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SWCHR Position Paper on Utah Division of Wildlife Resources' Proposal to Amend the State Amphibian and Reptile Regulations

The Southwestern Center for Herpetological Research has a global membership, including residents of Utah and enthusiasts who frequently visit and contribute to the state's economy, with an interest in reptiles and amphibians native to the American Southwest. This Position Paper reflects SWCHR's opinions on proposed changes to R657-33—Amphibian and Reptile Collection, Importation, Transportation, and Possession. In general the proposed changes appear to be a step in the right direction; however, we have several concerns which need clarification and/or further revision.

One overarching issue found throughout the proposal is the lack of clarification if certain sections of R657-53 apply to only native species or to both native and non-native species. Further, specific paragraphs need further revision as outlined below.

R657-53-2 (15): No provision is made for "gifting" (transfer of an animal from one individual or entity to another without compensation, monetary or otherwise) as a means of legally obtaining a reptile or amphibian.

R657-53-8: There is no distinction made between native species and non-native ones (including those which cannot survive in the wild in Utah), but all persons working with either category would now be required to register as propagators.

R657-53-9: Federal permits are not provided (or even required) for mere possession, intrastate sales, or interstate transport of Endangered Species Act listed species (only interstate sales require Federal permits). Therefore, this section *de facto* prohibits possession of otherwise-legal species due to lack of availability of such permits. Also, there seems to be no distinction between native and non-native species. It is interesting there is a specific exemption for Eastern Indigo Snakes (*Drymarchon couperi*) for some reason.

R657-53-13: This section appears to now require a certificate of registration for anyone working in a commercial capacity with any reptiles or amphibians, both native and non-native. It appears captive-bred animals are exempt in accordance with Definition 7(b) but no distinction is made for wild-caught native vs. non-native species. This section needs clarification that captive-bred animals are in fact exempt from the new registration requirement. Furthermore, the language prohibiting sale or trade of any turtle, including tortoises, less than 4" in carapace length is redundant and should be removed, as this is already Federal law (and even the Federal law is outdated and unnecessary).

R657-53-16: A new Reptile and Amphibian Education Course would now be required before anyone imports, collects, or possesses “a species having a total possession limit of Expanded” [*sic*]. There is no explanation of what “Expanded” means, insofar as pertains to this section. There is no distinction between native and non-native species for this new requirement. There is no explanation of who or which agency or private entity will develop and produce this test, in what manner it will be delivered and scored, or even if it will be available to hopeful applicants at all; meaning the Utah Division of Wildlife Resources could *de facto* prohibit possession of an unspecified list of reptile and amphibian species by not making the Education Course available, or delaying its development and implementation.

As more of our members and reptile/amphibian enthusiasts in general take an interest in contributing to our greater knowledge and understanding of U.S.-native herpetofauna, many of the proposed regulatory changes are a step in the right direction. The inclusion of mandatory reporting may, however, have the opposite of the intended effect in causing otherwise well-meaning individuals to curtail their sharing (via direct communication as well as uploading to citizen-science databases and other media) wild, native species observations (including out-of-state visitors coming to spend time and money in Utah) out of fear of running afoul of the proposed regulations.

Thank you for allowing us the opportunity to comment.

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