



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/SAG-MB/ES

OCT 23 2019

Ms. Connie Barlow
5246 Mutiny Bay Road
Freeland, Washington 98249

Dear Ms. Barlow:

The U.S. Fish and Wildlife Service (Service) has received your August 25, 2019 email addressed to Secretary of the Interior David Bernhardt, Service Principal Deputy Director Margaret Everson, myself, and others in the Service, providing recommendations for recovery of the Florida Torreya. We have also received an October 9, 2019, email addressed to Secretary Bernhardt, myself, and Catherine Phillips, Assistant Regional Director – Ecological Services for the South Atlantic – Gulf and Mississippi River Basin Regions, transmitting a petition to downlist the Florida Torreya from endangered to threatened.

First, I would like to extend my thanks to you for your passion and dedication to the Florida Torreya. Recovery of threatened and endangered species cannot be accomplished by the Service or States alone, and requires the dedication and support from as many partners as possible, including individuals such as yourself.

Your petition has been assigned to staff for action. The Service will evaluate your petition in accordance with federal regulations, and we will notify you of our finding when we have completed our review.

Staff have also reviewed your August 25, 2019 email message and report, and the letter you sent to the Florida Fish and Wildlife Conservation Commission.

The Endangered Species Act (ESA) compels us to return all listed species to being viable and self-sustaining in their ecosystems. We recognize the critical role of stakeholders and how important their participation is to help achieve this goal. Recovery is not a fast process. It takes decades in some cases to see progress or to reverse long-standing threats.

Florida Torreya is a critically endangered tree endemic to habitats along the Apalachicola River in Florida and extreme southwest Georgia. Populations once had about 650,000 individuals but crashed in the 1950s due to a fungal pathogen (*Fusarium torreyae*). Now, we have about 750 individuals (i.e., re-sprouts from stumps) that fail to reach maturity in the wild. In addition, these

re-sprouts from stumps display different degrees of decline such as root necrosis and stem cankers. Florida *Torreya* is fighting for survival, and the Service is engaged in a number of efforts with partners to reduce threats to this plant and to prevent its extinction. Presently, the highest priority recovery action is to assess the status of each plant in the ravines throughout the species' native range because the entire native range of the species was devastated by Hurricane Michael in 2018. Hurricanes are naturally occurring threats.

The 1986 recovery plan describes reasonable actions that are necessary to recover and protect the species. In combination with the 2010 5-yr review, these documents show the path to recover the species. The Act authorizes recovery plan revisions if significant new information is available, the status of a species changes, or new threats emerge. Your August 25, 2019 email and the associated attachment, however, did not provide any new or significant information not considered in the 2010 5-year review that would suggest revision of the current recovery plan is needed. In the latest 5-year review, completed in 2010, we identify and give the status of progress toward meeting down- and de-listing criteria based on the species distribution and status within its native range and habitats and we did not make a recommendation to change the species status.

We initiated a new 5-year review in August 2018. This review included an open public comment period of 60 days. The review presents an opportunity to track the recovery of Florida *Torreya* under its recovery plan, and propose appropriate next steps for its conservation. The *Torreya* Guardians' work conducted under the concept of assisted migration has been acknowledged by the Service in the 2010 5-year review, and will be noted also in the 5-year review currently underway. The 5-year review will address the five listing factors or threats identified under the ESA, and provide a recommendation as to whether a status change is appropriate. For the Service to be able to recommend a status change in a 5-year review, we have to demonstrate a reduction in threats and improvement in the status of the species. If such a recommendation were to be made, a separate rulemaking process with a public comment period would be required before a final decision could be made.

The Service does not have an official policy on assisted migration of threatened or endangered animals or plants, and assesses the needs of species on a case-by-case basis. While under section 9 of the ESA, the Service has limited authority to regulate the take of threatened or endangered plants, as acknowledged in your August 25, 2019 email attachment (reference assisted migration activities conducted by *Torreya* Guardians under "exceptions in the ESA" on page 14), we urge considerable caution in your efforts to translocate the Florida *Torreya* outside its native range.

We remain concerned that transporting Florida *Torreya* seedlings, cuttings and seeds outside its native range may carry the fungal pathogen to new areas. This could lead to unintended consequences from unmonitored and haphazard introductions of pathogens. Without addressing pathogen spread and control, transportation of any Florida *Torreya* material to any area outside of its native range could have significant negative impacts on native forests and timber lands. Therefore, we suggest all potential Florida *Torreya* outplantings undergo health screenings, and the results documented.

Ms. Connie Barlow

3

In closing, I would like to thank you again for your interest in Florida Torreya recovery. This species needs help from passionate partners such as yourself and the Torreya Guardians, and I encourage further efforts to secure the Torreya within its native range. The Service appreciates the attention you are bringing to this listed species' plight, welcomes any further information you want to share on this species, and encourages you to work with us in the recovery of the Florida Torreya.

If you have any questions regarding the ongoing 5-year review process, or wish to discuss opportunities to engage with the Service in securing the Florida Torreya within its native range please contact Dr. Sean Blomquist, Acting Field Supervisor, Panama City, Florida Ecological Services Office, at sean_blomquist@fws.gov, or 850-769-0552, ext. 233.

Sincerely,

A handwritten signature in blue ink, appearing to read "Leopoldo Miranda". The signature is fluid and cursive, with a large loop at the end.

Leopoldo Miranda
Regional Director