Florida Native Plant Society Policy Statement on Imperiled Plant Species

A. Policy Statement

The Florida Native Plant Society is committed to the protection and restoration of Florida's rare and imperiled plants. The Society will use the full spectrum of its resources to:

- Defend the federal Endangered Species Act (ESA) and achieve stronger protections for plant species listed as Threatened or Endangered by either the federal ESA or the Florida Regulated Plant Index (Florida Administrative Code 5B-40.0055).
- Extend the provisions of the State Wildlife Grants Program to include imperiled plant species.
- Retain active representation on the Endangered Plant Advisory Council as an avenue to advocate for the effective conservation of imperiled plant species.
- Defend the state's Threatened and Endangered Plant Conservation Grants Program, which provides funding for conservation research and restoration of state-listed plants.

B. Background

Florida is home to numerous rare plant species, many of which are legally designated as Endangered or Threatened by the federal and/or state government. This distinction reflects a variety of geographical factors that are unique to our location. First, Florida is a peninsula that extends southward from the remainder of the continental US for a considerable distance, thereby encompassing a wide range of latitude. The climate varies from temperate in the northern reaches to sub-tropical in the Florida Keys. Many temperate zone species reach the southern limit of their natural range in Florida, and many tropical species common to the Caribbean have colonized extreme southern Florida. Florida also has many narrowly endemic species that evolved on habitat islands that were isolated for very long periods of time. Isolation of small populations is a prime factor involved in speciation. Florida's scrub islands on the central ridges are prime examples.

Biogeographical history is also important. Florida was a refuge for plants whose ranges were pushed southward during glacial epochs. Some of those species persist in the areas that served as refugia during periods of glaciation. This is especially true in the Apalachicola River valley, where *Taxus floridana* and *Torreya taxifolia* are a legacy of past glaciation.

Many instances of rareness among Florida's native plants are directly attributable to human impact. Orchid hunters completely extirpated some species (driving them to extinction, at least in Florida). Habitat destruction resulting from land development threatens many species, especially those with narrowly restricted ranges and highly specific habitat requirements. Invasive non-native species, and introduced diseases and pests, are also a threat to many native species. Examples of destructive non-native species include the European wild boar, which roots up native plants; *Melaleuca*, which colonizes moist areas so aggressively that it excludes most other species; and a weevil that is currently devastating populations of many native bromeliad species.

Support for Strengthening the Endangered Species Act

In contrast to the relatively strong protections the ESA extends to listed animal species, listed plant species receive almost no regulatory protection except in special circumstances. Specifically, only those occurrences of a listed plant species that happen to be on federally owned land, or that are threatened by a proposed federal action, receive any protection. Examples of federal actions that can trigger consideration (not necessarily action) of potential impacts to listed plant species include permit requests under Section 404 of the Clean Water Act, which can occur if wetland impacts are proposed on a property; Environmental Impact Statements or Environmental Assessments, which are prepared only for projects with major environmental impacts that may receive federal funding, such as highway projects; or if the plant(s) occurrence that would be affected by the proposed action is on federally owned land.

The ESA has also been a regular target of attempts to reduce the level of protection it provides to federally listed species. These attacks have included legislative efforts to limit its scope and a moratorium on the listing of new species. Many rare Florida plants (including some newly described taxa) need federal recognition and protection. FNPS will advocate for protection of the ESA and work in concert with other organizations to expand the protections extended to plant species. FNPS will also work to ensure there is meaningful funding dedicated to the preservation and recovery of listed plant species.

Support for Strengthening Protection at the State Level

Florida is home to some of the rarest plant species in the world, yet provides little protection against the harvest or destruction of these rare species. The state regulation that provides for protection of state-listed Endangered and Threatened plant species (Preservation of Native Flora of Florida Act (Ch. 581.185 F.S.)) focuses almost exclusively on regulating commercial use of those species. It specifically provides that landowners can remove or kill listed plant species present on their own property, and requires permits only where the plants are to be used or transported for commercial uses.

In limited circumstances, protection is offered under Florida Administrative Code, Rule 9j-2.041. Large developments are required to survey for plants listed as critically imperiled, imperiled, or rare in this rule (a list much shorter than the Regulated Plant Index). These include Developments of Regional Impact and Florida Quality Developments. If a species listed by this rule is encountered, development review may, but doesn't always, require some conservation measures for the species observed on site. This rule also has a clause specifically excluding the use of the endangered and threatened species list (Regulated Plant Index) established in 581.185 for development review purposes.

The lack of regulatory protection for listed plant species stands in stark contrast to the protection extended to listed animal species. The direct or indirect "take", or harvesting, of a listed animal species is either prohibited or requires a permit and mitigation. FNPS supports the amendment of state regulations to ensure that Threatened and Endangered plant species receive a level of protection equivalent to that provided to Threatened and Endangered animal species.

