



ASSOCIATION of
FISH & WILDLIFE
AGENCIES



The voice of fish and wildlife agencies

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Public Comments Processing
Attn: RIN 1018-AV68
Division of Policy and Directives Management
US Fish and Wildlife Service
4401 North Fairfax Drive, Suite 222
Arlington, VA 22203

RE: Notice of Inquiry, FR Doc. E8-1770

To Whom It May Concern:

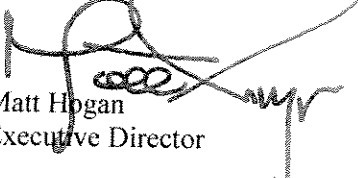
I am writing on behalf of the Association of Fish and Wildlife Agencies (Association), in coordination with our Amphibian and Reptile Subcommittee (ARS), to provide comments for the Notice of Inquiry (FR Doc. E8-1770) pertaining to the possible addition of species of the genera *Boa*, *Python*, and *Eunectes* in the list of injurious wildlife under the Lacey Act (18 U.S.C. 42).

The Association would like to applaud the US Fish and Wildlife Service (FWS) for allowing the opportunity to provide input as to whether inclusion of these constrictor species in the list of injurious wildlife is warranted. We have solicited comments from our network of state non-game biologists and herpetologists along with members of our ARS; many of these were detailed enough for individual state responses, and we have encouraged individual state submissions as well. Presented in the attached is a compilation of these comments, both general and specific to the questions listed in the Notice of Inquiry, though additional questions emerged in this process.

We believe it may be premature to add these snakes to the Lacey Act list of injurious wildlife at this time until some of these new questions can be appropriately answered. The Association is committed to addressing the issues raised in this Notice of Inquiry through our ARS and other relevant committees. Please contact our Amphibian and Reptile Coordinator, Ms. Priya Nanjappa Mitchell (pnanjappa@fishwildlife.org; 847.672.9275) with any questions related to the comments provided herein.

Thank you for the opportunity to provide comment.

Sincerely,



Matt Hogan
Executive Director

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USFWS Notice of Inquiry (FR Doc. E8-1770)

General Comments (and questions):

It is unclear why entire genera of *Boa*, *Python*, and *Eunectes* are included in this notice when Burmese pythons (*Python molurus bivittatus*) are the only species which have been demonstrated to be problematic in Florida. If all species (including small-bodied species) in the *Python*, *Boa* and *Eunectes* genera are included in this notice, why are not other exotic snakes (particularly those that are more adapted to temperate climates) that are also readily available in the pet trade and have a greater likelihood of survival in a larger area of the US?

Furthermore, to our knowledge, the ability of snakes in these genera to overwinter is unlikely in most of the continental United States with the exception of some Gulf Coast States. In addition, unlike the 1.4 million acres of contiguous habitat available in the Everglades National Park, there are few areas outside of Florida which have this kind of uninterrupted habitat available to support a population of large constrictors.

We believe that enforcement of the Lacey Act with the addition of these genera would require great financial expenditure to achieve. While the exact data do not exist, we believe it is safe to estimate that tens of thousands of snakes and tens of thousands of snake owners would be affected by the proposed rule. Therefore, locating and contacting a population of snake owners this large will be time consuming and expensive, and may not achieve the Service's desired result of preventing the release and establishment of exotic snakes. Because many of these species are commercially available through captive propagation facilities in many states, the addition of these snakes as injurious wildlife may cause an increase in state-based propagation and thus a need for enhanced state regulations. Further complicating the matter, some state fish and wildlife agencies do not have existing regulations for non-native species.

In addition, while the Lacey Act prohibits importation or transportation in the US and its territories without a permit for specific uses, there is no provision for permitting procedures with respect to the commercial pet trade. How will permit knowledge and adherence to such a requirement be implemented and enforced? Will all existing animals in private homes, pet stores, or in commercial breeding facilities be allowed to remain unpermitted (i.e., "grandfathered in")?

