

# NCPARC

## Policy Regulations and Trade Working Group

### Meeting Minutes

November 16, 2005  
1:00-4:00 UNC Greensboro

Attendees: Dave Davenport; John Groves; Sarah Cross; Lori Williams; Marshall Ellis; Gale Wilson; Ann Somers; Dave Stephan; David Cooper; Phil Bradley; Rhonda Washington; Grover Barfield; Tanith Tyrr; Larry McDaniel; Coy Beck; Steve Price; Jeff Beane; Dennis Herman; Daron Barnes; Keith Farmer; Dave LaPlante; Zach Orr; Bob Pendergrass

*What follows are minutes with as much detail as we could provide regarding speakers and actual quotes; but often statements are paraphrased.*

Dave Davenport brought the meeting to order and made opening comments:

Hopefully what we are doing in this group is preventing the legislature from passing knee-jerk laws. We are facing an important job with making recommendations for how herps will be regulated in NC. Everyone's input, both at these meetings and beyond in member comment, is important. Do note that what we decide upon as a group, we will be presenting as recommendations, not laws or actual regulations, to the Wildlife Resources Commission.

Like we said at the last meeting, we want a good cross section of the herp folks at this meeting and involved in this process. Thanks to the WRC staff, Gale Wilson (our Wildlife Enforcement Officer representative), and all of you for your participation. WRC folks can't be voting members—that would be a conflict of interest—so they are more here in an advisory capacity. We are at a distinct advantage to not be within the confines of a government organization during this process— hopefully we can make better recommendations as a result for we are apart from the politics.

At the first meeting held last month, the 2<sup>nd</sup> thing we did was to ID hot-button issues to address quickly. An incident with a tiger in the mountains caused the creation of the Inherently Dangerous Animal Bill which is now a "study" but will be the 2<sup>nd</sup> thing on our plate after the turtle bill. We are coming in at a time when we can still affect the turtle bill process since it was already in the works from staff.

We need to also address voting issues early on today. Basically, if you aren't here, you can't vote. We decided this at the last meeting. We don't anticipate that we will meet more than 2-3 times a year, and meetings are always open to the public whether you are a voting member or not, so that way your voice can be heard regardless of your voting status. Also, we will post everything on the NCPARC website for public comment.

Everyone will have an opportunity to make comments that will be reported back to this committee. In this way we are making an attempt to reach all the constituencies.

ANN SOMERS: I'd like to suggest limiting the number of voting members to maybe 18—it makes discussion and voting difficult if you get too many folks involved.

DAVE DAVENPORT: I want to point out that if you aren't here you can't vote...you can't vote by proxy. If you aren't here, you miss out on a lot of the discussion that would influence your decision, so we will limit voters to those that are here. You will have insider info if you are here so we want your attendance if you are voting.

LORI WILLIAMS: How will we incorporate the voice of those that respond on the internet in our voting?

DAVE DAVENPORT: We will post stuff for 30 days for public comment, then we in the Working Group will revisit any comments that seem like they may need attention, then we'll adjust our document to arrive at a final version to submit to the WRC for consideration. The review of this could be over email or if issues raised are really big, we may need to meet again.

DENNIS HERMAN: 30 day lead time is adequate.

KEITH FARMER: How do we decide on those 18 voting members? I don't see a big voice from herp hobbyists, here. Should we leave a way for a voting member to be added if a constituency is under-represented?

DAVE DAVENPORT: There were more hobbyists here last time, and if we leave them voting members, then I think we get at hobbyists. Actually, many of us cross boundaries—professionals and hobbyists at the same time. Although we are going to talk about some controversial stuff, I think that we are all going to be pretty much in line on the bottom line—that being protecting the resources while protecting the rights of individuals that work with them.

JEFF BEANE: maybe if we have these meetings on weekends will have a lot fewer state folks and a lot more hobbyists.

SARAH CROSS: read Tony Leiro's letter. (attached)

DAVE DAVENPORT: We will not be able to reach everyone with attendance. The point is to make sure that we encourage those that are not able to be here to make their comments heard through us and through the internet comment option. OUR JOB Is to make sure that we get those folks informed and get them to read the stuff we post and give us feedback.

ANN SOMERS: I think that Tony's letter is well taken. I could easily post a meeting here at night to enable more people to attend.

DAVE DAVENPORT: How many of you would come at night?

(Everyone raised their hand.)

So how do we get info to hobbyists? How are we doing it? Herp shows?

JEFF BEANE: a lot of folks don't have internet.

KEITH FARMER: We could put something up on Kingsnake, and on the SE Hot Herp Society website.

TANITH TYRR: there is a very large "problem child" contingent on Kingsnake.

KEITH FARMER: but we need to hear some of their noise.

DAVE DAVENPORT: I think that would be a can of worms, but we need to be representative of that can of worms. We do not want to be accused of being elitist. That has happened in this state before and it would certainly be counter-productive. Often herpetoculturalists have had a big rift b/n them and hobbyists and academics... even if it makes this job more difficult, it is necessary that we make that effort. I do not think that the two groups are that far apart in our goals once we get down to it.

COY BECK: maybe we need our own site on kingsnake.com?

DENNIS HERMAN: kingsnake is national—we need to hear what NC says. Not what the CA folks say. Particularly collectors from other states. That may raise a stink to keep their interest in NC collecting open.

