



MODEL STATE

HERPETOFAUNA REGULATORY GUIDELINES

Recommended by Partners in
Amphibian and Reptile Conservation

Model State Herpetofauna Regulations

Recommended by Partners in Amphibian and Reptile Conservation (PARC)

The objective of this model is to assist wildlife management agencies in creating or modifying their regulations regarding the collection, manipulation, possession and sale of native and non-native herpetofauna; and to promote consistency, when reasonable and feasible, between adjacent states. An agency's decision to selectively adopt parts of, or the entire model, will depend upon its statutory authority, available resources and relevance of the recommendations and stakeholder input.

The conservation of wild native herpetofauna populations, sustainable use of those populations and public safety can be reasonably assured if an agency incorporates the following baseline recommendations:

- Establish the legal presumption that all herpetofauna, and their body parts, are protected from collection unless specifically allowed;
- Promote enforcement of regulations;
- Establish appropriate penalties for violators;
- Establish a licensing or permitting system to manage the personal, commercial and scientific use of herpetofauna;
- Regulate the collection, possession, and sale of native taxa, and venomous, invasive and potentially dangerous non-native taxa (those taxa potentially threatening native species, ecosystems, or human health); and
- Centralize the management and regulatory authority for all aspects of native and non-native herpetofauna into one work unit.

This document elaborates on the recommendations that PARC believes are the most critical to successful herpetofauna management and regulation.

Recommendations for regulating the collection of herpetofauna intended for personal use:

- a. Require the purchase of a standard fishing or small game hunting license for the collection of herpetofauna for personal use (e.g. pets, food, fishing bait, or cultural needs). As an alternative to a fishing or hunting license, consider creating a special herpetofauna license or stamp. This special license or stamp could also assist an agency in managing and monitoring the number of collectors, collection trends, creating a stakeholder contact-list and establish base funding for herpetofauna management.
- b. Identify a list of native and non-native taxa that may be collected from the wild, or for species rich states, a list of taxa that may not be collected (i.e. prohibited or restricted taxa). Taxa placed on such a list should be considered on a case-by-case basis and supported by sound scientific data or the best available information. The natural history, rarity, vulnerability and range-wide distribution of each taxa should be evaluated in developing a list.
- c. Establish seasons, daily or yearly collection and possession limits, size limits, safe and humane capture methods and geographical areas open or closed to collection.

- d. Consider allowing juveniles (typically those under the age of 14 or 16 years) to collect some of the most common (open season) taxa for personal use without a permit or license.
- e. Wild collected native taxa should not be sold or bartered, unless regulated by the wildlife management agency.
- f. Specimens held in captivity for any length of time should not be released into the wild. The exception would be specimens temporarily held in the field for photographs or identification.
- g. Live aquatic herpetofauna collected for fishing bait should be used at the body of water where captured, and not transported alive to another body of water. Unused live bait should be humanely euthanized or given to another angler fishing at that site.

Recommendations for regulating the collection of herpetofauna intended for commercial sale or use (e.g. biological supply companies, pet dealers, and specialty meat or skin suppliers):

- a. Develop a special permit and review process to allow for the limited and closely regulated commercial collection of identified taxa. The fee for this permit or license should be proportionally higher than fees



assessed for personal or scientific use and should cover the administrative oversight and regulation compliance of commercial collectors. The permit or license should be required for even the most common native taxa and established populations of non-native taxa. In some cases, the collection and commercialization of non-native taxa may be prohibited to prevent further deliberate human dispersal.

- b. Identify a list of native and established non-native taxa that may be collected from the wild, or for species rich states, a list of taxa that may not be collected (i.e. prohibited or restricted taxa). Each taxa listed should be considered on a case-by-case basis and supported by scientific data or the best available information. The natural history, rarity, vulnerability, range-wide distribution and local traditional uses of each taxa should be evaluated in developing a list. In the absence of such information, the agency should err conservatively when establishing collection limits and seasons.
- c. Establish seasons, daily or yearly collection and possession limits, sex and size limits, safe and humane capture methods and geographical areas open or closed to collection.
- d. Specimens held in captivity for any length of time should not be released into the wild.
- e. Develop guidelines for, and require the use of, aseptic field techniques (aquatic and terrestrial) to prevent the spread of pathogens between wild populations (e.g. Declining Amphibians Population Task Force field techniques).
- f. Disperse collection activities for all taxa to avoid negatively impacting local populations.
- g. Require the submission of an annual or seasonal report that includes accurate information on the numbers of specimens of each taxa collected, date of collection, an identifiable geographical location/region where collected and the buyer. These records should be kept current and made available for impromptu agency inspections.

