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Comments on the Fish and Wildlife Service's Preliminary Determination to Not Propose the San Francisco Gartersnake, *Thamnophis sirtalis tetrataenia*, For Protection under CITES Appendices I or II at CoP 16

Dear Fish and Wildlife Service:

This comment provides the Fish and Wildlife Service with significant additional information demonstrating that the San Francisco gartersnake, *Thamnophis sirtalis tetrataenia*, meets the requirements for the United States to propose the species for addition to the CITES Appendix I or Appendix II at the Conference of the Parties 16. Specifically, the comments provide the following information pertinent to the Service's criteria for making such proposals:

- **These comments provide significant additional information about the biological and trade status of the species.** The comments provide additional information from species experts documenting pressure from collection historically, the continued threat collection and trade poses on the species, and the impacts this trade has on the species continued existence. For example, additional information from Sean Barry and others who have studied the species extensively throughout its range is provided to demonstrate the imperiled status of the species and the impacts trade has and continues to have upon the species' status.
- **These comments provide significant additional information that demonstrate why present mechanisms for protecting the species from trade are inadequate and prove the absence of regulations that could benefit the conservation of the species in the wild.** Specifically, these comment provide new statements from the Service and other land managers that continue to explain that collection and trade pressure threaten the species survival, and show how existing mechanisms fail to regulate the extensive, ongoing trade in

the species across non-range countries, and how the continued unregulated trade in these specimens is reducing the availability of possible breeding stock for reintroduction efforts.

- **These comments explain how the proposed action will address a serious wildlife trade issue in the United States, the range of the San Francisco gartersnake.** The comments explain that because of ongoing trade, particularly in northern European countries, recovery efforts for the San Francisco gartersnake is being impeded. As the Service's recovery plan for the species states, enough individual San Francisco garter snakes need to be conserved so that four new populations of the species can be recreated before the species can be considered recovered. Presently, most of the biological stock of this species in captivity is found in the hands of unregulated traders, and therefore the breeding of these specimens is entirely uncontrolled. By protecting the species under CITES, terms can be placed on this trade and the animals can become part of ongoing recovery efforts.
- **There is no evidence that resource constraints have prevented the Service from making this proposal.** The Service provided no evidence that resource constraints have prevented its ability to propose the San Francisco gartersnake for protection at CoP 16, and we have uncovered no information to suggest that such resource constraints in fact exist.

Given that the Service's only proffered reason to deny the San Francisco gartersnake protection under CITES is that the Endangered Species Act provides adequate protection from international trade, and given that the above information explains why such a determination is unfounded (and inconsistent with the Service's other determinations in its April 11 Federal Register Document) the Service should change its position and propose to protect the San Francisco gartersnake under CITES at CoP 16.

Background.

On August 1, 2011, the Wild Equity Institute presented to you the best available science documenting the San Francisco gartersnake's imperiled status, ongoing threats, and need for protection from international trade, and requested that you propose the species for protection under CITES appendices I or II.

The San Francisco gartersnake is considered the most beautiful and imperiled serpent in North America. As such, it is both prized by collectors and highly sensitive to collection pressure and trade. This pressure has been documented in the past, and as shown below, continues both in the United States and abroad.

Some of the information provided in the Wild Equity Institute's August 1, 2011 petition has been available to the Fish and Wildlife Service for as long as the San Francisco gartersnake has been protected under the Endangered Species Act, including the Fish and Wildlife Service's own determinations in the species' 1985 recovery plan; its most recent five-year status review for the species; and other documents that concluded international trade is an ongoing, persistent threat to the species. These documents provided the Service with a long history of international trade in the species, and sufficient evidence to justify adding the species to the CITES appendices, and address international trade threats that have not been controlled by the Endangered Species Act

alone.

In addition, the documentation included extensive, current evidence of ongoing trade in the species, express and implied threats of poaching the species from the wild, including (a) the existence of gartersnake collection forums and (b) statements from these forums suggesting that ongoing poaching is occurring to supplement the existing population; and (c) statements from current biological reviews of the species suggesting that collection pressure continues to harm the species.

In response, the Service published on April 11, 2012 in the Federal Register its preliminary determination *not* to propose the San Francisco gartersnake for protection under Appendix I or Appendix II at CoP 16. The only proffered reason was that the Endangered Species Act provides adequate protection from trade for the species.

This decision is inconsistent with the evidence provided in our August 1, 2011 petition and the evidence provided in this comment.

New Evidence Regarding the Biological and Trade Status of the Species.

