



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



In Reply Refer To
FWS/AFAC/BAIS/DCN 059844

MAR 31 2015

Mr. Shaun M. Gehan
Kelley Drye & Warren LLP
Washington Harbour, Suite 400
3050 K Street, N.W.
Washington, D.C. 20007-5108

Dear Mr. Gehan:

Thank you for your letter of March 16, 2015, on behalf of the United States Association of Reptile Keepers ("USARK") requesting an extension of the effective date for the final rule that listed the reticulated python, DeSchaunsee's anaconda, green anaconda, and Beni anaconda as injurious species under the Lacey Act (18 U.S.C. § 42). Specifically, you have requested that the effective date provided in the final rule be extended for 12 months, with further extensions granted as necessary.

The U.S. Fish and Wildlife Service published a proposed rule on March 12, 2010, and provided a total of 120 days for public review and comment. Following consideration of the available, relevant information, including information received during the public comment periods and peer review, the Service found the four species to be injurious and appropriate for listing, and published the final rule on March 10, 2015, listing these species as injurious, with a 30-day effective date. Although USARK has indicated that it intends to challenge the Service's listing of these species, the Service stands by its decision.

The 30-day effective date under the Administrative Procedure Act is to allow affected individuals and entities a reasonable amount of time to bring their practices into compliance with new regulatory restrictions or requirements. Your letter indicates that your clients are requesting an extension of the effective date for all four species not because the additional time is necessary to bring their actions into compliance with new legal restrictions but rather to minimize or avoid economic impacts to breeders and sellers by selling "as much inventory as possible." This is not the purpose of the effective date and would undermine the very purpose of the listings. Finally, members of the public have been on notice since March 2010 that the Service could finalize the listings of these four species at any time.

For these reasons, the Service cannot grant your request to extend the effective date. If you have any further questions, please contact Mr. David Hoskins, Assistant Director for Fish and Aquatic Conservation at (202) 208-6393.

Sincerely,

DIRECTOR

cc: Ms. Joan Galvin