BOB PENDERGRASS: There used to be a herpetoculture website, and a group that formed as a result ...

TANITH TYRR: I'd volunteer to open a forum for public comment on kingsnake, filter that info and bring that back here synthesized for the committee.

GROVER BARFIELD: other states are watching very closely what we do...

JOHN GROVES: If we are trying to keep this in state, we have NCHS, NCPARC, website, and there must be a local committee that hosts the herp show in Raleigh. Maybe we can work through them to get the word out to the hobbyists that way?

DAVE DAVENPORT: Is there a way that we can create a letter to these organizations that can then spread the word so that they can then go to the website and read up on the stuff? This is the group, this is what we are charged with doing, this is what we are tackling, we want info from your stakeholders, can you get the info to them and link the NCPARC website...

PHIL BRADLEY: Gray boa could link us through the boa forum.

DAVE DAVENPORT: anyone here around the table that knows of a stakeholder that could get the word out, let Sarah know. That way we can get the info to them. We will get something drafted and out to them ASAP.

DAVE DAVENPORT: I can't emphasize enough that even if they do not have an official vote, they do have a voice. Your input is important and we want to know what you think.

SARAH CROSS: Back to the issue of a vacant voter...as the issues change, the voting members/ attendees will change, possibly.

MARSHALL ELLIS: sounds like we are getting dangerously close to bylaws...

DAVE DAVENPORT: We need to set up a voting block now, and have the ability to modify that as time goes by. If we see that something is not working, we can re-organize or decide that we need something more or less formal. How many members are overlapped on the potential voter lists? How will we decide a majority? 2/3s? Is everyone comfortable with that? 2/3s is a standard.

SARAH CROSS: There are 17 people on both lists.

KEITH FARMER: Ann's idea of 18 people? How about we go with that with an option of adding 6 more down the road?

SARAH CROSS: remainder of the 26 names wanted to vote but haven't been to either meeting.....But WRC folks can't vote so that means there are 21 with an expressed interest in being voting members.

(more discussion among people regarding the number of interested voters).....

DARON BARNES: What if we take the 21, and reserve ~4 slots for future voters

DAVE DAVENPORT: everyone comfortable with that?

Collectively...."yes"

KEITH FARMER: so 19 here today that are voting members, plus 2 from last meeting

Collectively....we can add 4 new voters in the future for a total of 25.

ANN SOMERS: and the next meeting should be held at night (comment that it would be hard for law enforcement (LE) personnel to be here on weekend or maybe even weeknight)

DAVE DAVENPORT: We had a specific request from the Working Group at the last meeting to try for a LE presence to be here and on this Working Group.

DAVE DAVENPORT: We'll have to have LE input along the way if we want to make legislative recommendations. It is important to continue to ask for LE presence. Also, meeting at night will be important for including input from other interests. We must allow enough time for people to get here (traffic concerns) after work; but for some, that won't be a problem.

ANN SOMERS and JOHN GROVES: 7 or 7:30pm

Collective agreement and comments.....7-10pm???

SARAH CROSS: so I have 19 people on this list, plus 4 WRC people who won't be voting, plus the 2 folks who aren't here today but were at the first meeting, plus 4 additional future voters possible; so, a total of 21 voters with a potential to have a total of 25. And the next meeting will be in the evening.

(topic closed for now)

SARAH CROSS: reminder about completing volunteer forms.....

(passing out volunteer forms)

10 MINUTE BREAK

2:25pm--reconvene.....

DAVE DAVENPORT: Let's get started. We have a lot to get done this afternoon. So, everyone is on the same page, I asked Sarah if she would go over the current turtle bill, the issues, the revisions already written by WRC, etc....

SARAH CROSS: refer to the handouts Daron gave out at the beginning; second to last page.....Gen. Assembly of NC; senate bill 825 that already passed; section 1.....(reading for group)....this section 1 is the portion that was codified and put into law.....the only part in the general statutes you will see is section 1.....section 2 is the part that talks specifically about the turtle families that are protected (reading for group).....that is the part that spells out the protection of those turtles....so, the intent of this law was to prohibit the large-scale collection and harvest by commercial collectors, mostly out of state collectors.

DAVE DAVENPORT: the commercial take was addressed for 2 reasons: commercial food market and pet trade

Grover, Dennis, Phil: discussion about numbers, thousands, harvested from other states

PHIL BRADLEY: how much was for food vs. pets?

SARAH CROSS: We don't know; we know a lot were sold to breeder/trader in LA; he sold a bunch to Asia and into the food market; we've also seen some of his turtles show up back in NC as hatchlings being sold at flea markets; so that was the point of the law---large scale collection—stop it!

DENNIS HERMAN: so section 2 can't be modified at this point?

SARAH CROSS: What is in existence now is a “law”. What we in this group are talking about doing is writing a “rule”, not a law; a rule is a separate legislation not involving the General Assembly; this rule will come from the WRC; so until we write a rule, the law is set in stone. The law states “until such time as the WRC adopts rules to regulate the taking of turtles or terrapins within these two families” so it already is saying that it has a temporariness intrinsic. It essentially charges the WRC with following up by writing a rule. That is what we are doing...making a recommended rule to present to the WRC for consideration. The rule the WRC adopts can change the letter of the law slightly but can't say “disregard that law!”

