Draft Economic Analysis of Conservation Action to Designate Critical Habitat for 135 Maui Nui Species Released

Public Informational Meeting and Public Hearing to be Held on Maui

The U.S. Fish and Wildlife Service today released an analysis that estimates costs related to the proposed critical habitat for 135 species on the Hawaiian islands of Maui, Moloka‘i, Lāna‘i, and Kaho‘olawe at $115,000 to $125,000 between the years 2013 to 2022.

On June 11, 2012, the Service released its proposal to list 40 species as endangered under the Endangered Species Act (ESA) and designate 271,062 acres of critical habitat for 135 Maui Nui species. Critical habitat is newly proposed for 50 plant and animal species, and revision to existing critical habitat is proposed for 85 listed species.

The Service will hold a public informational meeting followed by a public hearing on February 21, 2013 at the Kealia Pond National Wildlife Refuge Visitor Center Multipurpose Room, Milepost 6 Mokulele Highway (Hwy. 311), Kīhei, Hawai‘i, Tel. 808.875.1582. The informational meeting will be held from 3:00 to 5:00 pm, followed by an hour break, and then the public hearing will be held from 6:00 to 8:00 p.m. The informational meeting is a chance for the public to ask questions and discuss the proposed critical habitat with staff from the Service. The public hearing is solely for the purpose of taking official oral testimony. Both oral and written comments carry equal weight.

The initial comment period on the proposed rule closed on September 10, 2012. The Service is reopening the comment period to allow all interested parties an opportunity to comment simultaneously on the proposed rule, the associated DEA, and the amended required determinations section. Comments previously submitted on this rulemaking do not need to be resubmitted, as they will be fully considered in preparation of the final rule.

The Endangered Species Act provides a critical safety net for America’s native fish, wildlife and plants. This landmark conservation law has prevented the extinction of hundreds of imperiled species across the nation and promoted the recovery of many others.

The health of threatened and endangered species is strongly linked to the health and well-being of people and communities. Millions of Americans depend on habitat that sustains imperiled species – for clean air and water, recreational opportunities and for their livelihoods.

The Service’s priority is to make implementation of the ESA less complex, less contentious and more effective. The agency seeks to accelerate recovery of threatened and endangered species across the nation, while making it easier for people to coexist with these species.
Critical habitat is a term in the Endangered Species Act that identifies geographic areas containing features essential for the conservation of a threatened or endangered species, and which may require special management considerations or protection. Critical habitat provides for the conservation of threatened and endangered species in several ways. Specifying the location of habitat essential for the conservation of the species helps Federal agencies identify where to utilize their authorities to benefit the species as required by the Act. Designating critical habitat also helps focus the conservation efforts of other conservation partners, such as State and local governments, non-governmental organizations, and individuals. When the designation of critical habitat occurs near the time of listing it provides early conservation planning guidance to bridge the gap until the Service can complete more thorough recovery planning.

In addition to serving as a notification tool, the designation of critical habitat also provides significant regulatory protection for threatened and endangered species – the requirement that Federal agencies consult with the Service to ensure actions they fund, authorize or carry out are not likely to destroy or adversely modify critical habitat. The designation of critical habitat ensures that the federal government considers the effects of its actions on protected species and avoids or modifies those actions that are likely to destroy or adversely modify critical habitat.

Designation of critical habitat does not affect land ownership or establish a refuge or preserve. Listed species and their habitat are protected by the Act whether or not they are in an area designated as critical habitat. In general, a critical habitat designation has no impact on private landowners taking actions on their land that do not require federal funding or permits.

In addition to proposing critical habitat for the first time for 50 species, the rule proposes to revise already designated critical habitat for 85 plant species that are listed as endangered or threatened. Areas designated as critical habitat for the 135 species include 100 multi-species units totaling approximately 271,062 acres, and include occupied and unoccupied habitat. Critical habitat areas 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.

Most of the proposed critical habitat occurs on lands that are private - 53 percent, with the remaining areas under state- 36 percent, federal- 10 percent and county- 1 percent, ownership. Approximately 47 percent of the area being proposed as critical habitat is already designated as critical habitat for listed species.

In the proposed rule, the Service is considering excluding from the final designation approximately 40,973 acres of private lands that have a perpetual conservation easement, voluntary conservation agreement, conservation or watershed preserve designation, or similar conservation protection. These specific exclusions will be considered on an individual basis or in any combination thereof. The final decision on whether to exclude any area will be based on the best scientific data available at the time of the final designation, including information obtained during the comment periods and information about the economic impact of the designation.

When specifying an area as critical habitat, the Endangered Species Act requires the Service to consider economic and other relevant impacts of the designation. If the benefits of excluding an area outweigh the benefits of designating it, the Secretary may exclude an area from critical habitat, unless that would jeopardize the existence of a threatened or endangered species.

The draft economic analysis (DEA) provides estimated costs of the foreseeable potential economic impacts of the proposed critical habitat designation or revision for the 135 Maui Nui species over the next 10 years. This was determined to be the appropriate period for analysis because limited
planning information is available for most activities to forecast activity levels for projects beyond a 10-year timeframe.

In the DEA, the activities of primary concern with respect to potential adverse modification of critical habitat are those that may result in ground disturbance within a critical habitat unit. Such activities include commercial and residential development, and agricultural (grazing and farming) activities. In addition, the Service also evaluated potential impacts to renewable energy projects, because these projects: (1) have the potential to generate ground disturbance; and (2) contribute to the State of Hawai’i’s ability to meet its established renewable portfolio standards, which are mandated by the State. Also evaluated were the potential economic effects on small business entities resulting from implementation of conservation actions related to the proposed designation of critical habitat for the 135 Maui Nui species.

Due largely to the fact that many conservation measures are already in place for listed species on the islands of Maui Nui, the additional economic impact of the proposed critical habitat is anticipated to be relatively minimal, estimated at roughly $100,000 for costs associated with development projects and $10,000 to $15,000 for costs associated with energy projects over the next 10 years.

In releasing the analysis, the Service also reopened the public comment period on the proposed listing of 40 Maui Nui species and proposed critical habitat for 135 species. The Service will accept public comments until March 4, 2013.

Comments on the proposed listing, critical habitat and/or the draft economic analysis may be submitted to:

- 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 and the draft economic analysis may be downloaded from the Service’s website at [http://www.fws.gov/pacificislands/](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/](http://www.fws.gov/pacificislands/).

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