



## Questions and Answers: Tobusch fishhook cactus Downlisting Proposal

Southwest Region (Arizona • New Mexico • Oklahoma • Texas) [www.fws.gov/southwest/](http://www.fws.gov/southwest/)

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### **Q: What is the U.S. Fish and Wildlife Service proposing?**

**A:** The Service is proposing to downlist the Tobusch fishhook cactus, a small cactus with curved fishhook spines, from endangered to threatened under the Endangered Species Act (Act). Based on the Service's thorough review of the available information, including a recently completed Species Status Assessment, the species no longer meets the definition of endangered under the Act but may still become endangered in the foreseeable future. A 60-day public comment period will begin upon publication of the proposal in the *Federal Register*.

### **Q: Why is the Service proposing to downlist Tobusch fishhook cactus?**

**A:** Our analysis of the best available science and data indicates that the population size for the Tobusch fishhook cactus is significantly larger than when the species was originally listed in 1979. At that time, fewer than 200 cacti had been documented at four sites. Recently about 4,000 plants have been documented in surveys in eight central Texas counties and we estimate that population size is about 480,000 individuals in eight central Texas counties.

In 2010, the Service completed a 5-year review of the Tobusch fishhook cactus which recommended the species be downlisted from endangered to threatened. In 2012 we received a petition requesting the Tobusch fishhook cactus be reclassified as threatened based on the recommendations in our 5-year review. In September 2013, we published a substantial 90-day finding on the petition to downlist the species.

### **Q: What is the difference between an endangered species and a threatened species?**

**A:** For the purposes of the Act, a species is endangered if it is in danger of extinction throughout all or a "significant portion of its range" and is threatened if it is likely to become endangered within the foreseeable future throughout all or a "significant portion of its range." The distinction between the two is whether a species is currently in danger of extinction or in danger of extinction in the foreseeable future.

**Q: Why was the species listed as endangered?**

**A:** The Tobusch fishhook cactus was listed as endangered in 1979 due to habitat destruction as a result of flooding and erosion; collection of the cacti; the inadequacy of existing regulatory mechanisms; and its very limited population size. At the time of listing, less than 200 plants in four locations had been confirmed. Today, the Tobusch fishhook cactus is known to exist in eight central Texas counties: Bandera, Edwards, Kerr, Kimble, Kinney, Real, Uvalde, and Val Verde. The population size has steadily increased and the estimated population is approximately 480,000 cacti covering more than five million acres.

**Q: What are the current threats to the Tobusch fishhook cactus?**

**A:** While many additional populations of the Tobusch fishhook cactus have been identified since it was listed almost forty years ago, the species still faces a number of threats. Changes in the wildfire cycle and juniper encroachment, parasite infestation, illicit collection, and the demographic and genetic consequences of small population sizes threaten the status of the species. In addition, it is unclear what impact the subdivision of large livestock ranches into many small properties for residential and recreational uses will have on the species.

**Q: What conservation efforts are currently underway for the Tobusch fishhook cactus?**

**A:** Tobusch fishhook cactus populations are protected at eight state properties managed by Texas Parks and Wildlife Department, two preserves managed by The Nature Conservancy, and a privately-owned reserve. Conservation efforts have been conducted by private landowners who participate in the Service's Partners for Fish and Wildlife program. The Lady Bird Johnson Wildflower Center (Wildflower Center) administers a grant program to support research and conservation of this rare cactus; the Wildflower Center also maintains a nursery of Tobusch fishhook cactus plants that were salvaged from development sites and will be used to restore wild populations in protected sites.

**Q: If the species is downlisted from endangered to threatened, what would that mean for private landowners?**

**A:** There will be no change for private landowners. The Act does not restrict landowner's use of private lands that have either threatened or endangered plant species.

**Q: If the Tobusch fishhook cactus is reclassified to threatened, will the Service continue to monitor and manage the species?**

**A:** Reclassifying the Tobusch fishhook cactus to threatened would not change the Service's commitment to continue monitoring the species, nor would it change the commitment to pursue full recovery of the species. The Service will retain lead for the species until it is fully recovered and delisted, at which time management responsibility would shift to the state of Texas.

**Q: Are the protections afforded to listed plants different from listed animals?**

**A:** The prohibitions and protections afforded to listed plants are different from those provided to listed animals.

- The Act forbids anyone from importing, exporting, or engaging in interstate or foreign sale of endangered and threatened animals and plants without a special permit. For wildlife species, the Act also makes "take" illegal -- forbidding the killing, harming, harassing, pursuing, or removing the species from the wild. The Act does not prohibit the destruction, damage, or movement of listed plants UNLESS such activities involve an endangered species on Federal land or if the action occurs in violation of State laws. If a person wishes to develop private land, with no Federal jurisdiction involved, in accordance with State law, then the potential destruction, damage, or movement of endangered or threatened plants does not violate the Act.
- The Act requires that federal agencies conduct their activities in such a way as to conserve listed species.

**Q: What information is the Service requesting?**

**A:** Any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. The Service is seeking information regarding:

- (1) New information on the historical and current status, range, distribution, and population size of Tobusch fishhook cactus, including the locations of any additional populations.
- (2) New information on the known and potential threats to Tobusch fishhook cactus.
- (3) New information regarding the life history, ecology, and habitat use of Tobusch fishhook cactus.

**Q: How can the public submit information on the downlisting proposal?**

**A:** The Service is requesting comments or information from the public, other concerned governmental agencies, the scientific community, industry, or any other interested parties concerning the proposed rule. Comments must be received within 60 days, on or before February 27, 2017. You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter FWS–R2–ES–2016-0130, which is the docket number for this rulemaking. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on “Comment Now!”

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R2–ES–2016-0130; U.S. Fish & Wildlife Headquarters, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

For additional information, contact Adam Zerrenner, Field Supervisor, U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 10711 Burnet Rd, Suite 200, Austin, Texas 78758, by telephone 512–490–0057, or by fax 512–490–0974. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.