

# **Exhibit 1**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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UNITED STATES ASSOCIATION OF	)	)
REPTILE KEEPERS, INC.	)	)
	)	)
Plaintiff,	)	)
	)	)
v.	)	Civ. No. 1:13-cv-02007-EGS
	)	)
THE HONORABLE	)	)
SALLY JEWELL, <i>et al.</i>	)	)
	)	)
Defendants.	)	)
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DECLARATION OF PHILIP W. GOSS

I, Philip W. Goss, declare and state as follows:

1. I make this Declaration based on my personal knowledge and in support of the United States Association of Reptile Keepers (“USARK”) in the above captioned action.
2. I am the president of USARK, a registered non-profit organization incorporated in the State of North Carolina. I reside in and oversee USARK’s operations from Lebanon, Indiana.
3. I am also the owner of Goss Reptiles ([www.GossReptiles.com](http://www.GossReptiles.com)) and have worked in all aspects of the reptile and pet industries, including retail pet shop, large scale breeder, pet product distributor, and industry manufacturer.
4. USARK, its members, and supporters are involved in all facets of herpetoculture, the non-traditional agricultural pursuit of farming high quality captive bred reptiles and amphibians for conservation projects, zoos, museums, research facilities, education, entertainment, and pets. USARK is, as our website states, “An education, conservation and advocacy organization for herpetofauna... promoting awareness, responsible care & professional unity.”
5. Our members include students, veterinarians, researchers, academics, breeders, conservationists, manufacturers of specialty products for the herpetological community, feed producers, hobbyists, and pet owners. Our membership accounts for annual trade revenues of some \$1.4 billion in the U.S. They all share a passion for reptile and amphibian species, and most work at the local level to educate children and the public at large about these remarkable creatures and the importance of their conservation.

6. The reptile industry, particularly the large constrictor snake segment impacted by the U.S. Fish and Wildlife Service's Lacey Act listing of the Burmese python and others, is global in scope. Most of the breeders and hobbyists that belong to USARK deal in "morphs," or python, boa, or other snake species that are selectively bred for unique traits (such as albinism), colors, or patterns. This is the higher end of the market and the most valuable of these can sell for thousands and even tens of thousands of dollars each.
7. The industry is critically dependent on interstate and foreign commerce. Very few specimens of the four species listed as injurious are imported. The industry has greatly evolved and many more reptiles are bred in captivity. These snakes have been bred in captivity for decades and are far-removed from wild caught individuals. This has led to higher prices and better temperaments of these snakes, as well as more responsible ownership and better husbandry, or care.
8. Further, the industry is critically dependent on trade shows, of which there are literally hundreds each year, held in every state that allows the possession of these snakes. Vendors at these shows travel from surrounding states, or even from across the United States, so the ability to partake in interstate commerce is essential. Attendees also often travel from out of state. USARK both promotes and participates in the trade shows as they allow the public to learn about reptiles and have first experiences with them. These events are very educational and families often spend the day. Income from, and fundraisers at, these events are critical to the organization's financial solvency. Needless to say, in order to maintain a viable trade show circuit, breeders must be able to transport their animals across state lines in order to participate.
9. Further, businesses in the reptile industry rely on internet sales, dealing with customers in other states. Interstate commerce is crucial for these businesses and out-of-state sales often comprise 90% or more of the revenue for many of them. Outside of the pet industry, this impacts shipping companies, as well. These animals are safely and humanely shipped overnight at great expense.
10. One of USARK's purposes is to protect its members' livelihoods and preserve the right to engage in this vital, albeit often misunderstood, business. Indeed, for myself and others, it is more of a passion than it is a job. Only certain species appeal to certain people, and substituting other species is not an option, much as people favor one breed of dog over another.
11. With a ban on interstate transport, many USARK members have been unable to relocate. For example, some have remained in states when better employment opportunities are available in other states due to refusal to leave beloved pets behind. Other members have had to make the hard choice to find new homes for their pets when forced to move. Even veterans and current military personnel, who protect our freedoms, have been forced to leave pets behind. Relocation of these animals can be very difficult as only in-state forfeiture is legal.

