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June 26, 2014

Tina Campbell
Chief, Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, Suite 222
Arlington, VA 22203

**Re: Reopening of Comment Period on Listing the Reticulated
Python, Three Anaconda Species, and the Boa Constrictor
as Injurious Reptiles, No. FWS-R9-FHC-2008-0015**

Dear Ms. Campbell:

This letter, submitted on behalf of the United States Association of Reptile Keepers (“USARK”), concerns the U.S. Fish and Wildlife Service’s (“FWS”) recent notice announcing the reopening of the comment period for the proposed rule, originally published on March 12, 2010, to list certain species of nonnative constrictor snakes as injurious under the Lacey Act.¹ See 79 Fed. Reg. 35719 (June 24, 2014). We appreciate this renewed opportunity for comment, as USARK recommended in its April 2013 letter to Director Dan Ashe given the wealth of new and relevant information that has come to light since the original comment period closed. For reasons explained below, however, USARK requests that FWS extend the new comment period for an additional 45 days.

As FWS is aware, USARK is a non-profit membership organization representing breeders, hobbyists, conservationists, collectors, and scientists who work with or in the reptile industry. As such, these potential listings are of immense personal, economic, conservation, and scientific interest to USARK and its members. USARK has been deeply engaged in this rulemaking process since the agency published its original notice of inquiry back in 2008.

¹ FWS issued a partial final rule listing four of the nine species originally proposed for listing on January 23, 2010. 77 Fed. Reg. 3330 (Jan. 23, 2012). Thus, the new comment period concerns only the five remaining species, including the boa constrictor, which is by far the most commercially important of the nine.

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Additional time to comment is necessary for the reptile community, including its academic and research partners, to collect and summarize new scientific information relevant to the question of whether these species are, indeed, “injurious” within the Lacey Act’s meaning. Further, as USARK has repeatedly noted, the listing of these species, particularly the boa constrictor, will cause severe adverse economic and social impacts. It will take time to inform owners, breeders, and the businesses that rely upon and support the reptile community of this renewed comment opportunity and for these individuals to collect data and prepare comments. This is especially true for owners of boa constrictors and other species proposed for listing that serve in the armed forces. Subject to frequent deployments and reassignments, these owners are both uniquely impacted by the listing and in greater need of time to be informed of and to take advantage of this comment opportunity.

As FWS noted in its Federal Register Notice that reopened the comment period, four years have elapsed since the public had an opportunity to comment on the draft Environmental Assessment and associated analyses. In that time, substantial new information has been collected related to the proposed listing that was not entered into the original record (not to mention information that was available, but not considered by FWS in its original listing). This includes new biological studies on the potential invasiveness of these species, estimates of economic impacts, and updates on the status of the industry, among other information. Thirty days is simply not sufficient time for us to coordinate with our members and the reptile community at large to prepare a thorough submission of information gathered in the past four years.

Thank you for your consideration. Please do not hesitate to contact us if you have any questions about this request.

Sincerely,

Joan Galvin
Shaun M. Gehan
Anne Hawkins

*Counsel to the United States Association
of Reptile Keepers*