The primary form of protection the state provides to imperiled plants is through its ambitious land conservation program. Many occurrences of rare plants are protected on the extensive network of conservation lands that have been protected through state ownership. However, many of our rarest plant species are largely or exclusively found on private lands where there is no assurance of protection (for examples, see Chafin 2000).

How Plants Get State-listed

About 20 percent (542 species) of Florida's native plant species are currently listed as threatened, endangered or commercially exploited by the Regulated Plant Index (Florida Administrative Code 5B-40.0055). The Index is maintained by the Florida Department of Agriculture and Consumer Services Division of Plant Industry (DPI). Species are recommended for listing on the Index by the Endangered Plant Advisory Council (EPAC) after careful scrutiny of available evidence on the distribution and abundance of each species. EPAC also reviews the status of each listed species at regular intervals to provide timely updates based on new information or changes in a species' status.

The Council is composed of seven members who are appointed by the DPI Director. The composition of EPAC is mandated by statutory guidelines and typically includes botanists from academia and others with relevant expertise. The statute creating EPAC requires that one member must be a representative of the Florida Native Plant Society. Membership on EPAC provides FNPS with an effective platform to influence the listing of plants by DPI, and the state's overall approach to the protection of listed plants. Maintaining membership on EPAC is an important priority of FNPS.

Exclusion of Plants from State Wildlife Action Plans

Under federal mandate, all US states produced wildlife conservation plans in 2005 with plants specifically excluded based on an assumption that protecting animals automatically protects imperiled plants. A handful of states opposed this restriction and included rare plants in their plans (Stein, B.A. and Gravuer, K., 2008); however, Florida acquiesced to the exclusion of plants. The resulting *Comprehensive Wildlife Conservation Strategy* was developed by the Florida Fish and Wildlife Conservation Commission, which administers federal funding available under the State Wildlife Grants Program. Although grants awarded through the program can be applied to habitat restoration projects that benefit animal species, they cannot be awarded for habitat restoration projects designed specifically to benefit plant species, nor is funding is available for research directed specifically towards imperiled plants.

The Center for Plant Conservation (CPC) and the Conservation Committee of the Botanical Society of America (BSA) are jointly urging Congress to amend the relevant legislation to include plants (especially listed species) within the program. This would potentially provide additional funding for research on and conservation of Florida's rare plants. FNPS will support and assist CPC and BSA in this endeavor, and co-ordinate with them as necessary.

The Threatened and Endangered Plant Conservation Grants Program

The Endangered and Threatened Plant Conservation Grants Program is administered by DPI. Prior to 2008, the funds were diverted from the Conservation and Recreation Lands program, but may currently come from the state's general fund or another source. This is the only program that specifically provides funding for research on the 542 plant species that the state has formally listed as imperiled (Threatened, Endangered or Commercially Exploited). There is a continuing history of proposals to cut or end funding for this program. A secure, continuing source of funding needs to be dedicated to the program and FNPS will serve as an advocate for the continuation and/or expansion of this program.

Pursuit of the goals enumerated in this policy statement will require lobbying, public education initiatives, and working in collaboration with other organizations and institutions. Appropriate collaborators include, but are not necessarily limited to, the Florida Association of Native

Nurseries, The Nature Conservancy, Bok Tower Gardens, Fairchild Tropical Botanical Garden, Archbold Biological Station, the Center for Plant Conservation, and the Conservation Committee of the Botanical Society of America.

C. References and Citations

Chafin, L.G. 2000. Field Guide to the Rare Plants of Florida. Florida Natural Areas Inventory, Tallahassee, FL.

Coile, N.C. and M.A. Garland. 2003. Notes on Florida's Endangered and Threatened Plants.

Florida Administrative Code, Rule 9j-2.041

Florida Department of Agriculture and Consumer Services, Division of Plant Industry. 122 pp. http://www.virtualherbarium.org/EPAC/.

Preservation of Native Flora of Florida Act (581.185).

Stein, B.A. and K. Gravuer. 2008. Hidden in Plain Sight: The Role of Plants in State Wildlife Action Plans. NatureServe. Arlington, VA

Weekley, C.W., D.R. Gordon, J. Maguire, J. Maschinski, E.S. Menges, V.C. Pence, and C.L. Peterson. 2008. Saving Florida's rarest plants. *The Palmetto* 25: 8-10, 12-13.

Equal Protection for Plants. Native Plant Conservation Campaign. http://www.plantsocieties.org/eq%20protection%202.htm.

Bush moves many endanger Endangered Species Act. http://www.sciam.com/blog/60-second-science/post.cfm?id=bush-moves-may-endanger-endangered-2008-11-20.

.