12. The listing of Burmese python and the three other species of non-native constricting snakes as injurious has harmed USARK's members and led to a reduction in the Association's revenues.
13. Beyond the economic aspects of USARK's mission, it is also dedicated to conservation, education, professional responsibility, responsible ownership, and environmental stewardship.
14. For example, USARK is dedicated to conservation through captive propagation, and endorses the ideal of, "Preserving reptiles & amphibians for our future." USARK supports its members in the development of captive breeding techniques for reptile and amphibian species that are threatened or endangered in their native ranges. Our philosophy is that such techniques are necessary to ensure that none of these species will ever go extinct. Captive breeding and ownership is an essential conservation tool.
15. USARK also supports the efforts of its members engaged in such practices by working at the local, state, and federal level to preserve the right to maintain reptiles and amphibians, educating state officials and lawmakers on facts about these species, their educational value, and the conservation efforts the organization and its members and supporters undertake. Trade in these species is an important component of USARK's members' work, as efforts to develop captive breeding techniques are expensive, and so the organization works hard to preserve the industry and trade.
16. For example, USARK members have testified a number of times at congressional hearings over the past few years, including on legislation that would ban certain species of constricting snakes. This includes David Barker, who, with his wife Tracy, develops captive breeding techniques to ensure snake species' survival and maintain global biodiversity. Shawn Heflick, from National Geographic's television show 'Python Hunters,' has served on the USARK Board of Directors and has testified to protect the freedom of snake owners and to educate legislators on the minimal environmental impact these snakes can have throughout the United States. Dr. Brady Barr, Resident Herpetologist at the National Geographic Society, also testified on USARK's behalf.
17. The following is an excerpt from USARK's longstanding position statement, *Conservation through viable captive reptile populations* ([www.usark.org/conservation](http://www.usark.org/conservation)):

The greatest responsibility and greatest challenge of this generation and the next is to protect and maintain as many forms of life as possible for those future generations who inherit what we save from the abyss of extinction. We do not have the right to sentence our descendants to an impoverished planet. We owe it to the future to save as much as possible.

The preservation of habitats and ecosystems are of paramount importance. However, these endeavors are met with the reality of an overpopulated world....

That being reality, the most important work in the world becomes saving parts of habitats and parts of ecosystems, a task that we must undertake by any means possible. Work of critical importance includes maintaining deep-freeze DNA repositories, seed banks, arboretums, zoos, wildlife parks, local and national parks, and the captive maintenance and husbandry of viable self-sustaining captive populations of as many forms of animal and plant life as possible.

In the future, the survival of much of the wildlife of the world will require the directed efforts and participation of far more people than zoos and governments can provide. We must all participate in this effort. Amazingly, in spite of its own quiet disorganization, the American herpetoculture community has created a superb decentralized model incorporating economic incentives and accomplishing independently many of the goals of wildlife conservation and preservation.

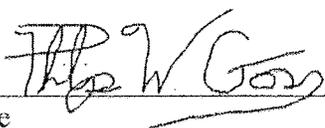
18. Another component of USARK's work is educating the public on the importance of these animals and fostering a conservation ethos. The goal of these efforts is to reduce fear and inspire respect for reptiles -- particularly the large snakes like those at issue in this lawsuit -- that are often and wrongly vilified. Education builds respect and appreciation for these reptiles, instilling a desire to conserve and protect them. It also establishes a connection to all wildlife and greater appreciation for nature, which leads to more conservation efforts in the United States for native species and the environment.
19. The trade shows mentioned above are also an integral part of USARK's conservation education mission. The public is welcome and encouraged to attend. Unfortunately, the listing of the Burmese python and other species has made it impossible for out-of-state breeders to participate in these events. The result has been a loss of revenue for USARK and a diminished educational experience for the public.
20. USARK is a strong advocate of responsible ownership and proper care of reptiles and amphibians. USARK puts the health, well-being and safety of these animals as our first consideration. By banning interstate commerce, many hobbyists have faced hardships supplying care standards which were previously paid for by selling offspring produced.
21. As part of these efforts, USARK has developed Best Management Practices and worked with states to have these practices enacted into law. To date, North Carolina has adopted this program and it is currently being considered in other states and municipalities.
22. USARK is always willing to work with state fish and wildlife agencies to support management of these species.
23. USARK's members have taken responsibility for helping to eradicate non-native snakes such as the Burmese python in the Everglades. To avoid unnecessary euthanizing of these animals, or to allow them to be used in research or for education, it is often

necessary to relocate these animals to other states. The listing of the Burmese, Northern African, and Southern African pythons has made these activities impossible, particularly for those who rely on sales of these species to help fund these conservation efforts.

