FINDING OF NO SIGNIFICANT IMPACT

Listing Four Large Constrictor Snakes as Injurious Wildlife under the Lacey Act

Background

This action lists live specimens, gametes, viable eggs, or hybrids of reticulated python (*Python reticulatus*), DeSchauensee's anaconda (*Eunectes deschauenseei*), green anaconda (*Eunectes murinus*), and Beni anaconda (*Eunectes beniensis*) as injurious species under the Lacey Act. The purpose of the listing is to prevent the importation and interstate transport of these four species of large constrictor snakes, thereby preventing the spread beyond their current locations and their further introduction into ecosystems of the United States, consistent with the Lacey Act (18 U.S.C. 42, as amended).

The alternatives we considered are based on the proposed rule to list nine species of large constrictor snakes as injurious (75 FR 11808; March 12, 2010), as well as peer review of the proposed rule and information and comments received from the public during the public comment periods. On January 23, 2012, we published a final rule to list four of the nine proposed species, leaving five still under consideration (77 FR 3330). We have prepared a final listing rule for four of the remaining five species: reticulated python, DeSchauensee's anaconda, green anaconda, and Beni anaconda. The boa constrictor is being removed from consideration for listing as injurious under the proposed rule. None of these four species selected for listing is native to the United States. We have also prepared a final environmental assessment for the five species.

Decision

The Service has completed its determinations under 18 U.S.C. 42 of the Lacey Act and found, through this rulemaking, that each of the four species of constrictor snakes is injurious wildlife and should be listed under the Lacey Act: the reticulated python, DeSchauensee's anaconda, green anaconda, and Beni anaconda. Based upon my review of all alternatives as set forth in the Environmental Assessment, we have decided to implement Alternative 2B to list these four species as injurious wildlife. This action will prohibit importation into the United States and interstate transport between States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States of the listed species. By prohibiting the importation and interstate transportation, Alternative 2B will protect wildlife and wildlife resources from negative impacts due to large constrictor snake introductions. These large constrictor snakes have been imported or could be imported into the United States. The decision to list these four species as injurious will reduce the risk of establishment of these four large constrictor snakes in the wild. It will also reduce the likelihood that the species already present will spread beyond their current locations into other natural areas of the United States and insular territories. All but two species of the remaining five species considered under the proposed rule have escaped or been released into natural and developed areas of the United States; all four of the species to be listed are likely to survive and become established, are likely to spread if introduced, and are likely to prey on native wildlife

species and compete with native species for food in vulnerable areas of the United States. In addition, it will be difficult to prevent, eradicate, manage, or control the spread of these large constrictor snakes, and it will be difficult to rehabilitate or recover ecosystems disturbed by any of these species. Furthermore, because of the predatory behavior of these four species, the negative effects to threatened and endangered species could be permanent. This decision provides the opportunity to prevent large constrictor snakes from establishing new populations in the United States, including its territories.

The risk assessment conducted by USGS (Reed and Rodda 2009) concluded that the organism risk potential, which is calculated based on the probability and consequences of establishment, was "medium" for these four species (reticulated python, DeSchauensee's anaconda, green anaconda, and Beni anaconda). The Service has determined that listing these species as injurious is necessary to protect wildlife and wildlife resources of the United States. Therefore, preventing the introduction of an injurious species into the United States or spread of an already introduced injurious wildlife species into a U.S. ecosystem where it has not previously occurred preserves the environmental status quo and cannot have a significant harmful effect on the environment.

Alternatives Considered

In deciding to list these four species, I considered four alternatives: Alternative 1, No action, which refers to continuing the existing course of action or, more specifically, taking no action to list any of the large constrictor snakes as an injurious species under the Lacey Act, which would allow the continued importation and interstate transport of all live forms, gametes, eggs, and hybrids; Alternative 2A, list as injurious all five large constrictor snakes remaining under the proposed rule; Alternative 2B, list as injurious four large constrictor snakes (not listing the boa constrictor); Alternative 3, list as injurious the three large constrictor snakes currently in trade; and Alternative 4, list the one large constrictor snake with a "high" organism risk potential (Reed and Rodda 2009). A comparison of these alternatives can be found in the Final Environmental Assessment (2015).

