

## Questions and Answers

Q1: Why is the U.S. Fish and Wildlife Service designating critical habitat for these two plants?

We determined that the conservation of these two plants could be bolstered by designating specific geographic areas that contain features essential to their conservation as endangered species that may require special management and protection.

We considered physical and biological features needed such as:

- Space for individual and population growth and for normal behavior;
- Cover or shelter;
- Food, water, air, light, minerals, or other nutritional or physiological requirements;
- Sites for breeding and rearing offspring; and,
- Habitats that are protected from disturbances or are representative of the historical geographical and ecological distributions of a species.

Q2: Can you give any specifics about the critical habitat designations?

The critical habitat for both plants is located in Miami-Dade County, Florida. We're designating approximately 2,624 acres of critical habitat for the Florida brickell-bush and 2,649 acres for Carter's small-flowered flax. The critical habitat areas for the plants largely overlap for a combined total of about 2,706 acres.

The critical habitat designation is divided into seven separate geographic units for each plant and includes lands in pine rockland habitat on the Miami Rock Ridge, outside of Everglades National Park, in Miami-Dade County, Florida. Areas within the designation include occupied and unoccupied, but suitable, habitat within the plants' historic ranges.

Q3: What are the biggest threats to these two plants?

These two plants grow exclusively in pine rockland habitat on the Miami Rock Ridge outside of Everglades National Park. The pine rockland community in South Florida is critically imperiled globally. Historic destruction of these pinelands for economic development has reduced this habitat by more than 90 percent, and the pine rockland habitat that remains is highly fragmented. Ongoing habitat loss, the fragmented nature of remaining pine rockland habitat, and habitat degradation—primarily through inadequate fire management and non-native invasive plants—in the range of these plants are the biggest issues.

Q4: How is critical habitat defined?

The Service identifies critical habitat when it proposes to list an animal or plant as endangered or threatened. Critical habitat, a term defined in the Endangered Species Act, is identified based on what an animal or plant needs to survive and reproduce by

reviewing the best scientific information concerning a species' present and historical ranges, habitat, and biology. The designation of critical habitat helps ensure that federal agencies and the public are aware of the habitat needs of the two plants, and proper consultation is conducted by federal agencies when required by law.

When an area is designated as critical habitat for a listed species, federal agencies are required by law to ensure that any action they fund, authorize, or carry out is not likely to result in the destruction or adverse modification of the habitat. This is carried out through consultation with the Service.

The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. A critical habitat designation also does not allow the government or public to access private lands, nor does it require implementation of restoration, recovery, or enhancement measures by non-federal landowners.

Although some of the areas within the critical habitat designation for these two plants are located on private land, there are no federal regulations affecting critical habitat on private lands unless activities or projects on those lands are authorized, funded, or carried out by a federal agency. Activities in designated critical habitat that require federal involvement (for example, a U.S. Army Corps of Engineers permit to build a dam) would need to be reviewed by the Service. The federal agency would work with the Service to help landowners avoid, reduce, or offset potential negative impacts to the critical habitat and the listed species.

There should be no or minimal impact on agricultural or timber companies, private landowners, or residential development. The Service relies on a number of voluntary, non-regulatory conservation programs to provide willing landowners with assurances to protect them for the work they do on their lands.

Q5: Was there an economic analysis and what was it based on?

The economic analysis, which is required under the Endangered Species Act, estimates the total economic costs of the critical habitat designation for these plants. Most of the estimated costs are administrative in nature and are only applicable when projects may diminish the conservation value of the habitat. The costs are borne largely by federal agencies, which are required to consult with the Service when a project they are funding, permitting or working on is likely to negatively affect the critical habitat.

The draft economic analysis estimates the total economic costs of the critical habitat designation for these plants are not likely to exceed \$120,000 in 2013 dollars in a single year.

The economic analysis does not consider the cost of the listing itself because the ESA states that the listing of a species is to be based solely on the best available scientific information.

Q6: There's some controversy about commercial development on pine rockland habitats in the Miami area. How do these critical habitat designations affect those and future planned developments?

Except where there is a federal connection (such as funding, permitting, or land transfer) to any of those projects, these critical habitat designations should have very minimal effect. However, the area is home to federally protected species such as Florida bonneted bats and Bartram's scrub hairstreak butterflies. We highly encourage involved parties (e.g., developers, the County) to consult with the Service as early in the planning process as possible so that we may help: (1) ensure that they comply with the law; and (2) incorporate necessary conservation measures early in the planning process (thereby avoiding delays and costs associated with project modifications).

Two construction projects are currently proposed in an area of Miami where pine rocklands exist: Coral Reef Commons and Miami Wilds. This critical habitat designation won't impact the proposed Coral Reef Commons construction project. However, the presence of listed species such as the Bartram's hairstreak butterfly and Florida bonneted bat could, which is why the Service is working with the stakeholders of this project to determine what the possible impacts to listed species might be and how those impacts might be mitigated or eliminated. In fact, the Service is working with the developer of the proposed Coral Reefs Commons project on a Habitat Conservation Plan that would help in that regard.

Because U.S. Coast Guard lands are included in the proposed Miami Wilds construction project, and would require transfer of the federal lands to the county, potential adverse impacts on critical habitat will be evaluated for this project as part of the required Section 7 consultation to avoid destruction or adverse modification of the critical habitat. However, regardless of this critical habitat designation, Section 7 consultation related to the land transfer would still be required to address potential adverse impacts on listed plants and animals present on the property, including the Florida brickell-bush.

Q7: Aren't there some federally listed plants possibly on these pine rocklands, too? And if so, don't people have to avoid "take" of those plants as well?

Yes, there are some protected plants found in that habitat, including: deltoid spurge, tiny polygala, Small's milkpea, and the crenulate lead plant. However, protections for plants differ from those for animals under the ESA. In cases where a project has the potential to impact federally-listed species, including plants, the Service highly encourages people to consult with it as early in the planning process as possible so that the agency's biologists can help: (1) ensure they comply with the law; and (2) incorporate necessary conservation measures early in the planning process (thereby avoiding delays and costs associated with project modifications).