

SUMMARY FOR COMMITTEE ITEM
Commercial Turtle Harvest Proposed Regulations

Committee: **Regulations Committee**

Date: **October 17, 2018**

Title: **Commercial Turtle Harvest Proposed Regulations**

Explanation:

The Fisheries Division has reviewed the Code of Regulations that govern the commercial harvest of aquatic turtles in Arkansas. After a thorough review, several potential changes and clarifications were found that will improve the conservation of aquatic turtles in Arkansas while still allowing commercial aquatic turtle harvest.

Prepared by: **Ben Batten**
 Chief of Fisheries

Proposed Commercial Turtle Harvest Regulations Changes 18 October 2018

1. Cap sale of annual Commercial Turtle Harvest related permits to 150 per year for 2019-2021 to either be edited or removed for 2022.

During the period that a three-year study will be conducted on the effects of harvest on aquatic turtles in the Delta, the maximum number of permits that will be sold is 150 per year and includes a summation of the number of Aquatic Turtle Dealer and Aquatic Turtle Harvester permits. This cap number is based on data from previous permit sales since 2007.

2. Require submission of at least one report per harvester per year in order to renew a commercial harvester or dealer permit.

Currently, the holder of a commercial harvester or dealer permit is allowed to renew their license annually whether they turn in any reports or not. The new code would require they submit at least one report, even if no turtles are harvested, including a signature verifying that the submitted information is factual.

3. Closure of the Gulf Coastal Plain to commercial aquatic turtle harvest.

Historical harvest data shows that less than 0.2% of effort for reported aquatic turtle harvest occurred in the Gulf Coastal Plan ecoregion. In addition, this ecoregion is not as productive in general as the Mississippi Delta, and could potentially be more prone to overharvest.

4. Closure of the St. Francis River in Greene and Clay counties.

The state of Missouri has closed all aquatic turtle harvest in the state, and has asked that we close the St. Francis in these two counties where we share a common border. We have historically coordinated with the state in order to keep our regulations consistent for ease of enforcement.

5. Closure of the harvest of Razorback Musk Turtle.

Arkansas is the last state in the endemic range of the Razorback Musk Turtle where commercial turtle harvest is allowed. Closure of the harvest of this species will make enforcement simpler on the harvest and sale of the Razorback Musk Turtle since it will not be legally harvestable anywhere.

6. Clarification of code 34.02 concerning Aquatic Turtle Dealer Permit.

There was an exception in the code concerning requirements for what activities would require an Aquatic Turtle Dealer Permit that would allow dealers holding turtles for less than 30 days to not need a permit. This condition made enforcement of this regulation difficult. The clarification makes it clear that anyone holding wild caught aquatic turtles for commercial purposes would need an Aquatic Turtle Dealer Permit.

Proposed Code Changes to Aquatic Turtle Harvest Permits 16 October 2018

34.02 ~~QUALIFICATIONS FOR CERTAIN REQUIREMENTS FOR ISSUING OF CERTAIN~~ AQUATIC TURTLE PERMITS

- 09-07 The following conditions shall be met to qualify for and maintain an Aquatic Turtle Farmer Permit, Aquatic Turtle Dealer Permit, or Alligator Snapping Turtle Breeder/Dealer Permit. ~~or aquatic turtle dealer permit (if turtles will be held more than 30 days).~~ An Aquatic Turtle Dealer Permit is required if wild caught turtles are held in tanks, ponds, etc. for any length of time. From January 1st, 2019 to December 31st, 2021, no more than 150 permits total per year will be issued in combination between Aquatic Turtle Dealer and Aquatic Turtle Harvester permits.
- (A) A site plan must be provided with the permit application, including legal and physical descriptions of all facilities, and a sketch map showing the location and approximate size of all ponds, ~~and~~ impoundments, tanks, etc. used to hold or propagate aquatic turtles.
- (B) All sites shall be inspected and approved by Commission personnel prior to issuance of a permit.
- (C) Holding ponds, impoundments, tanks, etc. shall be fenced and maintained in such a manner as to prevent the egress of captives and ingress of wild stock.
- (D) Facilities shall be subject to random inspection by Commission personnel.
- (E) Permittees shall follow all transaction and reporting requirements for harvest of wild-caught turtles in compliance with Code 34.07.