Perhaps the larger issue is a need for education/outreach targeted to the commercial pet trade regarding what to do when these long-lived species are no longer wanted. Many (but not all) owners of snakes in these (and other) genera (and owners of other species of reptiles) no longer want them when they have reached a certain size or age; meanwhile "reptile rescue" programs have become saturated and are less frequently able to take these large species. While we believe that most responsible pet owners are not likely to release their pets, it is unknown how often owners might consider euthanization of an otherwise healthy but burdensome pet over release when no other placement options are available.

Specific Comments (in Response to Questions):

Please see attached **Appendices 1-4** for detailed responses from individual State Wildlife Agency Representatives.

(1) What regulations does your State have pertaining to the use, transport, or production of *Python*, *Boa* and *Eunectes* genera?

In many states, if such regulations on snakes exist, they do not pertain to non-native species. However, some states have statutes that prohibit the release of any wildlife species.

(2) How many species in the *Python*, *Boa* and *Eunectes* genera are currently in production for wholesale or retail sale, and in how many and which States?

(3) How many businesses sell *Python*, *Boa* or *Eunectes* species?

(4) How many businesses breed *Python*, *Boa* or *Eunectes* species?

(5) What are the annual sales for *Python*, *Boa* or *Eunectes* species?

(6) Please provide the number of *Python*, *Boa* or *Eunectes* species, if any, permitted within each State.

The information requested in questions 2-6 is likely difficult to obtain in most states.

(7) What would it cost to eradicate *Python*, *Boa* or *Eunectes* individuals or populations, or similar species, if found?

(8) What are the costs of implementing propagation, recovery, and restoration programs for native species that are affected by *Python*, *Boa* or *Eunectes* species, or similar snake species?

To our knowledge, the costs of such eradication efforts of these non-natives or related recovery/restoration efforts for native species are not known, but are likely to be expensive and time-consuming, and there is concern that the bulk of such activities may fall to the States.

(9) What State-listed species would be impacted by the introduction of *Python*, *Boa* or *Eunectes* species?

As noted previously, although the likelihood of introduction and establishment of these genera is not high in most of the US, there would be several State-listed species that would be affected. See Appendices 1-4 for a subset of such species.

(10) What species have been impacted, and how, by *Python*, *Boa* or *Eunectes* species?

Of the states that responded, and to the best of our knowledge, no species have been impacted by these genera outside of Florida.

APPENDIX 1

SPECIFIC COMMENTS Provided by Nevada Department of Wildlife

[CONTACT: Polly Conrad; pconrad@ndow.org; 702-486-5127x3718

21 April 2008

Comments to Notice of Inquiry:

Department of Interior Fish and Wildlife Service

50 CFR Part 16 [FWS-R9-FHC-2008-0015; 94410-1342-0000-N3]

RIN 1018-AV68

Injurious Wildlife Species; Review of Information Concerning Constrictor Snakes from *Python*, *Boa* and *Eunectes* genera

Questions [for USFWS]:

If these genera were placed on the injurious wildlife list, how would this affect existing individuals of these species in the U.S. (pets, breeding stock)? Would possession, commercial, and/or breeding permits be allowed? If so, would the Service or local Fish and Game agencies be responsible? If not, what actions will be taken to prevent release of existing pets and breed stock into the wild?

Responses [to questions in Notice of Inquiry]:

1. *What regulations does your State have pertaining to the use, transport, or production of Python, Boa and Eunectes genera?*

Nevada Administrative Code 503.110 states except as otherwise provided in this section and NAC 504.486, the importation, transportation or possession of the following species of live wildlife or hybrids thereof, including viable embryos or gametes, is prohibited: (snakes in the family Boidae, including the genera *Python*, *Boa* and *Eunectes* were not listed).

NAC 504.460 states subject to the limitations set forth in NAC 503.110, the Department may authorize the possession and propagation of other species of wildlife under the authority of a commercial or noncommercial license, if the Department is satisfied, based upon an investigation conducted pursuant to NRS 503.597, that the importation and possession of that species will not be detrimental to the wildlife or the habitat of wildlife in this State.

NAC 503.140 section AA exempts the Department from permitting non-venomous non-indigenous snake species.

Nevada Revised Statute 503.597 states the Commission may adopt regulations to prohibit the importation, transportation or possession of any species of wildlife which the Commission deems to be detrimental to the wildlife or the habitat of the wildlife in this State.

