

**15A NCAC 10B.0124 COMMERCIAL TAKE OF CERTAIN TURTLES AND TERRAPINS PROHIBITED**

(a) It shall be unlawful to engage in the commercial taking of any turtle, terrapin or tortoise species, whether native or non-native.

(b) "Commercial taking" is defined as the taking, possession, collection, transportation, purchase or sale of five or more non-permitted individual turtles, terrapins, or tortoises, or any part thereof, in any given year.

(c) This rule shall not apply to the following:

(1) A licensed veterinarian or holder of a valid rehabilitation permit when involved with medical treatment or rehabilitation;

(2) A bona fide zoo operated by the federal government, the State, or a unit of local government;

(3) Any bona fide scientific, biological, medical, veterinary, education, or research institution;

(4) Any person who accidentally collects greater than four turtles from these families incidental to any lawful activity, and who immediately returns them to the wild;

(5) Property owners who legally apply for and receive depredation permits from the Wildlife Resources Commission or one of its Wildlife Damage Control Agents.

(d) Any person who was in lawful possession of more than four specimens in aggregate on June 30, 2003 must apply for a Possession Permit to retain them. The permit to retain these specimens must be applied for by **January 1, 2007**. The permit shall be valid for so long as the specimens remain in the lawful possession of the permittee if annual reporting and renewal requirements are met, and at a minimum, shall be subject to the following conditions:

(1) The specimens may not be released to the wild except with specific written permission from the Wildlife Resources Commission.

(2) Any offspring of such lawfully permitted specimens may be lawfully retained if reported to the Wildlife Resources Commission in annual Possession Permit reports.

(3) Lawfully possessed specimens, and lawfully permitted offspring of any such specimens, may be sold to any lawful buyer in accordance with applicable federal and state laws and regulations.

(e) Any person who violates this section is guilty of a misdemeanor and is punishable as provided in G.S. 113-135.

(f) Violators are subject to a replacement cost per individual turtle that will equal the replacement cost for "species with no open season" as set forth in 15A NCAC 10B.0117(c) until such time as replacement costs for each genus of turtle in these families can be established by the Wildlife Resources Commission.