24. USARK's efforts to maintain trade in these snakes are also directed at ensuring necessary conservation efforts so research in these animals can continue to be conducted.
25. Continued scientific research of these species may lead to medical cures for humans. For example, fatty acids found in Burmese pythons may have implications for treating human heart disease.
26. For myself and USARK members and supporters, raising snakes is a passion and an economic activity. The love of these animals and the natural world is what is at the heart of USARK's conservation mission. USARK is also a trade association that represents and defends an industry of mostly small and micro businesses.
27. In my view, these two aspects of USARK's mission are not in conflict. Rather, I believe they are complimentary.

FURTHER DECLARANT SAYETH NOT.

I declare under the penalty of perjury that the foregoing is true and correct.

  
Name \_\_\_\_\_

3/6/2014  
Date

# **Exhibit 2**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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UNITED STATES ASSOCIATION OF	)
REPTILE KEEPERS, INC.	)
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Plaintiff,	)
	)
v.	)
Civ. No. 1:13-cv-02007-EGS	)
THE HONORABLE	)
SALLY JEWELL, <i>et al.</i>	)
	)
Defendants.	)
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DECLARATION OF LINDSEY R. LOPEZ

I, Lindsey Lopez, declare and state as follows:

1. I make this Declaration based on our personal knowledge and in support of the United States Association of Reptile Keepers (“USARK”) in the above captioned action.
2. Along with my husband, Anthony Lopez, and Michael Padilla, I am owner of a retail exotic pet store called ‘The Ark of Alamogordo,’ located in Alamogordo, New Mexico. My husband and I also have privately-owned exotic pets for the past five years.
3. I am a member of USARK and have been for 4 years.
4. I have sent letters and made phone calls to our local officials, signed multiple petitions, and watched this case very closely, as it affects our livelihood.
5. We make educational presentations at elementary schools, community events, and even offer field trips to our store. We believe that the only way our hobby will survive is by educating our future generations and purging the fear of these misunderstood creatures.
6. My husband and I selectively breed some species of reptiles, mostly those that are species of concern according to conservation status. We have taken it upon ourselves to ensure that future generations will be able to enjoy and learn about species that are disappearing in the wild.
- I. The Impact of the U.S. Fish and Wildlife Service’s Listing of 4 Species of Constricting Snakes**
7. The listing of these snakes under the Lacey Act, the Burmese python in particular, has been extremely detrimental to our goals of educating and conservation.
8. In November of 2013, the New Mexico department of Game and Fish entered my store with a Game Warden, an agent, and three local animal control officers. They approached my husband and began asking questions about how we obtained our 11-year-old Burmese Python, Fuji.
9. My husband kindly informed them that our Burmese was obtained by a local private seller in January of 2012, just three months before the Burmese Python was added to the Lacey Act’s list of injurious species.
10. The Game Warden then proceeded to ask questions about our private collection, and asked for me by name. At that point, my husband advised them that I was home with our children and would not be in for the day.