So what about the law needs to be modified in the writing of the new rule. Why can't the rule we at the WRC adopt just be the exact thing written here in the law? Refer to page 1 of the handout. It addresses the issues we have had with the law as written. There were several unintended consequences of the law that affect hobbyists in the state, enforcement, management, etc. On this first page are listed some of these problems ....(reading for group)....

First, if you have more than 4 reptiles, a hobbyist is illegal unless you have a collection license. The turtle law made it impossible for us to issue collection licenses for these protected turtles, so folks that were legal before and possessed more than 4 turtles and also had the appropriate licenses are suddenly illegal.

KEITH FARMER: just native reptiles?

DARON BARNES: yes, we issue collection licenses for native species only. We do not regulate exotics.

KEITH FARMER: Is that 4 per household? 4 per individual?

SARAH CROSS: per individual. Reading further.....future hobbyists would be illegal. The law has essentially made it such that kids can not become hobbyists since they can only possess 4 of these turtles in their collections. That seriously limits a hobbyist. ....

Point #3 brings to issue that this is a lifetime limit on 4 turtles. LE reads this law as written to mean that you can collect only 4 in your lifetime. That is impossible to enforce. Point #4 is that the law includes native and non-native because it doesn't say otherwise; any turtles in the 2 families are protected; these families overlap federally protected

species and they do not include mud and musk turtles, and snappers in the law. We'll discuss these species further.

JEFF BEANE: It does include exotic members of those 2 families?

SARAH CROSS: yes; it also includes captive bred and wild-caught turtles (point #5). If you have more than 4 individuals from these two families in your possession, regardless of whether you collected all four from the wild, or whether they came from captive breeding programs, the law says that you are breaking the law.

#6: live turtles and turtle parts is a problem. Yes, the law includes dead turtles or shells because it does not state otherwise.

#7: accidental take is not addressed in the law and neither is depredation (#8); The disposition of confiscated turtles is also not addressed (#9) and replacement cost (#10) is not addressed. Currently it is considered a class 3 misdemeanor for an offense (caught collecting or selling tons of hatchling turtles). This is not per turtle, but per violation only. So, a large-scale collector who illegally trapped thousands of turtles could absorb the cost of such a fine easily because of all the money he will make anyway. If we had a penalty per turtle or a replacement cost, then that would be a much greater deterrent. We also need to consider propagation (#11) while in a person's possession. Do we want to regulate this? If so, how?

So, these are some of the problems with this turtle law as it stands.

Some of the difficulties we will face while trying to create a new rule are also on that first page of the handout. As background, let me give you some terminology. In our state's General Statutes, herps are considered "wildlife resources" only---not considered "wildlife," "nongame," "wild animals" or even "animals," in the definitions used in our laws. So, we have to write rules for "herps" that will be in keeping with the definitions already set forth in laws. It is challenging if not problematic.

Also, the word "possession" is a problem (#1). The only license we issue for herps that allows people to be keepers of herps is the "collection" license. Just the very name of that creates confusion. Whether a person ever plans to grow his population or not, we issue him a license to collect in order to make his possession of the animals legal. Also, the definition of commercial take in the law includes the word "possession" so it lumps possessors with those out collecting; two very different activities from a conservation standpoint.

Therefore, lots of folks (hobbyists) are now illegal. We want to make them legal if they are not collecting, but we don't want to overburden them or ourselves with permitting (#2). We could look at grandfathering the hobbyists already in possession of turtles at the time of the law's adoption, but that would mean distinguishing between old hobbyists and new hobbyists. Wouldn't that discriminate against future, new hobbyists (#3)?

We also don't want the continued discrepancy in pet stores regarding how laws are enforced (#4). Do we want our LE officers in charge of policing pet stores?

DENNIS HERMAN: it's already illegal to sell turtles in NC because of health department laws.

SARAH CROSS: yes, but prior to the turtle law, the WRC Enforcement Division could not enforce those laws since we did not have a law under our jurisdiction to support those laws. And since there is not an enforcement branch for the state health department or for the FDA who also had a sale of turtles law, those laws were not enforced before. Since the turtle bill went into law, our LE is charged with enforcing the bill and can involve the FDA and State Health department in cases it makes against violators of all the laws.

DENNIS HERMAN: section 1 of the bill....taking of any turtle or terrapin species? What we are doing (re-writing rule) will affect other species?

SARAH CROSS: explains the numbers (limits) were already in the statutes (e.g., 25 or more amphibians, 5 or more reptiles and you must get a license to collect/possess) so we will not be changing that aspect of the law.

TANITH TYRR: how can we get vets involved with this in enforcement side of things?

OFFICER WILSON: I don't know that having a vet signing off on a person's animals will carry much weight.

DAVE DAVENPORT: also, most vets aren't competent enough with exotics to do what you are suggesting; exceptions at the vet school; very few vets will have the herp background or time to go around and certify individuals or the housing of reptiles.

TANITH TYRR: might it help whittle out some of the problem folks?

DAVE DAVENPORT: yes, but we'd have to have training and willing vets to do it.

OFFICER WILSON: In inspections, we go out with the biologists; we just provide assistance.

DARON BARNES: Also, with pet stores....look at the number of stores in the state vs. the number of LE officers and biologists per county; it is simply not feasible for them to check out all those pet stores.

DAVE DAVENPORT: Well, a pet store could be warned or if found in violation, there is a structure in place to deal with it.