PENALTY: Class 3

34.04 COMMERCIAL AQUATIC TURTLE HARVEST ~~CONDITIONS~~ RESTRICTIONS

- 01-16 (A) It is unlawful to take or attempt to take aquatic turtle eggs from the wild.
- (B) It is unlawful to take or attempt to take aquatic turtles for commercial purposes by any means other than hoop nets or box type (basking) turtle traps.
- (C) ~~It is unlawful to possess commercial aquatic turtle harvest gear in closed waters. Commercial aquatic turtle harvest is allowed in the following counties or specified portions thereof, and/or bodies of water as specified:~~
1. Arkansas, Ashley, ~~Bradley, Calhoun,~~ Chicot (Exception 1 2), ~~Cleveland,~~ Clay (Exception 1), ~~Columbia (Exception 2),~~ Craighead, Crittenden (Exception 1 2), Cross, ~~Dallas,~~ Desha, Drew (Exception 1 2), ~~Grant,~~ Greene (Exception 1), ~~Hempstead,~~ Independence (Exception 1 2), Jackson, Jefferson, ~~Lafayette (Exception 2),~~ Lawrence (Exception 1 2), ~~Lawrence (east of the Black River),~~ Lee, Lincoln, Lonoke, ~~Miller,~~ Mississippi ~~{Exception 2(g)},~~ Monroe, ~~Nevada, Ouachita,~~ Phillips, Poinsett, Prairie, Pulaski ~~(south of I-30 and east of I-440 and Arkansas Highway 67),~~ Randolph (Exception 1) ~~(east of the Black River) from the southern border to Pocahontas; from Pocahontas to Maynard east of Arkansas Highway 115; and from Maynard to the state line east of Arkansas Highway 166),~~ St. Francis, ~~Saline (east of I-30), Union,~~

White ~~(east of Arkansas Highway 67)~~ and Woodruff counties;

2. Arkansas River, from its mouth to the Arkansas/ Oklahoma state line, ~~excluding waters within Lake Dardanelle from: north of the Union Pacific Railroad in Franklin, Johnson, and Pope counties; Dardanelle Bay in Yell County; Delaware Bay south of Arkansas Highway 22, and south of signs posted on Shoal Bay, Cane Creek Bay, and Six Mile Creek at O' Kane Island access in Logan County. including that part of the Arkansas River from the Ozark Dam to the Arkansas/Oklahoma state line, bounded on the north by the Union Pacific Railroad and on the south by Arkansas Highway 22 in compliance with Code 30.25.~~
3. ~~Black River from its mouth to the Missouri state line;~~
4. ~~Little River from its mouth to the Corps of Engineers boat ramp on west bank of river below Millwood Lake Dam;~~
5. ~~Ouachita River from the Louisiana state line to the Arkansas Highway 79B Bridge (Camden);~~
6. ~~Red River from the Louisiana state line to the Oklahoma/Texas state line;~~
7. ~~Sulphur River from its mouth to the Texas state line;~~
8. ~~White River from its mouth to 100 yards below Dam No. 1 at Batesville, Independence County;~~
9. Arkansas waters between the main levees of the Mississippi River.
10. ~~All lakes, bays or other bodies of water, other than tributary streams, connected to waters as specified above, when accessible by boat, from the main channel except as limited by Addendum Chapter H1.00.~~

(D) When a river or stream forms the boundary between opened and closed ~~counties~~ areas, that boundary segment shall be ~~open~~ closed to tackle legal in the open ~~county~~ area.

EXCEPTIONS:

1. ~~Bayou Meto Bayou in compliance with Code 38.01.~~
- (1) The following waters are closed to commercial aquatic turtle harvest:
 - (a) ~~Bayou Meto Bayou in compliance with Code 38.01.~~
 - (b) ~~All waters owned by: Arkansas Game and Fish Commission, U.S. Forest Service, Arkansas State Parks, and Arkansas Natural Heritage Commission.~~
 - (a) ~~Lake Erling, including all tributaries upstream from 100 yards below Lake Erling Dam to Arkansas Highway 313 (Lafayette County)~~
 - (b) ~~All Commission-owned lakes (excluding all natural lakes when accessible by boat from river or stream channel on WMAs in counties listed above);~~
 - (c) ~~Lake Columbia (Columbia County);~~
 - (d)(c) Horseshoe Lake (Crittenden County);
 - (e)(d) Lake Wallace (Drew and Chicot counties);

~~(f)(e)~~ Upper and Lower Lake Chicot (Connerly Bayou to Ditch Bayou Dam inclusive) (Chicot County).

(f) St. Francis River (Clay and Greene counties)

(g) Eleven Point River (Randolph County)

(h) Spring River (Lawrence and Randolph counties)

(i) Strawberry River (Lawrence County)

(j) White River above Dam 1 at Batesville (Independence County)

(k) Property-owner association and municipally owned lakes, only with written approval.

~~(g) — The Mississippi River in Mississippi County, from the Sans Souci Landing downstream to the head of Sunrise Towhead, due east of Butler, AR, and all waters within and bounding the area known as “Driver Bar”, which forms the east bank of the river channel within this river segment.~~

~~1. USDA Forest Service lakes, State Park lakes and lakes owned by municipalities or property-owner associations.~~

(2) Private landowners, in closed counties, can obtain from the Commission, a Private Land ~~Nuisance-Commercial~~ Aquatic Turtle Permit. This permit allows the harvest of Common Snapping Turtles (*Chelydra serpentina serpentina*), Redear Sliders (*Trachemys scripta*), and Spiny Softshells (*Apalone spinifera*) for commercial purposes on private property under the following conditions:

(a) Only from manmade lakes and ponds

(b) Only by a licensed commercial aquatic turtle harvest or dealer permittee

(c) Only with legal commercial turtle harvest gear as defined above

(d) All harvested turtles shall be reported on aquatic turtle harvest report forms as specified in [Code 34.07](#).

