

Interpretation of the Turtle Rule **As Proposed by the Policy Regulation and Trade (PR&T) Working Group of NCPARC**

In July of 2003, a law went into effect that would protect NC's wild turtles from the families Emydidae and Trionychidae from large-scale commercial collection and exploitation. Section 2 of the law (SB825) as ratified by the legislature prohibited "commercial take" until such time as the Wildlife Resources Commission adopts rules to regulate this take.

The Policy Regulation and Trade (PR&T) Working Group of NCPARC is working to develop recommendations for how turtles could be regulated in NC that are acceptable to all the sectors of the NCPARC membership, and that support responsible conservation and stewardship practices for these species.

The goals of the new turtle regulation as proposed by the PR&T Working Group of NCPARC are to:

- 1) Protect the Native Wild Turtle Population from
 - a. Exploitation
 - b. Over-collection
 - c. Persecution
 - d. Contamination from disease
 - e. Competition with non-natives
- 2) Keep regulations simple, understandable and enforceable
- 3) Minimize administration of permit and license reports
- 4) Administratively keep "Collectors" separate from "Possessors"
- 5) Assess a fee that can be used toward conservation if citizens are profiting from wild herps
- 6) Gain population and management data from regulated herp activities through permit reports
- 7) DO NOT prevent future herp lovers from "experiencing" wild herps

To accomplish these goals, the attached set of rules (one addressing the commercial collection of turtles, the other addressing re-directing the administration of Possession Permits) are being submitted to the NCPARC body for review before submission for consideration to the Wildlife Resources Commission.

In practical terms, the regulations (**as proposed**) regarding turtles will function as follows. **Note that these are NOT the rules yet, but are merely the way the rules we are recommending would function.**

Endangered/Threatened/Special Concern Species: The proposed rule will not alter any of the existing rules or laws regarding the possession or collection of species listed as endangered, threatened, or special concern in NC. The rule will also not lift the prohibition on the possession and collection of spotted turtles. These species may only be taken with special permits issued by the Executive Director of the WRC for research purposes.

Protection of native vs non-native turtles: The senate bill (SB825) that protected the basking turtles from all activities defined as “commercial collection” in July of 2003 did not specify if those turtles were native or non-native; it only specified turtles in the families Emydidae and Trionychidae were protected. For the WRC regulation that we are proposing, we want to protect not only native turtles, but also the non-native turtles.

Protection of turtles from which families: Although SB825 specified protection of the turtles in the families Emydidae and Trionychidae, the rule we propose will protect all turtles from the activities defined as “commercial collection.” This will expand protection to all the turtles in the families of the native species of turtles in NC (snappers, mud and musk turtles will now also be protected,) as well as to all other families of turtles.

Defining “commercial collection”: the new regulation as proposed would include “taking” (killing, injuring, etc.) “possession, collection, transportation, purchase and sale” in the definition of commercial collection. Any of these activities would have to be committed against/to 5 or more individual, non-permitted turtles in a given year for the level of the activity to qualify as “commercial collecting.” If these activities were

committed against/to any number of permitted turtles (animals for whom permits have been acquired), then the activity would not be considered “commercial take.”

Collecting turtles from the wild—large-scale: For the purposes of this rule, 5 is the magic number. 5 refers to turtles in aggregate, therefore it does not mean 5 of any given species. If you collect 5 or more turtles (in aggregate) from the wild in a given year, then you are considered illegal because this level of collection is defined as “Commercial Collection”. At one time the WRC could issue a Collecting License to individuals that wanted to collect 5 or more turtles. Senate Bill 825 made this impossible for turtles in the families Emydidae and Trionychidae. The WRC already will not issue Collecting Licenses to anyone for this large-scale collection of species in these two families unless the requestor can justify their action as part of a bona fide research, scientific, or educational program (those qualifying for the exemption are listed in (c) (2) and (3)). The proposed rule would expand the protection from large-scale collection to all turtles, regardless of species.

Collecting turtles from the wild—small-scale: The proposed rule would allow an individual to collect from the wild **less than 5** individual turtles in a given year without any permits. However, if the collector already possessed some turtles (either legally acquired by collection of fewer than 5 in the previous year, or acquired through other means) so that the new acquisition of turtles from the wild meant that the individual would possess 5 or more turtles, then the individual must apply for and receive a Possession Permit from the WRC before collecting or acquiring more turtles. Bottom line; if you possess less than 5 turtles, you need no permits. As soon as you have 5 or more turtles you must also be in the possession of a Possession Permit.

Keeping turtles (native and non-native): Turtles may be kept in quantities less than 5 with no permits. Once a person has 5 individual turtles (regardless of age and species), he must also have a valid Possession Permit. If captive turtles breed and the offspring cause the person to be in possession of 5 or more turtles, the person must get a Possession Permit.

Selling/buying captive-bred or wild caught turtles: If you wish to sell, buy or otherwise exchange turtles with another person, it is your responsibility to see that the other party in the transaction is a legal participant in the exchange. If you buy turtles from an illegal seller (someone that is not properly permitted—for example they may have

collected the turtles illegally from the wild) then you become an illegal buyer. If you sell turtles to an illegal buyer (someone that is not properly permitted—for example they may be in possession of 7 turtles but have no possession permits) then you become an illegal seller. Either offense would qualify as a misdemeanor, and you would be subject to fines and replacement costs.

Releasing turtles to the wild: Captive turtles may not be released to the wild, whether they were acquired from the wild or from any other source. If you want to release a turtle, you must first receive written permission from the WRC to do so. Captive turtles (regardless of how long they have been captive) can carry numerous diseases that might endanger wild populations, and may not be of a genetic decent that is compatible with other turtles in your intended release site. For these reasons, release of captive turtles to the wild is prohibited.

Reporting requirements of a Possession Permit: Written reports of the permittee's activities must be submitted to the WRC annually in order for the Possession Permit to be renewed. The WRC will require information on the number, age, sex and species of all turtles in possession, as well as information on the origin of individuals and the disposition of specimens no longer in possession (sold, traded, deceased, etc.). Currently, Possession Permits do not require a fee of the permittee.