

NEWS RELEASE

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Service Proposes to Designate Critical Habitat and Announces Re-opening of Comment Period on Proposed Listing of Black Pinesnake

The U.S. Fish and Wildlife Service proposes to designate critical habitat for the black pinesnake under the Endangered Species Act (ESA). A proposed rule to list the black pinesnake as threatened was published in the *Federal Register* on October 7, 2014.

At the same time, the Service also announces the availability of a draft economic analysis of the proposed critical habitat designation.

The public is invited to submit comments on all of these actions through a 60-day comment period ending May 11, 2015.

This harmless snake is native to the longleaf pine forests, an ecosystem that is also in peril. Longleaf forests once covered over 90 million acres -- about the size of Montana -- from the South Atlantic Coastal Plain of southern Virginia to the West Gulf Coastal Plain of Texas. Today, less than four percent -- about the size of Massachusetts -- remain. The longleaf pine ecosystem is one of the most ecologically diverse in the world, with more than 900 plant species that are found nowhere else.

“The black pinesnake is an important part of the longleaf pine ecosystem in southern Alabama and Mississippi,” said Cindy Dohner, the Service’s Southeast Regional Director. “Identifying critical habitat will highlight areas important to the pinesnake, complementing the proposed listing and enhancing some of the conservation efforts that are also already underway for other wildlife.”

Black pinesnakes are non-venomous, egg-laying constrictors. Adults range in size from four- to six-feet long. They are dark brown to black on both their upper and lower body surfaces, have disproportionately small heads with pointed snouts, and are good burrowers. Habitat for these snakes consists of sandy, well-drained soils with an open-canopied overstory of longleaf pine, a reduced shrub layer, and a dense herbaceous ground cover.

There are currently 11 populations of the black pinesnake known in 12 counties in Mississippi (Forrest, George, Greene, Harrison, Jackson, Jones, Lamar, Lawrence, Marion, Perry, Stone, and Wayne) and three counties in Alabama (Clarke, Mobile, and Washington). Some populations span areas in multiple adjacent counties. There has not been a confirmed record of this snake in Louisiana in over 30 years, and it is considered extirpated in the state. The black pinesnake’s

decline is attributed to the loss and degradation of the longleaf pine ecosystem. Factors influencing this threat include increases in road density, which causes habitat fragmentation as well as direct mortality of pinesnakes by vehicles and intentional killing; fire suppression; and conversion of natural pine forests to pine plantations, agriculture, and urban areas.

Proposed Listing with 4(d) Rule:

The Service has proposed listing the black pinesnake as threatened with a 4(d) rule. A 4(d) rule allows for “incidental take” of the species during timber and land management activities that are beneficial to the snake. Activities, such as riparian and longleaf pine restoration, herbicide treatment, burning, and thinning, may be exempted from the prohibitions of “take” under the ESA, meaning those activities could continue to take place if the conservation measures in the rule are followed. The 4(d) rule ensures private landowners and citizens are not unduly burdened by regulations that do not further the conservation of the snake.

Proposed Critical Habitat:

The ESA requires the Service to identify the location of habitat essential for the conservation of the black pinesnake, which it terms “critical habitat.” The Service has identified eight areas, encompassing about 338,100 acres, as proposed critical habitat for this snake. Six of these areas (one of which consists of two subunits) are in Mississippi (Forrest, George, Green, Harrison, Jones, Marion, Perry, Stone, and Wayne Counties), and two units are in Clarke County, Alabama. Federal lands make up the majority of the acreage proposed for critical habitat at about 70 percent, private lands account for approximately 27 percent and state and local agencies own the balance. All eight areas are occupied by the black pinesnake.

Designating critical habitat under the ESA should not affect private landowners taking action on their land unless the action involves federal funds, permits, or activities. Critical habitat is a tool within the ESA which identifies areas essential for the conservation of endangered or threatened species. It does not set up a preserve or refuge but may require special management considerations in the identified areas. Critical habitat designation does not mean that landowners would now be required to convert their land to longleaf pine forest or conduct pinesnake monitoring. The final decision to designate critical habitat essential to the black pinesnake will be based on the best scientific information available.

Economic Analysis:

The economic analysis for the black pinesnake estimates the incremental impacts from the critical habitat designation to be \$190,000 the first year and less in subsequent years. The costs are expected to be limited to additional administrative efforts on the part of federal agencies to consider impacts to critical habitat from their activities. This finding is due to the significant baseline protection provided by the snake’s proposed listing and its presence in all critical habitat units as well as the presence of other listed species, such as the threatened gopher tortoise and the endangered red-cockaded woodpecker, designated critical habitat for the endangered dusky gopher frog, and ongoing conservation benefitting them. In addition, project modifications that

would likely be undertaken to avoid impacts to critical habitat are expected to be the same as those that would be done to avoid impacting the snake itself.

The proposed listing and critical habitat designation for the black pinesnake and the associated draft economic analysis are part of the Service's efforts to implement a court-approved work plan under a Multi-District Listing Agreement aimed at addressing a series of lawsuits concerning the agency's ESA listing program. The intent of the agreement is to significantly reduce a litigation-driven workload. For more information, please see <http://www.fws.gov/southeast/candidateconservation/>

The complete proposal can be obtained by visiting the Federal eRulemaking Portal: <http://www.regulations.gov> at Docket Number FWS-R4-ES-2014-0065 or FWS-R4-ES-2014-0046. A copy also can be obtained by contacting U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213; phone 601-321-1121.

Comments and information may be submitted by one of two ways: (1) online at <http://www.regulations.gov> by entering FWS-R4-ES-2014-0065 or FWS-R4-ES-2014-0046 in the search box and then clicking on "Comment Now"; or (2) mail or hand deliver to U.S. Fish and Wildlife Service, Public Comments Processing, Attn: FWS-R4-ES-2014-0065 or FWS-R4-ES-2014-0046, U.S. Fish and Wildlife Headquarters, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803. All comments must be received on or before May 11, 2015. Requests for a public hearing must be made in writing by April 27, 2015, to the Falls Church, VA, address.

All relevant information received during the open comment period from the public, government agencies, the scientific community, industry, or any other interested parties will be considered and addressed in the Service's final listing determination for the black pinesnake and the identification of habitat essential to its conservation.

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