2. *How many species in the Python, Boa and Eunectes genera are currently in production for wholesale or retail sale, and in how many and which States?*

Per NAC 503.140, this is not tracked by the Department. However, it is known that exotic constrictor snakes are legally sold and possessed in Nevada.

3. *How many businesses sell Python, Boa or Eunectes species?*

Per NAC 503.140, this is not tracked by the Department.

4. *How many businesses breed Python, Boa or Eunectes species?*

Per NAC 503.140, this is not tracked by the Department.

5. *What are the annual sales for Python, Boa or Eunectes species?*

Per NAC 503.140, this is not tracked by the Department.

6. **Please provide the number of Python, Boa or Eunectes species, if any, permitted within each State.**

Per NAC 503.140, this is not tracked by the Department.

7. **What would it cost to eradicate Python, Boa, or Eunectes individuals or populations, or similar species, if found?**

I have no way of knowing this for sure, but I would guess this number would be in the millions of dollars, based off previous eradication programs (Boas in the Everglades, zebra mussels in the Great Lakes). It would likely be less expensive to prevent, rather than eradicate, the establishment of wild populations of *Python*, *Boa* or *Eunectes* species.

8. **What are the costs of implementing propagation, recovery, and restoration programs for native species that are affected by Python, Boa or Eunectes species, or similar snake species?**

Again, I have no way of knowing with certainty, but I would guess this number would be in the millions of dollars, based off existing local propagation, recovery and restoration programs for the Mojave population of the desert tortoise (*Gopherus agassizii*), which is currently affected by ravens and could also be affected by the establishment of local wild populations of large constrictor snakes.

9. **What State-listed species would be impacted by the introduction of Python, Boa or Eunectes species?**

State-listed herp species that inhabit southern Nevada, where large constrictor snake species could likely establish wild populations include:

<i>Gopherus agassizii</i>	desert tortoise
<i>Heloderma suspectum</i>	Gila monster
<i>Lithobates</i> [formerly <i>Rana</i>] <i>onca</i>	relict leopard frog
<i>Anaxyrus</i> [formerly <i>Bufo</i>] <i>nelsoni</i>	Amargosa toad

10. **What species have been impacted, and how, by Python, Boa or Eunectes species?**

To my knowledge, no wild populations of *Python*, *Boa* or *Eunectes* exist in Nevada and therefore, no native species have been impacted to date.

APPENDIX 2

SPECIFIC COMMENTS Provided by Oklahoma Department of Fish and Wildlife

[Contact: Mark Howery; mhowery@zoo.odwc.state.ok.us; (405) 424-2728]

1) What regulations does your state have pertaining to the use, transport or production of *Python*, *Boa* and *Eunectes* genera?

In Oklahoma, we have comprehensive regulations that address the take and possession of all native reptiles and amphibians, however the jurisdiction of these regulations does not extend to non-native reptile and amphibian species except for those which are venomous or federally listed as endangered or threatened. The genera *Boa*, *Python* and *Eunectes* do not contain either venomous species or federally endangered or threatened species, therefore they are exempt from Oklahoma's state reptile and amphibian regulations.

The State of Oklahoma requires that any individual who possesses any venomous snake or lizard (both native and non-native species) to have a current non-commercial breeders license to track the number and distribution of these animals; however we do not require permits for the possession or breeding of non-native, non-venomous snakes and lizards. The interstate transport of most wildlife species into or out of Oklahoma requires an Import Permit or an Export Permit; however non-native, non-venomous reptiles are exempt for this permit requirement.

2) How many species in the *Python*, *Boa* and *Eunectes* genera are currently in production for wholesale or retail sale, and in how many and which states?

3) How many businesses sell *Python*, *Boa* or *Eunectes* species?

4) How many businesses breed *Python*, *Boa* or *Eunectes* species?

5) What are the annual sales for *Python*, *Boa* or *Eunectes* species?

6) Please provide the number of *Python*, *Boa* or *Eunectes* species, if any, permitted within each state.

