dubautia herbstobatae*, *Eragrostis fosbergii*, *Gardenia mannii*, *Hedyotis degeneri*, *Hedyotis parvula*, *Labordia cyrtandrae*, *Lepidium arbuscula*, *Lipochaeta lobata* var. *leptophylla*, *Lipochaeta tenuifolia*, *Lobelia gaudichaudii* ssp. *koolauensis*, *Lobelia monostachya*, *Lobelia oahuensis*, *Melicope lydgatei*, *Melicope saint-johnii*, *Myrsine juddii*, *Neraudia angulata*, *Phyllostegia hirsuta*, *Phyllostegia kaalaensis*, *Sanicula marivera*, *Schiedea kaalae*, *Schiedea kealiae*, *Silene perlmanii*, *Stenogyne kanehoana*, *Tetramolopium filiforme*, *Tetraplasandra gymnocarpa*, *Trematalobelia singularis*, *Urera kaalae*, *Viola chamissoniana* ssp. *chamissoniana*, and *Viola oahuensis*) species for which prudency determinations have not been made previously.

We also propose designation of critical habitat for 99 (*Abutilon sandwicense*, *Adenophorus periens*, *Alectryon macrococcus*, *Alsinidendron obovatum*, *Alsinidendron trinerve*, *Bonamia menziesii*, *Cenchrus agrimonioides*, *Centaurium sebaeoides*, *Chamaesyce celastroides* var. *kaenana*, *Chamaesyce deppeana*, *Chamaesyce herbstii*, *Chamaesyce kuwaleana*, *Chamaesyce rockii*, *Colubrina oppositifolia*, *Ctenitis squamigera*, *Cyanea acuminata*, *Cyanea crispa*,

Cyanea grimesiana ssp. *grimesiana*, *Cyanea grimesiana* ssp. *obatae*, *Cyanea humboldtiana*, *Cyanea koolauensis*, *Cyanea longiflora*, *Cyanea pinnatifida*, *Cyanea st.-johnii*, *Cyanea superba*, *Cyanea truncata*, *Cyperus trachysanthos*, *Cyrtandra dentata*, *Cyrtandra polyantha*, *Cyrtandra subumbellata*, *Cyrtandra viridiflora*, *Delissea subcordata*, *Diellia erecta*, *Diellia falcata*, *Diellia unisora*, *Diplazium molokaiense*, *Dubautia herbstobatae*, *Eragrostis fosbergii*, *Eugenia koolauensis*, *Euphorbia haeleleana*, *Flueggea neowawraea*, *Gardenia mannii*, *Gouania meyenii*, *Gouania vitifolia*, *Hedyotis coriacea*, *Hedyotis degeneri*, *Hedyotis parvula*, *Hesperomannia arborescens*, *Hesperomannia arbuscula*, *Hibiscus brackenridgei*, *Isodendron laurifolium*, *Isodendron longifolium*, *Isodendron pyrifolium*, *Labordia cyrtandrae*, *Lepidium arbuscula*, *Lipochaeta lobata* var. *leptophylla*, *Lipochaeta tenuifolia*, *Lobelia gaudichaudii* ssp. *koolauensis*, *Lobelia monostachya*, *Lobelia niihauensis*, *Lobelia oahuensis*, *Lysimachia filifolia*, *Mariscus pennatifolius*, *Marsilea villosa*, *Melicope pallida*, *Melicope saint-johnii*, *Myrsine juddii*, *Neraudia angulata*, *Nototrichium humile*, *Pelea lydgatei*, *Peucedanum sandwicense*, *Phlegmariurus nutans*, *Phyllostegia hirsuta*, *Phyllostegia kaalaensis*, *Phyllostegia mollis*, *Phyllostegia parviflora*, *Plantago princeps*, *Platanthera holochila*, *Pteris lidgatei*, *Sanicula mariversa*, *Sanicula purpurea*, *Schiedea hookeri*, *Schiedea kaalae*, *Schiedea kealiae*, *Schiedea nuttallii*, *Sesbania tomentosa*, *Silene lanceolata*, *Silene perlmanii*, *Solanum sandwicense*, *Spermolepis hawaiiensis*, *Stenogyne kanehoana*, *Tetramolopium filiforme*, *Tetramolopium lepidotum* ssp. *lepidotum*, *Tetraplasandra gymnocarpa*, *Trematalobelia singularis*, *Urera kaalae*, *Vigna o-wahuensis*, *Viola chamissoniana* ssp. *chamissoniana*, and *Viola oahuensis*) plant species. Critical habitat is not proposed for *Pritchardia munroi* and *Cyrtandra crenata* for the reasons given above. Twenty-five critical habitat units, totaling approximately 45,067 hectares (111,364 acres), are proposed for designation on the island of Oahu.

Section 4(b)(5)(E) of the Act requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule. In response to a request from a government agency of the State of Hawaii, we will hold a public hearing on the date and at the address described in the **DATES** and **ADDRESSES** sections above.

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement and present it to us at the hearing. In the event there is a large attendance, the time allotted for oral statements may be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearing or mailed to us. Legal notices announcing the date, time, and location of the public hearing will be published in newspapers concurrently with the **Federal Register** notice.

Persons needing reasonable accommodations in order to attend and participate in the public hearing should contact Patti Carroll at 503/231-2080 as soon as possible. In order to allow sufficient time to process requests, please call no later than one week before the hearing date.

Information regarding this proposal is available in alternate formats upon request.

Comments from the public regarding this proposed rule are sought, especially regarding:

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

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

(3) Specific information on the amount, distribution, and quality of habitat for the 99 species, and what habitat is essential to the conservation of the species and why;

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

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

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

(7) Information for 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.

Reopening of the comment period will enable us to respond to the request

for a public hearing on the proposed action. The comment period on this proposal now closes on November 30, 2002. Written comments should be submitted to the Service office listed in the **ADDRESSES** section.

Author

The primary author of this notice is Michelle Mansker (see **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: October 1, 2002.

Paul Hoffman,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 02-25721 Filed 10-9-02; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AI26

Endangered and Threatened Wildlife and Plants; Critical Habitat Designation for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants in California and Southern Oregon

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of public hearing.

SUMMARY: We, the Fish and Wildlife Service (Service), provide notice that we are holding three public hearings to take oral comments regarding the proposed rule to designate critical habitat for 4 crustaceans and 11 plants endemic to vernal pools in California and southern Oregon.

DATES: We will hold public hearings and a public informational meeting at the following dates and times:

October 22, 2002:

San Luis Obispo, CA

First public hearing: 1 p.m. until 3 p.m.; registration begins at 12:30 p.m. Second public hearing: 6 p.m. until 8 p.m.; registration begins at 5:30 p.m. October 24, 2002:

Sacramento, CA

First public hearing: 1 p.m. until 3 p.m.; registration begins at 12:30 p.m.

Second public hearing: 6 p.m. until 8 p.m.; registration begins at 5:30 p.m.

Medford, OR

Public informational meeting: 1:30