

#### 4VAC15-360-10

### **Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish; Taking aquatic invertebrates, amphibians, reptiles and nongame fish for personal use.**

#### **Summary:**

The proposals are to (i) limit the number of native and naturalized amphibians and reptiles that can be held in personal possession; (ii) protect from collection those reptiles and amphibians designated as Species of Greatest Conservation Need in Virginia's 2015 Wildlife Action Plan; (iii) remove the use and sale of salamanders as bait; (iv) preclude the collection of reptiles and amphibians on all state and federal lands (not just those within a defined geographic area) without an appropriate permit or license; and (v) establish an online registry to report those animals legally held prior to the effective date of the amendment. By making these proposal, the Department of Wildlife Resources will eliminate the loopholes in which illegal trafficking of reptiles and amphibians in the Commonwealth has been operating and be proactive to future illegal trade issues. The proposal also includes requiring snapping turtles harvested for personal use have a minimum curved-line carapace (top shell) length (CCL) of 13 inches, for consistency with commercial harvest requirements and protection of the species.

#### **Proposed language of amendment:**

#### **4VAC15-360-10. Taking aquatic invertebrates, amphibians, reptiles and nongame fish for personal use.**

A. Possession limits. Except as otherwise provided for in § [29.1-418](#) of the Code of Virginia, [4VAC15-20-130](#), [4VAC15-320-40](#), and the sections of this chapter, it shall be lawful to capture and possess live for private use and not for sale **or export** no more than **one individual of any native or naturalized (as defined in 4VAC15-20-50) species of amphibian or reptile per physical address, five individuals of any single native or naturalized (as defined in 4VAC15-20-50) species of amphibian and reptile** and 20 individuals of any single native or naturalized (as defined in [4VAC15-20-50](#)) species of aquatic invertebrate and nongame fish unless specifically listed below:

1. The following species may be taken in unlimited numbers from inland waters statewide: carp, mullet, yellow bullhead, brown bullhead, black bullhead, flat bullhead, snail bullhead, white sucker, northern hogsucker, gizzard shad, threadfin shad, blueback herring (see [4VAC15-320-25](#) for anadromous blueback herring limits), white perch, yellow perch, alewife (see [4VAC15-320-25](#) for anadromous alewife limits), stoneroller (hornyhead), fathead minnow, golden shiner, goldfish, and Asian clams. Grass carp may only be harvested in unlimited numbers from public inland waters of the Commonwealth other than department-owned or department-controlled lakes. Anglers taking grass carp must ensure that all harvested grass carp are dead.
2. See [4VAC15-320-25](#) for American shad, hickory shad, channel catfish, white catfish, flathead catfish, and blue catfish limits.
3. For the purpose of this chapter, "fish bait" shall be defined as native or naturalized species of minnows and chubs (Cyprinidae), ~~salamanders (each under six inches in total length)~~, crayfish, and hellgrammites. The possession limit for taking "fish bait" shall be 50 individuals in aggregate, unless said person has purchased "fish bait" and has a receipt specifying the number of individuals purchased by species, except salamanders and crayfish which cannot be sold pursuant

to the provisions of [4VAC15-360-60](#) and [4VAC15-360-70](#). However, stonerollers (hornyheads), fathead minnows, golden shiners, and goldfish may be taken and possessed in unlimited numbers as provided for in subdivision 1 of this subsection.

4. The daily limit for bullfrogs shall be 15 and for snapping turtles shall be five. Snapping turtles shall only be taken from June 1 to September 30 and must have a minimum curved-line carapace length of 13 inches. Bullfrogs and snapping turtles may not be taken from the banks or waters of designated stocked trout waters.

5. The following species may not be taken or possessed in any number for private use: red-eared slider, and all reptile and amphibian Species of Greatest Conservation Need designated in Virginia's 2015 Wildlife Action Plan eastern hellbender, diamondback terrapin, and spotted turtle.

6. Native amphibians and reptiles, as defined in [4VAC15-20-50](#), that are captured within the Commonwealth and possessed live for private use and not for sale may be liberated under the following conditions:

- a. Period of captivity does not exceed 30 days;
- b. Animals must be liberated at the site of capture;
- c. Animals must have been housed separately from other wild-caught and domestic animals; and
- d. Animals that demonstrate symptoms of disease or illness or that have sustained injury during their captivity may not be released.

7. Native or naturalized amphibians and reptiles, as defined in 4VAC15-20-50, may not be taken or possessed in any number from state or federal land without an appropriate permit or license.