Recommendations for regulating the sale of captive-bred native taxa:

- a. Identify a list of native taxa (e.g. species, subspecies, genera, families, etc.) that may be possessed, bred, exported, exchanged or sold without permit or authorization. In some circumstances, it may be easier to identify prohibited or restricted native taxa.
- b. Develop an annual permit fee and special permit process regulating the sale of captive-bred native

taxa. Permit fees should be used for administrative oversight and regulation compliance, required for even the most common native taxa.

- c. Provide significant penalties for illegal collections or other prohibited activities.
- d. Require breeders and dealers to provide their customers with the taxon's common and scientific name, basic and humane husbandry information, average adult size, human health risks and the proper disposal of unwanted pets.
- e. For venomous or potentially dangerous native taxa, require the permittee to develop an emergency bite protocol.
- f. If the illegal trade of some wild taxa is a concern, set a maximum size limit for specimens (e.g. hatchlings, juveniles) that may be exported, exchanged or sold.
- g. The seller must possess and maintain documentation supporting the taxon's legal origin (e.g. license or permit).
- h. Develop basic captivity standards for breeders and dealers to ensure that specimens are held safely and humanely.
- i. Require the submission of an annual report that includes information on: the number of individuals of each taxa currently being held, the physical location of the collection, number of young born in captivity, number of individuals that died in captivity and a list of buyers. For rare, valuable, or taxa with the potential for illegal trade, breeders and/or juveniles should be marked with a PIT tag or similar life long, unique and permanent mark. Identification marks should be readily recognizable, non-reusable and ideally traceable to the breeder. Distribution of identification tags should remain in control with the wildlife agency and tags distributed in conjunction with the licensing process.

Recommendations for regulating the possession and sale of non-native taxa, including venomous, invasive, or potentially dangerous taxa:

- a. Identify a list of non-native taxa (e.g. species, subspecies, genera, families, etc.) that may be possessed, bred, exported, exchanged or sold without permit or authorization. In some circumstances, it may be easier to identify prohibited or restricted native taxa.
 - For all taxa, to the greatest extent possible, assure their accidental escape or intentional release is not likely to result in the



establishment of new populations, harm or have an adverse affect on native taxa or ecosystems, or pose a significant threat to humans or domestic animals either by injury or disease.

- b. Develop a process by which individuals can apply to possess prohibited or restricted taxa. Ideally, the possession of prohibited or restricted taxa will be limited to use in valid scientific research projects, public education programs, or displays in recognized museums, aquaria or zoos.
- c. Require breeders and dealers to provide their customers with the taxon's common and scientific name, basic and humane husbandry information, average adult size, human health risks and information on the proper disposal of unwanted pets.
 - Require the seller to possess and maintain documentation supporting the specimen's legal origin (e.g. copies of a license, permit, or letter of authorization).
 - Develop basic captivity standards for breeders and dealers to ensure that specimens are held safely and humanely.

In addition, for venomous, invasive or potentially dangerous taxa:

- a. Develop a special permit or license process with an annual fee. The fee should be used to cover administrative oversight and regulation compliance. Ideally, the possession of prohibited or restricted taxa will be limited to use in valid scientific research projects, public education programs, or displays in recognized museums, aquaria or zoos.
- b. Ensure applicants possess or obtain minimum experience in the husbandry of the taxa for which they intend to keep before issuance of a permit or license.
- c. Surplus research specimens or their progeny should be disposed of to an accredited zoo or aquarium, research institution or as directed by the wildlife management agency.
- d. Require submission of an annual report that includes information on the number of individuals of each taxa currently being held, physical location of the collection, number of births and deaths and a comprehensive list of buyers. Breeders and juveniles should be marked with a PIT tag or other life-long, unique and permanent mark. Identification marks must be readily recognizable,



non-reusable and ideally identify the original source. Identification tags should be distributed in conjunction with the licensing process.

