

**Conservation and Trade Management of  
Freshwater and Terrestrial Turtles in the United States**

St. Louis, Missouri, September 20-24, 2010

Convened and hosted by the  
U.S. Fish and Wildlife Service, International Wildlife Trade Program

**Enforcement Working Group**

**FINDINGS and RECOMMENDATIONS**

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**Shaded recommendations** are those determined by the workshop to be the most important and most actionable in a short timeframe.

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**Group charge** - Formulate recommendations to strengthen and improve the enforcement of existing laws and regulations at the Federal and State levels for management and trade of freshwater and terrestrial turtles and;

Assess and make recommendations to improve enforcement, compliance, and intelligence-sharing collaboration between States and between State and Federal enforcement authorities (State-State collaboration and Federal-State collaboration).

**Tasks 1 and 2:**

Identify gaps in current laws and/or regulations at the State and Federal levels concerning the trade in freshwater and terrestrial turtles in the United States, and propose measures to address these gaps. Review differences in laws between States, particularly as they relate to shared species and threatened species and make appropriate recommendations.

**Recommendations**

1. The Endangered Species Act should be strengthened to address current weaknesses relating to enforcement, i.e., misdemeanor charges only.
2. Thoroughly distribute the turtle information recently collected by Association of Fish and Wildlife Agencies (AFWA) to inform State and Federal agencies of existing rules and regulations, and ensure that the information is maintained in an on-line database (password protected, if necessary). AFWA should continue to highlight the priority of reptile and amphibian conservation, and encourage a more effective channel of communication between management and enforcement personnel.

3. Given the wide variation in ways States manage turtles and enforce associated regulations—and given difficulties identifying the origin of stocks (commodity animals compared to wild populations)—develop more cohesive species-specific management and regulatory objectives with input from both the management and law enforcement communities. For example, State-to-State differences in “reducing to possession” any live wildlife. This is especially applicable to reptiles and amphibians (turtles, in particular) that constitute a wildlife heritage that, when kept as pets, can be argued keep generations in touch with wildlife heritage.

4. All States that allow commercial collection and sale of turtles should require the maintenance of records regarding commercial transactions and regular inspection of those records. This could be modeled after Federal import licensing requirements.

### Task 3:

Review the current status of enforcement and compliance in the States and at the Federal level. Assess how vigorously current requirements are being enforced as compared to other wildlife and natural resources. Identify limitations (e.g., resources, regulation gaps) for current enforcement efforts.

### Recommendations

1. Agency administrators should:

- Elevate reptiles and amphibians to higher priority in agency activities;
- Focus on the critical role of take/harvest/production record-keeping, facilitating enforcement access to these records for review and updating, and;
- Provide enforcement personnel the biodiversity training necessary to carry out this mission.

2. Enable enforcement programs to take a more active role in administering *permitting* regimes for turtle harvest, production, and trade.

3. Stand up [create] a covert unit—or assign existing resources—whose responsibilities encompass turtle investigation and enforcement.

4. The U.S. Fish and Wildlife Service (USFWS) should require State of origin to be declared for native species exports, providing grounds for assessing truthful declaration and transport of turtles (amend 50 CFR 14). USFWS should share State-specific trade information with States on a regular and timely basis to help States identify and document trade and traffic in turtles.

5. USFWS should make inspection-investigation of native species exports a higher priority.

6. Pursue supplemental or additional Federal funding to support Enforcement activities, given that most State activities for turtle enforcement (as well as other non-game Enforcement activities) are not Federal-reimbursable activities under Pittman Robertson and Dingell Johnson; consider the National Marine Fisheries Service Joint Enforcement Agreement as a model for Federal assistance to State enforcement efforts.

7. Because of the difficulty of distinguishing captive-bred from wild stock, States should consider:

- Regulating all turtles as “wild-caught” (preferred), or
- Permanently marking or tagging captive-bred stock (e.g., birth-date), and/or
- Working with scientists to develop methods to distinguish between wild and captive specimens.

#### Task 4:

Identify recent enforcement, compliance, and intelligence successes and make recommendations to distribute “lessons learned” information to State and Federal enforcement agencies.

#### Recommendations

1. Encourage the exchange of case study information from State to State, being aware that wide sharing of this information reveals to those with bad motives the “tips and techniques” that are in use; [redacted].
2. Research animals, species in peril, unique/unusual herps, including turtles, should be PIT-tagged/marked/identified, where possible, to aid in identification.
3. Law enforcement personnel should be among the very first made aware of new species, discovery of unusual specimens, or new populations.

#### Task 5:

Assess ways to improve and strengthen the collection, evaluation, and dissemination of intelligence concerning the illegal take, trade, and export of native freshwater and terrestrial turtles.

#### Recommendations

1. Identify the information resources that already exist, and make these resources widely known; e.g., Regional Information Sharing System (RISS) that allows secure sharing of intelligence.
2. Ideally, compile a national database that incorporates all commercially licensed harvesters and dealers in all States; that is, if a State requires a commercial license

to take/possess turtles, those data are accessible and integrated (licensing, monthly reports, possession, violations).

3. Compile a list of point people as first contacts for information regarding licensing, permitting, and violations.

#### Task 6:

Identify potential sources of intelligence on illegal activities and develop recommendations.

#### Recommendations

1. Devote dedicated and trained resources to correctly and covertly monitor hobby web sites, trade sites, and species-specific interest group web sites to investigate turtle trafficking occurring over the internet. Take advantage of citizen intelligence and tips when offered given agency resource limitations to devote to internet trafficking.

2. Law enforcement programs should more effectively utilize global contacts for information-sharing about turtle trafficking, e.g., Interpol.

#### Task 7:

Identify measures that will enhance voluntary compliance with existing laws and regulations (i.e., compliance incentives, identification materials, education and outreach, etc.)

#### Recommendations

1. Explore the feasibility of utilizing/applying the Wildlife Compact to commercial reptile and amphibian violations, e.g., anyone who is commercially harvesting and collecting turtles must be licensed—one violation results in 2-year revocation, 2 violations in life-time revocation.

2. Enhance web sites to make it easy for importers, exporters, other turtle special interest groups to find accurate and up-to-date data on State regulations, CITES, what is and is not legal, etc; this information can be tagged by other Internet urls (state fairs, herptile shows).

3. Have law enforcement presence at events frequented by herptile enthusiasts.

4. Communicate successful investigative outcomes to the public to increase awareness and deter others from engaging in illegal activities.

### Task 8:

Review and assess the feasibility and appropriateness of focusing State and Federal enforcement effort regionally, by species, or by other approaches.

*Recommendation/s held in abeyance until outcomes of other recommendations are shown; seek guidance from biologists about species priorities. [Please refer to species-specific recommendations of the Conservation, Status and Monitoring Working Group.]*

### Task 9:

Assess the current status of prosecution efforts and penalties for illegal take, trade and export of native freshwater and terrestrial turtles.

### Recommendations

1. Seek educational opportunities with prosecutors (e.g., presentations at prosecutor meetings across the United States, field training events to which prosecutors are invited), communicating the prosecutorial need, showing the market values of the animals, and using lists of largest fines and penalties to impress upon the legal community the gravity of the violations.
2. Compile and distribute to prosecutors case examples from other jurisdictions to show them that cases can be tried successfully.
3. Identify individuals who can give expert testimony relating to freshwater turtles, and ensure they are given trial preparation.
4. Ensure that State regulations carry sufficient penalties to deter illegal activity, as they theoretically do at the Federal level.