11. They then proceeded to ask for our home address so they could come visit my home. I advised my husband to provide our home address, as I had nothing to hide. As these officials knocked on my door, I welcomed them into my home and directed them to our Reptile room.
12. I then stood in front of them, pointed out each species on the shelves, gave common and scientific names, as well as their classification on the New Mexico Fish and Game importation list. They stood before me in what I can only describe as astonishment, most definitely because I knew their job and laws better than they did.
13. I politely informed them that my knowledge was only that extensive because knowing the laws is part of my job as a store owner. They then thanked me for my time and left my home.
14. I called the head office in Santa Fe, New Mexico, and spoke with a very condescending woman who drilled me about proof of purchase and paper trails. We argued for a brief moment, and I asked her for a copy of the closed report. She advised me that she wasn't sure of the status of the report, but added "you don't need to post it in your store!" as though I had no right to even own a copy. She then advised me that it was 5:00 PM on a Friday, and it was time for her to go.
15. I was embarrassed by these officials storming my store in front of my customers. I was interrogated about useless information. I was talked down to and treated like a child when I called the department. I wholeheartedly felt as though here, in the United States of America, I was being treated like a criminal. I was treated as though I were guilty of a crime I did not commit, and was told I had to prove myself innocent.
16. This was all because I own a snake. A beautiful, kindhearted snake. A snake that went to elementary schools and conquered fears. A Burmese python. Her name was Fuji. Fuji passed away in December 2013 of a respiratory infection that was not adequately treated by an experienced herpetologist veterinarian.
17. The closest herpetologist veterinarian is an hour and a half away, in El Paso, Texas. Because she is located in Texas, we were unable to travel with Fuji to seek proper treatment without breaking the law and being considered felons. Our beloved pet, who was loved by an entire community, died because we could not legally obtain experienced care for her.
18. All we have left are photos of her with us, with our children, with students, with people who once feared snakes. Fuji made an impact on our community, and opened many minds and hearts to large breed snakes.
19. The Lacey Act is detrimental to many of our customers, as we live in a largely military-based city. Those who must permanently change station are forced to surrender their beloved pets to us, in fear of becoming criminals.
20. We ask that our livelihood and quality of life be considered before making irrational decisions and restricting animals that our government officials personally know very little about.

FURTHER DECLARANT SAYETH NOT.

I declare under the penalty of perjury that the foregoing is true and correct.

  
Name

  
Date

# **Exhibit 3**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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UNITED STATES ASSOCIATION OF		)	
REPTILE KEEPERS, INC.		)	
		)	
Plaintiff,		)	
		)	
v.		)	Civ. No. 1:13-cv-02007-EGS
		)	
THE HONORABLE		)	
SALLY JEWELL, <i>et al.</i>		)	
		)	
Defendants.		)	
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DECLARATION OF KEITH GISSER

I, Keith Gisser, declare and state as follows:

1. I make this Declaration based on my personal knowledge and in support of the United States Association of Reptile Keepers (“USARK”) in the above captioned action.
2. I am owner of Herps Alive! The Interactive Reptile and Amphibian Experience, a traveling educational herpetology program, and Executive Director of the Herps Alive Foundation, a non-profit reptile rescue organization, each located in Cleveland Heights, Ohio.
3. I am a USARK member who has been active in opposing the U.S. Fish and Wildlife Service’s (“FWS”) proposed listing of nine non-native species of constricting snakes. I have also communicated with dozens of legislators as well, writing letters and testifying at numerous legislative and administrative hearings on a several reptile-related laws and conservation issues. I am currently an associate member of the Zoological Association of America and am a member of the Northern Ohio Association of Herpetologists.
4. I have been a herpetology educator for over thirty years, and it has been my major source of income in most of those years. Large Burmese Pythons have always been the “grand finale” of my educational programs. We currently hold an FWS educational permit, but as detailed below, the process is convoluted and requires far more time and resources than it should. I have also bred *Python bivittatus* (what FWS refers to as “Burmese python”), as well as dozens of other species over the years.
5. My business and I have been adversely affected in several ways by the listing of Burmese Pythons under the Lacey Act.

6. Although after a significant investment of time and resources, we were eventually granted an educational license for one of our amelanistic animals (amelanistic is a pigmentation abnormality characterized by the lack of melanin), FWS ignored much of the information in our original packet and requested us to resend it. However, even with this license, our educational efforts have been severely impaired by the limits placed on us (double containment requirements, no outdoor presentations, etc.).
7. As a rescue, we have seen an increase in the number of Burmese Pythons being surrendered as people move out of state and do not want to risk breaking the law. This has strained our resources.
8. Finally, we maintain one pair of breeder amelanistic Burmese pythons. The money raised from the sale of their babies (usually \$2,000-3,000 annually) helped finance our rescue mission. With the inability to sell these animals across state lines, the value of these baby animals has crashed, so we stopped breeding, cutting off an important funding source to our mission. I can only imagine the impact on major breeders.

FURTHER DECLARANT SAYETH NOT.

I declare under the penalty of perjury that the foregoing is true and correct.

