

Reforming Herp Laws and Regs in Georgia

John Jensen Wildlife Biologist





27-1-28. Taking of nongame species.

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"Spring Lizards"





The "Spring Lizard" Bait Industry in the State of Georgia, USA

JOHN B. JENSEN

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CHUCK WATERS

Georgia Department of Natural Resources. Game Management Section 2150 Dawsonville Highway, Gainesville, Georgia 30501, USA

The term "spring lizard" is a colloquialism used by residents of the Appalachian Mountain region and refers to salamanders sold as bait for fishing. Obviously, this contradictory synonymy can create confusion for fishermen and bait dealers when communicating with biologists and wildlife agency personnel, and vice versa. Nowhere is this more apparent than within the arena of wildlife law and regulation. Although collection and personal bait use of all salamanders not listed as endangered, threatened, or in need of management is permitted in the state, Tennessee law (TN WRCR 1660-1-17-.01B) allows for the sale (as bait) of only "dusky salamanders, Desmognathus fuscus" (Levell 1997). However, casual surveys of eastern Tennessee bait shops advertising "spring lizards" found at least seven other salamander species being sold, including Desmognathus quadramaculatus (P. Wyatt, pers. comm.), which is further protected as a species "In Need of Management" (Levell 1997). Georgia law (O.C.G.A. 27-1-28) lists "spring lizards," as one of fourteen groups of nongame wildlife exempt from any type of protection. The Georgia Department of Natural Resources does not interpret this portion of the law as including true lizards (Sauria) or salamanders other than Desmognathus spp., however D the absence of a "spring lizard" definition may create a legal loophole providing little enforcement power for the protection of true lizards or non-desmognathine salamander species. Only those salamander species state-listed as endangered, threatened, or rare (Ambystoma cingulatum, Amphiuma pholeter, Aneides P. aeneus, Cryptobranchus alleganiensis, Haideotriton wallacei.

Notophthalmus perstriatus, and Plethodon petraeus) are ensured legal protection. No species of lizards are currently listed as endangered, threatened, or rare.

In an effort to determine which species of salamanders are typically sold as bait in Georgia, and therefore provide a better definition of what should be considered legally commercialized species of bait salamanders, spring ilzard bait boxes of fine shops in the north Georgia mountains (including Fannin, Forsyth, Habersham, Hall, Rabun, Towns, and Whitfield countes) were inventioned. Further, bait dealers were casually interviewed on various aspects of the spring lizard industry to gain a better understanding of its potential impacts. Visits were made on 29 May 1997 and 9 April 1998. Every salamander in each bait box was systematically identified and enumerated. Individual salamanders of uncertain species were purchased and mailed alive to qualified biologists for accurate identification.

Two species, Desmognathus monticola and D. quadramaculatus, accounted for more than 95% of all salamanders inventoried, though a total of seven species was encountered (Table I) and dealers and fishermen recognize D. monticola and D. quadramaculatura sa different species, referring to them as "light bellies" and "black bellies," respectively. Many fishermen prefer D. monticola over D. quadramaculatus, reporting them to be more active on the hook and to live longer.

Of the three other species of dusky salamanders encountered, D. santeetlah is of greatest interest. Presently, this species is known to occur only in North Carolina and Tennessee. Its discovery at a Georgia bait shop suggests that either the species ranges further south than currently known, or more likely, spring lizard collectors travel greater distances to sell their eatch than would be expected. If indeed the D. santeetlah specimen came from within its known range, it was quite possibly collected lilegally as the vast majority of its range falls within the Great Smoky Mountains National Park and adjacent National Forest lands.

Only two species of non-desmognathine salamanders, Pseudotriton ruber and Gyrinophilus porphyriticus, were found. These two species are marketed as "red dogs," and apparently are highly sought after by fishermen. Though not found during this survey, larval Ambystoma ligrimum are occasionally available at Georgia bait shops, where they are marketed as "mud puppies" or "waterdogs," rather than spring lizards (J. Ozier, pers. commo, Non-desmognathine salamanders found in Tennessee bait shops included G. porphyriticus, Notophthalmus virideseens, Plethodon serratus, Pseudotriton montanus, and P. ruber (P. Wyatt, pers. comm.).

