



**Dan Burleson**  
**Special Agent**  
**U.S. Fish and Wildlife**  
**Service**  
**St. Peters, MO**

# FWS Investigations Dealing With the Commercialization of Turtle Species

# Commercialization of Turtles Regulated by Federal & State Laws

- Federal Statutes:
- Lacey Act 16 USC 3372
- Endangered Species Act 16 USC 1538

# Lacey Act

- 16 USC 3372. Prohibited acts
- (a) Offenses other than marking offenses. It is unlawful for any person--
  - (1) to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States or in violation of any Indian tribal law;
  - (2) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce--
    - (A) any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law

# Penalties

- Fines:
  - Individual up to \$250,000.00
  - Corporation up to \$500,000.00

## Incarceration

Class A Misdemeanor: up to 1 year

Felony: up to 5 years

# Endangered Species Act

- 1538. Prohibited acts (a) Generally.
- (1) it is unlawful for any person subject to the jurisdiction of the United States to—
  - (A) import any such species into, or export any such species from the United States;
  - (B) take any such species within the United States or the territorial sea of the United States;
  - (C) take any such species upon the high seas;
  - (D) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such species taken in violation of subparagraphs (B) and (C);
  - (E) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any such species;
  - (F) sell or offer for sale in interstate or foreign commerce any such species; or
  - (G) violate any regulation pertaining to such species or to any threatened species of fish or wildlife listed pursuant to section 4 of this Act [16 USCS § 1533] and promulgated by the Secretary pursuant to authority provided by this Act.

# Penalties

- Class A Misdemeanor:
  - Fines: up to \$50,000.00
  - Up to 1 year imprisonment

Class B Misdemeanor:

Fines: up to \$25,000.00

Up to 6 months imprisonment

# Missouri State Regulations

- It is legal to sell native Missouri turtles in Missouri provided you have a:
  - Class 1 Wildlife Breeders Permit (3CSR 10-9.230)
  - or
  - Possess a commercial fishing permit (3 CSR 10-10.720)



# Missouri Restrictions

- Turtles must come from the Mississippi, Missouri or the St. Francis River (between Missouri and Arkansas) (3CSR 10-20.805(14))
- Species allowed: soft shell (July 1 – Dec. 31) & common snapping turtle (year round)(3CSR 10-20.805(13))

# South West Missouri Turtle Farm

- 2004: Covert investigation into the sale of Alligator snapping turtles by Missouri Department of Conservation

# June 3, 2004

- Undercover Officers purchased illegal box turtles from defendant #1

# June 9, 2004

- Defendant #1 led investigators to defendant #2 who was selling illegal common and alligator snapping turtles and other native Missouri turtles.

# June 25, 2004

- Defendant #2 led investigators to defendant #3 who was legally and illegally selling native Missouri turtles.
- Defendant #3 held a Missouri Class 1 Wildlife Breeder permit which authorized the sale of ten native Missouri turtle species.

# Permitted Species

- 1. Common snapping turtle (*Chelonia serpentina serpentina*)
- 2. Alligator snapping turtle (*Macrolemys temmincki*)
- 3. Stink pot or musk turtle (*Sternotherus odoratus*).
- 4. Western painted turtle (*Chrysemys picta belli*).
- 5. Southern painted turtle (*Chrysemys picta dorsalis*).
- 6. Common map turtle (*Graptemys geographica*).
- 7. Three-toed box turtle (*Terrapene carolina trianguis*)
- 8. Ornate box turtle (*Terrapene ornata ornata*)
- 9. Red-eared slider (*Chrysemys scripta elegans*).
- 10. Soft-shelled turtle (Family Trionychidae).

# July 7, 2004

- An inspection of the turtle facility resulted in the execution of a search warrant.
- The search warrant resulted in the seizure of numerous documents, turtles and records.
- Defendant #3 was documented possessing and selling Missouri endangered turtles and turtles not listed on his breeder permit.

# Endangered Turtle Species

- Missouri statute 3 CSR 10-4.111(3)(C) prohibits the sale of Missouri state endangered turtles that include:
  - Blanding's turtle (*Emydoidea blandingi*)
  - Western Chicken turtle (*Deirochelys reticularia miaria*)



# Endangered Turtles

Blanding's turtle  
(*Emydoidea blandingi*)

Western Chicken turtle  
(*Deirochelys reticularia miaria*)

# Other Turtle Species

Mississippi Map  
(*Graptemys kohni*)

Quachita Map  
(*Graptemys pseudogeographica ouachitensis*)

Cooter  
(*Chrysemys concinna & floridana*)

# Turtle Farm Conditions













































# And A Side Business



# Prosecution

- A review of the records seized from defendant #3 documented:
- 44 sales of Mississippi Map, Quachita Map and River Cooters.
- 40 sales of Blanding's turtles.
- 11 sales of Western Chicken turtles.
- Numerous alligator snapping turtles.

- The sales were conducted in the United States and with persons outside the United States in Japan and France.
- Defendant #3 falsified shipping documents by mislabeling the contents or claiming he was donating the protected turtles.

# Sentencing

- Defendant #3 pled guilty to:
  - Two felony counts of making false statements (18 USC 1001)
  - Fined: \$5,000.00
  - \$200.00 court fees
  - Two years probation.
  
  - He is currently in business!!!!



# Arkansas Turtle Poachers

- In 2007, two Arkansas residents were illegally harvesting turtles from the ditches of southern Missouri.
- The defendants were selling these poached turtles to a turtle farmer in Northern Arkansas.
- Two of these defendants were prosecuted previously in Missouri for the same operation.

# First Arrest June 12, 2004

- Missouri Conservation Agent Eric Heuring received information about some illegal hoop nets in Missouri ditches.
- After documenting the illegal activity, Agent Heuring conducted a surveillance of the area.
- On 06/12/2004, two Arkansas men were arrested with 117 turtles that included Eastern Spiny softshell, red-eared slider, common map, common musk and Southern painted turtles.
- The two defendants were given three citations each and were fined \$456.50 and \$613.00 (Defendant #1 failed to pay)

# September 2007

- Agent Heuring again received information regarding turtle poachers in the Hornerville Swamp in Southern Missouri.
- The hoop nets were located on 09/20/07. 38 red-eared sliders and 3 Eastern spiny softshell turtles were released.
- On 09/23/07, two defendants were videotaped harvesting turtles from the hoop nets.











12 10:25 AM





# Investigation

- Between July and October 2007, the two defendants had illegally harvested Missouri turtles nine times.
- The turtles were sold to a third defendant (from previous case) in Arkansas. The poachers received \$3,114.25 for eight sales.
- Seized receipts documented the poachers were paid for labor on the farm, not for the turtles.



# Prosecution

- Turtle buyer: felony
  - Fine \$3,114.25
  - \$100.00 court fee
  - Three years probation

Two poachers: felony

- Fine \$3,114.25
- \$100.00 court fee
- Five years probation

# Another Missouri Turtle Investigation

- In 2008 a defendant was setting trot lines, but failed to check his lines resulting in the death of four large alligator snapping turtles.
- Missouri law requires trot lines to be checked every 24 hours. This defendant was only checking lines on weekends.









# Prosecution

- The defendant was charged in Missouri State court.
- The case sat for over two years.
- Defendant pled guilty to a misdemeanor and received a minimal fine.
- Biologists determined that if the lines had been checked every 24 hours the alligator snapping turtles would have survived.