

Minutes from NCPARC PRT Working Group Meeting July 11, 2007

1-4 PM, Eberhardt building, UNC-G

Dave Davenport opened the meeting. Introductions. Those attending included:

Dave Davenport
Ann Somers
Ann Pollock
John Groves
Dave LaPlante
Rhonda Washington
Grover Barfield
Keith Farmer
Phil Bradley
Tanith Tyrre
Daron Barnes
Jeff Hall
Jeff Beane
Zach Orr
Ted Williams

Jeff Hall gave information about Kendrick Weeks and stated that he would continue to participate in NCPARC, but would not attend all meetings. Hall thanked Kendrick for all of his time and effort as NCPARC interim coordinator.

Davenport gave a refresher on the “inherently dangerous animals” issue. He and Andrew Wyatt were members of a study bill committee. The report from that committee finally came out, but did not represent the views of the committee in general. Rather it reflected the views of only a few of the study bill members. Davenport read a statement to the senate judiciary committee regarding NCPARC PRT working group’s views on the study bill [Attachment 1]. He then updated the group on SB 1477, basically the more current version of the “inherently dangerous animals” bill. The current version of SB 1477 has snakes excluded, but still includes venomous lizards and crocodilians. This was done primarily as a response to pressure from NC ARK to remove reptiles from the list of dangerous animals represented in the bill. Davenport read a statement this morning to a subcommittee considering SB 1477 [Attachment 2]. Daron Barnes also mentioned that the NC Wildlife Resources Commission (WRC) was opposed to SB 1477 for a variety of reasons. Davenport concluded that this bill is essentially dead, but will likely come up again in the future.

Davenport then mentioned that he had a meeting with Hall and Chris McGrath recently to discuss “what to do next” with the PRT recommendations for reptiles. He explained that there is likely to be a wide diversity of opinion within the NCWRC about PRT’s recommendations. McGrath and Hall are working on a strategy for how best to present this to WRC. Davenport reminded everyone that this process is likely to take some time

(could take 5 years) and he encouraged PRT members to exhibit patience. However, he also suggested that PRT members start considering alternatives that could be implemented in the short term. He stressed that these short term solutions should not impede the process with WRC as this would be counterproductive. Tanith Tyrr pointed out that NC ARK sent a proposal to change the current venomous snakes handling reg to include all inherently dangerous animals. Copies of this proposal [Attachment 3] were handed out to participants and everyone was asked to read over the proposal and provide comments at the next PRT meeting.

Jeff Hall discussed the need to have a central location where NCPARC members (and the public) can view all the herp regulations for NC. Hall shared with those attending that all current regs can be viewed from the NCAC (North Carolina Administrative Code) website: <http://www.ncga.state.nc.us/gascripts/Statutes/Statutes.asp> The NCAC contains the most recent version of the new turtle regs that support the law passed in 2003 to ban the commercial take of the families Emydidae and Trionychidae. Hall agreed to email PRT members the current regs on the turtle bill as well as on handling venomous snakes.

Break.

Discussion continued about herp rules and laws. Questions were raised about enforcement of existing and new laws, rules, etc. Hall pointed out that if you have a rule or law, there is at least the potential for enforcing it. Several folks asked if the current regs could be viewed from the WRC site. Daron Barnes indicated that some could, but not all. Again the NCAC website was mentioned as the best place to go for current herp regs. John Groves mentioned that it would be good to publish blurbs on current herp regs in publications such as the Zoo's newsletter, the NCMNS newsletter, Wildlife in NC magazine, and other efforts perhaps coordinated through the NCPARC Education and Outreach working group.

Jeff Hall lead discussion about proposed new regs limiting collection of snapping turtles and turtles from the family Kinosternidae. Dave Davenport gave reminder about how these families were left out of the original turtle bill even though the PRT group recommended that they be left in. John Groves proposed that NCWRC should not support the commercial collection of any native wildlife. Several others agreed with this sentiment. Hall expressed concern over collectors from other states collecting in NC. A suggestion was made to limit collectors to in-state unless they were participating in research. Discussion followed about what limit the WRC might set for collection of the remaining turtles not protected under current legislation. The number suggested by PRT was 10 per collector per season.

The next meeting was set for Oct. 4, 1-4, UNC-G.

ATTACHMENT 1

May 2, 2007

To the Honorable Senator Ed Jones,

The North Carolina Partners in Amphibian and Reptile Conservation (NCPARC) is an organization made up of all stakeholders interested in the conservation of reptiles and amphibians. This includes state and federal agencies, academia, non-profit organizations, members of the business community, industry leaders and private citizens. NCPARC was organized to facilitate communication and collaboration amongst these groups and the North Carolina Wildlife Resources Commission.