Public Involvement

The Service published a notice of inquiry in the *Federal Register* (73 FR 5784; January 31, 2008) as the first step in the rulemaking process, soliciting available biological, economic, and other information and data on the *Python*, *Boa*, and *Eunectes* genera for possible addition to the list of injurious wildlife under the Lacey Act and provided a 90-day period to submit information. We reviewed all information received for substantive issues and information regarding the injurious nature of species in the *Python, Boa, and Eunectes* genera. The Service received 1,528 responses during the information period that closed April 30, 2008, of which 115 provided economic, ecological, and other data responsive to 10 specific questions in the notice of inquiry. Most individuals responded to the notice of inquiry as though it was a proposed rule to list constrictor snakes in the *Python*, *Boa*, and *Eunectes* genera as injurious under the Lacey Act. As a result, most responses expressed either opposition or support for listing the large constrictor snake species. While we

considered all of the information provided, we focused on the 115 applicable comments in the preparation of the draft environmental assessment, draft economic analysis, and the proposed rule.

On March 12, 2010, we published a proposed rule (75 *FR* 11808) to list *Python molurus*, including Burmese python (*Python molurus bivittatus*) and Indian python (*Python molurus molurus*), reticulated python (*Broghammerus reticulatus* or *Python reticulatus*), Northern African python (*Python sebae*), Southern African python (*Python natalensis*), boa constrictor (*Boa constrictor*), yellow anaconda (*Eunectes notaeus*), DeSchauensee's anaconda (*Eunectes deschauenseei*), green anaconda (*Eunectes murinus*), and Beni anaconda (*Eunectes beniensis*) as injurious reptiles under the Lacey Act (18 U.S.C. 42). This proposed rule established a 60-day public comment period, ending May 11, 2010, and announced the availability of the draft economic analysis (2010), draft initial regulatory flexibility analysis (2010), and the draft environmental assessment (2010) of the proposed rule. At the request of the public, we reopened the comment period for an additional 30 days. That public comment period closed on August 2, 2010 (75 FR 38069; July 1, 2010). On January 23, 2012, we finalized the listing of four of the nine species (Burmese python, Northern African python, Southern African python, and yellow anaconda), leaving the remaining five species under consideration. The environmental assessment of the four species listed in 2012 resulted in a Finding of No Significant Impact. On June 24, 2014, we reopened the comment period on the 2010 proposed rule for an additional 30 days (79 FR 35719). This comment period was restricted to the five remaining proposed species: the reticulated python, DeSchauensee's anaconda, green anaconda, Beni anaconda, and boa constrictor.

During all public comment periods (120 days total) for the proposed rule, with draft economic analysis, initial regulatory flexibility analysis, and draft environmental assessment, we received more than 85,000 comments, including form letters, petitions, and post cards. We received comments from Federal agencies, State agencies, local governments, commercial and trade organizations, conservation organizations, nongovernmental organizations, and private citizens. The comments received provided the following range of views on the proposed listing: (1) unequivocal support for the listing with or without additional information included; (2) equivocal support for the listing with or without additional information included; and (3) unequivocal opposition to the listing with or without additional information included. Comments received on the draft environmental assessment and Service responses are in the Appendix of the Final Environmental Assessment (2015).

Finding of No Significant Impact

Based upon an evaluation of the information contained in the Final Environmental Assessment and supporting references, it is my determination that the proposal to list the reticulated python, DeSchauensee's anaconda, green anaconda, and Beni anaconda as injurious wildlife does not constitute a major Federal action significantly affecting the quality of the human environment, considering the context and intensity of impacts, under the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4332, as

amended). Thus, an environmental impact statement will not be prepared. The environmental assessment with supporting information is available at *www.regulations.gov* or *http://www.fws.gov/verobeach/InvasiveSpecies.html.*

This determination also considered the following factors:

1. There will be no significant ecological impacts. No negative direct, indirect, or cumulative impacts to habitats will result from listing these four large constrictor snakes as injurious wildlife.