Keith L. Gisser  
Name

MAR 6, 2014  
Date

# **Exhibit 4**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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UNITED STATES ASSOCIATION OF		)	
REPTILE KEEPERS, INC.		)	
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Plaintiff,		)	
		)	
v.		)	Civ. No. 1:13-cv-02007-EGS
		)	
THE HONORABLE		)	
SALLY JEWELL, <i>et al.</i>		)	
		)	
Defendants.		)	
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DECLARATION OF KRISTOFER F SWANSON

I, Kristofer F Swanson, declare and state as follows:

1. I make this Declaration based on my personal knowledge and in support of the United States Association of Reptile Keepers (“USARK”) in the above captioned action.
2. I am owner of Katy Snakes, LLC; Third Coast Reptile Expos, LLC; and Limitless Industries, LLC, all based in Katy, Texas. Through Katy Snakes, I breed and sell in interstate commerce snakes, including Burmese python. Third Coast Reptile Expos organizes trade shows in Texas and many other states for the herpetological community where I and others display and sell reptiles, including those listed by the U.S. Fish and Wildlife Service (“FWS”) as injurious and at issue in this case. Limitless Industries is engaged in the all other aspects, including education and expeditions.
3. As a breeder, event promoter and host, hobbyist, field researcher, remover of invasive species licensed by the state of Florida, and animal lover, I am one of few members of the herpetological community that have spanned most areas of our industry.
4. I am also a member of USARK and have been for 4 years.
5. I have been a member of the East Texas Herpetological society since 2008, and one of the founding members of the Houston Area Reptile Keepers Association, and founder of the Herpers Helping program, in which local youths clean public areas while learning about local species. I have been involved in reptile education for the public since moving to the Houston area in 2007.

6. I am licensed by the Florida Fish and Wildlife Conservation Commission, though I am a resident of Texas, to remove conditional reptiles from wildlife management areas (the everglades), including the Burmese Python. I continue to travel to the everglades to remove pythons, as recently as March of 2014. Over many of miles and a small fortune spent, incurring all costs personally, I have firsthand knowledge of the species, its range, its habits and habitats, and its prevalence, or lack thereof.
7. During the initial listing of the four species, I was also frequently in talks with local and national level politicians in an attempt to educate before inaccurate decisions were made.
8. Beginning with the first news stories that arose, as a Burmese keeper, my interests were immediately peaked and acted upon. I followed multiple channels to put myself in the position to show responsibility and assist Florida in the removal of their "invasive problem." Having had experience in working with large constrictors and a lifetime of outdoor experience, I was in an excellent position to be of assistance. As a breeder, I also had interest in removing "wild" Burmese from Florida (via locations from which pythons could be collected legally), shipping them to my location in Texas, and setting up breeding from a diverse and strong bloodline of beautiful animals.
9. All expenses were paid from my own pocket, from travel expenses, to money put into the local economy while in the Everglades, to shipping costs and licenses. Money that was to be recouped by sales of breeding animals, that was shut down two years into the project.
10. I was rescuing any unwanted pet Burmese in the Houston area. These animals were to be reconditioned if they were in distress, cared for, and bred, so that their captive bred offspring could be sold and used to educate the public.
11. I will continue to keep the species legally until it is determined I may not. I have a love and passion for these animals and teach and inspire as often as possible, hopefully creating a new generation of individuals who will care about saving the natural world around us. Without the animals to show, without my pets, my animals that show no harm and are spokes animals for their species, I cannot educate and spark a passion in children.
- I. **The Impact of the U.S. Fish and Wildlife Service's Listing of 4 Species of Constricting Snakes**
12. After the listing of the four initial species, the market for Burmese plummeted and the pool of customers was shrunk to unmanageably small numbers. Not only was the public concerned about buying an animal with so many restrictions, the fear mongering allowed it to persist in the media by government agencies caused people to lose interest in learning about the species and follow the information that was feed to them from organizations with a negative motive.
13. While wearing my expo and event promoter hat, the attendance of high end breeders of quality animals was reduced for lack of customers to sell to, and public attendance was drastically reduced, all affecting the bottom line of money made to be put into further efforts, from education to conservation.

