

News Release

Pacific Islands Fish and Wildlife Office
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Public Comment Period Extended on Proposal to Protect 40 Species on Moloka'i, Lāna'i, and Maui as Endangered *Includes Designation of Critical Habitat for 135 Species*

The U.S. Fish and Wildlife Service (Service) announced today the extension of the public comment period for the proposal to add 38 species found on the Hawaiian Islands of Moloka'i, Lāna'i, Kaho'olawe, and Maui (collectively known as Maui Nui) to the Federal endangered species list, to reevaluate the endangered status of two presently listed species, and to designate critical habitat for 135 species.

The proposed rule was originally made available to the public on June 11, 2012, and the 60-day comment period was to close on August 10, 2012. The deadline for submitting comments is being extended an additional 30 days to September 10, 2012. The comment period was extended to ensure that the public has an adequate opportunity to review and comment on the proposed rule.

The Service is proposing critical habitat concurrently with the proposed listing for 39 of the 40 plant and animal species. In addition, the Service is revising critical habitat for 85 previously listed plant species, and proposing critical habitat for 11 previously listed plant and animal species that do not have designated critical habitat.

The proposed critical habitat designation is comprised of 100 multi-species units totaling approximately 271,062 acres, and includes occupied and unoccupied habitat. Of the total units and acreage, 61 units comprising 192,364 acres are located on Maui, 20 units comprising 46,832 acres on Moloka'i, 14 units comprising 25,413 acres on Lāna'i, and 5 units comprising 6,453 acres on Kaho'olawe. Approximately 47 percent of the area being proposed as critical habitat was already designated as critical habitat for listed species. This proposed rule will revise previous critical habitat designations made in 1984 and 2003.

The 40 species proposed or reevaluated for listing include 37 plant and three animal species. The 37 plant species include herbs, shrubs, trees and ferns. The 3 animal species are the Newcomb's tree snail and two Lāna'i tree snails. Of the 40 proposed species, 20 are candidate species (17 plants and 3 tree snails), 15 are plant species of concern (each with fewer than 50 individuals remaining), 3 are other plant species (*Cyanea divalliorum*, *Cyrtandra ferripilosa*, and *Mucuna sloanei* var. *persericea*) that share common threats with the other 37 species, and 2 are endangered plants (*Cyanea grimesiana* ssp. *grimesiana* and *Santalum haleakalae* var. *lanaiense*) whose range has changed since they were listed, therefore the listed status of these two species must be reaffirmed. These 40 species are found in 11 ecosystem types: coastal, lowland dry, lowland mesic, lowland wet, montane dry, montane wet, montane mesic, subalpine, alpine, dry cliff, and wet cliff.

The Service is also proposing name and spelling changes for 13 listed Maui Nui plants and animals, and the delisting of a Lāna‘i plant, *Gahnia lanaiensis*. This plant, which is no longer believed to be a valid species, is now known to be synonymous with a species endemic to New Zealand, and is not in danger of extinction or likely to become an endangered species.

Degradation of habitat by non-native ungulates (i.e., pigs, goats, sheep and deer) is considered a threat to 37 of the 40 species. Additional threats are: habitat destruction and modification by non-native plants, fire, stochastic events (e.g., hurricanes, landslides, flooding etc.), agricultural and urban development, and climate change; direct consumption of plants by ungulates (e.g., pigs, deer, sheep and goats); other non-native vertebrates (rats) and nonnative invertebrates (snails and slugs); and inadequate existing regulatory mechanisms and other species-specific threats. The Service finds that all of these species face immediate and significant threats throughout their ranges.

Critical habitat is a term in the Endangered Species Act. It identifies specific geographic areas that contain features essential for the conservation of a threatened or endangered species and which may require special management considerations. Federal agencies that undertake, fund or permit activities that may affect critical habitat are required to consult with the Service to ensure such actions do not adversely modify or destroy designated critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve or other special conservation area. It does not mandate government or public access to private lands.

Habitat is also protected through cooperative measures under the ESA, including Habitat Conservation Plans, Safe Harbor Agreements, Candidate Conservation Agreements and state programs. In addition, voluntary partnership programs such as the Service’s Partners for Fish and Wildlife and Coastal programs also restore habitat.

In addition, we will hold a public hearing on the island of Maui, concurrently with the opening of the public comment period on the draft economic analysis (DEA) and on the proposed critical habitat designation. During this public hearing and the open comment period, the public may also provide comments on the proposed rule, as well as on the DEA. Our contractors are currently preparing the DEA and we expect to have it available for public review and comment later this year. We will notify all interested parties of the public hearing date, time, and location.

The Service is accepting all comments on the proposed rule and is specifically seeking information concerning:

- The amount and distribution of critical habitat for the species included in this proposed rule;
- What areas are currently occupied and that contain features essential for the species’ conservation that we should include in the designation, and what areas not currently occupied are essential to the conservation of the species and why;
- Whether a revision of critical habitat is warranted for the 85 plant species already listed as endangered or threatened;
- Whether special management considerations or protections may be required for the physical or biological features essential to the conservation of the species;
- Biological, commercial trade or other relevant data concerning threats (or lack thereof) to these species;
- Additional information about the range, distribution and population sizes of these species, including the locations of any additional populations;
- Any information on the biological or ecological requirements of these species;

- Current or planned activities in the areas occupied by the species and possible impacts of these activities on any of the 135 species;
- Land use designations and current or planned activities in the areas occupied by the species, and the possible impacts of proposed critical habitat on these designations or activities;
- Information on the projected and reasonably likely impact of climate change on the species included in this proposed rule, and any special management needs or protections that may be needed in the critical habitat areas we are proposing;
- Whether the benefits of excluding any particular area from critical habitat outweigh the benefits of including that area in critical habitat under section 4(b)(2) of the Act;
- Any foreseeable economic, national security, or other potential impacts resulting from the proposed critical habitat designation and, in particular, any impacts on small entities, and the benefits of including or excluding areas that exhibit these impacts;
- Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments; and
- Specific information on ways to improve the clarity of this rule as it pertains to completion of consultations under section 7 of the Endangered Species Act.

The Service will consider comments from all interested parties received by September 10, 2012. Comments can be sent by one of the following methods:

- *Federal eRulemaking Portal* at <http://www.regulations.gov> . Follow the instructions for submitting comments. Docket No. FWS–R1-ES-2011-0098
- Via U.S. mail or hand delivery to Public Comments Processing, Attn: FWS–R1-ES-2011-0098; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM, Arlington, VA 22203.

Copies of the proposed rule may be downloaded from the Service’s website at <http://www.fws.gov/pacificislands/>. For further information contact: Loyal Mehrhoff, Field Supervisor, Pacific Islands Fish and Wildlife Office, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Room 3-122, Box 50088, Honolulu, Hawai‘i 96850; telephone 808/792-9400 or fax 808/792-9581.

For a complete list of the proposed species visit: <http://www.fws.gov/pacificislands/>.

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