
keeping turtles as pets Full Version of Ohio Wood Turtle Scam

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Please reprint and distribute with proper credit as is. WOOD TURTLE BUYERS AND SELLERS BEWARE: THEY (AND YOU!) ARE PROBABLY ILLEGAL by Martin J. Rosenberg (reprinted from Notes from NOAH, August 26, 1996)

One of the unfortunate aspects of a hobby that becomes very popular, and also has the capability to generate income, is that greed often raises its ugly head. The joy of being involved in the hobby is lost, for many people, when they realize that money is to be made. Conservation, ethics, and even the law take second, third, and fourth place to the pursuit of profit. Nothing and nobody matter anymore...do whatever has to be done to make the buck. If people or animals suffer, so be it; This is my LIVING, and I have to do whatever is necessary in order to survive, don't I? And so it is with wood turtles (*Clemmys insculpta*), a victim of the growing interest in keeping turtles as pets in the United States and in other parts of the world. Wood turtles are being collected in increasing numbers for the pet trade. Unlike some species of herps (not including turtles) that can withstand a certain amount of collecting pressure before the population suffers, wood turtle (and nearly all other turtle) populations are highly sensitive to the loss of even a few animals, for a number of reasons. Wood turtles are very long lived in nature. But they do not become sexually mature until about 12-15 years of age, according to Dr. James Harding of the Michigan State University Museum of Natural History and a recognized authority on the biology of wood turtles. This long non-reproductive period, coupled with certain other aspects of their biology, may result in the extinction of the species if collecting for the pet trade continues. Some of these factors are 1) that 30 to 100% of natural wood turtle nests are destroyed by predators each nesting season, 2) that wood turtle populations in nature are relatively small compared to populations of many other turtle species, 3) that an average of only eight eggs (range is about 3-15) is laid each season, and 4) that wood turtles often remain in a relatively small home range throughout their entire life, implying that a population is not replenished by nearby populations if some members are removed. These are some of the reasons that wood turtles are protected in all states in which they are native. Despite the fact that wood turtles are protected, however, they are showing up on price lists Tom Crutchfield's Reptile Enterprises, Inc., in their June/July 1996 bulletin lists 4.2 adults; Glades Herp, in their June 1996 bulletin, lists 6 wood turtles for sale. They have also appeared at reptile swap meets, for example at the All-Ohio Reptile Show, held in Columbus, Ohio each month. Large numbers of wood turtles are being delivered to reptile wholesalers, such as Strictly Reptiles and Glades Herp in Florida. And at least one pet dealer (Carson Pet of Des Plaines, Illinois) has applied for a permit to export 50 wood turtles to Japan. (The permit was recently denied by the U.S. Fish & Wildlife Service, because the origin of the turtles, and therefore the legal status, could not be determined.) Question: If wood turtles are protected in all states in which they are found, how come they're being sold by reptile dealers, at swap meets, and at pet stores? The explanation lies in the unfortunate, and mistaken, inclusion of wood turtles as native Ohio fauna in two earlier publications dealing with the distribution of reptiles. These reports of wood turtles were based on specimens which were apparently captured in Ohio, but which actually represented (as far as can be determined) released specimens, rather than animals from a reproducing population of wood turtles. Subsequent publications, even by the same authors, do not list wood turtles as being native to Ohio. None of the three editions of the Conant/Conant & Collins field guides lists wood turtles in Ohio; Ernst, Lovich and Barbour's *Turtles of the United States and Canada* (1994) does not include Ohio as within the range of the wood turtle. Wood turtles are found in western Pennsylvania, and the very few specimens that have turned up in Ohio were undoubtedly brought to Ohio as pets, from out-of-state populations, and then released (or maybe they escaped from their container). Yet certain individuals, whose activities place them in the category of poachers, have used these earlier publications to launder their poached wood turtles through Ohio. They apparently collected the wood turtles in states to which they are native, and then sold them as legal Ohio turtles because Ohio does not protect wood turtles. They used the earlier (but now proven inaccurate) publications to support their statement that the turtles were collected in Ohio. The permit application submitted to the U.S. Fish and Wildlife Service by Carson Pet, for example, and signed by Y.Y. Huang, President of Carson Pet, states that 118 wood turtles were collected in Kingsville, Ohio and sold to Al Weinberg of South Florida Reptiles. Ohio is being used as a loophole by poachers. The wholesalers purchasing the wood turtles from the poachers are eager to believe that the turtles were collected legally, because wood turtles retail for \$100-\$150 each. What is the evidence that wood turtles do not have a self-sustaining population in Ohio, a population that could provide 118 turtles collected in six days (as stated in the Carson Pet export permit application)? The evidence is extensive, including literature searches, including statements by many herpetologists who have surveyed northeastern Ohio for years and not found any wood turtles, and including written statements by the Ohio Department of Natural Resources. Probably the most concise statement of the status of wood turtle populations in Ohio comes from Mr. Dan Rice, Chief Zoologist in the Division of Natural Areas & Preserves, Ohio Department of Natural Resources. The complete text of Mr. Rice's letter, which was forwarded to the U.S. Fish & Wildlife Service, appears below. July 25, 1996 To Whom It May Concern: It has come to my attention that wood turtles claimed to be of Ohio origin are currently being sold on the commercial market by unscrupulous collectors. As a zoologist with the Ohio Department of Natural Resources I would like to set the record straight on the status of this animal in Ohio. In short, there is no scientific or documented evidence that would even indicate that wood turtles were ever native to the state of Ohio. No native populations have ever been documented for the state and Ohio certainly does not support wood turtle populations of any kind at this time. As this animal is not a current inhabitant of the state of Ohio, any collector trying to pass off wood turtles as having been captured in Ohio is simply being untruthful. Eastern Ohio has historically been included by some authors as encompassing the possible range of the wood turtle in North America. This inclusion was based entirely on supposition by some of the early writers as wood turtles were known to inhabit western Pennsylvania. No wood turtle populations were ever discovered in Ohio, however,