Table 1. Number of salamanders, by species, encountered at nine bait shops in northern Georgia, 29 May 1997 and 9 April 1998.

Species	Total no. of individuals	Percentage
Desmognathus fuscus	25	2%
D. monticola	686	67%
O. cf. ochrophaeus	1	<1%
D. quadramaculatus	310	30%
D. santeetlah	1	<1%
Syrinophilus porphyriticus	1	<1%
seudotriton ruber	2	<1%

The sale of spring lizards is very seasonal, with most dealers offering them only during early spring and, occasionally, late fall. Spring lizards are mainly used to catch various species of bass, primarily from large reservoirs and other impoundments. Once late spring arrives and water temperatures begin to warm in these lentic bodies, spring lizards reportedly do not live long enough on the hook to be of much fishing value. During winter, collectors are not successful at finding enough spring lizards to continue pursuit and sale of them.

Most bait dealers sell spring lizards for US \$4–\$6/dozen after purchasing them for around US \$2/dozen from individual collectors. "Red dogs" are usually sold individually and often are more expensive. One bait shop owner informed us that he typically buys four or five dozen spring lizards at a time and may purchase up to 120 dozen each year. In some areas of south and central Georgia, fishermen have north Georgia bait dealers or collectors send shipments of live spring lizards (E. Williams, pers. comm.). The presence of soladed colonies of Q. quadrameculatus in south and central Georgia may be a result of the release of specimens distributed in this manner (Conant 1978).

There are several collecting methods employed, one of which is particularly disturbing. This method involves pouring liquid bleach into small streams, which apparently "shocks" the salamanders out from hiding. Collectors then easily grab up all the stunned animals and quickly wash them off. Obviously, this method likely creates a significantly negative impact on all the aquatic fauna and flora found in the streams where it is used. This method may impact populations of rare species, such as Cryptobranchus alleganiensis and several species of fish. Encouragingly, most bait dealers are very much opposed to this since spring lizards collected in this manner rarely live more than a couple of days. Several dealers informed us that one can occasionally smell the bleach on the spring lizards and that they often have "foggy" eyes. Individuals who collect spring lizards in this fashion will likely be "weaned-out" of this industry since dealers will not give them follow-up business. However, individuals who collect their own bait for a day of fishing may continue employing this method because it is fast, effective, and the animals should live, at least, through the day.

Another method practiced by some individuals involves stream diversion (M. Harris, pers. comm.). Small streams that run under unpaved roads can be diverted by placing a plywood board in front of the culvert, which backs up the water upstream from the road crossing. Once the water rises to the road level, ideally it then begins flowing down the tire-ruts of the road and away from the stream channel. Downstream from the culvert, the stream-bed is then exposed making it much easier to collect salamanders from under rocks. Others simply collect spring lizards by rolling rocks and logs in or adjacent to small streams and seeps, without the aid of stream diversion. Though none of the dealers we spoke with mentioned other collecting techniques, Camp and Lovell (1989) reported the use of a "fishing pole" equipped with an earthwormbaited hook for effectively capturing D. quadramaculatus. All methods reported involve collecting in or immediately adjacent to small streams, which may account for the encounter of only one D. cf. ochrophaeus. This species is noted for being more terrestrial and often living considerably further from water than most other Desmognathus spp. (Bishop 1943).

There are almost certainly additional species of salamanders that turn up from time to time in Georgia bait shops and additional collecting techniques are surely practiced. However, this study should provide the framework for applying more scientifically-based knowledge to laws and regulations involving bait salamanders in Georgia.

Acknowledgments.—Floyd Scott and Stephen Tilley confirmed the identity of several individual autammders that puzzled us. We especially want to thank the owners and personnel at Crestview Grocery, Shady seast Bait Shop, Field Stone Marian, Lakewood Bait and Tackle, Grant's Sporting Goeds, Wahoo Trading Post, Hammonds Bait Shop, Wee Willy's No. 4, Wen's Bait and Tackle, and Freddy's Quick Service for their assistance with this inventory, Law enforcement officers with the GDNR provided information on bait shops that sold s'apring lizards', the manuscript was improved through editorial comments provided by Mike Harris and E. J. Williams.

