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September 13, 2011

Hon. Elijah E. Cummings, Ranking Member

Committee on Oversight and Government Reform

U.S. House of Representatives, Washington, DC

**Re: September 14, 2011 Hearing - "How a Broken Process Leads to Flawed Regulations"**

Dear Representative Cummings:

On behalf of the Florida Chapter of The Nature Conservancy (TNC), I am providing comments for the September 14, 2011 Committee on Oversight and Government Reform hearing, “How a Broken Process Leads to Flawed Regulations.” Specifically I am commenting regarding discussion about the US Fish and Wildlife Service Proposed Rule (FR Docket No. FWS-R9-FHC-2008-0015) pertaining to the addition of Indian python (*Python molurus*, including Burmese python *Python molurus bivittatus*), reticulated python (*Broghammerus reticulatus* or *Python reticulatus*), Northern African python (*Python sebae*), Southern African python (*Python natalensis*), boa constrictor (*Boa constrictor*), yellow anaconda (*Eunectes* *notaeus*), DeSchauensee’s anaconda (*Eunectes deschauenseei*), green anaconda (*Eunectes murinus*), and Beni anaconda (*Eunectes beniensis*) to the list of injurious wildlife under the Lacey Act (18 U.S.C. 42).

The Nature Conservancy owns and manages more than 60,000 acres of conservation lands in Florida. We have been involved in the purchase and protection of millions more. Our Mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. We do this not only through purchase, but also by using a data-based conservation planning approach to assess the threats to native habitats and determining what needs to be done to reduce the threats. One of the largest threats to our conservation lands and waters in Florida and globally are invasive non-native species. Studies have shown that invasive species are threatening the persistence of almost 50% of 1,880 federally listed threatened and endangered species (Wilcove et al 1998). In Florida, this threat is magnified due to our productive climate and major ports of entry. Florida has over 130 non-native plants that are considered to be invasives and harmful to our conservation lands. There are also over 400 exotic wildlife species in Florida, 125 of which are established and "not likely to go away." Included in these are 3 of the species being considered under this legislation, the Burmese python, the boa constrictor and the Northern African python.

Under consideration in the Federal Register is the listing of 9 large constrictor species as federal injurious species under the Lacey Act. The Nature Conservancy is on record supporting the listing of all 9 large constrictor species assessed by the U.S. Geological Survey in the report, "Giant Constrictors: Biological and Management Profiles and an Establishment Risk Assessment for Nine Large Species of Pythons, Anacondas, and the Boa Constrictor," dated 2009 (Reed and Rodda, 2009). This comprehensive scientific risk assessment reviewed nine species of large constrictor snakes and found that all nine pose high or medium risk to our environment. Three of these species, the Burmese and North African pythons and the boa constrictor are already present in conservation lands in Florida. The harm caused by the Burmese python to the native wildlife of Florida is well documented and includes predation on state-listed wading birds, the federally-endangered Key Largo wood rat as well as more common species from round-tailed muskrats to small bobcats.

The South Florida Water Management District petitioned the U.S Fish and Wildlife Service to include the Burmese python as an injurious wildlife species under the Lacey Act (18 U.S.C. 42) in June 2006. The Nature Conservancy has written letters to support this petition as well. To date, the Service has not made a determination for listing this species. This delay in listing is not unique to the Burmese python. In October of 2007, the black carp was designated as injurious by the Service, seven years after the original petition. During that time, the black carp spread to Arkansas, Illinois, Mississippi and Missouri, harming both native fish and mussel populations. This delay in regulatory action highlights not only the current need to expedite the overall listing process for the Burmese python and the other 8 large constrictor species in the USGS report, but it also demonstrates the need for an overall revision to the Lacey Act and the process for listing species as injurious.

It is also important to recognize that the threat posed by these large constrictors is not restricted to Florida alone. The Burmese python also threatens other Gulf coastal states and island states. We feel that there is enough evidence to support the listing of the nine constrictors being considered under this Federal Register notice as Federal Injurious Species. We do not believe that the regulation of these animals can be addressed at a state of Florida level only. All the models agree that Florida is not the only vulnerable state to invasion. Further, these animals will continue to be imported into other U.S. states, including those states that are directly adjacent to those that are vulnerable. The current national and state system of laws and enforcement capacity to address the movement of animals across state borders is simply inadequate to effectively protect natural and human communities at risk. By listing these nine constrictors species as Federal Injurious Species, it puts the level of protection and enforcement where it belongs and can be most effective: at the borders of the United States.

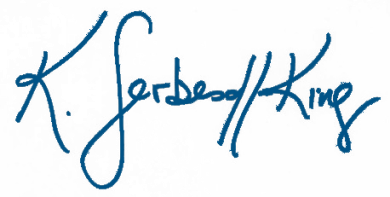
With the proposed listing of these 9 species, we are not talking about a large percentage of species that are available to the reptile industry. The Broken Screens report published by the Defenders of Wildlife documented that from 2000-2004, at least 710 different fully-identified species of reptiles were imported. At a minimum, 47 additional reptile species were imported during that period without full species identification. In sum, at least 757 reptile species were in trade at the time of publication. With reference to the request for injurious species listing, reptile importers and breeders face losing nine species, six of which were in trade during 2000-2004. This represents less than 1% of the total number imported reptiles. Restricting trade in these expensive ‘bad actors’ would not restrict trade in the vast majority of non-native species. The only way to effectively and economically address our current situation and to protect Florida’s, and the U.S., native plants, animals, lands and waters is to practice prevention with regards to importation of non-native wildlife. There needs to be acceptance that certain species of non-native reptiles pose an unacceptable risk to the environment and should not be allowed for possession. The species proposed in this discussion are not the only reptiles that may pose a risk. Moving towards addressing this with reptiles that pose a threat to native habitats and wildlife through legislation/rulemaking that allows for proactive screening would be ideal.

The United States needs comprehensive legislation addressing all taxa of wildlife, focused on preventing new invasions as well as addressing established invaders. By this, we mean the restriction of importation and sale of non-native wildlife species that are either not present in the wild or are newly found in the wild and are predicted to be harmful as well as those species that are established invaders that are already causing harm. This is important not only for preventing a new species from being imported, but also to reduce the “propagule pressure” of those newly established and established species. We should be using the best available science for risk assessment and adopt a pre-import screening tool prior to allowing importation of non-native wildlife into the United States. Prevention is the least expensive and most effective way to promote native wildlife conservation and to avoid long-term management responsibilities.

While the science may be considered young in the invasive animal field, we can compare to our experience with invasive plants. In Florida, nearly 5% of all non-native plants now established in the wild are considered invasive. Invasive plant management costs in Florida are estimated at $100 million annually. Animal management costs could easily exceed this amount. Another lesson from invasive plants is that only a small percentage of the introduced species become invasive in a new habitat. Restricting trade in these expensive ‘bad actors’ would not restrict trade in the vast majority of non-native species. The only way to effectively and economically address our current situation and to protect Florida’s native plants, animals, lands and waters is to practice prevention with regards to importation of non-native wildlife.

Thank you for the opportunity to comment.

Sincerely,



Kristina Serbesoff-King

Invasive Species Program Manager

The Nature Conservancy, Florida Chapter