

New York State's Native Reptile and Amphibian Laws — An Overview

New York has protected a handful of reptile and amphibian species for many years. Species listed as Threatened or Endangered, such as the Timber Rattlesnake (Threatened) and the Bog Turtle (Endangered) are provided protection through specific legislation aimed at protecting the most vulnerable species. Turtles such as the North American Wood Turtle and the Eastern Box Turtle have been protected since 1905 by listing them as a game species with no open season. However, Species of Special Concern like the Spotted Turtle and the Marbled Salamander were listed as such, but with no legal regulation preventing collection. Snapping Turtles, long considered a nuisance animal but now recognized as an important component of a wetland environment and heavily studied for their ability to concentrate contaminants absorbed from their environments, have long been commercially harvested with no restrictions. Unfortunately, little was known about the magnitude of the harvest of snapping turtles or any of the other unprotected species.

Finally in 2006, the State of New York adopted legislation that gave all native frogs, turtles, snakes, lizards and salamanders legal protection as game species, with very few open to harvest. The law does not differentiate between wild-caught and captive-bred animals or animals possessed prior to enactment of the law. And the law applies to herps in “any life form,” which includes eggs and larvae. There still remains a limited harvest for the Diamondback Terrapin, a native turtle of Long Island’s brackish waters. Common Snapping Turtles can still be taken in quantities that allow a controlled harvest without stimulating a commercial market. And there is a season for certain frog species in the summer months as well. DEC will issue a permit to individuals who desire to possess a limited number of the more common species of herps, but this permit does not allow buying, selling or breeding.

The section of New York’s Environmental Conservation Law that is a mainstay in the fight to protect the State’s wildlife is ECL section 11-0107 sub 2. It states:

No person shall, at any time of the year, buy, sell, offer or expose for sale, transport, or have in his possession any fish protected by law, game, protected wildlife, shellfish, harbor seals, crustacea protected by law, or part thereof, or protected insect, whether taken within the state or coming from without the state, except as permitted by the Fish and Wildlife Law.

It’s the part about *whether taken from within or coming from without the state* that makes this section so special. In essence, it means you cannot sell wildlife such as spotted turtles from another state or country in New York because we recognize that species as native here. New York State should not be an open market for commercializing wildlife. If a company or single Internet seller offers spotted turtles for several hundred dollars, even from out of state, it simply encourages someone here who knows where a colony of turtles is to go and collect them to sell for personal gain. We want to make it clear that it is not just the buyer’s responsibility to know the law. It is the seller’s responsibility as well. We can’t afford the loss of our indicator species because people are encouraged to collect and sell them.

The Department of Environmental Conservation encourages anyone interested in the study of our native herpetofauna to research the list of native species and their legal status. We also encourage reptile and amphibian enthusiasts to become even more involved in fighting all threats to our native wildlife, including habitat loss and fragmentation, pollution, the introduction of invasive species, climate change, and illegal collecting. More information, including the list of New York’s reptiles and amphibians and their protected status, can be found on the DEC Web site at:

- <http://www.dec.ny.gov/regs/2494.html>
- <http://www.dec.ny.gov/animals/7494.html>