DARON BARNES: yes, we at least have something we can use to go in a store and take action if there are violations, but I don't see that requiring regular inspections of pet stores by biologists or LE will ever fly.

OFFICER WILSON: we don't have any set rules on pet stores; we don't go there unless we get a call; and the feds have taken a back seat on this

KEITH FARMER: comments about turtle sales in SC.....these illegal sellers are creative especially with the internet market now. They could be in NC and have a SC address from which to sell, or they could be sneaking into NC to collect then selling from SC...

GROVER BARFIELD: comments about same thing.....sellers sell habitats and give away the turtle for free to get around the new law.

DAVE DAVENPORT: we need to keep the issue of "manpower" in mind; certainly from the WRC's perspective. We all have to police ourselves in this herp community; we all are responsible for education as well. Maybe the NCPARC education working group can take up this issue with pet stores? It's a multi-faceted problem; nobody enforced the health department rules, so until we had the turtle bill, our LE couldn't touch the problem.

OFFICER WILSON: We have to educate everyone; judges, magistrates, other officers, etc. Most judges think it is crazy to bring a charge against someone for a turtle violation.

SARAH CROSS: Excellent point for the group and for NCPARC, especially for the Education Working Group. Back to the handout.....#5 deals with native vs. non-native...if we in the WRC start to regulate non-native species with respect to herps, is that setting a precedent for us to have to also regulate other exotic species (tigers, monkeys, etc?) #6 addresses sale of herps. Did the legislature intend to regulate sales when it crafted this law? Also an important consideration is #7. Currently we have cases that are being prosecuted that cite this law. So we need to take care not to undermine those cases when we craft our rule. That would certainly send a terrible message about our regard for the law, and also it would sour LE on their support of these herp regulations initiatives. Finally, look at the back of first page....WRC's goals for writing herp legislation.....(reading the list for the group)...goals....these are very similar to what goals this working group would come up with, I believe.

DENNIS HERMAN: We need to distinguish "possessors" from "collectors"; commercial collecting is very different than when people may need to possess animals even for conservation purposes; not to make money off the animals. What about have a percentage of sales from licenses going back to the state for conservation? What about getting Dept. of Revenue involved? Collectors are probably not reporting their income from sales....

SARAH CROSS: costs for permits and licenses are already set; types of permits are already set; any changes to these would have to go through the legislature and doing so is a much more involved process than working within the laws already in existence in the General Statutes to come up with regulations for the WRC.

DARON BARNES: Well, in some cases, we can write in a different rule or amendment; also, any money coming in to the WRC is different than money coming into the Gen. Assembly; any money we generate, can go back into our programs, here specifically it could go back into the nongame program.

JOHN GROVES: but “nongame” doesn’t apply to “herps” right?

SARAH CROSS: you are referring to the legal definition of herps as “wildlife resources”.....

JOHN GROVES: so, you can write a rule for the WRC that doesn’t have to go through legislators, right?

DARON BARNES: (explaining the General Assembly’s process) so, the WRC has been given authority to write our own rules; it goes to our Commissioners, a rules/regs committee, etc.; we have a lot of flexibility; we can’t supercede the law on the books (General Statutes), but our rules can better define or modify existing laws by clarifying definitions, etc.

JOHN GROVES: Can you just state then that there is no commercial take of animals and clarify this or define this? No commercial activity of native turtles? Isn’t that all we would need here?

SARAH CROSS: not really; it depends on the definition of commercial taking....5 or more as the definition stands now....but, that brings up the other issues of bag limits, lifetime vs. yearly bag, etc.

DAVE DAVENPORT: so, what you are saying is that we don’t have to change the law....we just add definitions

DARON BARNES: we don’t want the law to go back to the General Assembly because we didn’t do enough in the writing of our regulation..we don’t want that!

(comments from group)...so, does the definition of “take” have to be broad?

DARON BARNES: no, we’d say specifically turtles, or specifically reptiles, etc.

SARAH CROSS: we would say for example “for the purpose of this rule, we define commercial take as....”

JOHN GROVES: would this address the issue with kids becoming hobbyists?

SARAH CROSS: no, it doesn’t address a lot of things....like kids, future hobbyists....

DAVE DAVENPORT: and we definitely have to define possession vs. collection

SARAH CROSS: Instead of starting from scratch in this working group, I think it would be better for us to look at what the WRC has already tried to do.....next page of handout....15A version of turtle rule.....we tried to address all the issues I just read to you.....this is our current draft....comments are on the right side to remind us of WHY we wrote it the way we did....(reading to group)....

OFFICER WILSON: (asked about dollar amount on topic of replacement cost)....

SARAH CROSS: It is \$54 per individual on “any species without an open season” so we could use that as our replacement cost. The next question is possession permits....do we write them currently, Daron?

DARON BARNES: yes, like for zoos, etc.; we do not issue possession permits for pets right now; there is a captivity permit and a possession permit; captivity is for rehabbers, etc., zoos, etc. native or not; usually we don't give those for pets; possession in the past has been a mixed bag, geared to parts, dead animals, etc.

SARAH CROSS: the statute already existed that gave the WRC permission to issue a possession permit; we could use that permit for herps (it does use the words “wildlife resources” so it is one of the options available to us); that's what the “3<sup>rd</sup> stab” at the possession permit page of your handout is geared toward: creating a policy/reg that allows for the WRC to use the possession permits for regulation of herps in captivity.

