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GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES
DIRECTOR

October 15, 2007

Resubmitted: November 13, 2007

TO: Rebecca A. Humphries, Director

INFORMATION: Natural Resources Commission

SUBJECT: Regulation on the Take of Reptiles and Amphibians (FO-224)

Authority:

Under the authority of sections 43509, 48702, and 48705 of 1994 PA 451, as amended, the Director has the authority to prescribe the manner and time of take for reptiles and amphibians.

Discussion and Background:

In response to growing concern from DNR biologists, university researchers, and citizens over reptile and amphibian population declines, the Department received authority from the Legislature in 1988 and began regulating the take of reptiles and amphibians with a Director's Order in 1989. In the following years, a series of successively more restrictive Orders were signed until 2001, when the current regulations were finalized. Present law limits commercial harvest to snapping turtles and green frogs with license requirements, harvest seasons, gear restrictions, possession limits, and minimum sizes (turtles only). Additional species are harvestable recreationally, with tighter restrictions placed on gear and possession limits.

The issues which led to the current order continue today. Direct observations by field staff indicate that reptile and amphibian populations in public water bodies may be in decline. Some of these losses are a direct result of habitat destruction and adult harvest (both intentional and incidental). Riparian development and habitat loss are of major concern and have continued since the current order took effect. People usually think of snapping turtles and green frogs as solely aquatic, but snapping turtles move up to 200 yards into the uplands to nest and complete their annual life cycle. This movement often leads to high numbers of adult turtles and in certain cases frogs, killed each year on roadways by automobiles. If an individual does make it past surrounding roads, they often encounter former nesting areas disturbed or eliminated by the cutting of woodlands and clearing of riparian habitat for development. Lost nesting area usually results in high nest concentration over the few suitable locations that remain. High nest clustering as well as increased predator populations (example: raccoon) since the fur trade decline have greatly increased predation on nests, eggs, and juveniles.

NATURAL RESOURCES COMMISSION

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Harvest is another concern when managing adult turtles, which have extremely low natural mortality. This helps overcome a very high mortality on nests, eggs, and juveniles. In fact, adult survival is so critical that the long term research study (30+ years) on turtles in the University of Michigan's Edwin S. George Preserve in Livingston County has shown increasing annual adult mortality by 10 percent above the natural rate is not sustainable. Research indicates that snapping turtles can be expected to successfully reproduce a single adult offspring every 25 to 30 years in a natural setting. This life history strategy has a high probability of an adult female, even under restrictive minimum size limits, being harvested prior to successfully replacing herself in the population. Furthermore, commercial take can potentially be extremely detrimental if a harvester targets a single body of water and removes a significant number of adult snapping turtles before moving on to the next location. The same Michigan study suggests that populations of long-lived species may take centuries to recover from such harvest events or may not be able to recover at all. At the very least, commercial harvest can reduce local turtle populations and severely impact the potential for further recreational harvest.

Michigan would be remiss if it did not consider the global implications of continued commercial harvest. A compelling argument can be made that commercial harvest of turtles in the United States, and thus Michigan, directly supports the appetite of foreign markets. The declared export of wild caught snapping turtles from U.S. ports to foreign countries where they command about \$10.00/pound (\$100 to \$320 a piece) has increased more than threefold between 2003 and 2005. Regions with the highest importation rates are widely known to have already decimated their own native turtles through unsustainable harvest without regard to conservation, and are now looking to US populations in order to meet market demands. Increased exports, along with the prices being paid, lead us to speculate that the Michigan harvest does not support a localized market.

Academia, numerous conservation groups, and a concerned citizenry are making a strong statement to curtail all commercial take of reptiles and amphibians on a national and international basis. Michigan lags behind other states bordering the Great Lakes and St. Lawrence River (Illinois, Indiana, Ohio, New York, Vermont, New Hampshire, and Maine) as well as the Canadian province of Ontario that totally protect native reptile and amphibian species from commercial take. Of the states that do allow commercial harvest, two (Wisconsin and Pennsylvania) have considerably more restrictive possession limits and one (Minnesota) has less restrictive regulations than Michigan.

While we recognize that we lack significant data on specific amphibian populations, it is important to recognize that amphibians are generally considered to be on the decline. Reliant on aquatic habitat throughout their life cycle, amphibians are impacted by many of the same factors that affect turtles, such as habitat loss/destruction and concentrated localized mortality. Population level trends for amphibians are downward, and the prudent recommendation is to be conservative in our management approach. Similar to turtles, these animals' life cycles and current status simply are not conducive to commercial harvest.

For the above reasons, we are proposing that all commercial take of reptiles and amphibians be prohibited in Michigan. This change relegates the limited potential for a dispersed harvest solely

to the recreational user and places Michigan's regulations in line with the majority of surrounding Great Lakes/St. Lawrence states as well as the province of Ontario, Canada. In addition, we also propose to reduce the personal take of most turtle species. This change would make the personal take more reasonable and help ensure a dispersed harvest in light of the biological limitations faced by long-lived species, many of which are at precarious levels. This recommendation is fully supported by the Wildlife Division and the Amphibian and Reptile Technical Advisory Committee, which is an academia-based collaborative effort chaired by Michigan State University professor Mr. Jim Harding.

