

authority (Wilcove *et al.* 1996). In addition, recovery actions involving the reintroduction of listed species onto private lands require the voluntary cooperation of the landowner (Bean 2002, James 2002, Knight 1999, Main *et al.* 1999, Norton 2000, Shogren *et al.* 1999, Wilcove *et al.* 1998). Therefore, “a successful recovery program is highly dependent on developing working partnerships with a wide variety of entities, and the voluntary cooperation of thousands of non-Federal landowners and others is essential to accomplishing recovery for listed species” (Crouse *et al.* 2002). Because the Federal government manages relatively little land on Maui, and because large tracts of land suitable for conservation of threatened and endangered species are mostly owned by private landowners, successful recovery of listed species on Maui is especially dependent upon working partnerships and the voluntary cooperation of non-Federal landowners.

Therefore, the Service believes that excluding these lands from critical habitat will help maintain and improve our partnership relationship with these landowners by recognizing their positive contribution to conservation on Maui. It will also reduce the cost and logistical burden of unnecessary regulatory oversight. We also believe this recognition will provide other landowners with a positive incentive to undertake voluntary conservation activities on their lands, especially where there is no regulatory requirement to implement such actions.

(3) *The Benefits of Exclusion Outweigh the Benefits of Inclusion*

Based on the above considerations, and consistent with the direction provided in section 4(b)(2) of the Act, we have determined that the benefits of excluding the following areas as critical habitat for the Maui plant species concerned that occur on these lands as described above: TNCH’s Maui preserves, the State’s Hawaii NAR, ML&P’s Kukui WMA, the Ulupalakua Ranch portion of proposed unit Maui H, and the Haleakala Ranch portion of proposed units Maui H, I1, I2, and I4.

This conclusion is based on the following factors:

(i) TNCH’s mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. Therefore, all of their preserve lands are currently being managed on a voluntary basis in cooperation with the Service, State, and other private organizations to achieve important conservation goals. In the past, TNCH has cooperated with

Federal and State agencies, and private organizations to implement voluntary conservation activities on their lands that have resulted in tangible conservation benefits.

The State’s NAR mission is to preserve and protect representative samples of the Hawaiian biological ecosystems and geological formations. Therefore, the Hanawi NAR lands are currently being managed on a proactive basis in cooperation with the Service, the National Park, and private organizations to achieve important conservation goals. In the past, the State has cooperated with Federal agencies, and private organizations to implement proactive conservation activities on their lands that have resulted in tangible conservation benefits.

One of ML&P’s missions is to practice prudent stewardship of their land and water resources ensuring the protection of crucial water resources for the community, as well as the rare and endangered species of plants and animals. Therefore, all of their Puu Kukui WMA lands are currently being managed on a voluntary basis in cooperation with the Service, State, and other private organizations to achieve important conservation goals. In the past, ML&P has cooperated with Federal and State agencies, and private organizations to implement voluntary conservation activities on their lands that have resulted in tangible conservation benefits.

A substantial amount of the Ulupalakua Ranch portion of proposed unit Maui H are currently being managed by the landowner on a voluntary basis in cooperation with us, the State of Hawaii, and USGS–BRD to achieve important conservation goals. In the past, Ulupalakua Ranch has cooperated with us, the State, and other organizations to implement voluntary conservation activities on their lands that have resulted in tangible conservation benefits.

A substantial amount of the Haleakala Ranch Co. portion of proposed units H, I1, I2, and I4 is currently being managed by the landowner on a voluntary basis in cooperation with us, the State of Hawaii, USGS–BRD, and TNCH to achieve important conservation goals. In the past, Haleakala Ranch has cooperated with us, the State, and other organizations to implement voluntary conservation activities on their lands that have resulted in tangible conservation benefits.

(ii) Simple regulation of “harmful activities” is not sufficient to conserve these species. Landowner cooperation and support is required to prevent the extinction and promote the recovery of

all of the listed species on Maui due to the need to implement proactive conservation actions such as ungulate management, weed control, fire suppression, plant propagation, and outplanting.

The need for TNCH’s cooperation is especially acute because 3 of the 16 reported species are not currently found on the preserves. Future conservation efforts, such as translocation of these three plant species on to these lands and expansion of the extant species, will require the cooperation of TNCH and other non-Federal landowners on Maui. Exclusion of TNCH lands from this critical habitat designation will help the Service maintain and improve this partnership by formally recognizing the positive contributions of TNCH to plant recovery, and by streamlining or reducing redundant regulatory oversight.

The need for the State’s cooperation is also especially acute because the upper Hanawi NAR is unoccupied by *Cyanea mceldowneyi*. Future conservation efforts, such as translocation of this plant species back into unoccupied habitat on this land and expansion of the extant species, will require the cooperation of the State and other non-Federal landowners on Maui. Exclusion of the State’s Hanawi NAR lands from this critical habitat designation will help the Service maintain and improve this partnership by formally recognizing the positive contributions of the State NAR to plant recovery, and by streamlining or reducing unnecessary regulatory oversight.

The need for ML&P’s cooperation is necessary because future conservation efforts, such as expansion of the extant species, will require the cooperation of ML&P and other non-Federal landowners on Maui. Exclusion of ML&P lands from this critical habitat designation will help the Service maintain and improve this partnership by formally recognizing the positive contributions of ML&P to plant recovery, and by streamlining or reducing unnecessary regulatory oversight.

The need for Ulupalakua Ranch’s cooperation is important because the proposed unit Maui H is unoccupied by 3 of the 12 species. Future conservation efforts, such as translocation of these three plant species back into unoccupied habitat on these lands, will require the cooperation of Ulupalakua Ranch.

The need for Haleakala Ranch Co.’s cooperation is especially acute because the proposed units Maui H, I1, I2, and I4 are unoccupied by 11 of the 18 species. Future conservation efforts,