DAVE DAVENPORT: so, now, hobbyists can be given a possession permit?

DARON BARNES: yes, they could get that now; the General Assembly wrote this open-ended, so we can write our own rule dealing with possession permits; we've always steered away from pets in the past, however.

DAVE DAVENPORT: so, the direction we are going.....hobbyists will have to get a possession permit now.

KEITH FARMER and SARAH CROSS: yes, they would have to do that now the way we are proposing the rule.

DARON BARNES: right now, you've got to have a collection license to have numbers of herps (>4 reptiles or >24amphibians); That is a \$5 fee right now. So, currently, you can pay \$5, get your collecting license and go collect as many as you want. Recently, the turtle restriction has been an amendment to these \$5 permits: we specify on collection licenses that we issue that the license does not allow for the collection of turtles from these two families in excess of 4 individuals. So, with this rule draft we are looking at here, we want to distinguish with the permitting system the different situation of collection vs. possession.

DAVE DAVENPORT: I was trying to clarify the evolution of where things are going with this...

KEITH FARMER: how are we approaching the herpetoculturalists with this....what about yearly limits? Under the level of commercial take...if they get 4 in any given year...can they possess or collect 4?

SARAH CROSS: as written this rule we are proposing deals with collection only

KEITH FARMER: so 1 turtle would not require anything?

SARAH CROSS: right

DAVE DAVENPORT: I think we should also get his out I the open. The focus on 2 families of turtles is too narrow; we should protect all families native or not; the food markets.....Asia....if you limit the take to these two families, the Asian market will go to the families that are left unprotected. I guarantee this will happen. The snappers and others will get hammered.

SARAH CROSS: the reason why snappers were excluded originally is the cultural and historical snapping turtle trapping/eating in NC warranted that; if we had included snappers originally in the bill, it probably would have never gotten passed to protect all the other turtles. We sacrificed the snappers to protect the others, I guess.

OFFICER WILSON: commenting on trapping of other animals....permits are required....and the revenue goes back into WRC...

ANN SOMERS: what do you know already about snappers?

OFFICER WILSON: Folks set hooks and lines for snappers....we mostly see people of Asian descent...now also seeing that many Mexicans are starting to do this too and taking truckloads of snappers out

ANN SOMERS: that's why we need to go ahead and include everything

DAVE DAVENPORT: (commenting on the research needs to go along with this regulation to look at impacts on populations) if we exclude any turtles from this bill, no matter how common they are now, they will get nailed; the food market demand will shift to the unprotected species.

DENNIS HERMAN: all these species have a threshold; you over-trap them, then there is less recruitment, you find smaller and smaller females, and the population crashes that will never recover.

ANN SOMERS: we have a lot of agreement here.

KEITH FARMER: So the truck with 5 snappers in the back, if he doesn't have a collection license as it is now, he's in violation?

OFFICER WILSON: yes; our problem is we can't be everywhere at once; manpower is a huge problem and being able to prove our case is a huge problem.

ANN SOMERS: so what we are proposing as we work on this regulation today is that you also won't be able to get a collection license for these other species?

DAVE DAVENPORT: yes, we need to add the other families to this rule; so that you can't have more than 4 of any of the native turtles.

DENNIS HERMAN: we need to define natives and non-natives.

OFFICER WILSON: that's what you see anymore at these flea markets...red-eared sliders; our definition of "take" at this point is no different than "possession" from the LE standpoint.

DENNIS HERMAN: as it's drafted, zoos, vets, etc. could go out and collect and sell turtles (not that they would do it) but we would be able to give them collecting licenses, and they could exploit the species.

SARAH CROSS: there's no way we can write a rule that has absolutely no loopholes; we can only hope to write an enforceable law; we don't want to make criminals out of law-abiding citizens, but no matter how good a law we write, someone will break it. We need to make sure that our officers have the tools that when that happens, we can prosecute.

OFFICER WILSON: we want to target those who are destroying the resource and gaining profit from it.

(Collective agreement)

DAVE DAVENPORT: we are all in agreement that we need to separate collection from possession?

(collective agreement)

KEITH FARMER: what if your snapper had 5 offspring?

SARAH CROSS: that situation is addressed on the back page under "(2)" People that were in lawful possession of the parents could keep the offspring as long as they meet reporting requirements.

DAVE DAVENPORT: (talking about reporting requirements for the licenses...this will provide biological and population data for WRC)

DAVE DAVENPORT: There are lots of Asian turtles in food markets in Raleigh...may not be a bad idea to include non-natives as well

TANITH TYRR: appropriate, humane housing and treatment of animals in the Asian markets? It is not being done!

DAVE DAVENPORT: the problem is how to enforce this?

SARAH CROSS: back to the handout....non-native vs. native must be addressed and commented on.....unless a state has a law dealing with non-native species, the USFWS branch will not enforce any rules regarding them—even ones listed by the FWS as endangered or threatened.

OFFICER WILSON: that's correct

SARAH CROSS: so, if we get a rule on the books about non-natives, then the feds can get involved and aid enforcement.

KEITH FARMER: what about the health dept. rule?

DENNIS HERMAN, DAVE DAVENPORT: yes, there is a law, but the health department cannot enforce it. They do not have enforcement personnel.

SARAH CROSS: There is a state health law and an FDA law about turtles and turtle sales, but neither has enforcement authority.

