



Rules for Freshwater Turtles

June 17, 2009 Agenda Item 5A1

Division of Habitat and Species Conservation

At the April meeting, the Commission directed staff to finalize the rule protecting Florida's freshwater turtles.

Proposed rule – sale

- No person shall buy, sell, or possess for sale:
 - Turtles or eggs taken from the wild
- Eliminates commercial harvest of Florida's wild turtles

aquaculture

- Allows turtle farms to take brood stock with FWC permit
 - Harvest of turtles by farms will be closely monitored and then a review presented in 2011



The proposed rule will establish a prohibition on the sale of wild Florida turtles and establish limits for their take, transportation and sale. This will end the commercialization of Florida's wild turtles. Turtle farms may be issued permits to continue to harvest wild turtles as brood stock. This practice will be reviewed by staff and a presentation made to the Commission in 2011 regarding continuation of the authorization.

Proposed rule – take, transport and possession

- No take or possession of listed species
 - Barbour’s map turtle, alligator snapping turtle and Suwannee cooter
- No take of look-a-likes
 - All cooters, Escambia map turtle and common snapping turtle
- Limits taking to one turtle per person per day
 - Unless in possession of a Commission-issued permit
- Limits transport to one turtle per person per day
 - Unless in possession of a Commission-issued permit or license, a proof of legal purchase, or an aquaculture certification from DACS



Although the possession of three species of special concern [Barbour’s map turtles (*Graptemys barbouri*), alligator snapping turtles (*Macrochelys temminckii*) and Suwannee cooters (*Pseudemys suwanniensis*)] is allowed under the existing rule, the proposed rule would prohibit take and possession of these listed turtle species. Individuals that currently have these species would be allowed to keep them if they have obtained a permit from FWC. To further strengthen the protection of listed species, the proposed rule would prohibit take of species that are difficult to distinguish from these species [Escambia map turtles (*Graptemys ernsti*), cooters (*Pseudemys* sp., 3 species) or common snapping turtles (*Chelydra serpentina*)]. Except for prohibited species and except during closed seasons, individuals would be allowed to take one turtle (of allowable species) per person per day. The limit on transportation may be exceeded with the possession of the following: an FWC License for Exhibition or Sale of Wildlife, proof of purchase showing that the turtles were legally obtained, a Florida Department of Agriculture and Consumer Services Aquaculture Certification or a permit from the FWC executive director.

Proposed rule – take, transport and possession

- No take or transport of eggs from wild
- Limits methods that can be used to take turtles
 - Legal methods include hook, dip net, seine or by hand
- Maintain existing May 1–July 31 closed season on softshell turtles
- Maintain existing possession limits for some species
 - Two each for Escambia map turtles, box turtles, loggerhead musk turtles and diamond-backed terrapins



Under the proposed rule, turtle eggs would not be legal to take from the wild nor could they be transported. The existing closed season on softshell turtles from May 1 - July 31 is retained in the proposed draft rule. The following turtles have a possession limit of two: Escambia map turtles (*Graptemys ernsti*), diamond-backed terrapins (*Malaclemys terrapin*), box turtles (*Terrapene carolina*) and loggerhead musk turtles (*Sternotherus minor*).

Changes from draft rule

- Turtle brood stock collection permits

Includes intent language that turtle farms are to develop sustainable captive propagation techniques to eliminate collection of brood stock from the wild. A report will be prepared and presented in 2011 to the Commission for evaluation of continuing these permits.



We will encourage turtle farms to become self-sustaining and not dependent on collection of turtles from the wild.

In the original draft rule, staff proposed sunseting the provision that allows turtle farms to collect wild turtles for use as brood stock. Based on discussion at the first public hearing in front of the Commission, the preferred option now is to closely regulate and monitor the harvest of brood stock and prepare a detailed analysis and report for the Commission in 2011. The Commission can then decide whether or not to direct staff to continue issuance of such permits.

Clean up and Consolidation

- 68A-23.003 Commercial Fishing Devices; Provision for Use in Certain Waters
 - Propose to delete reference to commercial fishing gear allowed for taking turtles

- 68A-23.012 Special Regulations on Lake Okeechobee
 - Propose to delete reference to harvest or sale of peninsula cooters, Florida red-bellied, Florida snapping or Florida softshell turtles with a carapace length of <8” on Lake Okeechobee



Changes to the following rules are being proposed to clean up and consolidate rules relating to freshwater turtle harvest. If the following proposed rules are approved both for advertisement and subsequent filing for adoption, Commission staff would file the rules as allowed by 120.54(3) Florida Statutes, without further hearing.

68A-23.003 Commercial Fishing Devices: Provision for Use in Certain Waters. Currently contains reference to types of commercial fishing gear that are permitted for turtle harvest. Staff recommends removing references to freshwater turtles since this is covered in new language in the proposed version of 68A-25.002

68A-23.012 Special Regulations on Lake Okeechobee. Staff recommends removing the following language: “No peninsular cooter (*Chrysemys floridana peninsularis*), Florida red-bellied turtle (*Chrysemys nelsoni*), Florida snapping turtle (*Chelydra osceola*), or Florida soft-shelled turtle (*Trionyx ferox*) with a carapace length less than eight inches may be taken or sold.” This would consolidate freshwater turtle harvesting regulations within 68A-25.002.

Staff recommendations

- Adoption of rule changes to 68A-25.002 as advertised
- Advertisement of changes to 68A-23.003 and 68A-23.012 and subsequent filing for adoption, without further hearing



- For additional information, visit [My FWC.com](http://MyFWC.com)

Staff have evaluated the proposed rule changes and find them consistent with the standards contained within Rule 68A-1.004, Florida Administrative Code.