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SC Court of Appeals

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*ADMITTED IN SOUTH CAROLINA AND DISTRICT OF COLUMBIA

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August 7, 2025

Hon. Jenny Abbot Kitchings, Clerk
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
Via email to ctappfilings@sccourts.org

Re: *SC Native Plant Society v. Spartanburg County Planning Commission, and Enclave at Fairview v. Spartanburg County*; Appellate Case No. 2024-001828, Rule 208 (b)(7)

Ms. Kitchings:

This letter is filed pursuant to Rule 208 (b)(7), SCACR on behalf of all Respondents.

On July 8th, 2025, the United States Fish and Wildlife Service issued a final Rule delisting dwarf-flowered heartleaf (*Hexastylis naniflora*) from the Federal List of Endangered and Threatened Plants due to species recovery. This rule is effective today, August 7th, 2025. See *Endangered and Threatened Wildlife and Plants; Removal of the Dwarf-flowered Heartleaf From the List of Endangered and Threatened Plants*, 90 FR 30004, July 8, 2025. Under 50 CFR 424.11(e)(2), the United States Fish and Wildlife Service must delist a species where "...the species has recovered to the point at which it no longer meets the definition of an endangered species or a threatened species."

No sections of Respondents' brief are affected by this change in law. However, significant portions of the initial brief of Appellant Native Plant Society are affected, specifically pp. 6-7, 9, 16-17, 18, and 19, each pertaining to the "threatened" status of *Hexastylis naniflora* or Appellant's reference to the plant as "rare."

Yours very truly,

S/ Alexander G. Shissias

Alexander G. Shissias

cc: Counsel of Record