

Questions and Answers

Black Pinesnake Final Critical Habitat Designation

Q1: What action is the U.S. Fish and Wildlife Service taking?

A: The Service is finalizing designation of critical habitat for the black pinesnake, which is listed as threatened under the Endangered Species Act (ESA).

Q2: What is the black pinesnake and where is it found?

A: The black pinesnake is a large, nonvenomous snake, one of three subspecies of pinesnakes in the southeastern United States. These snakes are typically all black and may reach up to six feet in length. They are also known as gopher snakes due to their overlapping range with the gopher tortoise and tendency to use underground stump holes and tunnels. Today, they inhabit pine forests of south Mississippi and southwestern Alabama in areas historically dominated by longleaf pine.

Q3: What previous actions has the Service taken regarding the black pinesnake?

A: The Service listed the black pinesnake as threatened under the ESA in 2015. In the listing rule, the Service included exemptions from “take” (harass, harm, kill, capture, etc.) for activities it determined would provide an overall conservation benefit to the reptile. The exemptions are permitted under Section 4(d) of the ESA.

The Service recognizes that active forest management is necessary to maintain habitat suitability for the black pinesnake. As a result, the agency crafted a special rule including exemptions to maximize management flexibility and reduce regulatory burden by exempting most normal forest management activities. Conversion of longleaf pine forests and those activities that cause significant subsurface disturbance were not exempted because these activities would not provide a net conservation benefit to the snake under the 4(d) provision.

Additional information can be found on the fact sheet titled “Clarification & Frequently Asked Questions Regarding the Listing of the Black Pinesnake & the Associated 4 (d) Rule” at: <https://www.fws.gov/mississippiES/>

Q4: What is critical habitat?

A: Critical habitat is a term in the ESA that identifies geographic areas that contain the physical or biological features that are essential for the conservation of a threatened or endangered species, or that are considered essential for the conservation of the species. The ESA defines conservation as using methods and procedures to provide for the eventual recovery of a species to the point where it no longer meets the definition of an endangered or threatened species under the ESA.

Q5: What does a critical habitat designation do?

A: Federal agencies are required to consult with the Service to ensure that any action they fund, authorize, or carry out is not likely to result in the destruction or adverse modification of its designated critical habitat.

Q6: How does the Service determine what areas to designate as critical habitat?

A: Biologists consider the habitat features needed for life history functions and successful reproduction of the listed animal. These include, but are not limited to: space for normal behavior; food, water, and other nutritional or physiological requirements; cover or shelter; sites for breeding and rearing offspring; and habitats that are protected from disturbance or are representative of the historical distribution of the species.

Q7: What geographic areas are now designated as critical habitat and who are the landowners?

A: Approximately 324,679 acres in nine counties in southern Mississippi (Forrest, George, Greene, Harrison, Jones, Marion, Perry, Stone and Wayne), and one county in southwest Alabama (Clarke County) fall within the boundaries of critical habitat designation for the black pinesnake. The snake occupies all the designated units.

Most of the critical habitat (68 percent) is under federal ownership, with approximately 28 percent on private lands, and 3 percent on state lands. The primary federal landowner is the U.S. Forest Service, as the majority of five of the six units in Mississippi are on the De Soto National Forest.

Q8: Does a critical habitat designation mean an area is considered a wildlife refuge or sanctuary?

A: No. The designation of critical habitat does not affect land ownership or establish a wildlife refuge, wilderness, reserve, preserve or other conservation area. A critical habitat designation identifies areas that are important to the conservation of federally listed threatened or endangered species. This designation does not allow the government or public to access private lands, nor does it require implementation of restoration, recovery or enhancement measures by non-federal landowners.

Q9: How will the designation of critical habitat for the pinesnake affect private landowners?

A: This critical habitat designation is expected to have limited impact on private landowners for several reasons. The majority of the critical habitat is not on private lands, and even when it is found on private lands, it is limited to only those areas that contain the habitat features as described below. In addition, critical habitat designation does not affect activities on private lands unless federal activity or some sort of federal permit, license or funding is involved. It also does not require landowners to actively manage their lands in a certain way such as converting

their land to longleaf pine forest or conducting prescribed burning, nor does it require black pinesnake monitoring.

Q10: Did the Service include any unoccupied habitat within the critical habitat designation?

A: No. All units are currently occupied by the black pinesnake.

Q11: What kind of habitat is considered critical to the black pinesnake?

A: The habitat features essential to the conservation of the black pinesnake are:

- A pine forest, historically dominated by longleaf pine and maintained by frequent fire, totaling at least 5,000 acres of mostly unfragmented habitat. This is an estimate of the area necessary to support a viable black pinesnake population. The forest should have an open canopy, reduced shrub layer (woody mid-story) and abundant herbaceous groundcover.
- Naturally burned-out or rotted-out pine stumps and their associated root systems, in pine forests historically dominated by longleaf pine.
- Deep, sandy, well-drained soils, characteristic of longleaf pine forests.

Q12: What activities could adversely affect critical habitat and may require special management considerations for the black pinesnake?

A: Activities that may affect critical habitat (i.e., those areas identified specifically in the designation) include, but are not limited to, the following:

- Timber management and site preparation activities that involve significant subsurface disturbance.
- Conversion of (occupied) habitat to agricultural or urban/residential areas.
- Silvicultural activities that limit or eliminate suitable habitat, including conversion of mature open-canopied longleaf pine forest into high density off-site pine plantations that will result in a closed-canopy condition.
- Silvicultural activities that limit or eliminate the abundant herbaceous native groundcover, including broad-scale herbicide application that is not specifically targeted to eliminate hardwoods, reduce hazardous fuels, or control invasive species.

This list only applies to those areas identified as part of the critical habitat. Even in those areas, entirely private activities that do not involve federal permits, funding, or approval do not require consultation.

Q13: Are all areas within the critical habitat boundaries for the black pinesnake considered critical habitat?

A: No. Critical habitat does not include existing developed sites such as homes or other urban structures, agricultural areas, highways, or other similar structures.

Q14: Were any lands listed in the proposed critical habitat designation exempted in the final designation?

A: Exempted from the designation under section 4(a)(3) of the ESA, are 4,054 acres of state and Department of Defense lands in Perry County, Mississippi, covered under the Camp Shelby Integrated Natural Resources Management Plan, which provides conservation for the black pinesnake. Also in Perry County, Mississippi, 14,862 acres of U.S. Forest Service land in the Camp Shelby Joint Forces Training Center Impact Area are excluded under section 4(b)(2) of the ESA due to national security concern.