

**QUESTIONS AND ANSWERS:
PROPOSED RULE TO LIST THE BLACK PINESNAKE
UNDER THE ENDANGERED SPECIES ACT**

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

A: The Service is proposing to list the black pinesnake as a threatened species under the Endangered Species Act (ESA) with a proposed section 4(d) rule.

Q2: What is the black pinesnake and where can you find them?

A: The black pinesnake is a large, non-venomous snake, and 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.

Currently, they inhabit the upland longleaf pine forests of south Mississippi and southwestern Alabama. Populations of the black pinesnake are known in 11 counties in Mississippi (Forrest, George, Greene, Harrison, Jackson, Jones, Lamar, Marion, Perry, Stone, and Wayne) and three counties in Alabama (Clarke, Mobile, and Washington). The black pinesnake historically occurred in Louisiana, but has not been seen there in more than 30 years, and is considered eliminated from the state.

Q3: Why is the Service proposing to list the black pinesnake as threatened?

A: The Service used the best scientific information to assess the status of the black pinesnake, and finds that it meets the definition of a threatened species. The snake is likely to become endangered meaning it is in danger of extinction throughout its entire range in the foreseeable future, primarily due to loss of habitat quantity and quality. The pine ecosystem that this species inhabits has been reduced by about 96 percent and habitat continues to be impacted and/or destroyed by human activities. A large partnership of conservation agencies, non-profits, and businesses are taking steps, however, to reverse that decline. Road mortality, direct killing by humans, and a lack of existing regulatory mechanisms also contribute to the species' decline.

Q4: What does a listing mean for the private landowner?

A: The basic responsibility of private landowners having black pinesnake populations on their lands is to avoid "take" of the species. Take means to harass, harm, kill, trap, capture, or collect a species listed under the ESA. This definition includes land use activities that result in death or harm to the species. For example, direct destruction of the pinesnake's habitat by clearing the pine uplands for agriculture, pasture, or development would likely result in harm to, or death of black pinesnakes. In such instances, the Service can work with the landowner to develop a voluntary Habitat Conservation Plan (HCP) and associated measures designed to avoid, reduce, and/or mitigate those impacts. Some activities are proposed for exemption from take for this proposed listing under the ESA (please see Question 5).

Q5. Which activities are proposed for exemption from take and how do I comment on them?

A: Some activities which are expected to provide for the conservation of the species also have been proposed for exemption under a 4(d) rule. These activities include: herbicide treatments, prescribed burning, restoration along river banks and stream buffers, and some intermediate timber treatments. The Service is specifically seeking comments concerning the appropriateness and scope of the proposed section 4(d) rule provisions. In particular, the Service is interested in input regarding timber and forest management and restoration practices that would be appropriately addressed through such a rule. This includes those practices that may adjust the timing or methods to minimize impacts to the black pinesnake or its habitat.

Q6: What does a listing mean for federal agencies?

A: The ESA requires federal agencies to consult with the Service to ensure that any activity they fund, authorize, or carry out will not jeopardize the survival of a listed species. Therefore, federal agencies must consult with the Service for an activity, involving federal funding, jurisdiction, or authorization, that occurs on federal, public, or private land. Some activities are proposed for exemption from take under the ESA (please see Question 5).

Q7: How would the proposed listing impact the timber industry?

A: Many partners of the Service, including the forest products industry, are already working on conservation activities in the longleaf pine ecosystem. In general, the Service expects this proposed listing would have negligible impact on the forest products industry in either state or across the range of this snake. Because some of the activities, such as stumping and clear-cutting stands, can impact the black pinesnake where it is listed, the Service recommends that forestry professionals and landowners contact the Service directly about ways to avoid impacts to the species in areas where it is known to occur. Also, the Service is proposing specific activities for exemption from the listing, including some timber management activities (please see Question 5).

Q8: Who should you contact for more information?

A: Matt Hinderliter at 601-321-1132 or Connie Light Dickard at 601-321-1121, both at the same address: U.S. Fish and Wildlife Service, Mississippi Field Office, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213.