- e. For venomous and potentially dangerous taxa require development of an effective emergency (e.g. bite, escape) protocol specific to the taxa held.

Recommendations for regulating the scientific collection or manipulation of native herpetofauna for research, education, display, or salvage activities

All the aforementioned uses could be accommodated in one permit or separate permits. The permit would also allow recognized environmental consultants to conduct inventory work for proposed development projects and to relocate individuals out of harm's way when necessary. Work with Federally listed taxa, or on Federal or Tribal lands, will require an additional and separate permit. The permit process should be as quick and efficient as possible so not to impede or discourage scientific research.

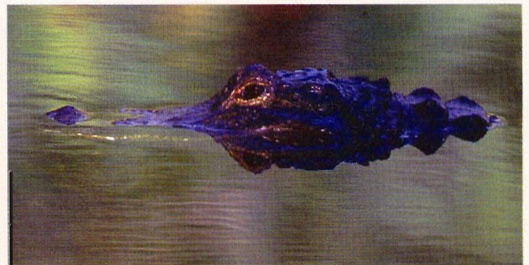
- a. The permit should be issued at no charge, or for a nominal administrative fee.
- b. Establish a special application and review process (with qualified reviewers) to evaluate the conservation, scientific or educational benefits of the proposal. In other words, is the proposed activity in the best interest of the population or taxa?
- c. Identify a list of native and non-native taxa that may be collected from the wild, or for species rich states, a list of taxa that may not be collected (i.e. prohibited or restricted taxa). Each taxa listed should be considered on a case-by-case basis, and supported by sound scientific data or the best available information. The natural history, rarity, vulnerability, range-wide distribution and local traditional uses of each taxa should be evaluated in developing this list. In the absence of such information, the agency should err conservatively.
- d. Each permit should specify the number of specimens that can be collected or manipulated, acceptable methods of collection, disposition of dead salvaged or voucher specimens and approved handling, marking, or tissue sampling techniques.
- e. Specimens held in captivity for any length of time should not be released into the wild. Exceptions could be made for specimens temporarily held at the field site (e.g. for data processing, photographs) or licensed wildlife rehabilitators that practice aseptic husbandry standards.
- f. Require the submission of an annual or otherwise regular report that includes accurate information

on the numbers of individuals of each taxa collected, observed or handled, identifiable geographical location and the eventual disposition of those specimens collected. These records should be kept current and made available for agency inspection.

- g. Specimens collected must be deposited in a recognized or accredited public museum or educational institution.
- h. All agents assisting the applicant should be identified in the permit and a copy of the permit should be in the possession of the applicant and agents at all times. When possible, background reviews of all applicants and their agents should be conducted to search for wildlife violations within and outside the state.
- i. Research projects that require the collection of significant numbers of specimens should be geographically dispersed to minimize the impact on wild population.
- j. Develop guidelines and require the use of aseptic techniques (aquatic and terrestrial) to prevent the spread of pathogens in wild populations (e.g. DAPTF field techniques).
- k. Whenever possible, specimens confiscated by law enforcement, salvaged from future development sites, or captured on nuisance wildlife calls should be substituted for wild collection. Likewise, captive bred specimens should be recommended if available.

Establish a comprehensive list noting the biological and legal status of native herpetofauna (e.g. state or federal endangered, threatened, rare, sensitive, or special concern). In addition, consider the following recommendations:

- a. Develop a process map or decision tree to add, remove or modify taxa on the State's comprehensive list.
- b. Prohibit the collection of taxa on the comprehensive list without permit or license.
- c. Provide significant penalties for prohibited activities involving listed taxa that are proportionally greater than violations for non-listed taxa.
- d. Develop an evaluation process (preferably through the existing scientific collecting permit process) for requests for the collection, manipulation, or handling of taxa on the comprehensive list.
- e. Integrate the State's comprehensive list of taxa, with those of adjacent states or countries.





Partners in Amphibian and Reptile Conservation (PARC) Mission:

To conserve amphibians and reptiles and
their habitat through proactive and coordinated
public/private partnerships.

PARC includes both state and federal wildlife agencies,
the private sector, conservation societies
and the academic community.

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