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Herpetological Review 30(1), 1999



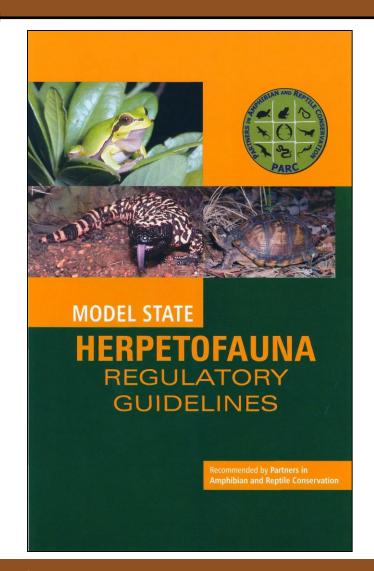
Founded in 1999















2002 –
Stakeholders'
group developed
proposed law
changes

Georgia Department of Natural Resources

Proposed Changes to Certain Current Laws and Regulations Affecting Reptiles and Amphibians

The "taking of nongame species (27-1-28)" law, should be changed to simply read "Except as otherwise provided by law, rule, or regulation, it shall be unlawful to hunt, trap, fish, take, possess, or transport any nongame species of wildlife", with no list of exempted species. The species that currently represent the "unlucky 14" should be covered by various regulations rather than law. For non-herp species, Scott Frazier will determine through discussions with other WRD personnel how to draft appropriate regulations. Regulations detailing protection status of herps should be broken into herps taken for person use and those taken for commercial use.

Personal Use

Reptiles - Possession limit of 2 individuals of each reptile species (with exemptions) can be taken for personal use (pets, meat, skin, etc.), but not to be sold. Current law prohibits the personal take of nonvenomous snakes, terrestrial turtles, and lizards - this is too restrictive, especially since captive possession of reptiles often fosters greater public appreciation for these animals.

Any progeny of possessed reptiles beyond the 2 individuals per species limit must be disposed of by gift or as directed by Georgia DNR within 12 months of birth/hatching (Arizona GFC handles progeny in this manner. It is the responsibility of the owner, not WRD, to keep and provide documentation of these progeny and their dates of birth).

Reptiles that are state- or federally-listed as unusual, rare, threatened, or endangered may not be taken for personal use.

Personal take of any reptiles (including venomous snakes) not taken on one's own property will require an annual hunting license, however, no take is allowed on WMAs or other state lands.

Take or possession of greater than 2 individuals per species, except progeny 12 months old or less, constitutes assumed commercial take, regulated by different rules stated further below.

Amphibians – Possession limit of 10 individuals of each amphibian species (with exceptions) for personal use (primarily for pets), but not to be sold. Current law provides no limitation on amphibians - this provides too great of vulnerability for many species.

Any progeny of possessed amphibians beyond the 10 individuals per species limit must be disposed of by gift or as directed by Georgia DNR within 12 months of hatching.

Exemptions – Up to 100 individuals of each of the following species may be taken for personal use, but not sold: Dusky salamanders (genus <u>Desmognathus</u>; which constitute over 97 % of the salamanders typically used as bait = "spring lizards"), bullfrogs, green frogs, bronze frogs, leopard frogs, pig frogs, and river frogs (these are frog species that are taken for



2003

H.B. 345 introduced in General Assembly (legalize wildlife hunting over bait, particularly deer)



Rider:

An additional provision annexed to a bill under the consideration of a legislature, having little connection with the subject matter of the bill.

Georgia's Constitution states that the subject of a rider must be "germane" to the bill.