to support these suppositions. Such early Ohio naturalists as Jared Potter Kirtland who lived in NE Ohio in the early 1800's never found or even received reports of wood turtles being captured in Ohio. Statewide surveys by Roger Conant in the 1920's and 30's also failed to locate a single wood turtle in the state of Ohio. Extensive surveys by both professional biologists and amateur herpetologists in eastern Ohio during the last 50 years have likewise failed to identify any populations of this animal in Ohio. In more modern times there have been 3 isolated records of individual wood turtles being picked up in the state: a 1952 record of an individual picked up along a trail near the nature center in a Cleveland MetroPark; a 1948 record of an individual picked up in Summit County, Ohio; and a 1973 record of an individual picked up in Green County, Ohio. These individuals can only represent animals which were collected elsewhere, brought into the state and were subsequently released or escaped. It is these records which provide for the present state of confusion concerning the status of this animal in Ohio. As there are no populations existing in Ohio at this time, the debate at best can only be about whether wood turtles were ever native to Ohio. The best available evidence covering 150 years of natural history surveys in Ohio clearly indicate that wood turtles have not occurred in the state at any time during this period. Sincerely, Daniel L. Rice, Chief Zoologist Division of Natural Areas & Preserves

What is the implication of all of this for people possessing wood turtles, whether they be dealers or private owners? Since wood turtles are not native to Ohio and protected by state law in all range states, a turtle taken illegally and moved interstate is a violation of the Lacey Act. (This assumes that a permit was not obtained to allow wood turtle collection; to our knowledge, no permits have ever been issued to individuals for wood turtle collection other than to biologists conducting research projects which were reviewed and approved by the appropriate government authorities.) The Lacey Act is a federal law which makes unlawful the trafficking, across state or international borders, of illegally taken animals. Reptile dealers who accepted shipments of wood turtles from collectors have accepted illegally collected turtles and are subject to prosecution, even though the collectors said that the turtles were collected legally in Ohio (now proven to be a false statement). Collectors and dealers are not the only people at risk of being prosecuted for possessing illegally collected wood turtles. People who bought these wood turtles (which were illegally collected and shipped across state lines, in violation of the Lacey Act) are in possession of protected animals which were collected in violation of the law. According to the U.S. Fish & Wildlife Service, turtles collected illegally are always illegal, no matter how much time has passed and no matter how many times ownership has been transferred. It is conceivable, therefore, that an innocent purchaser of a wood turtle could be prosecuted for unlawfully receiving a protected species. Further, the offspring of illegally collected and transported (across state lines) wildlife are also protected by the provisions of the Lacey Act. According to Title 16, Sec. 3371 of the U.S. Code (the Lacey Act), The term 'fish or wildlife' means any wild animal, whether alive or dead, including without limitation any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, arthropod, coelenterate, or other invertebrate, whether or not bred, hatched, or born in captivity, and includes any part, product, egg, or offspring thereof. The purpose of these federal laws, of course, is to protect wildlife from being over-exploited for commercial purposes, which might result in the decline or even extinction of certain species. It is unlikely that any law enforcement agency will devote a lot of time or resources to tracking down and prosecuting an individual who innocently purchases a protected species or the offspring of a protected species. However, individuals who are actively engaged in the collection, transport, and sale of protected species are sure to come to the attention of the authorities. The only way that a wood turtle can be classified as legal is if documentation can be provided that the animal was collected legally. The documentation must consist of a permit which was specifically issued for the collection of wood turtles (a general fishing license is not adequate, according to the Law Enforcement Division of the U.S. Fish and Wildlife Service) as well as a paper trail from the collector to the ultimate buyer. If you obtained the wood turtles prior to the time they were protected, you must have documentation supporting the date and location of purchase. The poaching of wood turtles is receiving a great deal of attention from a variety of individuals and organizations, including law enforcement agencies. Now that Ohio cannot be used by the poachers as the source of their illegally collected animals, it is unlikely that any wood turtles recently collected (that is, subsequent to their being protected in their state of origin) are legal. If you are offered a wood turtle or have an opportunity to purchase one, it would be unwise to purchase it, because you probably were offered an illegally collected turtle. And you would be doing the seller a favor by explaining to him or her why they shouldn't be selling wood turtles. To be on the safe side, and, more importantly, to help the natural populations survive in the wild, do not buy wood turtles. Department of Biology Case Western Reserve University Cleveland, OH 441 0 6 216/368-3558

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