OFFICER WILSON: The FDA law is 4" or less; the health dept. did charge one person with the sale of small turtles, but not sure what authority the health dept. person had; they had to have a WRC law enforcement person with them

KEITH FARMER: so you can go get the Asian turtle sellers?

OFFICER WILSON: yes

DAVE DAVENPORT: not if we don't include non-natives in the language; if we do that, then the hobbyists will have to get permits for their non-natives.

PHIL BRADLEY: hobbyists will fight against this I guarantee it

OFFICER WILSON: it will be nearly impossible to enforce; hard enough with the native turtles

DENNIS HERMAN: we're still hung up on commercial take; hobbyists won't fall under this anyway; we have to strictly define commercial take.

DARON BARNES: as long as we adhere to commercial take, it would be easy to enforce 5 or more turtles in possession no matter what the species; would be easier on LE because they wouldn't have to know what the species are. If it is a turtle and someone has 5 of them, then they better have a Possession Permit.

OFFICER WILSON: that's right; if it's a turtle and there's more than 4, we could enforce that no matter what the species is

(discussion among group about what hobbyists would be adamant about—ability to breed and sell---comments from BP, PB)

DAVE DAVENPORT: about captive breeding, we would rather see that, than see folks taking them out of the wild; the hobbyists don't want to lose their ability to breed, trade, sell, move around their stock; we want to encourage that activity because it could limit the amount of take from the wild; so whatever we do, we don't want to take away the ability of individuals to captive breed; so, what we are saying, in order to have more than 4 turtles, period, no matter what species, you gotta have a permit based on the possession permit rule we are proposing.

BOB PENDERGRASS: when do you report change in numbers (offspring) to WRC?

SARAH CROSS: refer to back page; offspring can be sold to lawful buyers (who, by definition to be a lawful buyer, would have to have a possession permit). You report the changes in numbers in your collection when you submit your annual reports required as a condition of the permit's issuance.

KEITH FARMER: I could buy 1 and not have to have a permit?

SARAH CROSS: right

PHIL BRADLEY: who has the responsibility to make sure the buyer is lawful?

SARAH CROSS: the seller is responsible, and the buyer too. If the buyer weren't lawful, both would be in trouble; one for illegal sale, one for illegal purchase/possession.

OFFICER WILSON: that'll be hard to enforce.

Group: at least it would be a law on the books.

DAVE DAVENPORT: we are trying to make people more responsible for the resource, even hobbyists.

PHIL BRADLEY: the info has to be clear, easy to understand, easy to find. We have to get info on these regulations out to the hobbyists so they will be aware of the new regulations and how they work.

DAVE DAVENPORT: yes, that is part of our responsibility with NCPARC---education and getting the info out.

BOB PENDERGRASS: my question is in part “b”... dealing with purchase or sale... What about using the terminology...”taken from the wild” ; That way we’d not discourage captive breeders?

DENNIS HERMAN: that was a problem several years ago with this; the herpetoculturalists couldn’t distinguish themselves: the difference in collection and possession.

SARAH CROSS: in an earlier version, we did have the words “from the wild” but we took them out; we used “non-permitted” instead since some of the turtles people already have were in fact taken from the wild, and future hobbyists will still be able to collect less than 5 turtles from the wild. Once they have a wild turtle in their possession, and have more than 4 total turtles, they will need to make that possession legal by having the possession permit. The turtles will then be “permitted” individuals. That is why we worded it that way.

BOB PENDERGRASS: when the hobbyists see this, that won’t be clear. Then we must make sure it is clarified to them.

KEITH FARMER: how can we find a lawful buyer in NC under this law, considering the Health Department law exists?

JEFF BEANE: clarification about the health law....refers to commercial establishments (retail or wholesale) only....not to individuals.

JOHN GROVES: if turtles were sold out of state...would the buyer have to get a permit from NC?

OFFICER WILSON: no; his state’s laws would apply.

DARON BARNES: it is your job as the seller to find out what those laws are in the buyer’s state.

SARAH CROSS: a general point....right now, the urgent need is to address the issues that are glaring problems....right now hobbyists are illegal...we want to fix that. In the future, that doesn’t mean we won’t address propagation. Right now, we just need to fix what’s wrong with the bill, and if in some meeting in the future, we want to regulate breeding, then we can decide that.

DAVE DAVENPORT: we might decide in the future that a separate license for captive breeding would be appropriate.

SARAH CROSS: Right. But for now, we need to focus on making hobbyists legal.

DENNIS HERMAN: tortoises? They shouldn't be regulated in the state because they aren't found here; we should include the 4 native families only.

KEITH FARMER: add the other 2 families for ease of enforcement to have all 4; so, sadly, we'd be protecting red-eared sliders.

BOB PENDERGRASS: so this law makes it illegal to release red-eared sliders.

DAVE DAVENPORT: yes, that is an important part of this law.

OFFICER WILSON: that is a case I prosecuted this year; going back to the fine, what's \$200 if the seller is making thousands?

SARAH CROSS: with the \$54 replacement cost per turtle the penalty will be a lot stiffer....back to the non-native vs. native issue....the hobbyists that have the non-natives from these 4 families will be in the permitting system, the hobbyist that has a tortoise will not.

DAVE DAVENPORT: this won't take the animals away from the hobbyist; if we don't have this in place, the legislature will act and it will be dramatic; the days are over of having no regulations.

