

Questions and Answers for the Proposed Critical Habitat Designation and Draft Economic Analysis for Three Southern Plants

1. What is critical habitat?

The U.S. Fish and Wildlife Service identifies critical habitat when it proposes to list an animal or plant for listing 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 these three plants, and proper consultation is conducted by federal agencies when required by law.

2. What does a critical habitat designation do?

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 private, local and state government lands have been included in the proposed critical habitat designation for these three plants, activities 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.

3. Where are the proposed critical habitat areas for Short's bladderpod?

Critical Habitat for Short's bladderpod encompasses about 926 acres of land in 20 tracts of land in Posey County, Indiana; Clark and Franklin Counties, Kentucky; and Cheatham, Davidson, Dickson, Jackson, Montgomery, Smith, and Trousdale Counties, Tennessee.

The proposed critical habitat designation includes lands under federal (30 percent), state or local government (six percent), and private (64 percent) land ownership.

All the federal lands are owned by the U.S. Army Corps of Engineers, which also holds easements on approximately four percent of the privately owned lands included in this proposed critical habitat designation.

4. Where are the proposed critical habitat areas for the whorled sunflower?

Proposed critical habitat designation for the whorled sunflower encompasses about 1,542 acres in four tracts of land in Cherokee County, Alabama; Floyd County, Georgia; and Madison and McNairy Counties, Tennessee. The proposed critical habitat designation includes only privately owned lands.

5. Where are the proposed critical habitat areas for fleshy-fruit gladeceess?

The proposed critical habitat designation for the fleshy-fruit gladeceess encompasses about 21 acres on six tracts of land in Lawrence and Morgan Counties, Alabama. The proposed critical habitat designation includes federal (six percent) and privately owned (94 percent) lands.

6. What is the economic analysis based on?

The economic analysis, which is required under the Endangered Species Act, estimates the cost of conserving critical habitat for a listed plant or animal. 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 species for which critical habitat is designated. According to the draft economic analysis for these three plants, the estimated costs of the designation range from \$410 to \$21,000 per year, and are expected to be borne largely in administrative costs by federal and state agencies.

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.

7. What happens with the information the Service receives during the public comment period?

The Service must base its reasoning and conclusions on the rulemaking record, consisting of the comments, scientific data, expert opinions, and facts accumulated during the pre-rule and proposed rule stages.

If the rulemaking record contains persuasive new scientific information or policy arguments that do not support the proposed action, the Service may decide to terminate the rulemaking or to continue the rulemaking but change aspects of the rule to reflect use of the best available scientific information and appropriate application of policy. If the changes are major, the Service would publish a supplemental proposed rule. If the changes are minor, or a logical outgrowth of the action discussed in the proposed rules, the Service may proceed with a final rule.

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

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 August 02, 2014.