14. Having raised several large constrictors and having raised several wild caught everglades pythons, we have been working at proving a true domestication of captive raised animals, though research has been slowed drastically by the lack of funds and time allowed to put towards the project.
15. Funds and time have had to be diverted towards a defense against rulings that directly impacted my earnings. As of now, I am raising multiple large constrictors that will be kept as pets without breeding, due to lack of a customer base, resulting in money spent towards feeding with none recouped.
16. As a lover of animals, maintaining animal is part of my passion, but costs must be balanced or the animals will suffer, creating a scope of negligence that as a keeper is a dark shadow upon my reputation.
17. Since the four species we listed as injurious under Lacey Act added, a close personal friend in Florida was put in the position of having to dispose of a large constrictor I had gotten to know and love. Mitch was an absolutely puppy dog tame albino Burmese python. His owner had raised him from a baby and Mitch was as much as a spokes-animal as he was a pet.
18. I would have been able to bring Mitch to me as a pet and ambassador animal to teach many individuals if the regulations had not been put in place that limited interstate trade.
19. Another area where I have suffered is caging expenses. Though my pets have always been secured from escape for the good of my pets, now I must invest in overly extravagant displays of security for the public, not the animals. Every dollar of diverted funds takes away from research dollars and funds that could be put towards education and further trips to the everglades.
20. To know that if everything is taken from me in the regards of my business, to know that others may move forward and destroy everything I have tried to teach, and to have nowhere left to turn after the funds have dried up, to know that my pets, who have brought me years of joy and in return have been ambassadors to a new generation of science enthusiasts, that in the end, to continue to be a responsible keeper, I must euthanize my pets, animals I have raised since babies, to explain the heartbreak felt just in typing that can be overwhelming.
21. While being involved in the removal process of Burmese Pythons from the everglades, myself and others like me who find a fascination and love for these animals, have had to turn over animals we enjoy and respect for destruction. Though I support the education and chances to learn that our work is able to provide, it is also a source of pain to know the animals we remove will be destroyed. We (the reptile industry) are blamed and vilified for being the cause of this "epidemic", but we are some of the best people to help. I will continue to assist removing these species from sensitive areas though it is with an ever-growing-heavier heart. In my experience with the species of "wild" Burmese in the everglades, they have been shy and illusive, lying still when approached and retreating into solitude if given the chance. Only upon attempts at capture and provoked will the

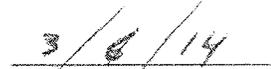
animal become aggressive, even then, tiring quickly and becoming quite easy to work with. It's in these moments of peace that one truly comes to appreciate the beauty of the species, only to again realize that once in my possession, the animal's fate has been sealed and the short countdown has begun till the end of its life.

22. Even in writing, I feel a sense of foreboding and hopelessness. Monetarily, I've been told to do other things, to get another job. I've been blessed to work and educate with animals I love. To have my passion stolen from me, to have others without an understanding or care attempt to shut down a world myself and others have built to build in others a sense of respect for the natural world around us, it becomes more than a monetary situation, it removes purpose and joy.

FURTHER DECLARANT SAYETH NOT.

I declare under the penalty of perjury that the foregoing is true and correct.

  
Name

  
Date

# Exhibit 5

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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UNITED STATES ASSOCIATION OF	)	
REPTILE KEEPERS, INC.	)	
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Plaintiff,	)	
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Defendants.	)	
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DECLARATION OF DR. RAUL E. DIAZ, JR.

I, Dr. Raul E. Diaz, Jr, declare and state as follows:

1. I make this Declaration based on my personal knowledge and in support of the United States Association of Reptile Keepers ("USARK") in the above captioned action.
2. I have kept more than 80 species of reptiles and amphibians as pets since I developed my interests at about the age of 10. Currently I work with large/'giant' pythons, small colubrids, and various species of lizards (as pets and in the lab for research).
3. I became a supporter of USARK when Burmese Pythons became "Enemy #1" (or so it felt due to media hype) to the U.S. Fish and Wildlife Service ("FWS").
4. I frequently speak about captive husbandry and benefits of large pythons in captivity.
5. I am a webmaster and chair for the Society for the Study of Amphibians and Reptiles, Board of Governor for the American Society of Ichthyologists and Herpetologists, Associate Editor for the Journal of North American Herpetology, Associate Editor for Herpetological Review, Associate, Associate/Editorial/Board member for Asian Herpetological Research Journal, Associate Editor for Amphibian & Reptile Conservation and member of the Society for Developmental Biology, Society for the Study of Evolution, JB Johnston Club for Evolutionary Neuroscience. I am currently Assistant Professor at La Sierra University, Adjunct faculty at the Center for Perinatal Biology at Loma Linda University Medical Center and Research Associate at the Natural History Museum of Los Angeles County.
6. I also worked with Dr. Robert C. Stebbins on writing his 3<sup>rd</sup> Ed Peterson Field Guide for the Western United States and will soon be developing a program to help conserve the

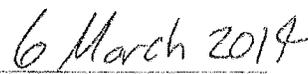
Mojave Desert's biota as well as developing conservation programs in China and Taiwan by studying the herpetofauna of these countries.

7. I have vast experience in Herpetology. I have been around the Burmese Python while living in Kansas City where they were very common in the pet trade. My housemate had a 16-foot female which was absolutely docile (and heavy) and that really opened my eyes to their magnificent nature.
8. I no longer have a Burmese Python but do have two Yellow Anacondas. I had developed an interest in giant snakes due to their robust size but also because of how they are built. It was this interest in these docile (when handled and kept correctly) animals that has fueled and molded my research interests in the lab (I now have a breeding colony of reticulated pythons at the university).
9. Over the last 10 years, work on pythons has increased, from work dealing with craniofacial development in the **African Rock Python** (Boughner et al., 2007. Embryonic Development of *Python sebae*— I: Staging criteria and macroscopic skeletal morphogenesis of the head and limbs; Buchtova et al., 2007. Embryonic Development of *Python sebae* – II: craniofacial microscopic anatomy, cell proliferation and apoptosis) to recent work looking at the digestive physiology of large meals by Stephen Secor in the **Burmese Python** (*Python molurus bivittatus*) which ultimately led to its genome getting sequenced this year (Castoe et al., 2013).
10. The Burmese python genome reveals the molecular extreme adaptation in snakes, with the latter highlighting genes involved in mammalian diseases as well as the evolution of the snake body plan.
11. I am currently working on reticulated pythons and the yellow anaconda in the lab and hope to be able to return to freely use the Burmese python, which I hope to obtain from private breeders across the USA and also transport live females from Florida.
12. Current policy concerning the crossing of this species between states hinders progress for such projects.

FURTHER DECLARANT SAYETH NOT.

I declare under the penalty of perjury that the foregoing is true and correct.

  
Name

  
Date

# **Exhibit 6**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____		)	
UNITED STATES ASSOCIATION OF		)	
REPTILE KEEPERS, INC.		)	
		)	
	Plaintiff,	)	
		)	
v.		)	Civ. No. 1:13-cv-02007-EGS
		)	
THE HONORABLE		)	
SALLY JEWELL, <i>et al.</i>		)	
		)	
	Defendants.	)	
_____		)	

DECLARATION OF MICHAEL COLE

I, Michael Cole, declare and state as follows:

1. I make this Declaration based on my personal knowledge and in support of the United States Association of Reptile Keepers ("USARK") in the above captioned action.
2. I am owner of Ballroom Pythons South located in Haines City, Florida.
3. I have helped to organize fundraisers and donated animals and cash funds to help get the lawsuit going and to support USARK in its fight to save our industry. I have gone to meetings in Washington for USARK to speak to Members of Congress about reptiles in general, and Burmese pythons and Rock pythons particular. I have also filmed a three season series with National Geographic Wild Channel about the Burmese and Rock pythons in the Everglades in order to help educate the public.
4. I have made public comment in opposition to the U.S. Fish and Wildlife Service's Federal Register notice proposing to list nine species of constricting snakes and provided factual information about Burmese pythons, Rock pythons and Yellow anacondas.
5. I sat in on many meetings and had personal contact with USARK board members and both former and current presidents of USARK on this subject and the laws.
6. I started the python removal program with the State of Florida's Fish and Game Conservation Commission.
7. I also worked with the Department of Interior, specifically the Everglades National Park personnel on their python removal program.

