

## **APPENDIX 2: QUESTIONS AND ANSWERS**

### **1. What is the U.S. Fish and Wildlife Service's action?**

The Service is publishing a final rule to list four South Florida plants under the Endangered Species Act (ESA). Big Pine partridge pea, wedge spurge and sand flax are being listed as endangered. Blodgett's silverbush is being listed as threatened .

### **2. Why is the Service listing these plants?**

The Service has determined that each of these plants is currently at risk throughout all of their range primarily because of habitat loss and modification. Sea level rise is also a concern. Impacts from various threats are ongoing and increasing and place three of the four plants in danger of extinction. The risk of extinction is high because the populations are small, isolated, and have limited to no potential for recolonization.

The Blodgett's silverbush is being listed as threatened because it occupies a wider array of habitats than the other three plants, which are being listed as endangered. The silverbush also has a relatively large secure population within Everglades National Park.

### **3. Is a critical habitat designation for these plants part of this listing?**

No, but critical habitat will be proposed later in a separate action. A draft economic analysis of the proposed designation is being prepared at the same time.

### **4. Can you describe each of these four plants?**

The Big Pine partridge pea is a shrub that grows up to about 32 inches tall, with yellow flowers and compound leaves--each leaf consists of a main stem with multiple leaflets. The fruit is shaped like a pod, similar to that of a pea. It's found in the pine rocklands of the lower Florida Keys and adjacent to disturbed sites, including roadsides.

The wedge spurge is a small, perennial herb. Its stems are slender and numerous. Its leaves are triangular and covered with fine short fuzz, giving the plant a silvery appearance. The spurge occurs in pine rocklands and disturbed sites on Big Pine Key, including roadsides.

The sand flax is a small, perennial herb that grows up to 21 inches tall. It has yellow flowers that are similar in appearance to a buttercup. When not in flower, it resembles a short, wiry grass. It can be found in pine rockland, disturbed pine rockland, dry marl prairie and disturbed areas on rocky soils near these habitats. There are eight populations in Miami-Dade County and four in the Florida Keys.

The Blodgett's silverbush is an erect perennial shrub or herb that grows up to 24 inches tall. It has a woody base and green, small flowers. The stems and leaves are covered with small hairs. This species grows in pine rockland, in sunny gaps or edges of rockland

hammock, coastal berm and on roadsides. It's currently known to exist from central Miami-Dade County from Coral Gables and southern Miami-Dade County to Long Pine Key in Everglades National Park and the Florida Keys from nine islands, from Windley Key southwest to Boca Chica Key.

#### **5. When were these plants first listed as candidates and when did the Service propose to formally list them under the ESA?**

All four were first recognized as candidate species on September 27, 1985. The Service proposed them for listing on September 28, 2015.

#### **6. What criteria did the Service use to determine if these plants should be listed under the ESA?**

Under the ESA, the Service can determine that a species is endangered or threatened based on any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) Overutilization for commercial, recreational, scientific, or educational purposes; (C) Disease or predation; (D) The inadequacy of existing regulatory mechanisms; or (E) Other natural or manmade factors affecting its continued existence. The Service has determined that the threats to these four plants consist primarily of habitat loss and modification through urban and agricultural development, and lack of adequate fire management (Factor A); proliferation of nonnative invasive plants, random events, such as hurricanes and storm surges, maintenance practices used on roadsides and disturbed sites, and sea level rise (Factor E); and the inadequacy of existing regulations to reduce these threats (Factor D).

In addition, the populations of these four plants have declined about 80 percent over the past two decades.

#### **7. What was the public's role in this decision?**

The Service highly values public input into the listing process. There was a 60-day public comment period. We received valuable scientific information from citizens, scientific communities and other interested parties.

#### **8. What does ESA listing mean for these four plants?**

Listed plants are not protected from take, although it is illegal to collect or maliciously harm them on federal land. The plants also are protected from commercial trade.

These plants are listed on the State of Florida's Regulated Plant Index as endangered. This listing provides little or no habitat protection beyond the state's development of a regional impact process, which discloses impacts from projects, but provides no regulatory protection for state-listed plants on private lands.

**9. Are some of the plant populations on private land? If so, what does the listing of these four plants mean for a private landowner?**

Yes, some of the plants are on private land. Unless the private property owner modifies his property in some way that requires a federal permit or federal funding, there would not be any impact to the landowner under federal law. However, any local and/or state laws that apply to these plants would apply.

**10. How does the fact that some of these species are found within the Richmond Pine Rockland area of Miami affect the Coral Reef Commons and Miami Wild construction projects?**

It has minimal impact because it's not prohibited by the ESA to destroy, damage or move protected plants unless such activities involve an endangered or threatened species on federal land, are federally funded, require a federal permit, or occur 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 ESA. I

Plants are the property of the landowner where they grow. The Service hopes that landowners would be good stewards of any federally-listed plants on their property, and the Service has a program -- the Partners for Fish and Wildlife -- which provides landowners with technical and financial assistance to manage their property.

The ESA does make it illegal to engage in interstate or foreign commerce or import or export federally-listed plants; attempt to commit these acts, cause them to be committed, or solicit another to commit them. Otherwise, there are no other implications for private landowners--such as those seeking to develop the proposed Coral Reef Commons and Miami Wild projects .