Because the general *Python*, *Boa* and *Eunectes* are exempt from commercial and non-commercial breeder licenses and from import and export permits in Oklahoma, we do not possess the data needed to answer questions 2) through 6). There are several individuals who legally breed and sell pythons and boas in Oklahoma. Based upon anecdotal observations at pet stores and reptile and amphibian shows, it appears that *Boa* Constrictors, and at least six species of pythons are bred and sold in Oklahoma: Burmese Python (*P. molurus*); Reticulated Python (*P. reticulatus*); African Rock Python (*P. sebae*); Blood Python (*P. curtus*), Ball or Royal Python (*P. regius*) and Angolan Python (*P. anchietae*). With the exception of the Angolan Python, the other python and boa species often can be purchased at prices less than \$300 per snake which suggests that they are relatively easy to breed in captivity and widely available.

7) What would it cost to eradicate *Python*, *Boa* or *Eunectes* individuals or populations, or similar species if found?

We don't have data to readily answer this question. To date, no species of exotic snake has established a wild-living population in Oklahoma. Given our climate, it is unlikely that *boa* constrictors, pythons or anacondas would developed self-sustaining populations in Oklahoma.

8) What are the costs of implementing propagation, recovery and restoration programs for native species that are affected by *Python*, *Boa* or *Eunectes* species or similar snake species?

Because we have no established populations of exotic snakes and therefore no affected native species, we have not evaluated the potential costs of these programs.

9) What state-listed species would be impacted by the introduction of *Python*, *Boa* or *Eunectes* species?

The four state-listed species in Oklahoma are: Oklahoma Cave Crayfish (*Cambarus tartarus*); Neosho Mucket (*Lampsilis rafinesqueana*), Long-nosed Darter (*Percina nasuta*) and Black-sided

Darter (*Percina maculata*). None of these species is likely to be affected by the introduction of exotic snakes because of the aquatic and/or subterranean habitats in which they live.

10) What species have been impacted and how, by *Python*, *Boa* or *Eunectes* species?

None

APPENDIX 3

SPECIFIC COMMENTS Provided by TEXAS PARKS AND WILDLIFE DEPARTMENT
[CONTACT Matt Wagner, Ph.D.; Matt.Wagner@tpwd.state.tx.us; (512) 389-4778]

(1) What regulations does your State have pertaining to the use, transport, or production of *Python*, *Boa* and *Eunectes* genera?

TITLE 31 NATURAL RESOURCES AND CONSERVATION
PART 2 TEXAS PARKS AND WILDLIFE DEPARTMENT
CHAPTER 55 LAW ENFORCEMENT
SUBCHAPTER J CONTROLLED EXOTIC SNAKES
RULE §55.652 Permit Required (a) Except as provided by Parks and Wildlife Code, §43.851(c),
it is an offense for any person in this state to:

- (1) possess a controlled exotic snake for any purpose other than sale unless that person possesses a valid recreational controlled exotic snake permit issued by the department; or
 - (2) sell or possess for commercial purposes a controlled exotic snake unless that person possesses a valid commercial controlled exotic snake permit issued by the department.
- (b) A permit issued under this subchapter does not relieve any person of the responsibility of complying with any federal, state, or local law or ordinance regulating the possession and transportation of controlled exotic snakes.
- (c) For controlled exotic snakes imported to Texas by common carrier, a bill of lading shall function as a temporary permit until the controlled exotic snakes are received by the consigner indicated on the manifest.
- (d) For controlled exotic snakes transported through Texas by common carrier, a bill of lading shall function as a temporary permit during transit.

TITLE 31 NATURAL RESOURCES AND CONSERVATION
PART 2 TEXAS PARKS AND WILDLIFE DEPARTMENT
CHAPTER 55 LAW ENFORCEMENT
SUBCHAPTER J CONTROLLED EXOTIC SNAKES
RULE §55.653 Permit Issuance and Period of Validity

- (a) A person may obtain a permit under this subchapter by paying the fee specified in Chapter 53, Subchapter A of this title (relating to Fees).
- (b) A permit issued under this subchapter is valid from September 1 of one year until August 31 of the following year.
- (c) A person who sells a controlled exotic snake or snakes to another person for purposes of recreational possession shall inform the purchaser at the time of the sale that:
 - (1) the sales receipt for the transaction is a temporary recreational controlled exotic snake permit valid for 21 days from the date indicated on the receipt; and
 - (2) after the 21st day following the date indicated on the sales receipt, the possession or transport of the controlled exotic snake or snakes is unlawful unless the person has purchased a recreational controlled exotic snake permit issued by the department.
- (d) A person convicted of a violation of this subchapter may not obtain a permit before the fifth anniversary of the date of the conviction.

