



U.S. Fish and Wildlife Service Southeast Regional Announcement

FOR IMMEDIATE RELEASE

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Contacts:

Patty Matteson, Patty_Matteson@fws.gov, 919-856-4520, ext. 25

Elsie Davis, Elsie_Davis@fws.gov, 404-679-7107

Critical Habitat Proposed for Golden Sedge

The U. S. Fish and Wildlife Service proposes to designate critical habitat for the golden sedge, a plant listed as endangered under the Endangered Species Act.

The proposed designation for the golden sedge is approximately 189 acres located in Onslow and Pender Counties in North Carolina. Citizens are invited to comment on this proposed critical habitat designation, published in today's Federal Register. The Service will accept comments postmarked on or before May 10, 2010.

Threats to this sedge, which lasts for more than two growing seasons, include fire suppression, conversion of limited habitat for residential, commercial, or industrial development, highway and utility expansion, and wetland drainage activities associated with forestry, agriculture, and development projects. Herbicide applications along roadsides and utility rights of way also threaten its survival. In addition, permitting actions in wetlands by the U.S. Army Corps of Engineers could potentially impact this plant's habitat.

Golden Sedge was described as a distinct species in 1994 and was listed as an endangered species under the Endangered Species Act on January 23, 2002. A designation of critical habitat was found to be not prudent in the proposed listing rule (64 FR 44470; August 16, 1999). Although a critical habitat designation was found to be prudent in the final listing rule, a proposed designation was delayed due to budgetary and workload constraints.

Since listing the sedge, the Service has developed a draft recovery plan to protect the plant and its habitat. The North Carolina Natural Heritage Program, the North Carolina Chapter of The Nature Conservancy, The North Carolina Division of Parks and Recreation, The North Carolina Department of Transportation, the North Carolina Wildlife Resources Commission, and Progress Energy have partnered with the Service to help implement the recommended recovery actions.

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2/2/2

On December 19, 2007, the Center for Biological Diversity challenged the Service's failure to designate critical habitat for this species, as well as three other plant species (Center for Biological Diversity v. Dirk Kempthorne, C-04-3240 JL (N. D. Cal.)). In a settlement agreement dated April 11, 2008, the Service agreed to submit for publication in the Federal Register a proposed designation of critical habitat, if prudent and determinable, on or before February 28, 2010, and a final determination by February 28, 2011.

The stems of the golden sedge may reach 39 inches or more in height. The plant's yellowish-green leaves are grass-like and can be 11 inches in length, while those of the vegetative shoots reach a length of 25.6 inches. The plant only occurs in the outer coastal plain of North Carolina, in wet savannas or in very wet to saturated soils adjacent to or in shallow drainage ditches. As a result of its federal status as endangered, the plant is also listed as endangered in North Carolina by the North Carolina Department of Agriculture.

Critical habitat is a term used in the Endangered Species Act that identifies geographic areas containing features essential for the conservation of a threatened or endangered species. Critical habitat is a term in the Endangered Species Act that identifies geographic areas containing features essential for the conservation of a threatened or endangered species, and which may require special management considerations or protection. Designation of critical habitat does not affect land ownership, establish a refuge or preserve and has no impact on private landowners taking actions on their land that do not require federal funding or permits. Critical habitat also does not include existing developed sites within the proposed unit such as dams, piers or marinas.

As a listed species under the Endangered Species Act, golden sedge is already protected wherever it occurs, and federal agencies are required to consult on any action they take that might affect the species. Designating critical habitat will provide non-regulatory benefits to the Golden Sedge by informing the public of areas that are important to the species' recovery and identifying where conservation actions would be most effective. The designation of critical habitat also will help the plant by ensuring that federal agencies and the public are aware of the habitat needs of the species.

As part of designating critical habitat, the Service also takes into account the economic impact, as well as any other relevant impacts, of specifying any particular area as critical habitat. The Service may exclude any area from critical habitat if it is determined that the benefits of excluding it outweigh the benefits of including it, unless it is determined that excluding the area as critical habitat will result in the extinction of the species. The Service will publish an announcement in the Federal Register to notify the public when the draft economic analysis is available for review and comment. Once the draft economic analysis is available for comment, the Service will hold a public hearing on this proposed action and the draft economic analysis, should one be requested

The complete proposal has been published in the Federal Register today. A copy of the proposed rule can be obtained by visiting the Service's website at: Federal eRulemaking Portal: <http://www.regulations.gov>.

Please follow the instructions for submitting comments. With this proposal, the Service is seeking comments, suggestions, and any additional information on biology, threats, range, distribution, population

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3/3/3

size, or current or planned activities and the activities possible impacts on the golden sedge or its proposed critical habitats. A final decision about whether to designate critical habitat for the golden sedge will consider all comments and information received by May 10, 2010.

Public comments on the proposed rule will be accepted until May 10, 2010. Written comments on the proposal should be submitted by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. Please note that all comments, including personal information will be posted.
- U.S. mail or hand-delivery: Public Comments Processing, Attn: FWS-R4-ES-2010-0003; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

Written requests for public hearings may be submitted, using the same methods, within the next 45 days, by April 26, 2010.

Copies of the proposal and maps are available on the website at <http://www.fws.gov/raleigh>, or by contacting **Dale Suiter, U. S. Fish and Wildlife Service, 551 F Pylon Drive, Raleigh, North Carolina 27636, telephone (919)856-4520 Ext. 18; facsimile 919/856-4556..**

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