On behalf of the many members of NCPARC the Steering Committee respectfully requests that you withdraw your support of SB 1477. While NCPARC is in favor of regulating inherently dangerous animals we are not in favor of a ban or the structure proposed within SB 1477. NCPARC has been working on the issue of regulation of inherently dangerous reptiles for over a year and a half, and we have come up with a series of recommendations that we intend to submit to the Wildlife Resources Commission. If SB 1477 were to pass the collective efforts and expertise of most of the State's top herpetological professionals would be wasted.

We are concerned that SB 1477 doesn't address the issue of inherently dangerous animals fairly or completely, and would set up an unfunded enforcement mandate.

NCPARC had a representative on the Inherently Dangerous Animal Study Bill Committee and we are a bit concerned about due process as SB 1477 is not reflective of many of the Study Bill Committee's recommendations. Also, we are aware that the Study Bill Committee's final report has not been submitted and feel that, at the very least, consideration of SB 1477 be postponed until the final report has been submitted.

There is a better way to address the issues and concerns surrounding inherently dangerous animals – SB 1477 is not the answer. Thank you for your consideration.

Sincerely,

NC PARC Steering Committee

ATTACHMENT 2

My name is Dave Davenport and I am the former Curator of Living Collections – Herpetologist for the NCMNS and currently I am Zoologist and President of EcoQuest Travel. I am here representing NCPARC in opposition to SB 1477 – a letter outlining our objections was mailed to each member of the Judiciary II Committee, but I have copies if anyone needs one.

I was also a member of the Inherently Dangerous Animal Study Bill Committee and since SB 1477 and the efforts of the Study Bill Committee are linked I thought it appropriate to comment on this linkage.

SB 1477 is not representative of the Study Bill Committee's recommendations; rather it represents an ideological end run around due process. Both SB 1477 and the Study Bill Committee's report are seriously flawed. SB 1477 doesn't address the issues surrounding inherently dangerous animals fairly or completely. Before I go further let me say unequivocally that both NCPARC and every member of the study bill committee agreed that regulation of animals deemed as inherently dangerous is important and necessary. The differences of opinion and controversy lie in how these animals should be regulated. NCPARC opposes the implementation of a ban as a means of regulation and we also oppose the structure of the regulation proposed in SB 1477.

Regarding the Study Bill Committee, I believe we failed to live up to what was expected of us by the Legislature. Complete representation of all the requested constituency groups was not achieved and new members were being added all the way up until the final meeting. We met four times – using three and a half of those meetings to come up with a list of animals to include. Only in the final hour did we touch on the really complicated issues of how to regulate those animals we identified and then came to no conclusions. In my opinion the Study Bill Report was submitted without benefit of a real discussion of the important issues and ramifications surrounding the regulation of inherently dangerous animals. Some of us on the Study Bill Committee were so concerned with this that we considered filing a minority report, but we were encouraged by Dr. Jones to play ball and not submit such a report. So, it was with a sad touch of irony that we watched API not play ball and shepherd SB 1477 into the process long before the Study Bill Committee's report was even submitted. If you read nothing else in the Study Bill Committee's report please look at Appendix 11 as I believe the NC Dept of Agriculture and Consumer Services did a great job of pointing out some of the problems with the Study Bill Committee process.

SB 1477 is a bad bill – there are better alternatives being worked on that address the public safety concerns surrounding inherently dangerous animals while still protecting businesses and not creating an unfunded mandate. I urge you to vote no regarding SB 1477 – thank you for your time!

ATTACHMENT 3

Article 55 of Chapter 14 is deleted and replaced with Article 55A.

Article 55A.

Handling of Potentially Dangerous or Venomous Reptiles.

§ 14-416.1 Handling of dangerous or venomous reptiles declared public nuisance and criminal offense.

The intentional or negligent exposure of human beings to contact with potentially dangerous or venomous reptiles being essentially dangerous and injurious and detrimental to public health, safety and welfare, the indulgence in and inducement to such exposure, unless in the course of animal husbandry, transport or education, is hereby declared to be a public nuisance and a criminal offense, to be abated and punished as provided in this Article.

§ 14-416.2 Regulation of ownership or use of venomous reptiles.