SARAH CROSS: a possession permit does not cost anything, right?

DARON BARNES: right; only a collection license costs (\$5); we could change the price for this; we are cheap right now; that may change; we've never had a good idea of what our programs are costing us from a permitting standpoint; we don't want to be prohibitive, however; the applicant must not have any violations and must submit reports; that's what we really look at.

JOHN GROVES: how deal with non-captively bred turtles coming into the state?

DARON BARNES: so far, we haven't really addressed things coming into the state; in general we have transport, import, export permits, like for big herp shows in Raleigh....this is where our laws are gray....we have no rules over exotics...

KEITH FARMER: but herp show organizers won't allow turtles or venomous snakes to the shows anyway.

DARON BARNES: we'll write an import permit that will cover anything people bring, but we don't have anything to cover the sale of animals coming in.

DENNIS HERMAN: we're talking about large conservation groups that are bringing turtles into the state, not for sale.

SARAH CROSS: any “bona fide” organization...conservation groups may fall into that category anyway so would be “exempt from the law..

DARON BARNES: all we would ask them to do is get an import/export permit, no cost, just to let us know what they are transporting into the state; most of the time, we won't have a problem with what they are bringing in.

TANITH TYRR: FL does separate permits for sales of herps.

DAVE DAVENPORT: question about page 3 of handout.....date of June 2003.....

SARAH CROSS: that's the date the law went into place

DENNIS HERMAN: how would they have known about it so they could be grandfathered in?

SARAH CROSS: we would do outreach...not into effect yet.....we'd put some future date there once this rule actually is making it up the review process.

DAVE DAVENPORT: in summary....complete agreement with what is already written....except to add the 2 families that aren't represented now...include both native and non-native members of these families.

ANN SOMERS: includes eggs?

Collectively....yes...and parts..

DAVE DAVENPORT: can we have a motion to vote on this?

DENNIS HERMAN: we are talking strictly about commercial activities only.

SARAH CROSS: correct; we should vote on this; this group is making a proposal not a law or bill; not sure how including snappers will go with WRC; be aware there could be some conflict with this....

ANN SOMERS: will this affect a lot of people? Immigrants?

OFFICER WILSON: lots of immigrants doing this, taking large numbers of snappers; Lake Jordan, etc. ; a special device permit isn't required for turtle harvest.

DAVE DAVENPORT: Ann can talk to the Nongame Advisory Board about this too to get them to push for support of adding the other 2 families; one thing WRC needs to keep in mind, if they don't regulate snappers, there will be a problem later on

OFFICER WILSON: we don't know how many are collecting for large-scale sale in food market; they are collecting clams by the thousands, too.

LORI WILLIAMS: is there a language barrier with immigrants reading the law? Would we need non-English outreach?

OFFICER WILSON: yes!!

DENNIS HERMAN: this is a cultural heritage we are talking about...

OFFICER WILSON: yes, they are drawn to the water and everything in it. We have to educate the courts about replacement costs too; they don't even want to issue replacement costs for deer.

GROVER BARFIELD: the education committee needs to work side-by-side with us on this.

Collectively...absolutely!

OFFICER WILSON: we could put the turtle law in the regs book, too; when they apply for a license, they get the regs digest at the same time.

ANN SOMERS: reiterates the numbers of people out there doing this collecting...

OFFICER WILSON: lots of big families....Asian families...Mexican families....it would not be a bad idea to have a season on snappers.

ANN SOMERS, DAVE DAVENPORT: we should talk about this; not a bad thing to consider down the road.

SARAH CROSS: a season could be a fall-back idea if the WRC balks on the idea of including snappers in this rule we are proposing.

DENNIS HERMAN: set the season after August so not to affect gravid females.

DAVE DAVENPORT: we still need a motion for a vote to recommend the amendments.

GROVER BARFIELD: makes a motion to modify the draft.... to include all 4 families.....

DAVE DAVENPORT: also native and non-native members of those 4 families

DAVE DAVENPORT: a second motion?

DAVE STEPHAN: modify to say "tortoises, terrapins, and turtles"?

DENNIS HERMAN: tortoises are not included: they are a different family—none are native to NC.

JOHN GROVES: make recommendation and have 30-day comment period?

DAVE DAVENPORT: we are voting to make the recommendation to the WRC to consider this rule draft; during the 30-day comment period, if no other issues arise, then we have our revised draft as we've modified it today that we will submit; comments from the public will go to the NCPARC website.

PHIL BRADLEY: what would we be voting on again? hobbyist portion?

DAVE DAVENPORT: yes, we have defined the difference between possession and collection

PHIL BRADLEY: is it difficult for a hobbyist to know where he/she stands from reading the website?

DENNIS HERMAN: some of the exemptions...zoo, vets,...why are they exempt? They aren't in the commercial business anyway.

KEITH FARMER: includes medical treatment and rehabilitation

DARON BARNES: we are simply saying you can't collect commercially, anyone else having more than 4 turtles, you have to have a permit. UNLESS you are a vet, rehabber, zoo, etc.

ANN SOMERS: we need to restate the motion

KEITH FARMER: how will we change the dates in the draft?

DAVE DAVENPORT: that's up to the WRC

GROVER BARFIELD: making the motion to accept the modified draft....4 families...native and non-native members of 4 families

DAVID COOPER: do we need to define the 4 families?