PENALTY: Class 2; Second offense shall result in the revocation of the permit.

34.07 AQUATIC TURTLE TRANSACTION AND REPORTING REQUIREMENTS

06-15

(A) It is unlawful for aquatic turtle harvest, junior aquatic turtle harvest, and aquatic turtle dealer permittees to fail to mail or deliver to the Commission on or before the 10th of each month a legibly completed and itemized aquatic turtle harvest form provided by the Commission for all wild-caught aquatic turtles harvested during the prior month. A copy of this form shall be retained by the permittee for a period of 12 months and made available for inspection by any agent of the Commission.

(B) Aquatic turtle harvest, aquatic turtle dealer, non-resident turtle dealer, aquatic turtle farmer, and alligator snapping turtle breeder/dealer permittees must comply with the following:

(1) An invoice, bill of sale or true bill of lading must accompany all turtle sales shipped or transported in intrastate or interstate commerce to the final destination and must contain the following information:

(a) Name, address, and telephone number of buyer and seller;

(b) Permit number of seller, and,

(c) Number and species of turtles in shipment.

- (2) Permittees may have turtles transported by their authorized representatives if accompanied with a true bill of lading or bill of sale as described above.
- (C) It is unlawful for alligator snapping turtle breeder/dealer permittees to fail to mail or deliver to the Commission by the 10th of each month a legibly completed, itemized transaction record of all alligator snapping turtles purchased, sold, bartered, traded, or transferred during the prior month transactions were made. This transaction record shall include the names, addresses and phone numbers of all persons involved in the sale, purchase, barter, trade or transfer of alligator snapping turtles. Transaction records shall be recorded on a form provided by the Commission.
- (D) To be eligible to renew commercial aquatic turtle harvester and dealer permits, all permittees must submit a minimum of one harvest report form annually even if it shows zero take for the year.

PENALTY: Class 2; Second offense shall result in the revocation of the permit.

34.10 TAKE OF CHICKEN TURTLES AND RAZORBACK MUSK TURTLES PROHIBITED

06-15 It is unlawful to kill, take, or attempt to take chicken turtles (*Deirochelys reticularia*) and razorback musk turtles (*Sternotherus carinatus*), their eggs or other parts from the wild.

EXCEPTION:

Chicken turtles in legal possession as of Jan. 1, 2006 and their progeny thereafter in compliance with Codes 34.02; 34.04.

PENALTY: Class 2

34.11 IMPORTATION OF ALLIGATOR SNAPPING TURTLES, RAZORBACK MUSK TURTLES AND CHICKEN TURTLES PROHIBITED

06-15 It is unlawful to import alligator snapping turtles, razorback musk turtles, and chicken turtles into Arkansas.

PENALTY: Class 3

FINANCIAL / ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

(Attach additional pages if needed)

DEPARTMENT: Arkansas Game & Fish Commission

DIVISION: Fisheries

PERSON COMPLETING THIS STATEMENT: William Posey

TELEPHONE #: 501-223-6369

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1. SHORT TITLE OF THIS RULE: 2018 Commercial Aquatic Turtle Harvest Regulations

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes: X No:
2. Do you believe that the development of a financial impact statement is so speculative as to be cost prohibitive? Yes: X No: If "Yes", please explain:
3. If the purpose of this rule is to implement a **federal** rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

General Revenue	\$
Federal Funds	\$
Cash Funds	\$
Special Revenue	\$
Other (Identify)	\$
Total	\$

Next Fiscal Year

General Revenue	\$
Federal Funds	\$
Cash Funds	\$
Special Revenue	\$
Other (Identify)	\$
Total	\$

4. What is the total estimated cost by fiscal year to any **party** subject to the proposed, amended, or repealed rule? (Estimated cost includes fees, administrative penalties, reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.) Identify the **party** subject to the proposed rule, and explain how they are impacted.

Current Fiscal Year: \$ 500.00

Next Fiscal Year: \$ 500.00

Party Subject to Rule: Commercial Aquatic Turtle Harvesters/Dealers

Effect on Party Subject to Rule: Reduced opportunity to commercially harvest wild-caught aquatic turtles

5. What is the total estimated cost by fiscal year to the **agency** to implement this rule? Explain the financial benefit to the agency from implementing this rule.

Current Fiscal Year: \$ 0.00

Next Fiscal Year: \$ 0.00

Financial Benefit to Agency: None.

6. Do alternative means exist for accomplishing the objectives of the rules that might be less burdensome to small business? Yes: No: X

Why were such alternatives not proposed:

7. Compare this rule with federal and state counterparts: Surrounding states are closing all commercial harvest of aquatic turtles or closing commercial harvest of certain turtle species.

INSTRUCTIONS FOR COMPLETING THIS FORM:

The Division responsible for a regulation proposal must complete this form and include it as the last page(s) of a regulation proposal that is submitted to the Commission for review, and again when the proposal is submitted to the Commission for a vote. After regulation adoption, Legal Division will submit the form to the appropriate State offices.