TITLE 31 NATURAL RESOURCES AND CONSERVATION
PART 2 TEXAS PARKS AND WILDLIFE DEPARTMENT
CHAPTER 55 LAW ENFORCEMENT

SUBCHAPTER J CONTROLLED EXOTIC SNAKES
RULE §55.655 Recordkeeping

- (a) The holder of a commercial controlled exotic snake permit shall maintain a current and legible daily record of all activities involving the acceptance, possession, or transfer of controlled exotic snakes by the permittee, including the name and address of any person:
- (1) to whom a controlled exotic snake is sold;
 - (2) from whom a controlled exotic snake is bought; or
 - (3) from whom a controlled exotic snake is obtained; and
 - (4) the person's controlled exotic snake permit number, if the person is required to possess a controlled exotic snake permit.
- (b) The records required by this section shall be:
- (1) retained by the permittee for a period of two years; and
 - (2) be made available for inspection upon the request of any department employee acting within the scope of official duties.

TITLE 31 NATURAL RESOURCES AND CONSERVATION
PART 2 TEXAS PARKS AND WILDLIFE DEPARTMENT
CHAPTER 55 LAW ENFORCEMENT
SUBCHAPTER J CONTROLLED EXOTIC SNAKES
RULE §55.656 Inspection; Seizure

- (a) Inspection. An authorized department employee may inspect at any time and without a warrant a permit or any records required by this subchapter.
- (b) Seizure.
- (1) The department may arrange for the seizure and removal of a snake covered by this subchapter from a person who possesses the snake without the required permit. The person is responsible for any costs incurred by the department in the seizure, removal, and disposition of the snake.
 - (2) A department employee is not required to handle, remove, or dispose of the snake.
 - (3) The department may contract with a person who has knowledge of or expertise in the handling of a snake covered by this subchapter to assist the department in the handling, removal, and disposition of the snake.
 - (4) The department, including an enforcement officer of the department, who acts under this section is not liable in a civil action for the seizure, sale, donation, or other disposition of the snake.

TITLE 31 NATURAL RESOURCES AND CONSERVATION
PART 2 TEXAS PARKS AND WILDLIFE DEPARTMENT
CHAPTER 55 LAW ENFORCEMENT
SUBCHAPTER J CONTROLLED EXOTIC SNAKES
RULE §55.657 Violations and Penalties

- (a) A person may not intentionally, knowingly, recklessly, or with criminal negligence release or allow the release from captivity of a snake covered by this subchapter.
- (b) A person who violates any provision of the subchapter is subject to the penalties prescribed by Parks and Wildlife Code, §43.856.
- (c) The provisions of Parks and Wildlife Code, Chapter 43, Subchapter V and this subchapter may be enforced by any Texas peace officer.

(d) It is a defense to prosecution under §55.652 of this title (relating to Permit Required) that the person charged produces in court an appropriate permit issued to the person and valid when the offense was committed.

(2) How many species in the *Python*, *Boa* and *Eunectes* genera are currently in production for wholesale or retail sale, and in how many and which States?

At least 8 Species of Pythons, 8 Species of Boas, & 2 Species of Anacondas. There are breeders in Texas.

(3) How many businesses sell *Python*, *Boa* or *Eunectes* species?

In Texas we know of 400 businesses that sell these species, of which, 300 sell only Ball Pythons. In Houston, 165 businesses sell these species, of which, 150 sell only Ball Pythons (Harris County Game Warden).

(4) How many businesses breed *Python*, *Boa* or *Eunectes* species?

In Texas, 175 breed these species, of which, 150 breed only Ball Pythons. In Houston, 35 breed these species, of which, 30 breed only Ball Pythons (Harris County Game Warden).