B. Methods of taking species in subsection A of this section. Except as otherwise provided for in the Code of Virginia, [4VAC15-20-130](#), [4VAC15-320-40](#), and other regulations of the board, and except in any waters where the use of nets is prohibited, the species listed in subsection A of this section may only be taken (i) by hand, hook and line; (ii) with a seine not exceeding four feet in depth by 10 feet in length; (iii) with an umbrella type net not exceeding five by five feet square; (iv) by small minnow traps with throat openings no larger than one inch in diameter; (v) with cast nets; and (vi) with hand-held bow nets with diameter not to exceed 20 inches and handle length not to exceed eight feet (such cast net and hand-held bow nets when so used shall not be deemed dip nets under the provisions of § [29.1-416](#) of the Code of Virginia). Gizzard shad and white perch may also be taken from below the fall line in all tidal rivers of the Chesapeake Bay using a gill net in accordance with Virginia Marine Resources Commission recreational fishing regulations. Bullfrogs may also be taken by gigging or bow and arrow and, from private waters, by firearms no larger than .22 caliber rimfire. Snapping turtles may be taken for personal use with hoop nets not exceeding six feet in length with a throat opening not exceeding 36 inches.

C. Areas restricted from taking mollusks. Except as provided for in §§ [29.1-418](#) and [29.1-568](#) of the Code of Virginia, it shall be unlawful to take the spiny riversnail (*Io fluviialis*) in the Tennessee drainage in Virginia (Clinch, Powell, and the North, South, and Middle Forks of the Holston Rivers and tributaries). It shall be unlawful to take mussels from any inland waters of the Commonwealth.

~~D. Areas restricted from taking salamanders. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take salamanders in Grayson Highlands State Park and on National Forest lands in the Jefferson National Forest in those portions of Grayson, Smyth, and Washington Counties bounded on the east by State Route 16, on the north by State Route 603 and on the south and west by U.S. Route 58.~~

D. Reduction of possession limits for native and naturalized amphibians and reptiles. Any person in possession of legally-obtained native and naturalized amphibians and reptiles, as defined in 4VAC15-20-50, prior to the change in personal possession allowances in subsection A effective July 1, 2021, must declare such possession to the department by January 1, 2022, in a manner prescribed by the department. This declaration shall serve as authorization for possession only and is not transferable.

**Rationale:**

*Reducing the personal possession of amphibians and reptiles:* The illegal trade in wildlife is a \$20 billion/year global problem that involves ~7,000 species. A sizeable component of this threat to wildlife is the illegal pet trade. The Virginia Department of Wildlife Resources has seen an increase in the illegal trafficking of reptiles, turtles in particular, over the past several years. This trend is not limited to Virginia, but is occurring throughout much of the eastern United States, where the greatest abundance and diversity of turtle species occur in North America.

Recently, there have been several significant arrests and cases made in Florida, Georgia, South Carolina, New York and New Jersey. These cases involved hundreds, sometimes thousands, of turtles. Currently, one box turtle of exceptional color and pattern may bring as much \$20,000 in China. Although Virginia has not experienced cases of the same magnitude, there is some evidence to indicate that similar activities are occurring in the Commonwealth. Turtles are being illegally poached for sale on the black market for food, used in traditional medicines and religious ceremonies, and as products and souvenirs.

The primary loophole in existing Virginia regulations in which these individuals have been working is the 5 individuals per person, which allows, for example, a family of four to possess up to 20 turtles of any species. This Board proposal would implement an incremental and pragmatic approach to personal possession, allowing Virginians to experience and develop an appreciation for these often under-appreciated species, without disconnecting the public from the resource or impacting populations negatively. Because staffs are unable to predict the next trend(s) in the reptile and amphibian pet trade, the proposal also includes protection from personal possession all reptile and amphibian Species of Greatest Conservation Need designated in Virginia's 2015 Wildlife Action Plan. Additionally, the proposal would disallow collecting of reptiles and amphibians on all federal and state lands in the state, rather than a small subset; these lands are home to many of the more significant breeding and hibernating areas for reptiles and amphibians. This approach should avoid the need to amend regulations frequently as issues emerge.

Should the Board adopt this proposal, the Department would implement a mechanism through its GoOutdoorsVirginia site to facilitate and support reporting of native and naturalized species of reptiles and amphibians currently being held legally in private possession. The proposed approach does not impact the commercial sale of non-native reptiles and amphibians or the few exceptions for the commercial sale of native or naturalized reptiles and amphibians (captive-bred Red Cornsnake and Eastern Kingsnake).

*Establishing minimum size for personal harvest of snapping turtles:* In 2019, the Board of Wildlife Resources adopted new regulations pertaining to the commercial harvest of snapping turtles, including increasing the minimum harvest size of 11-inch curve-lined carapace length (CCL) to 13 inches. This size increase was based on four years of research that demonstrated a 13-inch CCL was the minimum size that could be harvested and still maintain a positive population growth rate. Currently, there is no size limit for the recreational harvest of snapping turtles for personal use, which can be up to five per day. Creating a recreational minimum harvest size limit of 13-inch CCL eliminates inconsistencies and protects snapping turtle populations for future generations.