

The following analysis describes the likely conservation benefits of a critical habitat designation compared to the conservation benefits without critical habitat designation. We paid particular attention to the following issues: To what extent a critical habitat designation would confer regulatory conservation benefits on these species; to what extent the designation would educate members of the public such that conservation efforts would be enhanced; and whether a critical habitat designation would have a positive, neutral, or negative impact on voluntary conservation efforts on this privately owned land as well as other non-Federal lands on the island of Hawaii that could contribute to recovery.

If a critical habitat designation reduces the likelihood that voluntary conservation activities will be carried out on the island of Hawaii, and at the same time fails to confer a counterbalancing positive regulatory or educational benefit to the species, then the benefits of excluding such areas 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 the species involved, we believe the Kamehameha Schools lands on the island of Hawaii merit this evaluation.

(1) Benefits of Inclusion

Critical habitat in the Kamehameha Schools portion of units Hawaii G, W, and Z was proposed for the following species: *Argyroxiphium kauense*, *Bonamia menziesii*, *Cyanea shipmanii*, *Cyanea stictophylla*, *Delissea undulata*, *Neraudia ovata*, *Phyllostegia racemosa*, *Phyllostegia velutina*, and *Pleomele hawaiiensis*. The primary direct benefit of inclusion of these lands as critical habitat would result from the requirement under section 7 of the Act that Federal agencies consult with us to ensure that any proposed Federal actions do not destroy or adversely modify critical habitat.

The benefit of a critical habitat designation would ensure that any actions funded by or permits issued by a Federal agency would not likely destroy or adversely modify any critical habitat. Without critical habitat, some site-specific projects might not trigger consultation requirements under the Act in areas where species are not currently present; in contrast, Federal actions in areas occupied by listed species would still require consultation under section 7 of the Act.

Historically, we have conducted only two formal and 21 informal consultations under section 7 on the

island of Hawaii for any of the 41 plant species. Only two consultations involved Kamehameha Schools lands, both of which were intra-Service consultations on conservation projects. One consultation was regarding a project to restore Opaepa Pond; however, none of the 47 species at issue were involved. The other consultation was regarding restoring dryland forest. The proposed restoration actions were found to benefit two species at issue here, *Bonamia menziesii* and *Nototrichium breviflorum*. As a result of the low level of previous Federal activity on Kamehameha Schools lands on the island, and after considering that the likely future Federal activities that might occur on these lands would be minimal and associated with Federal funding for conservation activities, it is our opinion that there is likely to be a low number of future Federal activities that would negatively affect habitat on Kamehameha Schools lands. A Federal nexus is anticipated in association with the finalization of a Safe Harbor Agreement and issuance of an enhancement of survival permit; however, these activities will have a net conservation benefit for the species concerned. Therefore, we anticipate little additional regulatory benefit from including this portion of units Hawaii G, W, and Z in critical habitat beyond what is already provided for by the existing section 7 nexus for habitat areas occupied by the listed extant species.

Another possible benefit is that the designation of critical habitat can serve to educate the public regarding the potential conservation value of an area, and this may focus and contribute to conservation efforts by other parties by clearly delineating areas of high conservation value for certain species. Information about the nine species for which critical habitat was proposed in this portion of units Hawaii G, W, and Z that reaches a wide audience, including other parties engaged in conservation activities, could have a positive conservation benefit. This result has been achieved through an exhaustive process that involved dozens of public and interagency meetings, media outreach including front-page articles in major newspapers, and several publications in the **Federal Register**. Final species-specific maps identifying habitat areas essential to the conservation of these species on Kamehameha Schools lands have been prepared and will be provided to Kamehameha Schools and other interested parties. These maps will ensure Kamehameha Schools is completely informed regarding what

precise areas are important to which species.

In addition, we believe that education of relevant sectors of the public is being achieved through the existing management and education efforts carried out by Kamehameha Schools and their conservation partners. Kamehameha Schools participates in the Olaa-Kilauea Management Partnership along with Federal and State agencies, along with other private landowners, to protect the biological resources of the Olaa-Kilauea area.

In sum, we believe that a critical habitat designation for listed plants on Kamehameha Schools lands would provide a relatively low level of additional regulatory conservation benefits to each of the plant species beyond what is already provided by existing section 7 consultation requirements caused by the physical presence of the nine listed species. Any regulatory conservation benefits would accrue through the benefit associated with additional section 7 consultation associated with critical habitat. Based on a review of past consultations and consideration of the likely future activities in this specific area, we expect little Federal activity that would trigger section 7 consultation to occur on this privately owned land. We also believe that critical habitat designation would provide little additional educational benefit since the conservation value is already known by the landowner, the State, Federal agencies, and private organizations, and the area has been identified as essential to the conservation of nine plant species through publication in the proposed critical habitat rule and this final rule.

(2) Benefits of Exclusion

Proactive voluntary conservation efforts are necessary to prevent the extinction and promote the recovery of these species on the island of Hawaii and other Hawaiian islands (Shogren *et al.* 1991; Wilcove and Chen 1998; Wilcove *et al.* 1998). Consideration of this concern is especially important in areas where species have been extirpated and their recovery requires access and permission for reintroduction efforts (Bean 2002; Wilcove *et al.* 1998). For example, three of the nine species associated with proposed units Hawaii G, W, and Z are extirpated from Kamehameha Schools lands, and repopulation is likely not possible without human assistance and landowner cooperation.

Kamehameha Schools is involved in several important voluntary conservation agreements and is currently carrying out some of these