

Alligator Snapping Turtle/Endangered Species Act: U.S. Fish and Wildlife Service Proposes Threatened Listing



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

11/10/2021

The United States Fish and Wildlife Service (“Service”) published a proposed rule in the November 9th Federal Register to list the alligator snapping turtle (“Snapping Turtle”) as a threatened species under the Endangered Species Act (“ESA”). See 86 Fed. Reg. 62434.

The Snapping Turtle’s range includes the state of Arkansas.

The ESA provides that the Service may determine that a species is endangered or threatened because of any of five factors:

1. The present or threatened destruction, modification, or curtailment of its habitat or range;
2. overutilization for commercial, recreational, scientific, or educational purposes;
3. disease or predation;
4. the inadequacy of existing regulatory mechanisms;
5. other natural or manmade factors affecting its continued existence.

The Service states it made a 12-month finding that the primary threats to the Snapping Turtle include:

- Habitat loss or modification (Factor A)
- Harvest and collection (Factor B)
- Nest predation (Factor C)
- Hook ingestion, entanglement, and drowning due to bycatch associated with freshwater fishing (Factor E)

The Service also determined that existing regulatory mechanisms are not adequate to address the threats (Factor D).

Section 4(a)(3) of the ESA also requires that the Service determine critical habitat of the Snapping Turtle concurrent with listing to the maximum extent prudent and determinable. Critical habitat is defined as:

1. The specific areas within the geographical area occupied by the species, at the time it is listed, on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protections;
2. specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The Service states that it has not at this point determined the critical habitat for the Snapping Turtle.

The Snapping Turtle is one of the largest species of the freshwater turtle in North America. It is also described as highly aquatic and somewhat secretive. They are primarily freshwater turtles in freshwater bodies centralized in the southeastern United States and are stated to be confined to river systems that flow into the Gulf of Mexico.

The Service states that the historical range of the Snapping Turtle included 14 states:

- Alabama
- Arkansas
- Florida
- Georgia
- Illinois
- Indiana
- Kansas
- Kentucky
- Louisiana
- Missouri
- Mississippi
- Oklahoma
- Tennessee
- Texas

However, the Snapping Turtle is believed to only be currently found in 12 of those states. Occurrence is stated to be unknown in Indiana and Kansas.

A copy of the Federal Register Notice can be downloaded [here](#).