

Summary of Public Comments Regarding Proposed Herp Regulations

October 15, 2005 – January 15, 2006 (First Official Public Comment Period)

During the official public comment period from October 15, 2005 until January 15, 2006, the Pennsylvania Fish and Boat Commission received 1,188 comments regarding the proposed reptiles and amphibians regulations. Of the comments that were directed towards the proposed rulemaking in general, 898 were generally in favor and 28 were generally opposed. Several comments were received regarding organized snake hunts and sacking contests. Of those comments, 232 comments urged the Commission to ban or phase out organized hunts and 166 urged the Commission to preserve the organized snake hunts. In addition, 16 comments urged the Commission to ban sacking contests and 158 urged the Commission to preserve the sacking contests.

Several public comments came in as form letters from various groups of individuals. The Commission received 579 signed, pre-printed post cards from the Pennsylvania Chapter of the Sierra Club which “fully support” the proposed revisions. The Commission also received 172 form e-mails from members of the American Humane Society urging the Commission to protect, among other species, the Eastern Box Turtle and to phase out “in three or fewer years, any allowed take of rattlesnakes.”

The Commission received 12 form e-mails from persons responding to a call for comments from the Herp Action Network that urged the Commission, among other things, to allow import and export of captive bred animals, to allow the ability to breed captively produced native species, to allow the sale of progeny from animals taken from the wild, to keep possession limits at two, to eliminate the copperhead permit and to ban sacking contests.

The Commission also received 146 signed form letters from individuals associated with the Cross Forks snake hunt opposing the proposed changes regarding snake hunts, including allowing sacking contests to continue, opposing the increase in the permit fee, opposing the new tagging regulation for snake hunts, and opposing the 42 inch minimum length requirement.

The Commission received 263 comments that focused on a specific portion of the proposed regulations:

- On the proposed possession limit of zero for 23 species of concern, 24 supported the zero limit and 16 opposed it (these totals include form letters).
- In addition to the Cross Forks snake hunt form comments, 14 additional comments opposed the increase in snake hunt permit fees, 4 additional comments opposed the 42 inch minimum size limit and 3 additional comments opposed the new tagging requirements for snake hunts.
- On the proposed limits for snapping turtles, 6 comments stated that the limit was too high and 1 comment agreed with the limit.

January 16, 2006 – March 17, 2006 (Interim Period)

During this period, the Commission received 120 comments from the public (this number includes 67 form letters from rattlesnake hunters and supporters).

- 16 comments were generally in favor of the entire regulatory package and one was opposed.
- 6 comments were in favor of the greater protections of turtles in the regulations and none were opposed.
- 17 comments were in favor of the proposed snake hunt regulations and 76 were opposed (67 of those, form letters).
- Of those commentators specifically mentioning the proposed fee for a snake hunt permit, one was in favor and 79 were opposed (67 of those, form letters).
- Of those commentators specifically mentioning the 42 inch minimum length for rattlesnakes, two were in favor and 71 were opposed (67 of those, form letters).
- Four commentators opposed section 79.6(b) allowing the Executive Director to limit the time and vicinity of the snake hunts.
- Five commentators opposed section 79.6(f) banning the importation of timber rattlesnakes for sacking contests.
- One commentator opposed any taking whatsoever of the Northern Copperhead.
- One commentator opposed the proposed regulations for snapping turtles as not protective enough.

March 18, 2006 – May 18, 2006 (Second Official Public Comment Period)

During this period, the Commission received 23 comments. Of those commentators expressing an opinion on the rulemaking as a whole, seven were in favor and one was opposed.

The following is a summary of the comments received by the Commission pertaining to specific provisions:

Timber Rattlesnakes

- Of the seventeen comments received on the subject, all commentators opposed the revised 38 inch minimum size limit for timber rattlesnakes. Sixteen

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commentators supported a 42 inch minimum size limit and one commentator supported 40 inches or higher minimum size limit.

- Four commentators were in favor of the proposed no take provision for timber rattlesnakes in the South Mountain region.

Organized Hunts

- Three commentators mentioned the proposed \$25/\$50 snake hunting permit fee for residents/non-residents. One supported the proposed fee, one thought it was too high and one thought it was too low.
- Two commentators mentioned the proposed \$100 snake hunt organizer permit fee. Both thought it was too low and mentioned a need to support more monitoring of the snake hunts.
- Five commentators opposed the provision in section 79.7 that the hunt organizer release the snake back into the wild. Those persons believe that the regulation should put the onus on the individual hunter to release the snake where it was caught.
- One commentator opposed allowing sacking contests of non-native species at the organized hunts.
- One commentator, representing a snake hunt, opposed the regulations requiring the individual hunter to measure and count subcaudal scales upon capture, advocating instead that the activity occur back at the snake hunt.
- One commentator was in favor of proposed subsection 79.3(b) which reduced the number of timber rattlesnakes an organized hunt may possess from two per registered participant to one per registered participant.

Northern Copperhead

- One commentator supported the Commission's proposed regulations with respect to the northern copperhead (which proposes an annual possession limit of one snake). One commentator believed the Commission should make the northern copperhead a no take species.

Turtles

- One commentator opposed the proposed possession limits for turtles, especially those kept as pets. One commentator specifically opposed the no take limit on the eastern box turtle.

Possession Permits

- One commentator opposed the Commission's proposed possession permits in section 79.4.

Captive Breeding, Sale, and Importation of Native Species

- The Commission received two public comments regarding its proposed regulations of captive breeding: one in support, one opposed.
- One commentator was in favor of prohibiting the sale of native species proposed in section 79.9.

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- One commentator supported our proposed regulation banning the importation or transport of native species into the Commonwealth from other areas contained in section 79.10, while one commentator opposed this provision.

No Take List for 23 At-Risk Species

- Five comments were received regarding the list of 23 at-risk species proposed to have a no take regulation. Three were in support of and two were opposed to the no take proposal.

May 19, 2006 – June 2, 2006 (Interim Period)

The Commission received a total of 18 comments. Seventeen comments opposed the reduction of the minimum size limit of timber rattlesnakes to 38 inches, preferring the originally proposed 42 inch minimum size limit. Three commentators opposed allowing the rattlesnake hunts to occur.

June 3, 2006 – July 3, 2006 (Third Official Comment Period)

The Commission received a total of ten comments. Four advocated a 42 inch minimum size limit for timber rattlesnakes instead of 38 inches. One advocated that the Commission not allow the collection of any turtles from the wild. Two generally opposed the proposed changes to the regulations pertaining to organized snake hunts. One asked the Commission to abolish snake hunts. One asked for the eastern milk snake to be included on the Commission's list of color morphs. One supported artificial propagation of snapping turtles, a ban on exporting turtles to China and an exception that would allow people to release reptiles and amphibians back into the wild if they were in good health without using a rehabilitator.