

from critical habitat outweigh the benefits of including them. Although, the results of this type of evaluation will vary significantly depending on the landowners, geographic areas, and species involved, we believe the State and private lands in proposed units Hawaii Y1 and Y2 merit this evaluation.

Other Impacts

U.S. Army Lands

As described in the "Analysis of Managed Lands Under Section 3(5)(A)" section above, based on our evaluation of the adequacy of special management and protection that is provided in the Army's INRMP for PTA (Department of the Army 2002) for the plant species addressed in this proposal which are found on Army land, in accordance with section 3(5)(A)(i) of the Act, we have not included the Army's PTA in this final designation of critical habitat. However, to the extent that special management considerations and protection may be required for this area and it would meet the definition of critical habitat according to section 3(5)(A)(i), it is properly excluded from designation under section 4(b)(2) of the Act, based on the following analysis.

As explained below, we believe the benefits of designating critical habitat for the 12 species at PTA (*Asplenium fragile* var. *insulare*, *Hedyotis coriacea*, *Isodendron hosakea*, *Neraudia ovata*, *Portulaca sclerocarpa*, *Silene hawaiiensis*, *Silene lanceolata*, *Solanum incompletum*, *Spermolepis hawaiiensis*, *Tetramolopium arenarium*, *Vigna o-wahuensis*, and *Zanthoxylum hawaiiense*) and the lands being acquired as part of their "Transformation" to a Stryker Brigade Combat Team are relatively low and outweighed by the benefits of excluding these lands from critical habitat. We also have concerns that a critical habitat designation may negatively impact the Army's ability to effectively carry out a recently proposed training and equipment conversion program on the island of Hawaii.

The Army's PTA, including the lands being acquired for "Transformation," is occupied habitat for 12 species, as referenced above. A total of 28,384 ha (70,138 ac) are excluded from final critical habitat, all of which is considered occupied by one or more listed species.

According to our published recovery plans, recovery of these 12 species will require reproducing, self-sustaining populations located in a geographic array across the landscape, with population numbers and population locations of sufficient robustness to

withstand periodic threats caused by to natural disaster or biological threats (Service 1994, 1995a, 1995b, 1996a, 1996b, 1996c, 1996d, 1997a, 1998a, 1998b, 1998c, 1999). The highest priority recovery tasks include proactive management such as plant propagation and reintroduction, fire control, nonnative species removal, and ungulate fencing. Failure to implement these active management measures, all of which require voluntary landowner support and participation, increases the likelihood that species will go extinct or not recover. The Army is undertaking many of these types of conservation actions on their land on the island of Hawaii as part of the implementation of the INRMP for PTA. These activities, which are described in more detail in the "Analysis of Managed Lands Under Section 3(5)(A)" section, require substantial financial obligations by the Army and cooperation with other agencies, landowners, and local residents.

The following analysis describes the likely positive and negative impacts of a critical habitat designation on Army land compared to the likely positive and negative impacts of a critical habitat exclusion of that land. The Service paid particular attention to the following issues: to what extent a critical habitat designation would confer additional regulatory, educational, and social benefits; and to what extent would critical habitat interfere with the Army's ongoing proactive conservation actions.

(1) Benefits of Designating U.S. Army Lands as Critical Habitat

Pohakuloa Training Area contains habitat essential to the conservation of the 12 species listed above. The primary regulatory benefit provided by a critical habitat designation on Army land is the requirement under section 7 of the Act that any actions authorized, funded, or carried out by the Army would not destroy or adversely modify any critical habitat, which includes an evaluation on the effects of the action on recovery of the species. However, as discussed above, all of the critical habitat proposed at PTA is occupied by listed species and thus section 7 consultation would already be required.

In addition, any net benefit of this aspect of critical habitat has been significantly minimized by the Army's commitment to coordinate with the Service on any of its activities that may adversely affect areas whether occupied or unoccupied by listed species that are considered essential to their conservation (*i.e.*, proposed as critical habitat) (Anderson, *in litt.* March 20, 2003). In fact, for the current

consultation at PTA, which includes the areas being acquired for "Transformation," the Army is evaluating impacts of its ongoing and future training activities on habitat considered essential to the conservation, including habitat unoccupied by listed species.

Moreover, the section 7 mandate to avoid destroying critical habitat does not extend to requiring plant reintroductions or other proactive conservation measures (*e.g.*, ungulate control) considered essential to the conservation of the species. As discussed above, the major threat to these species is the persistent and expanding presence of alien species. Failure to implement proactive management measures such as alien species removal and ungulate and rat management, as well as management of fire risk and plant propagation and reintroduction, may result in extinction of these species even with a critical habitat designation. These actions are, however, included in the Army's INRMP for PTA and will provide tangible benefits that will reduce the likelihood of extinction and increase the chances of recovery.

Another potential benefit of a critical habitat designation on this Army land is the education of the Army and the general public concerning the conservation value of this land. While we believe these educational benefits are important for the conservation of these species, we believe it has already been achieved through the Army's INRMP (for example, most of the INRMP's biologically sensitive areas overlap with proposed critical habitat), publication of the proposed critical habitat rule, the many public and interagency meetings that have been held to discuss the proposal, and discussion contained in this final rule.

In sum, the Army will manage for the conservation of all of these species through their INRMP process; this management will confer significant conservation benefits to the species that would not necessarily result from the section 7 consultation process. In addition, the Army has agreed to coordinate with the Service on any actions that may affect essential habitat areas (whether occupied or unoccupied by the listed species) even if these areas are not designated as final critical habitat. Taken together, these two management commitments by the Army lead the Service to conclude that any additional incremental regulatory benefits provided by a final critical habitat designation on Army lands would be relatively small.