2. There will be no significant adverse impacts to native species. No negative impacts to native species will result from listing these four large constrictor snakes as injurious wildlife because this is a preventative action to reduce the risk from the introduction of these snakes into natural or wild areas of the United States through importation or interstate transport. Any impacts to native species from the potential increased ownership of these large constrictor snakes in States where they already are found cannot be controlled by the Service, as States regulate the species that can be utilized within State boundaries.

3. There will be no significant effects on public health and safety. Any reduced risk to human health and safety by reducing the likelihood of attacks on humans by the four large constrictor snakes will be positive.

4. The effects on the quality of the human environment are not likely to be controversial.

5. The action will not establish a precedent for future actions with significant effects nor do they represent a decision in principle about a future consideration.

6. The cumulative impacts of listing these four large constrictor snakes in order to protect native species are not significant.

7. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

8. The action will not violate Federal, State, and local laws or requirements for the protection of the environment.

9. The action will not significantly affect any site listed in, or eligible for listing in the National Register of Historic Places, nor will this action cause losses or destruction of significant scientific, cultural, or historic resources.

10. The action does not involve highly uncertain, unique, or unknown environmental risks to the human environment.

11. Both beneficial and adverse effects have been considered and this action will not have a significant effect on the human environment.

12. The project will not significantly affect any unique characteristics of the geographic area such as proximity to historical or cultural resources, wild or scenic rivers, or ecologically critical areas.

Findings Required by Other Laws and Regulations

This decision to designate live specimens, gametes, viable eggs, or hybrids of reticulated python, DeSchauensee's anaconda, green anaconda, and Beni anaconda as injurious wildlife under the Lacey Act is consistent with the intent of the Lacey Act, which is to protect humans, the welfare and survival of wildlife and wildlife resources and the interests of agriculture, horticulture or forestry from actual and potential negative impacts from a species by preventing their importation and interstate transport.

References

Draft Environmental Assessment for Listing Nine Large Constrictor Snakes as Injurious Wildlife under the Lacey Act. [Indian or Burmese Python (*Python molurus*), Reticulated Python (*Broghammerus reticulatus* or *Python reticulatus),* Northern African Python (*Python sebae*), Southern African Python (*Python natalensis*), Boa Constrictor (*Boa constrictor*), Yellow Anaconda (*Eunectes notaeus*), DeSchauensee's Anaconda (*Eunectes deschauenseei*), Green Anaconda (*Eunectes murinus*), and Beni Anaconda (*Eunectes beniensis*)]. U.S. Fish and Wildlife Service. March 2010.

Draft Economic Analysis; Rulemaking to List Nine Constrictor Snake Species Under the Lacey Act [Indian or Burmese Python (*Python molurus*), Reticulated Python (*Broghammerus reticulatus* or *Python reticulatus),* Northern African Python (*Python sebae*), Southern African Python (*Python natalensis*), Boa Constrictor (*Boa constrictor*), Yellow Anaconda (*Eunectes notaeus*), DeSchauensee's Anaconda (*Eunectes deschauenseei*), Green Anaconda (*Eunectes murinus*), and Beni Anaconda (*Eunectes beniensis*)]. U.S. Fish and Wildlife Service. March 2010.

Initial Regulatory Flexibility Analysis For Listing Nine Constrictor Snake Species as Injurious under the Lacey Act [Indian or Burmese Python (*Python molurus*), Reticulated Python (*Broghammerus reticulatus* or *Python reticulatus),* Northern African Python (*Python sebae*), Southern African Python (*Python natalensis*), Boa Constrictor (*Boa constrictor*), Yellow Anaconda (*Eunectes notaeus*), DeSchauensee's Anaconda (*Eunectes deschauenseei*), Green Anaconda (*Eunectes*

murinus), and Beni Anaconda (*Eunectes beniensis*)]. U.S. Fish and Wildlife Service. March 2010.

