To: David Hoskins, Assistant Director, Fish and Aquatic Conservation

From: Craig Martin, Chief, Branch of Aquatic Invasive Species

Subject: Intra-Service Informal Section 7 Consultation under the Endangered Species Act of 1973, as amended, for the Injurious Wildlife Listing of reticulated python, green anaconda, Beni anaconda, and DeSchauensee's anaconda Under the Lacey Act

Introduction

This document transmits our Intra-Service Informal Section 7 Consultation in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), regarding the Injurious Wildlife listing of the reticulated python (*Python reticulatus*), green anaconda (*Eunectes murinus*), Beni anaconda (*Eunectes beniensis*), and DeSchauensee's anaconda (*Eunectes deschauenseei*) under the Lacey Act (18 U.S.C. 42).

The regulations contained in 50 CFR part 16 implement the Lacey Act (18 U.S.C. 42). Under the terms of the Lacey Act, the Secretary of the Interior is authorized to prescribe by regulation those wild mammals, wild birds, fish, mollusks, crustaceans, amphibians, reptiles, and the offspring or eggs of any of the foregoing that are injurious to human beings, to the interests of agriculture, horticulture, or forestry, or to the wildlife or wildlife resources of the United States. The lists of injurious wildlife species are found at 50 CFR 16.11–16.15.

Action

As of the effective date of the listing of the reticulated python, green anaconda, Beni anaconda, and DeSchauensee's anaconda, the importation into, or transportation between, the States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States by any means whatsoever is prohibited, except by permit for zoological, educational, medical, or scientific purposes (in accordance with permit regulations at 50 CFR 16.22), or by Federal agencies without a permit solely for their own use, upon filing a written declaration with the District Director of Customs and the U.S. Fish and Wildlife Service Inspector at the port of entry. This rule does not prohibit intrastate (within State boundaries) transport of the reticulated python, green anaconda, Beni anaconda, or DeSchauensee's anaconda. Any regulations pertaining to the transport or use of the reticulated python, green anaconda, Beni anaconda, or DeSchauensee's anaconda within a particular State will continue to be the responsibility of that State. A species that already exists within the United States may be listed as an injurious wildlife species; however, the Lacey Act also allows for listing of species that are not established, currently imported, or present in the wild in the United States for the Service to list it as injurious. The objective of such a listing would be to prevent that species' importation and likely establishment in the wild, thereby preventing injurious effects consistent with 18 U.S.C. 42.

Action Area

The action area covered in the consultation includes any of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

Covered Species

All ESA-listed species and their critical habitats, if applicable, are included in this consultation. A complete list of these species can be found here: *ecos.fws.gov*

Effects on Endangered and Threatened Species

The reticulated python, green anaconda, Beni anaconda, and DeSchauensee's anaconda are all large generalist predators, all capable of growing to larger sizes than any native snake and many other native predators. At various ages, the four species prey on terrestrial and aquatic species of varying sizes, from mice to alligators. Their prey may include threatened and endangered species. For a discussion on potential effects of the reticulated python, green anaconda, Beni anaconda, or DeSchauensee's anaconda to other co-occurring species, please refer to our injurious wildlife listing determination of the reticulated python, green anaconda, Beni anaconda, and DeSchauensee's anaconda. The listing of these four species as injurious wildlife does not change or modify the current conditions of any endangered or threatened species within the United States and the rest of the action area. The baseline condition, regardless of whether or not any of the four injurious species co-occurs with endangered or threatened species, will not change as a result of listing the reticulated python, green anaconda, Beni anaconda, or DeSchauensee's anaconda as injurious wildlife species.

Listing the reticulated python and the green anaconda will reduce the risk of establishment and spread of these two species beyond their current locations in captivity or, if existing in the wild, into other areas of the United States and insular territories. This regulation will prevent the reticulated python and the green anaconda from being imported into the United States and will reduce the risk of impact to endangered and threatened species. This regulation will reduce the threats of predation, which could have permanent and lasting negative effects on endangered and threatened species.

Listing the Beni and DeSchaunsee's anacondas will prevent these two species, currently not found in the United States, from being imported into the United States and insular territories and will reduce any potential risk of impact to endangered and threatened species. This listing action will prevent any negative effects, such as predation, to endangered and threatened species within the United States and insular territories.

Effects Determination

Based on the information provided in the injurious wildlife listing rule under the terms of the Lacey Act, the risk of establishment and risk of spread of the reticulated python and green anaconda will be reduced within the United States and insular territories. This listing action under the Lacey Act is not likely to adversely affect endangered and threatened species or critical habitats within the United States and insular territories as listed pursuant to the Endangered Species Act of 1973, as amended.

Based on the information provided in the injurious wildlife listing rule under the terms of the Lacey Act and the fact that the Beni and DeSchaunsee's anacondas do not currently occur within the United States or insular territories, this listing action under the Lacey Act will have no effect on endangered or threatened species or their critical habitat as listed pursuant to the Endangered Species Act of 1973, as amended.

If you have any questions regarding this action or determination, please contact Susan Jewell, x2416.

Signed (Assistant Director) ACTING

Date 2/25/2015

Concur Deputy Assistant Director - Ecological Services