DENNIS HERMAN: some people separate them out into subfamilies?

ANN SOMERS: so we'll name the families?

DAVE DAVENPORT: yes, specifically.

KEITH FARMER: what about splitting families in the future? Do we keep it more broad?

DAVE STEPHAN: you could word it by using the family in its widest definition and to include examples of subfamilies, etc.

DAVE DAVENPORT: taxonomic conundrum of lumpers and splitters....we'll always have this

Collective agreement.....

DENNIS HERMAN, DAVE DAVENPORT: what to include in the families.....?

JOHN GROVES: but if we just say families native to NC?

KEITH FARMER: but we are talking about the turtles coming from the Asian markets.....

DAVE DAVENPORT: instead of defining the 4 families, we should just say "the families native to NC"?

GROVER BARFIELD: motion....to accept the draft amendments...will read as. "all turtle families native to NC" (including non-native species of those families)....parentheses to appear after the statement

JEFF BEANE: why not just say "all turtles" period? We don't want tortoises to be sold on food market either.

DAVE DAVENPORT: the burden will be less on the LE officer if we say "all turtles"...

JEFF BEANE: why wouldn't Asian markets just sell tortoises then, if we prevented the sale of all our native families but not the tortoises?

DAVE DAVENPORT: they would; if the perceived threat to the hobbyists is alleviated when we do the possession permit, then why couldn't we say all turtles?

GROVER BARFIELD: motion....accept the draft as is with the changes to read "taking of any turtle species native or non-native."

SARAH CROSS: he was reading from part A; and the rest that followed was agreed upon

DAVE DAVENPORT: a second?

JOHN GROVES, ANN SOMERS: second

DAVE DAVENPORT: motion passed....(all voted in favor)

SARAH CROSS: what about the whole possession permit part? Is this part OK as is?

DARON BARNES: could look at the possession permit in the future?

GROVER BARFIELD, DENNIS HERMAN, et al. ....tackle that part later?

DAVE DAVENPORT: we'll address that part in future meetings

Discussion re: replacement costs?

OFFICER WILSON: (talking about having separate replacement costs for reptiles and amphibians)

DARON BARNES: we need to look at permitting, period. Collection doesn't equal possession anymore if we go with this plan.

OFFICER WILSON: in our permit, would we cover all reptiles on the same permit?

DARON BARNES: no, our permits are species-specific.

DAVE DAVENPORT: do we want to deal with the topic of licenses and permits all at once in another meeting? (discussion about permits.....define collection license?)

SARAH CROSS: this group should look at the big picture and not get into the fine details of permits and licenses. Leave that to the WRC to hash out. What the WRC should get from this group is general guidance on regulations that would be workable from all the constituencies NCPARC represents.

DAVE DAVENPORT: we are not changing the way people can go out and collect for their personal pets....now, commercial collecting is what we are influencing.

SARAH CROSS: for next time, we need to review the possession permit issue and we can deal with this quickly next meeting; we can also discuss any comments that come in on the website

DAVE DAVENPORT: do Wednesdays still work for everyone, with a night meeting? What about Feb. 8<sup>th</sup>?

Sarah will need time to get stuff together for us to look at (dangerous wildlife bill for example) and with the holidays approaching....7pm?

Collective agreement....

ANN SOMERS: same room OK?

Collective agreement.....

DAVE DAVENPORT: referring to the way we have set up the voting body....we'll get a lot more done with the smaller group that we have.....we'll take and encourage public comment, but we have an advantage to have a smaller working group.

PHIL BRADLEY: and what we are doing will be more legitimate to other people with the comment period

KEITH FARMER: what would be helpful, too, would be to explain in plain English what we have done and how things read....legitimize the process we are doing, too.

DENNIS HERMAN: take the draft word for word, then after each section..."this is what this means" for example.....basic interpretation of what the text says

Collective agreement.....

KEITH FARMER: suggestion to change the website to get the URL to say "ncparc.org"; it is difficult to get to the NCPARC website right now.

Collective agreement.....

GROVER BARFIELD: suggests everyone get a list of the voting members

Collective agreement.....

SARAH CROSS: question about what to do with the other people who wanted to vote but didn't attend either meeting?

DAVE DAVENPORT: explain the committee decided on the 21 members with 4 to be added later; have to be here to vote

Collective agreement....

GROVER BARFIELD: do we answer to NCPARC?

SARAH CROSS: yes, an e-mail will go out to all NCPARC folks....comment online accordingly

ANN SOMERS: don't forget volunteer forms

DAVE DAVENPORT: we're officially adjourned (4:56pm)

**From:** [Anthony Leiro](#)

**To:** [Sarah Cross](#)

**Sent:** Wednesday, November 09, 2005 8:05 AM

**Subject:** Re: PR&T members update

Sarah,

One issue you will find by having these meetings on weekdays in the middle of the day is they will tend to miss the perspective of the nonacademic, or institution related person who is very interested in keeping herps. I bet most folks who will be able to attend those meeting on a regular basis will be either, at least loosely tied to herps in there respective employment or students. The average schools teacher, doctor, nurse etc will not be able to take off so much time to attend all the meetings. I know there is not much that can be done but we may be missing the profile of the guy who loves to keep herps, kept them all his/her life but has too demanding job to leave in the middle of the day from work. Just my thoughts.

Tony Leiro