Final Environmental Assessment for Listing Large Constrictor Snakes as Injurious Wildlife under the Lacey Act [*Python molurus* [including Burmese python (*Python molurus bivittatus*) and Indian python (*Python molurus molurus*)], Northern African Python (*Python sebae*), Southern African Python (*Python natalensis*), and Yellow Anaconda (*Eunectes notaeus*). U.S. Fish and Wildlife Service. January 2012.

Final Environmental Assessment for Listing Four Large Constrictor Snakes as Injurious Wildlife under the Lacey Act [Reticulated Python (*Python reticulatus),* Boa Constrictor (*Boa constrictor*), DeSchauensee's Anaconda (*Eunectes deschauenseei*), Green Anaconda (*Eunectes murinus*), and Beni Anaconda (*Eunectes beniensis*)]. U.S. Fish and Wildlife Service. February 2015.

Final Economic Analysis; Rulemaking to List Four Constrictor Snake Species Under the Lacey Act [Burmese Python (*Python molurus*), Northern African Python (*Python sebae*), Southern African Python (*Python natalensis*), and Yellow Anaconda (*Eunectes notaeus*)]. U.S. Fish and Wildlife Service. January 2012.

Final Economic Analysis; Rulemaking to List Four Constrictor Snake Species Under the Lacey Act [Reticulated Python (*Python reticulatus),* DeSchauensee's Anaconda (*Eunectes deschauenseei*), Green Anaconda (*Eunectes murinus*), and Beni Anaconda (*Eunectes beniensis*)]. U.S. Fish and Wildlife Service. February 2015.

Final Regulatory Flexibility Analysis For Listing Constrictor Snake Species as Injurious under the Lacey Act [Burmese (or Indian) Python (*Python molurus*), Northern African Python (*Python sebae*), Southern African Python (*Python natalensis*), and Yellow Anaconda (*Eunectes notaeus*)]. U.S. Fish and Wildlife Service. January 2012.

Final Regulatory Flexibility Analysis For Listing Four Constrictor Snake Species as Injurious under the Lacey Act [Reticulated Python (*Python reticulatus),* DeSchauensee's Anaconda (*Eunectes deschauenseei*), Green Anaconda (*Eunectes murinus*), and Beni Anaconda (*Eunectes beniensis*)]. U.S. Fish and Wildlife Service. February 2015.

Associated with this determination is the review of information received during the public comment periods for the following *Federal Register* notices:

1. Federal Register Notice. 2008. Injurious Wildlife Species; Review of Information Concerning Constrictor Snakes From Python, Boa, and Eunectes genera, Notice of inquiry. Vol. 73, No. 21, pages 5784-5785.

2. Federal Register Notice. 2010. Injurious Wildlife Species; Listing the Boa Constrictor, Four Python Species, and Four Anaconda Species as Injurious Reptiles, Proposed rule; availability of draft environmental assessment and draft economic analysis. Vol. 75, No. 48, pages 11808-11829.

3. Federal Register Notice. 2010. Injurious Wildlife Species; Listing the Boa Constrictor, Four Python Species, and Four Anaconda Species as Injurious Reptiles, Proposed rule; reopening of comment period. Vol. 75, No. 126, pages 38069-38070.

4. Federal Register Notice. 2014. Injurious Wildlife Species; Listing the Reticulated Python, Three Anaconda Species, and the Boa Constrictor as Injurious Reptiles, Proposed rule; Reopening of Comment Period. Vol. 79, No. 121, pages 35719-35720.

Approved by:

Director, U.S. Fish and Wildlife Service

2.25.15
Date