

EXOTIC WILDLIFE ASSOCIATION MEMBERSHIP ALERT

In keeping with the EWA's pledge to keep our members informed on the latest regarding the three species the following is the most up to date information I have for our membership:

On Tuesday May 18, 2010 the U.S. Court of Appeals for the D.C. Circuit in Washington D.C. summarily dismissed EWA's appeal, which means that Judge Kennedy's decision will stay in place unchallenged. But importantly, the D.C. Circuit dismissed EWA's appeal on the ground that the district court's ruling was not a final decision. This confirms that the challenged rule is still in effect until the USFWS revokes the rule. You should also understand that the D.C. Circuit did not rule on the merits of this dispute. Rather, this was simply a procedural ruling reflecting primarily the fact that the government itself pulled out of the appeal. In short, this ruling reflects the administration's changed litigation policy.

Where does this leave the status of the three species? At the moment the rule is still in place but we believe that this could change very fast. In the semi-annual regulatory agenda, USFWS stated that they plan to revoke the rule. They are not required to follow through with this, however, and this process should normally take 6-8 months to complete. During this process they may develop a permitting system for these three species that will comply with court requirements. That will also take time. Or, as stated in their April 26, 2010 regulatory agenda, USFWS published a notice indicating that they may simply revoke the rule. In short, what they intend to do about publishing a new rule is unclear.

Is that the final nail in the coffin? Not by a long shot. EWA's attorney's are busy, at the very hour, working very closely with SCI's litigation team on a multi-prong strategy that could be very beneficial for the animals. In addition our lobbyists as well as representatives from the Congressional Sportsman's Caucus are working very hard to find the best avenue of approach in this situation. Not a single person on our litigation or lobbying team has thrown in the towel—so neither should you.

Your EWA Board of Directors will be meeting Friday, May 21 to determine what future course of action we will take. We will present you with several actions, but they must all be acted on immediately because of the threat that FWS may simply issue a final rule revoking the exemption, without notice and comment.

I know there will be many rumors and questions as a result of this alert so the following is what we know at this time in regards to buying, selling, trading and hunting any of the three species

- **As of this moment nothing has changed regarding the rule. We are still operating under the 2005 USFWS rule which exempts these three species**

from the permitting process. The management of these animals through hunting is still allowed at this point. (This could change at any time).

- **There is no permitting process established for these three species so please do not call the USFWS asking for permitting forms. This is very important.**
- **Please do not call the USFWS asking about any future plans because they do not know themselves at this point what they are going to do.**
- **Please do not fall prey to the multitude of rumors that will be flowing throughout our industry regarding false deadlines or doomed outcomes that no one can know at this time. If you have any questions regarding this decision please contact me at the EWA office or by cell phone at 830-928-3158. I can assure you we will have the latest information and will provide it to our membership as soon as it becomes available.**

**Charly Seale
Executive Director**