It shall be unlawful for any person to own, possess, use, or traffic in any venomous reptile that is not housed in a sturdy and secure enclosure. Permanent enclosures should be escape proof, bite proof and have an operable lock. Each cage must be clearly labeled 'Venomous' with the scientific name, common name, number of specimens, and appropriate anti-venom. Transport containers must be escape proof and clearly labeled 'Venomous Reptile Inside' with scientific name, common name, and appropriate anti-venom. A written bite protocol that includes emergency contact information, the name and location of suitable anti-venom, first aid procedures and treatment guidelines, as well as, an escape recovery plan must be within sight of permanent housing and a copy must accompany the transport of any venomous reptile. In the event of an escape local law enforcement must be notified immediately. Release into the wild of non-native species is strictly prohibited.

§ 14-416.3 Regulation of the five large constricting snakes.

As used in this Article, a potentially dangerous reptile shall mean: Reticulated Python, *Python reticulatus*; Burmese Python, *Python molurus*; African Rock Python, *Python sebae*; Amethystine Python, *Liasis amethystinus* and Green Anaconda, *Eunectes murinus* or any of their subspecies or hybrids. It shall be unlawful for any person to own, possess, use, or traffic in any potentially dangerous reptile that is not housed in a sturdy and secure enclosure. Permanent enclosures should be escape proof

and have an operable lock. Each cage must be labeled with the scientific name, common name and number of specimens. Transport containers must be escape proof. A written safety protocol and escape recovery plan must be within sight of permanent housing and a copy must accompany the transport of any potentially dangerous reptile. In the event of an escape local law enforcement must be notified immediately. Release into the wild is strictly prohibited.

§ 14-416.4 Regulation of Crocodilians

For purposes of this Article, a crocodilian is a potentially dangerous reptile. It shall be unlawful for any person to own, possess, use, or traffic in any Crocodilian that is not housed in a sturdy and secure enclosure. Permanent enclosures should be escape proof and have a fence of sufficient strength to prevent contact between an observer and the crocodilian. Transport containers must be escape proof. A written safety protocol and escape recovery plan must be within sight of permanent housing and a copy must accompany the transport of any Crocodilian. In the event of an escape local law enforcement must be notified immediately. Release into the wild of non-native species is strictly prohibited.

§ 14-416.5 Prohibited handling of dangerous or venomous reptiles or suggesting or inducing others to handle.

It shall be unlawful for any person to intentionally handle any potentially dangerous or venomous reptile in a way or manner that intentionally or negligently exposes another individual to contact with such reptile. It shall also be unlawful for any person to intentionally suggest, entice, invite, challenge, intimidate, exhort or otherwise induce or aid any person to handle or expose himself to any dangerous or venomous reptile for purposes other than animal husbandry, transport or education.

§ 14-416.6 Investigation of suspected violations; seizure and examination of reptiles; disposition of reptiles.

In any case in which any law-enforcement officer or animal control officer has reasonable grounds to believe that any of the provisions of this Article have been or are about to be violated, it shall be the duty of such officer and he is hereby authorized, empowered, and directed to immediately investigate such violation or impending violation and to forthwith seize the reptile or reptiles involved, and all such officers are hereby authorized and directed to deliver such reptiles to the North Carolina State Museum of Natural Sciences or to its designated representative for examination and test

for the purpose of ascertaining whether said reptiles contain venom and are venomous or are potentially dangerous reptiles. If the North Carolina State Museum of Natural Sciences or its designated representative finds that said reptiles are venomous or potentially dangerous and are not being kept in a manner consistent with the provisions of this Article, the North Carolina State Museum of Natural Sciences or its designated representative shall be empowered to dispose of said reptiles in a manner consistent with the safety of the public; but if the Museum or its designated representative find that the reptiles are not venomous or potentially dangerous, or venomous or potentially dangerous but not being kept in violation of the provisions of this Article, then it shall be the duty of such officers to return said reptiles to the person from whom they were seized within five days.

§ 14-416.7 Arrest of persons violating provisions of Article.

If the examination and tests made by the North Carolina State Museum of Natural Sciences or its designated representative as provided herein show that such reptiles are potentially dangerous or venomous and are being kept in violation of the provisions of this article, it shall be the duty of the officers making the seizure, in addition to destroying or re-homing such reptiles, also to arrest all persons violating any of the provisions of this Article.

§ 14-416.8 Exemptions from provisions of Article.

This Article shall not apply to the possession, exhibition, or handling of reptiles by employees or agents of duly constituted museums, laboratories, educational or scientific institutions in the course of their educational or scientific work.

§ 14-416.9 Civil and Criminal Penalties for Violation.

Any person violating any of the provisions of this Article shall be guilty of a Class 1 misdemeanor. If a person other than the owner is injured or killed as the result of a violation of this Article the owner shall be guilty of a felony and subject to punitive damages. A violation of this Article shall constitute wanton conduct within the meaning of G.S. ID-5(7).