Southern Pinesnake/Endangered Species Act: Center for Biological Diversity Judicial Action Filed Challenging U.S. Fish and Wildlife Service Failure to List



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The Center for Biological Diversity ("CBD") filed in the United States District Court for the District of Columbia a Complaint for Declaratory and Injunctive Relief ("Complaint") against the United States Fish and Wildlife Service ("Service") alleging a violation of the federal Endangered Species Act ("ESA").

The Complaint alleges that the Service unlawfully denied ESA protections to the Florida pinesnake by deciding that the was not warranted for listing as endangered or threatened. See 88 Fed. Reg. 83,368 (Nov. 29, 2023).

The pinesnake is described as a:

…large, harmless, constrictor snake that lives in the dry, sandy, open-canopied longleaf pine ecosystems of the southeastern United States.

The pinesnake is stated to be found in the following states:

- South Carolina
- Georgia
- Florida
- Alabama

Much of its time is spent underground, occupying burrows excavated by other species or using its spade-shaped head to dig.

CBD alleges in the Complaint that the pinesnake is highly y imperiled because the fire-dependent longleaf pine ecosystems that provide essential habitat for the species have faced such extensive destruction that only about 3% remain in natural condition. The reasons for the destruction are stated to include:

- Urbanization.
- Road construction.
- Fire suppression.
- Road mortality.
- Invasive species.
- Disease.

- Climate impacts from sea level rise.
- Increased drought.
- More intense storms.
- Altered fire seasons.

CBD petitioned the Service in 2012 to list the pinesnake as endangered or threatened under the ESA. The Service then concluded that the petition presented substantial information indicating that listing the pinesnake may be warranted. This position was reversed by the Service in 2023.

The Complaint alleges that the e Service's not-warranted determination violates the ESA and is arbitrary and capricious, in violation of the APA, because it:

1. Defines pinesnake populations by delineating "populations" that are permanently divided by highways—contrary to the best available science and the Service's own findings showing that highways are barriers to pinesnake movement and isolate snakes from one another;

2. Fails to analyze the impacts of myriad threats to the pinesnake identified by the best available science and the Service itself; and

3. Contradicts the Service's own definition of a resilient population and the best available science by hinging a population's resilience on the mere probability that a single pinesnake is present in an area.

A copy of the Complaint can be downloaded here.