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# Citizen Suit Enforcement/Endangered Species: Center for Biological Diversity Notice of Intent to Sue U.S. Fish and Wildlife Service Regarding Louisiana Pinesnake

02/29/2024

The Center for Biological Diversity (“CBD”) sent a February 21st Notice of Intent to Sue (“NOI”) to the United States Fish and Wildlife Service (“Service”) for an alleged violation of the Endangered Species Act (“ESA”).

The Notice alleges that the Service has failed to issue a final regulation designating critical habitat for the Louisiana pinesnake within the statutory deadlines.

The ESA requires that the Service designate “critical habitat” for threatened or endangered species. The statute defines critical habitat to include:

1. Specific areas within the geographical area occupied by the species, at the time it is listed, in accordance with the provisions of 1533 of this title, on which are found (i) those physical or biological features essential to the conservation of the species and (ii) which may require special management considerations or protections; and
2. Specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of Section 1533 of this title, upon determination by the Secretary that such areas are essential for the conservation of the species.

Once designated as critical habitat, an area is protected from federal actions that would result in the destruction or adverse modification of the critical habitat.

CBD describes the Louisiana pinesnake as a non-venomous, burrowing snake found in central Louisiana and east Texas. It is stated to be dependent upon Baird’s pocket gophers as its primary prey. Further, it uses the pocket gophers’ burrows for hiding and hibernation.

Destruction and fragmentation of historical longleaf pine-dominated forest are stated to have contributed to range-wide declines in Louisiana pinesnake population.

The Louisiana pinesnake was listed as threatened on May 7, 2018. The Service also completed a five-year status review of the species on September 13, 2023. The review determined that the Louisiana pinesnake

continues to be subjected to habitat loss and fragmentation, predation, disease, and mortality associated with road and off-road vehicles.

Section 4(a)(3) of the ESA requires that the Secretary of Interior designate critical habitat concurrent with listing, to the maximum extent prudent and practicable. The Secretary determined when the Louisiana pinesnake was first listed as threatened that designation of critical habitat was prudent but not determinable because specific information needed to analyze the impacts of designation was lacking. As a result, the Service's deadline for designation critical habitat was extended by "not more than one additional year." This meant that final rule was required by May 7, 2019.

The Service is stated to have subsequently proposed to designate critical habitat for the Louisiana pinesnake on October 6 , 2022. The designated critical habitat being proposed includes 209,520 acres in certain Louisiana parishes and Texas counties. However, CBD states that the Service has failed to issue a final rule designating critical habitat in violation of ESA.

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