

**QUESTIONS AND ANSWERS:
FINAL 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 listing the black pinesnake as a threatened species under the Endangered Species Act (ESA) with exemptions authorized under Section 4(d).

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

A: The black pinesnake is a large, non-venomous snake. It is 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 because of their overlapping range with the gopher tortoise and tendency to use and modify underground stump holes and tunnels.

Black pinesnakes are native to the upland longleaf pine forests of south Mississippi and southwestern Alabama. They may prefer longleaf pine forests and can be found in many types of pine forests. Populations of the black pinesnake are currently known in nine counties in Mississippi (Forrest, George, Greene, Harrison, Jones, Marion, Perry, Stone, and Wayne) and three counties in Alabama (Clarke, Mobile, and Washington), with additional individual records in Jackson, Lamar, and Lawrence counties in Mississippi. The black pinesnake historically occurred in Louisiana, but has not been seen there in 40 years, and is considered no longer present in the state.

Q3: How did the Service determine that the black pinesnake is threatened?

A: The Service used the best scientific information available to assess the status and threats of the black pinesnake and found that it meets the definition of a threatened species, primarily due to loss of suitable habitat. A range of conservation actions taken by partners made a ‘threatened’ determination possible. Road mortality, direct killing by people, and a lack of existing regulatory mechanisms that protect habitat also contribute to the snake’s decline. The longleaf pine ecosystem the black pinesnake inhabits has been reduced by approximately 96 percent, and habitat continues to be impacted by human activities. However, a large partnership of conservation agencies, non-profits, and businesses are taking steps to restore longleaf habitat.

Q4: How does the final listing rule differ from the proposed listing rule?

A: We received valuable input during our two public comment periods and made updates to the habitat, life history traits, distribution, and threats analyses for the black pinesnake. Comments were grouped together and categorized into approximately 40 different issues ranging from science, policy, captive propagation, and procedural topics; to forest management and private lands issues. All of these topics were addressed fully in the final rule. One of the major changes between proposed and final rules was the development of a new set of exemptions permitted under Section 4(d) of the ESA and summarized below in Question 5. Based on comments the Service received, it removed language that had been interpreted as setting requirements for how landowners would have to manage their forests and scaled back the criteria needed to implement the exemptions to cover most normal forestry activities.

Q5: Which activities are exempted from take?

A: Activities which are expected to provide overall conservation benefits for the black pinesnake have been exempted from the take prohibitions as under Section 4(d) of the ESA, meaning these activities may continue to occur if the conservation measures in the rule are followed. Exempted activities include herbicide treatments, prescribed burning, and most normal forest management activities. The Service recognizes that active forest management is necessary to maintain habitat suitability. As such, we have simplified the rule to include the above activities while at the same time protecting the native ecosystem and the habitat features most important to the black pinesnake.

These exemptions are voluntary. If landowners prefer to not use the exemptions, they may consult with the Service on their forestry management practices if there is a potential to impact the snake.

The Service cannot exempt activities that may adversely impact the black pinesnake and do not provide a net conservation benefit. However, these activities may be authorized through other means provided by the ESA. Within the range of the species, activities not exempted from take include those that: 1) convert existing longleaf-dominated forests to other land uses, or forest cover types; and 2) cause significant subsurface disturbance, potentially destroying the underground shelter used by this species.

Q6: What does 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 habitat (e.g., clearing pine uplands for agriculture, pasture, or development) in an area where pinesnakes are known to occur would likely result in harm to, or death of the snake. In such instances, the Service can work with the landowner to develop a Habitat Conservation Plan or put in place a Safe Harbor Agreement providing assurances for future management through measures designed to avoid, reduce, and/or mitigate those impacts. For those private landowners managing for timber, some forest management activities are exempted from take for this listing under the ESA (please see Question 5).

Q7: What does listing mean for federal agencies?

A: Federal agencies have an obligation to conserve listed plants and animals as well as their critical habitats. 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 or federal permits on public or private land.

Consultation with federal agencies are already occurring in the same pine forests (e.g. longleaf, loblolly, etc.) occupied by the black pinesnake because of the presence of other federally protected species, including the endangered red-cockaded woodpecker, the endangered dusky gopher frog, and the gopher tortoise (listed as threatened west of the Tombigbee River).

Q8: What does listing mean to the timber industry?

A: Many partners of the Service, including the forest products industry, are already working on conservation activities in pine ecosystems. In general, the Service expects this listing will have negligible impact on the forest products industry in either state or across the range of this snake. We have increased forest management flexibility, in part due to comments on the proposed rule from the timber industry, through the development of the revised 4(d) exemptions summarized in Question 5.

Q9: What is the status of the Service's proposal to designate critical habitat for the black pinesnake?

A: On March 11, 2015, the Service identified eight areas, encompassing approximately 338,100 acres, in Mississippi and Alabama as proposed critical habitat for the black pinesnake. The Service is continuing to consider which specific areas are essential to the snake's conservation and expects to offer an additional public comment period on the critical habitat proposal in 2016.

Q10: Who should you contact for more information?

A: For more information regarding the listing of the black pinesnake, please contact Matt Hinderliter at matt_hinderliter@fws.gov, 601-321-1132, or Connie Dickard at connie_dickard@fws.gov, 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. Also please visit the Mississippi Ecological Services Field Office webpage at <http://www.fws.gov/mississippiES/>.