



News Release

Pacific Islands External Affairs Office

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Public Comments Sought on Revised Proposal for Hawaiian Picture-wing Flies Critical Habitat

A proposed rule designating critical habitat for 12 federally protected species of Hawaiian picture-wing flies was released today by the U.S. Fish and Wildlife Service. The proposed designation consists of 9,238 acres located on the islands of Oahu, Hawaii, Maui, Molokai and Kauai.

Those species for which critical habitat is proposed are: *Drosophila aglaia*, *Drosophila hemipeza*, *Drosophila montgomeryi*, *Drosophila obatai*, *Drosophila substenoptera*, and *Drosophila tarphytrichia* (found on Oahu); *Drosophila heteroneura*, *Drosophila ochrobasis*, and *Drosophila mulli* (found on Hawaii); *Drosophila musaphilia* (found on Kauai); *Drosophila neoclavisetae* (found on Maui) and *Drosophila differens* (found on Molokai).

Critical habitat is a term in the Endangered Species Act that refers to geographic areas containing features essential for the conservation of a threatened or endangered species and may require special management considerations or protection. Today's proposed rule revises a 2006 proposal for critical habitat designation.

"During the public comment period on the previous proposal, the Service received comments and data from peer reviewers that has enabled us to increase our scientific knowledge and improve on the previously proposed critical habitat designations for picture-wing flies," said Patrick Leonard, field supervisor for the Fish and Wildlife Office in the Pacific Islands. "This highlights the importance of the public comment period and shows that any interested individual or group can contribute to the process."

The primary elements for identifying critical habitat for the 12 species of picture-wing flies are based on habitat type (e.g., mesic ohia and koa forest) and the presence of the species' larval host plants. In this new proposal, 32 units of critical habitat have been proposed, all of which are occupied, including several that overlap.

Critical habitat proposed on federal lands comprises 47 percent of the total and includes 3,604 acres in the Kona Forest Unit of Hakalau Forest National Wildlife Refuge and 752 acres in Hawaii Volcanoes National Park. State lands comprise 26 percent, or 2,330 acres, of the proposed critical habitat, while 1 percent, or 128 acres, are on City and County of Honolulu land, and 26 percent, or 2,424 acres, are on private land.

On May 9, 2006, the Service published a final rule to list 12 species of Hawaiian picture-wing flies under the ESA. On August 15, 2006, the Service published a proposed critical habitat designation totaling 18 acres for 11 of the 12 species to respond to a lawsuit from the Center for Biological Diversity.

In response to the proposed rule, the Service received comments from peer reviewers expressing concern over the biological adequacy of the 18-acre critical habitat designation and the failure to consider larval host plant density and distribution information in determining the critical habitat unit boundaries. One of the peer reviewers also presented new observation data for one of the species addressed in the proposed critical habitat rule.

A joint stipulation was approved by the court on April 18, 2007, to allow the Service additional time to reconsider the proposed rule in light of the peer review comments and concerns, and to provide an opportunity for additional public comment. Under the terms of the extension, the Service was required to submit a proposed critical habitat rule to the *Federal Register* by November 15, 2007, and a final critical habitat determination by November 15, 2008.

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 allow government or public access to private lands. However, 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.

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 Private Stewardship Grants and the Partners for Fish and Wildlife program also restore habitat. Habitat for listed species is provided on many of the Service's National Wildlife Refuges, and state wildlife management areas.

There are approximately 106 species of Hawaiian picture-wing flies. Each species is specially adapted to a particular island and a specific habitat type, ranging from desert-like environments to rain forests and swamplands.

Hawaiian picture-wings have been called the "birds of paradise" of the insect world because of their spectacular displays during courtship and defense of their territories. The picture-wings are known for their elaborate markings on otherwise clear wings, and belong to the intensively studied *Drosophilidae* family. Future conservation efforts will focus on monitoring existing populations and controlling threats to enhance populations of listed species.

The major threats to the 12 species of picture-wing flies are habitat degradation by feral animals (primarily pigs), loss of host plants, and impacts of non-native insect predators and parasites, including ants and wasps. Furthermore, these species of picture-wing flies are now reduced to just a few populations within localized patches of their host plants, some of which are also listed under the ESA.

The Service appreciates all comments on the proposed rule but is particularly seeking information concerning:

- The reasons any habitat should or should not be determined to be critical habitat;
- Specific information on the amount and distribution of habitat of each of the 12 species of Hawaiian picture-wing flies, what areas should be included in the designations that were occupied at the time of listing that contain features essential for the conservation of the species and why, and what areas that were not occupied at the time of listing that are essential to the conservation of the species and why;
- Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat;
- Any foreseeable economic or other potential impacts resulting from the proposed designation, and any impacts on small entities; and
- Whether the Service's approach to designating critical habitat could be improved or modified in any way to provide for greater public participation and understanding, or to assist us in accommodating public concerns and comments.

The Service will consider comments from all interested parties received by January 28, 2008. Requests for a public hearing must be received, in writing by January 14, 2008. Comments and materials concerning the proposal may be sent via the Internet to fw1pie_pwfch@fws.gov. Comments and information may also be mailed, faxed, or hand-delivered to Patrick Leonard, Field Supervisor, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3-122, Box 50088, Honolulu, Hawaii 96850 (Fax: 808/792 9581).

The proposed rule was published in the *Federal Register* on November 28. Copies of the proposed rule may be downloaded from the Service's website at www.fws.gov/pacificislands or by calling the Fish and Wildlife Service's Honolulu office 808/792-9400.

The U.S. Fish and Wildlife Service is the principal federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 97-million-acre National Wildlife Refuge System, which encompasses 548 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 64 fishery resources offices, and 81 ecological services field stations. The agency enforces federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign and Native American tribal governments with their conservation efforts. It also oversees the Federal Assistance program, which distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.