(5) What are the annual sales for *Python*, *Boa* or *Eunectes* species?

In Texas, we estimate approximately 50,000 of these species are sold, of which, 25,000 are Ball Pythons. In Houston, we estimate approximately 15,000 of these species are sold, of which, 10,000 are Ball Pythons. These species account for an estimated \$500,000 in annual revenues (Harris County Game Warden).

(6) Please provide the number of *Python*, *Boa* or *Eunectes* species, if any, permitted within each State.

The following taxa require the permits detailed in question 1: African rock python (*Python sebae*), Asiatic rock python (*Python molurus*), green anaconda (*Eunectes murinus*), reticulated python (*Python reticulatus*), southern African python (*Python natalensis*), and hybrids thereof. All other species are unregulated.

(7) What would it cost to eradicate *Python*, *Boa* or *Eunectes* individuals or populations, or similar species, if found?

Unknown.

(8) What are the costs of implementing propagation, recovery, and restoration programs for native species that are affected by *Python*, *Boa* or *Eunectes* species, or similar snake species?

Unknown.

(9) What State-listed species would be impacted by the introduction of *Python*, *Boa* or *Eunectes* species?

Unknown.

(10) What species have been impacted, and how, by *Python*, *Boa* or *Eunectes* species?

None to our knowledge.

For questions 2-5, the figures are based on personal experience in the exotic snake trade in the Houston area and dealing with reptile dealers in Texas. The largest exotic animal dealer in the Houston area and Southeast Texas was interviewed, as well as the largest exotic animal importer in Texas (located in Houston).

ADDENDUM

All [numbers above] include the subspecies, hypos, etc. of African Rock Python (*Python sabae*), Asiatic Rock Python (*Python molurus*), Green Anaconda (*Eunectes murinus*), Reticulated Python (*Python reticulatus*), and Southern African Python (*Python natalensis*).

The vast majority of Pythons being breed, imported, and sold are Ball Pythons

The Red-tailed Boas, Emerald Tree Boas, and Amazon Tree Boas make up the majority of Boas being breed, imported, and sold.

APPENDIX 4

SPECIFIC COMMENTS Provided by Virginia Department of Game and Inland Fisheries
[CONTACT: David Whitehurst; David.Whitehurst@dgif.virginia.gov; (804)367-0940]

(1) What regulations does your State have pertaining to the use, transport, or production of *Python*, *Boa* and *Eunectes* genera?

The Virginia Department of Game and Inland Fisheries does not regulate the importation or sale of any species of *Python*, *Boa* or *Eunectes*. The only exotic species of snake we regulate is the brown tree snake (*Boiga irregularis*) However, it is illegal to release any species of wildlife (VAC 15-30-10).

(2) How many species in the *Python*, *Boa* and *Eunectes* genera are currently in production for wholesale or retail sale, and in how many and which States?

It is unknown how many (if any) *Python*, *Boa* or *Eunectes* species are currently in production. A census may be misleading, because many of the captive-breeders are hobbyist.

(3) How many businesses sell *Python*, *Boa* or *Eunectes* species?

Unknown. In Virginia, I would estimate there are 25 to 50 pet stores selling these species, primarily in large urban areas. It is also unknown how many are sold through the internet or trade shows.

(4) How many businesses breed *Python*, *Boa* or *Eunectes* species?

Unknown

(5) What are the annual sales for *Python*, *Boa* or *Eunectes* species?

Unknown

6) Please provide the number of *Python*, *Boa* or *Eunectes* species, if any, permitted within each State.

Not applicable

(7) What would it cost to eradicate *Python*, *Boa* or *Eunectes* individuals or populations, or similar species, if found?

Unknown

(8) What are the costs of implementing propagation, recovery, and restoration programs for native species that are affected by *Python*, *Boa* or *Eunectes* species, or similar snake species?

Unknown

(9) What State-listed species would be impacted by the introduction of *Python*, *Boa* or *Eunectes* species?

Unknown

(10) What species have been impacted, and how, by *Python*, *Boa* or *Eunectes* species?

Not applicable