The following references, not previously provided to the Service, document the historic and ongoing impact of collection and international trade on the species:

- Sean Barry's 1978 study, *Investigations of the Occurrence of the San Francisco Garter Snake at Mori Point, San Mateo County*, states that "The Laguna Salada Population was heavily depleted in the late 1960's by reptile collectors. . . ."
- The Fish and Wildlife Service's October 7, 2008 *Biological Opinion on the Proposed Sharp Park Golf Course Storm Drain Repair Project*, 81420-2008-F-1952, states that "The recovery plan for the San Francisco garter snake identified threats to the species as loss of habitat from agricultural, commercial and urban development, and collection by amateur herpetologists (Service 1985). The historical threats to the species remain, but there are now additional threats to the species, such as . . . (6) illegal collection. . . ." It goes on to state "The illegal capture of San Francisco garter snakes is believed to occur on parks and other lands in San Mateo County, and reptile fanciers are known to advertise to sell these animals on the Internet. There are no specific reports of illegal collection of this reptile from the immediate vicinity. However, this may be a result of the limited knowledge that exists regarding population size and location in the area, making poaching in this region less productive than at other areas in the region."
- The Fish and Wildlife Service's March 11, 2009 *Biological Opinion on the Proposed Recycled Water Project, City of Pacifica, San Mateo County, California*, 81420-2008-1-1643, provides similar language about the current and historic threats to the species, and concludes "The garter snake is a species that is highly valued in the international reptile trade (Special Agent K. McCloud pers. comm. to C.D. Nagano). For example, the Laguna Salada area and the marsh near the San Francisco International Airport are both well-known collecting sites for this imperiled animal. Low numbers, and scrutiny by residents, make poaching less lucrative at the Laguna Salada area than it has been in the past. Poaching from small or

isolated populations of this listed species may result in their extirpation. The internet has become a popular venue for the international commercial trade in reptiles and amphibians.”

- The City of San Francisco Significant Natural Resource Area Management Plan for Sharp Park—which is specified by the Service as one of the last six potentially viable population sites for the San Francisco gartersnake—states on p. 6.4-13 that “The Laguna Salada area has been described as prime habitat for San Francisco garter snake (PWA 1992). Historically, large numbers of snakes could be found here. Populations at Laguna Salada have declined in recent years, a fact partially attributed to the pet trade, a decline in prey abundance, and destruction of habitat.”

All of these documents demonstrate that the San Francisco gartersnake has historically, and continues to face, pressures from international trade that jeopardize the continued existence of the species.

Existing Mechanisms are Insufficient to Protect the San Francisco Gartersnake.

Although the San Francisco gartersnake has been protected under the Endangered Species Act for nearly 40 years, it’s status is getting worse in several core recovery areas. This is in part due to ongoing collection and international trade in the species, as specified above. This trade continues despite several decades of regulation of commercial trade under the federal Endangered Species Act.

The reason this is so is that trade in the species is no primarily driven by non-range countries to other non-range countries. That is, most of the known commercial trade in the species is occurring outside of the United States. Yet there is also evidence that these traders attempt to get “fresh genetic stock,” into the commercial trade to combat inbreeding and its effects on brood size, survival rates, and diseases.¹ And because the San Francisco gartersnake has a limited range wholly within California, this ‘fresh genetic stock’ can only come from U.S. populations of the species.

The original petition documents many of these brazen statements of acquisition of fresh stock of the species. What may not have been clear is that only through regulation under CITES may the trade across non-range nations be addressed. The Endangered Species Act does not control the import and export of endangered species between foreign nations. So long as poachers are able to extract San Francisco gartersnakes from the wild and abscond to foreign soil with these animals, all subsequent trade will remain unregulated—unless the Service adds the species to the CITES appendices.

The Service’s rationale also makes little sense in light of the numerous other species that are already protected under the Endangered Species Act, including the polar bear, yet are found by the

¹ *Thamnophis sirtalis tetrataenia* - San Francisco garter snake, GARTERSNAKE.CO.UK, available at [http://www.gartersnake.co.uk/mycollection.htm#Thamnophis sirtalis tetrataenia](http://www.gartersnake.co.uk/mycollection.htm#Thamnophis_sirtalis_tetrataenia) - San Francisco [http://www.gartersnake.co.uk/mycollection.htm#Thamnophis sirtalis tetrataenia](http://www.gartersnake.co.uk/mycollection.htm#Thamnophis_sirtalis_tetrataenia) - San Francisco gartersnake (last visited June 10, 2012).

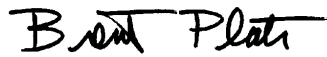
Service to meet the requirements of CITES listing—even if consultations are still required before the proposal can be submitted.

No evidence of resource constraints can be found.

Although the Service suggests that resource constraints may limit the number of species the Service intends to propose for CITES listing at CoP 16, the Service provides no indication that resource limitations are part of the reason it has refused to consider protections to the San Francisco gartersnake. The San Francisco garter snake has a limited range entirely within the United States, and therefore although protected by the ESA will not require extensive consultation with other range countries, making it much less resource intensive to propose and protect.

Thank you for considering these comments. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Brent Plater". The signature is written in a cursive, slightly slanted style.

Brent Plater