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May 11, 2010

U.S. Fish and Wildlife Service
Division of Policy and Directives Management
Attn: Docket No. FWS-R9-FHC-2008-0015
4401 N. Fairfax Drive, Suite 222
Arlington, VA 22203

RE: Docket No. FWS-R9-FHC-2008-0015

Dear U.S. Fish and Wildlife Service,

The United States Association of Reptile Keepers (USARK) submits the following comments on the proposed federal rule submitted by the U.S. Fish and Wildlife Service (“the Service”), adding nine species of non-native snakes to the list of “injurious reptiles” under the Lacey Act.

USARK is a science and education based advocacy organization that promotes the responsible private ownership of, and trade in reptiles. Our goal is to facilitate cooperation between government agencies, the scientific community, and the private sector in order to produce policy proposals that will effectively address important husbandry and conservation issues. The health of the animals, public health & safety, and maintaining ecological integrity are our primary concerns.

USARK is OPPOSED to this proposed rule and encourages the Service to pursue alternative measures outside of the regulatory framework of the Lacey Act.

Simply by working cooperatively with various State Fish and Game Departments, the Service will gain firsthand knowledge about the regulatory measures that are currently in place among key States. These existing measures are effectively regulating public safety, ownership and the commerce of non-native reptile species. Ongoing efforts are successfully providing sensitive regional ecosystems, like the Everglades, significant protection from the introduction of the 9 species of snakes included in the proposed rule. USARK recommends that the Service abandon its draconian approach and put forth an alternative measure that compliments ongoing efforts by state and local governments.

Specific to the proposed rule, USARK offers the following comments and analysis:

The Proposed Rule Is Predicated on Flawed Information.

The Service has based the proposed rule on information obtained from the United States Geological Survey (USGS) Open-File Report 2009-1202 entitled, *Giant Constrictors: Biological and management profiles and an establishment risk assessment for nine large species of pythons, anacondas, and the Boa constrictor* (Constrictor Report). The