

## **Florida brickell-bush and Carter's small-flowered flax Questions and Answers**

### **Q: What actions are the U.S. Fish and Wildlife Service taking?**

A: The U.S. Fish and Wildlife Service is announcing the availability of the draft economic analysis for the Florida brickell-bush and Carter's small-flowered flax proposed critical habitat designation under the Endangered Species Act (ESA). At the same time, we are re-opening the comment period for these plants' critical habitat designation. The public is invited to comment on both actions during a 30-day comment period ending August 14, 2014.

We also are providing further detail on units and noticing small revisions to the proposed critical habitat designation.

In the proposed critical habitat rule, we named seven proposed units (Units 1-7) which applied to both plants. As part of this revision and for the final rule, we propose to change unit names to be specific to each plant – for example, Unit 1 has been revised to Units BM1 and LCC1 for Florida brickell-bush and Carter's small-flowered flax, respectively. The large overall unit boundaries encompass multiple, smaller designations within each unit (subunits). In this revision, we have added subunit names which identify individual patches, or multiple patches having the same occupancy status that are only separated by a road. These changes were made to provide more detail to help clarify locations and needs for each plant within the larger unit areas.

During the previous public comment period, we received new information concerning the current habitat condition of proposed areas as well as information regarding additional areas of suitable habitat not included in the proposed designation, but that meet the definition of critical habitat. Based on this new information, we are proposing to revise the critical habitat designation by:

- Deleting subunit BM71, approximately 45.0 ac (18.2 ha), due to unsuitable habitat conditions;
- Revising Camp Matecumbe (Unit BM2, subunit BM2A; and Unit LCC2, subunit LCC2A) by adding 2.7 ac (1.1 ha);
- Revising Tamiami Pineland Complex Addition (Unit LCC2, subunit LCC2C) by adding 11.2 ac (4.5 ha);
- Removing an unsuitable area (approximately 7.0 ac (2.8 ha)) on U.S. Coast Guard lands (USCG; Unit BM4, subunit BM4C; and Unit LCC4, subunit LCC4A);
- Addition of suitable pine rocklands within Bill Sadowski Park, totaling approximately 19.5 ac (7.9 ha);
- Addition of suitable pine rocklands within Eachus Pineland, totaling approximately 17.3 ac (7.0 ha); and,
- Addition of up to three areas on Department of Defense lands (Homestead Air Reserve Base and U.S. Special Operations Command South) (totaling approximately 17.3 ac (7.0 ha)). We are currently reviewing relevant INRMPs and

want to notify the public that these areas may be exempted from the final rule.

Please refer to the Notice of Availability for more information and maps of these proposed changes.

**Q: What are the biggest threats to these two plants?**

A: 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.

**Q: What areas are proposed for critical habitat designation for these two plants?**

A: Both plants are only found on the Miami Rock Ridge in South Florida. The critical habitat proposed for these two plants overlap, for a combined total of about 2,723 acres. The plants' proposed critical habitat designation 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.

**Q: How is critical habitat defined?**

A: 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 ESA, 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 proposed critical habitat designation for these two plants are located on private land, activities or projects on those lands would only be impacted if they 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.

**Q. What is the economic analysis based on?**

A. The economic analysis, which is required under the ESA, estimates the total economic costs of the proposed 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 proposed 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.

**Q. How long does it take for the Service to reach a decision after the public comment period is closed?**

A. According to the ESA, the Service has one year from the proposed rule to do one of the following: finalize the rule, withdraw the rule, or provide notice extending the one year period if there is substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the decision to be made. When a final rule is published, it generally becomes effective no less than 30 days after the date of publication in the *Federal Register*. According to the Service's deadlines, Final Rules should be submitted to the *Federal Register* by October 3, 2014.