

Final Rule to Remove Endangered Species Act Protection For the Lake Erie Watersnake Questions and Answers

What action is the U.S. Fish and Wildlife Service taking with the Lake Erie watersnake?

The U.S. Fish and Wildlife Service (Service) is removing Endangered Species Act (ESA) protection for (delisting) the Lake Erie watersnake by publishing a final rule in the *Federal Register*. The Service has analyzed peer review comments, public comments and new information on the snake and has determined that delisting is warranted due to recovery. The final rule will publish in the *Federal Register* on August 16, 2011, and become effective on September 15, 2011.

Why was the Lake Erie watersnake listed as threatened?

The Lake Erie watersnake was listed as threatened because its population was low and declining due to habitat loss (primarily from shoreline development) and due to people intentionally killing the snakes. If its population decline had continued, the Lake Erie watersnake could have been eliminated from the offshore islands of western Lake Erie.

Why is the Lake Erie watersnake being removed from the Federal list of Endangered and Threatened Wildlife?

After the Lake Erie watersnake was listed, a target population size and necessary conservation actions were identified in a Recovery Plan. Since listing, the population size has increased and now exceeds recovery goals. Habitat has been permanently protected, and shoreline construction projects are designed to minimize habitat loss. As a result, the Service has determined the Lake Erie watersnake population is healthy, will remain healthy, and no longer needs ESA protection.

Why was a snake protected by the ESA?

The Lake Erie watersnake is an important part of its community because it's both a predator and prey. It eats mainly fish and amphibians in Lake Erie, and recent research found that more than 90 percent of their current diet is the round goby, a nonnative, invasive fish. It is also food for other predators such as herons, hawks and eagles. Even a baby robin was seen being fed a newborn Lake Erie watersnake.

The appeal of Lake Erie coastal island shorelines puts them under heavy development pressure. Some of those shorelines are now permanently protected as Lake Erie watersnake conservation areas, and new developments are incorporating measures to minimize coastal shoreline habitat loss.

Many plants and animals are directly important to people now or may become important in the future as sources of food or medicine. By saving species from extinction, the Service ensures that their beneficial uses will be available in the future.

Because the Service has determined that the Lake Erie watersnake has recovered, and has removed ESA protection, is it legal to kill Lake Erie watersnakes that are nuisances on my property?

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No, Lake Erie watersnakes are still listed as endangered under State of Ohio law, so killing Lake Erie watersnakes would be illegal under state law.

How do I handle nuisance snakes I find on my property or in my boat?

It is important to remember that although Lake Erie watersnakes are not venomous, they may bite if threatened. Safe methods for handling and removing snakes can be found on the Respect the Snake website: http://respectthesnake.com/files/Pub_420_LEWS_Landowner.pdf. Although island residents can carefully remove the watersnakes from yards, boats, and buildings provided they do not hurt the snakes, the Lake Erie Watersnake is still protected under state law so injuring or killing them is prohibited.

Will Lake Erie watersnake populations still be monitored now that the snake is delisted?

Yes. The ESA requires that a species be monitored for a minimum of 5 years after delisting, to ensure that the species remains stable after the protections of the ESA are removed. The Service has developed a Post-delisting Monitoring Plan for the Lake Erie watersnake. This plan continues the established method of population monitoring of the snake for 5 years after delisting. If the watersnake population continues to persist above recovery levels during the post-delisting monitoring period, no additional actions will be taken. However, if watersnake populations decline during the post-delisting monitoring period, the plan specifies triggers for additional action, such as expanded monitoring and re-listing under the ESA that could be implemented.

Am I still required to implement measures to protect Lake Erie watersnake habitat on my property?

There is no longer a requirement to avoid impacts to watersnake habitat. However, the Service and partners will continue to monitor the population status of the Lake Erie watersnake for at least 5 years to ensure that populations remain above recovery levels. Therefore the Service strongly recommends that landowners implement some simple voluntary habitat management measures on their property. For more information, go to: http://www.fws.gov/midwest/ohio/endangered_lews.html.

If human persecution is still a potential threat to the Lake Erie watersnake, why is the Service removing ESA protection?

Lake Erie watersnake populations are stable and have met recovery goals. Though some intentional killing will probably always occur, public opinion surveys indicate that a large majority of islanders will not kill Lake Erie watersnakes. Low levels of intentional mortality are not considered to be a threat to the population. In addition, protected habitat will help provide permanent places of refuge for the snakes.

How can I get more information?

More information about the Lake Erie watersnake is available online at <http://www.fws.gov/midwest/endangered/reptiles/index.html#lakeerie> and http://www.fws.gov/midwest/ohio/endangered_lews.html.