

case scenario of the costs associated with the potential outcomes of third party lawsuits.

(75) *Comment:* Several commenters stated the following: A strip of Grove Farm-owned land along the coastline from the Poipu Bay Golf Course to Kaweliko Point is being proposed for critical habitat. Although much of this land is within the Conservation District and development, if any, is expected to be minimal, critical habitat designations may affect current activities that exist in this area, as well as possible future activities, such as, hiking, kayaking or horseback riding. The Poipu Mahaulepu property also has future potential as a quality resort development, with potential construction valued in the hundreds of millions of dollars and employment and housing for over a thousand residents. The U.S. Navy currently has 14 beach cottages and an officers beach facility within its Pacific Missile Range Facility (PMRF). Funding has been appropriated to add six cottages and future plans provide for additional cottages to follow. Completed documents also identify construction plans for other new facilities and structures on PMRF. The economic analysis does not adequately consider such future costs.

Our Response: Activities such as hiking, kayaking, and horseback riding are not identified as threats to critical habitat in the proposed rule. As such, any additional environmental review or modification to these activities directly or indirectly attributable to critical habitat is anticipated to be negligible. The planned site for the Poipu Mahaulepu resort and the 14 beach cottages at PMRF are not included in critical habitat as modified. The potential costs associated with other planned construction at PMRF are discussed in Chapter VI, section 3.m. of the DEA and in section 3.b. of the Addendum.

(76) *Comment:* Several commenters stated the following: Portions of the proposed critical habitat designations are within the Conservation District. Although there are no intense activities occurring on these lands, roadway and water systems traverse some of these lands. Critical habitat designations may affect operations and maintenance of these systems as well as any future change in use of the lands.

Our Response: As mentioned in the proposed rule and in Chapter I of the DEA, existing manmade features and structures do not contain, and are not likely to develop, primary constituent elements essential for the conservation of the listed species. These features and structures are considered "unmapped

holes" that are found within the boundaries of critical habitat units but are not considered by the Service to be part of critical habitat. As such, there are unlikely to be any direct section 7 related costs to the operation and maintenance (O&M) of existing features and structures.

The inclusion of these features and structures in the critical habitat boundaries could indirectly affect the activities associated with the existing features due to an increase in State and county environmental review. However, any additional delays or modifications as a result of the increased State and county review are anticipated to be negligible because manmade features and structures do not contain the primary constituent elements for the listed plants.

The DEA and the Addendum present all of the reasonably foreseeable projects, land uses, and activities that could occur within critical habitat over the next ten years. While there may be some unknown future change in the use of the land in the Conservation District in critical habitat, there is insufficient information to assess the potential indirect or direct effects critical habitat will have on the land use. However, any impact attributable to critical habitat is anticipated to be minor due to the existing protections provided by Conservation District and other baseline regulations discussed in Chapter IV of the DEA.

(77) *Comment:* Several commenters stated the following: Kauai's economy is far from robust and serious consideration must be given to the economic consequences of designating critical habitat. The total designation of 99,206 acres on Kauai and 697 acres on Niihau encompass approximately one-fourth of the total land area of Kauai County and is of grave concern.

Our Response: Critical habitat, as modified, includes roughly 15 percent of the island of Kauai and less than one percent of the island of Niihau. The economic costs to the economy of Kauai County (which includes both Kauai and Niihau) are expected to be minimal because (1) as modified, 99 percent of the proposed critical habitat is in Conservation District where development and other economic activity is severely limited; (2) almost all of the remaining agricultural land is on Niihau in an area not subject to development pressure; and (3) all of the land in the Urban District is on steep ocean cliffs that cannot support development.

(78) *Comment:* Several commenters stated the following: All Hawaiian plant recovery plans call for fencing to keep

feral animals away from the plants. Yet the Service has stated that the 99,000 acres being designated as critical habitat on Kauai will have no impact on the hunters. Clarification of this statement is needed. Critical habitat designation will greatly impact the public hunting program and deprive hunters access to lands they have used for generations for recreation as well as food supplement for their families. This loss is of further significance, given Kauai's hard-pressed economy and the recent closures of Amfac and Kekaha Sugar plantations. The State could also lose much needed revenues to continue its game and area management services as sales of hunting licenses would decrease. This, in turn, would result in the overgrowth of non-endangered plant species that will eventually overrun the protected endangered species population. Also, limitations on game hunting in areas of critical habitat may lead to an increase in the numbers of wild pigs and goats, which would feed on the endangered plant species.

Our Response: Chapter VI, sections 3.a. and 4.b. of the DEA and section 4.a. of the Addendum discuss the potential effects the implementation of section 7 for the listed plants will likely have on hunting, as well as the potential indirect effect critical habitat could have on hunting. The direct effects include costs ranging from \$9,000 to \$17,600 for two section 7 consultation between the Service and DLNR and costs ranging from \$50,000 to \$100,000 for project modifications associated with State game management activities. The indirect effects include a slight probability of a change in State game management policy and an undetermined probability of a successful third party lawsuit to mandate conservation management of State and private lands, which could include fencing to exclude feral ungulates. The potential drop in hunting activity translates into a decrease in annual economic activity related to hunting on Kauai of about \$297,000 in direct sales (a figure that includes expenditures on hunting licenses); \$513,000 in total direct and indirect sales; nine jobs; and \$176,000 in income, as well as a loss of \$149,000 in hunter benefits. However, the decrease in expenditures and hunter benefits would probably be off-set by expenditures and benefits associated with other recreational activities, so these figures are likely to overstate the economic costs. If the critical habitat, as modified, is fenced to exclude ungulates, the annual cost of conservation management for the listed