Recommendation:

This order was submitted for information at the November 2007 Natural Resources Commission Meeting. This item appeared on the Department's October 29, 2007 calendar and is eligible for approval on December 6, 2007. We are recommending that it be acted upon at this meeting.

Kelley D. Smith, Chief
Fisheries Division

Rodney Stokes, Acting Chief
Law Enforcement Division

Douglas A. Reeves, Acting Chief
Wildlife Division

Lynne M. Boyd, Chief
Forest, Mineral and Fire Management Division

David E. Freed, Chief
Land and Facilities

Ronald A. Olson, Chief
Parks and Recreation Division

Arminda S. Koch
Resource Management Deputy

I approve the staff recommendation.

Rebecca A. Humphries
Director

Date Approved

ORDER

(Under the authority of Act 451
of the Public Acts of 1994, as amended)

REGULATIONS ON THE TAKE OF REPTILES AND AMPHIBIANS

Under the authority of sections 43509, 48702 and 48705 of 1994 PA 451, as amended, being sections 324.43509, 324.48702, and 324.48705 of the Michigan Compiled Laws, the Director of the Department of Natural Resources on December 6, 2007, ordered that:

It shall be unlawful to kill, take, trap, possess, buy, sell, offer to buy or sell, barter, or attempt to take, trap, possess or barter any reptile or amphibian from the wild, or the eggs of any reptile or amphibian from the wild, except as provided within this order.

GENERAL

1. The following species of reptiles and amphibians shall not be taken from the wild and possessed except as authorized under a permit from the director:

Six Lines Racerunner (*Cnemidophorus sexlineatus*)

Eastern Massasauga Rattlesnake (*Sistrurus catenatus catenatus*)

Blanding's Turtle (*Emydoidea blandingii*)

Wood Turtle (*Glyptemys insculpta*)

Eastern Box Turtle (*Terrapene carolina carolina*)

Black Rat Snake (*Elaphe obsoleta obsoleta*)

Blanchard's Cricket Frog (*Acris crepitans blanchardi*)

Boreal Chorus Frog (*Pseudacris triseriata maculata*)

Those reptiles and amphibians protected under the Endangered Species Act,
Part 365 of Act 451 of the Public Acts of 1994.

2. A person may collect reptiles and amphibians or their eggs for research studies or other special use under a permit issued by the director's designated fisheries representative. The permit shall be valid only for the species, number, manner and time specified on the permit.
3. A person may take certain species of reptiles and amphibians for personal use. See items listed under personal use.
4. The taking of reptiles and amphibians for commercial purposes is prohibited.
5. Reptiles may be taken only by hand, trap, seines up to 12 x 4 feet overall dimension, hand net, or hook and line as defined in Section 48703 of Act 451 of 1994.
6. Amphibians may be taken by hand, hook and line, hand net or trap where not otherwise prohibited by law. In addition, frogs may be speared. As provided by Act No. 451 of the Public Acts of 1994, as amended, frogs shall not be speared with the aid of an artificial light.

7. Traps used or possessed in areas frequented by reptiles must have a plate or tag attached bearing the name and address of the user in legible English.
8. It is illegal to possess or transport in the field, dressed or processed reptiles or amphibians that cannot be measured or identified.
9. A person shall immediately release to the wild any reptile or amphibian that is taken during a closed season, is under the legal size, or is otherwise protected.
10. Snapping and softshell turtles may only be taken each year from July 15 to September 15.
11. A person may only take and possess snapping turtles with a carapace length of 13 inches or more.
12. Reptile eggs may not be disturbed or removed from the wild except as authorized under a permit by the Director.

PERSONAL USE

1. Traps used for the taking of turtles shall be limited to no more than 3 traps, shall be constructed and set in a manner to allow turtles to surface and breathe, and shall be constructed of mesh at least 1 inch wide at the narrowest measurement.
2. All reptiles and amphibians taken for personal use shall not be bought, sold or offered for sale.
3. The following table lists the regulations that apply to the taking of reptiles and amphibians for personal use:

Species	Season	Minimum Size (inches)	Daily Possession Limit	Total Possession Limit
Frogs, toads, salamanders, mudpuppies	Last Sat. in May - Nov. 15	None	10 in any combination	10 in any combination
Snapping turtles	July 15-Sept. 15	13 inch minimum carapace length	2 in combination (no more than 1 of either species)	4 total in combination (no more than 2 of either species)
Softshell turtles		None		
All other turtles (painted, musk, map, red-eared slider); snakes and lizards	Open all year	None	3 in combination (However, no more than 2 turtles and no more than 1 of any one turtle species)	6 total in combination (However, no more than 4 turtles and no more than 2 of any one turtle species)

This order shall be assigned number FO-224.08, and is entitled "Regulation on the Take of Reptiles and Amphibians."

This order supersedes the order entitled "Regulation on the Take of Reptiles and Amphibians" effective October 12, 2001, and assigned number FO-224.02.

This order shall take effect April 1, 2008, and shall remain effective through March 31, 2013.

Issued on the _____ day of _____, 2007.

Rebecca A. Humphries
Director

The Natural Resources Commission has reviewed this order.

Keith J. Charters
Chairperson

Teresa Gloden
Executive Secretary