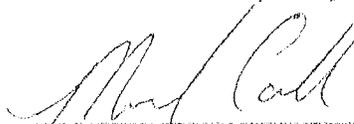
8. These efforts have been impeded by the U.S. Fish and Wildlife Service's ("USFWS") Lacey Act listing at issue in this case. As a result, all snakes caught must be euthanized instead of being able to find suitable homes for these reptiles in other out of state or country zoological institutions and private responsible collections.
9. I also sat on committees and helped write the current laws with the State of Florida's Fish and Wildlife Conservation Commission and rules pertaining to legitimate ownership of conditional species of reptiles in the State of Florida.
10. I also sit on the Pet Industry Joint Advisory Committee ("PIJAC") action committee to discuss current and future regulations which most recently helped write the dangerous reptile laws for the state of Ohio.
11. I helped implement the U.S. Department of Agriculture tick protocols with PIJAC.
12. I am sitting vice president of the Florida Reptile and Amphibian Association, an organization committed to the proper care and keeping of reptiles by entities from hobbyists to zoos.
13. I have been keeping large constrictors since 1996. I have bred, sold, imported and exported Rock pythons, Yellow anacondas and Burmese pythons, and maintain partial ownership of arguably the most extensive collection of genetic mutation (morphs) Burmese pythons in the country.
14. Since the listing, however, if I want to see my snakes, I must drive to Texas where they are housed. I cannot bring them home or to our facility in Florida and cannot sell them, so they have taken on a negative value instead of paying for themselves.
15. We can no longer take them to trade shows out of Texas, cannot ship them to Florida to be combined with other exports to other zoological institutions or private collectors, and I cannot export them to Indonesia where I also co-own and maintain a large collection of genetic mutations of Burmese pythons for breeding stock and bloodline diversity.
16. I also cannot import my snakes that I co-own in Indonesia or their offspring to bring to market in the U.S. or other countries that we cannot get proper flights to without going through transit in U.S. ports. This affects USFWS income by not writing export cites at \$100.00 each and by not getting paid for import and export inspections, (\$279.00 each import and export).
17. The listing also affects the airlines, as they cannot profit from the shipping of the animals. It negatively affects our rodent suppliers, as they could sell more rodents; the IRS, as they do not get a cut of profits from the sales of these animals; the snake caging makers that cannot sell their products; Federal Express, UPS, and other carriers throughout the U.S. that ship properly packaged live

reptiles; the trade show promoters that lose vendors. The bottom for me is that my company has lost hundreds of thousands of potential dollars from the listing because of the devaluation of the Burmese python mutations and our inability to sell them to other institutions and across state lines because of this listing.

18. I also maintain and own a company which exports reptiles to zoological parks, institutions and private collections in 37 countries.
19. This listing has affected my passion for the snakes I love. They now cost me money instead of paying for themselves, and even making a profit. I have lost potentially hundreds of thousands of dollars in sales and devaluation of the mutation animals because of the listing.
20. I have been unable to compete with other foreign breeders to get the newest and most spectacular color and pattern mutations of Burmese and Rock pythons since the listing, some of which are worth upwards to \$135,000 per snake, and I would have estimated sales potential of offspring of over \$100,000 per year, per animal. I have missed out on the acquisition of no less than 3 of these animals: piedbald Burmese, caramel albino Rock python and yellow jacket Burmese python, along with potentially countless others as the suppliers are no longer offering them to me because they know of the impossibility of me legally acquiring them.
21. I cannot export the animals that I am producing here in the U.S. to other countries, save a few to which I can get direct flights out of the U.S. Even when such transportation is available, the listing and USFWS's refusal to allow shipments on flights which stop or refuel in a U.S. state or territory still limits my sales. Two of my facilities are in different states and each export costs over \$700.00 in fees. If shipments from the two facilities could be combined, those costs would be reduced by half.
22. Lastly, the most aggravating issue specifically is that I cannot export, import, or transport my own snakes to and from my three breeding facilities in Florida, Texas, and Indonesia.

FURTHER DECLARANT SAYETH NOT.

I declare under the penalty of perjury that the foregoing is true and correct.



Name

3-6-2014

Date