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April 19, 2010

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

RE: Injurious Wildlife Species; Listing the Boa Constrictor, Four Python Species, and Four Anaconda Species as Injurious Reptiles

On behalf of PetSmart, Inc., I wish to express our comments and concerns regarding the proposed listing of nine species of constrictor snakes to the list of injurious reptiles. PetSmart understands the negative effects that non-native, invasive species can have on this nation's eco-system. We desire to work with the Division to ensure that pet parents remain able to enjoy the benefits of owning pets that do not pose a threat to the nation's habitat.

PetSmart applauds the Division for tackling this issue, as we have long believed that under the existing provisions of the Lacey Act, the regulatory process, and not the legislative process, is the best and most appropriate venue for determining whether species are indeed injurious and deserving of a ban from import or interstate commerce.

We agree that some of the species included in the listing have been shown to have deleterious effects in certain areas of south Florida, and that regulation of those species to address those specific problems is appropriate. PetSmart has been working with Florida state legislators and the state Fish and Wildlife Conservation Commission ("FWCC") to amend Florida's current regulatory standards to address the problems that certain species have created in the Everglades and other areas of the state.

As currently drafted, the proposed legislation would create a new class of Prohibited or Conditional species, which would effectively ban from possession seven species of reptile that are now classified as Reptiles of Concern ("ROC"): the Burmese or Indian python, reticulated python, Northern African python, Southern African python, Amethystine or scrub python, Green anaconda, and the Nile monitor lizard. In addition, the FWCC would review whether additional species need to be added to either the ROC list or the Prohibited/Conditional list on an annual basis.


Because we believe the potential for damage to native habitats from the unauthorized release of constrictor snakes is limited to Florida's unique climate, we believe that a Federal blanket ban on import and interstate commerce is unnecessary. Additionally, it is our opinion that the USGS survey, upon which the listing seems to rely, was not properly peer reviewed, and that its findings on the potential harm by these species has not been conclusively proven.

The recent cold spell that lingered over much of Florida has, according to anecdotal reporting, killed off many of the wild population of snakes. Rather than rush through the listing process, it might be wise for the Division to seek more accurate studies to determine how detrimental the harsh winter was to these reptiles. At the very least, the effects of Florida's 2010 winter highlight the fact that the environmental concerns of large constrictor snakes are likely to be limited to south Florida, and are not a national threat.

PetSmart currently operates more than 1,090 stores in the United States, and employs more than 47,000 associates. We pride ourselves in being positive corporate citizens, as evidenced by our efforts to facilitate adoption of homeless pets. We provide valuable retail space in every store for adoption efforts, and do not sell cats and dogs. Our non-profit affiliate, PetSmart Charities, Inc., is the largest animal welfare charity in the nation, and has helped save the lives of more than four million pets.

As the nation's leading pet specialty retailer, PetSmart commends the Division for starting the listing process, as we believe this is the appropriate forum for determining whether species should be regulated under Federal law. We appreciate the opportunity to provide our comments on the listing, and would be more than willing to work with the Division to ensure that the final regulations focus on species that are a risk to humans, agricultural crops, or established species of flora and fauna. Please feel free to contact me at your convenience if PetSmart can be of any help.

Sincerely,


Geoffrey Hawkins, Esq.
Government Affairs
PetSmart, Inc.