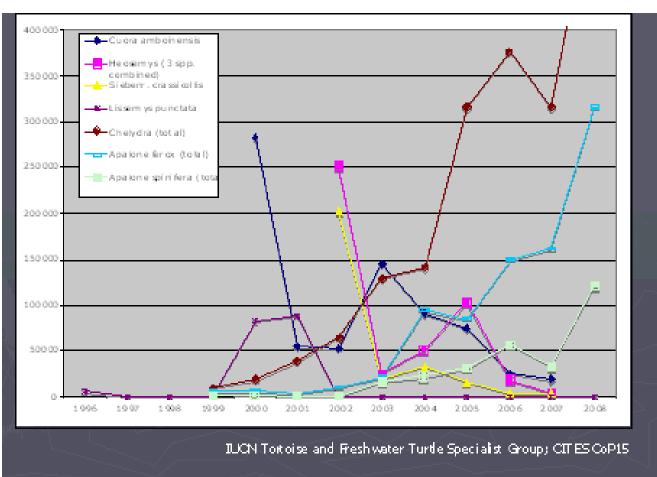
Asian Turtle Crisis

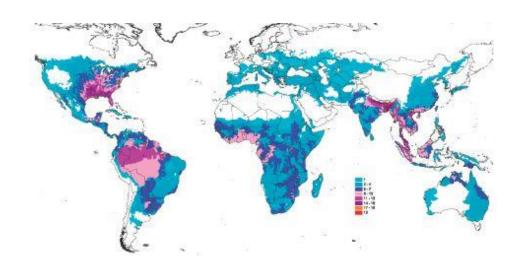




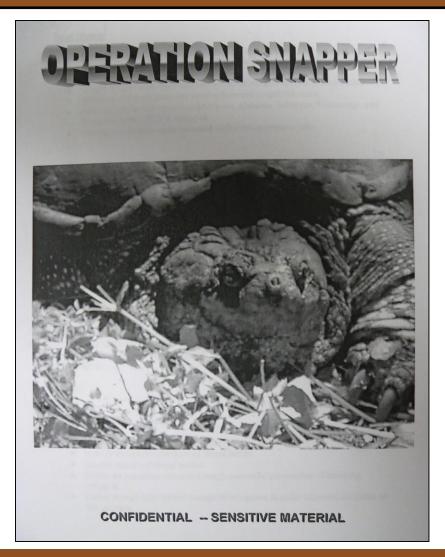
















Seizure of 534 turtles, mostly map turtles and alligator snappers





March 2008:

DNR received petition from CBD

BEFORE THE COMMISISON OF THE GEORGIA DEPARTMENT OF NATURAL RESORUCES AND THE GOVERNOR OF GEORGIA



Barbour's map turtle (Grapternys barbourt) - USGS photo

EMERGENCY RULEMAKING REQUEST TO REPEAL GEORGIA'S TURTLE COLLECTION LAW



BASED ON THE DEPLETION OF GEORGIA'S WILD TURTLE POPULATIONS AND AN IMMINENT PUBLIC HEALTH RISK THROUGH THE CONSUMPTION OF CONTAMINATED TURTLES DERIVING FROM GEORGIA

MARCH 27, 2008



2010



- § 27-3-19.1. Regulation of the exporting, farming, and selling of fresh-water turtles
- (a) It shall be unlawful to export, farm, or sell any fresh-water turtle or part thereof except in accordance with rules and regulations adopted by the board.
- **(b)** As the board deems appropriate for purposes of this Code section, it may promulgate such rules and regulations as are reasonable and necessary under sound wildlife management practices.

History

Code 1981, § 27-3-19.1, enacted by Ga. L. 2010, p. 952, § 5/SB 474.

OFFICIAL CODE OF GEORGIA ANNOTATED
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Laws vs. Regulations

Laws – Enacted by bill passage in legislature, followed by Governor's signature.

Regulations – Adopted by majority vote of Board of Natural Resources.

The Georgia Board of Natural Resources cannot promulgate rules or regulations in conflict with established laws





RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

CHAPTER 391-4-16 FRESH-WATER TURTLE REGULATIONS TABLE OF CONTENTS

391-4-1601	Purpose.
391-4-1602	Definitions.
391-4-1603	Unlawful Activities.
391-4-1604	Permits.
391-4-1605	Limits.
391-4-1606	Acquisition of Turtles.
391-4-1607	Specifications for Turtle Farms.
391-4-1608	Records and Reports.
391-4-1609	Inspection and Inventory of Turtle Farms

391-4-16-.01 Purpose.

The purpose of these regulations is to establish procedures for the export, farming and sale of native fresh-water turtles pursuant to O.C.G.A. Section 27-3-19.1. The following regulations prescribe the rules and regulations necessary to administer the export, farming, and sale of native fresh-water turtles under sound wildlife management practices.

391-4-16-.05 Limits.

(1) Any person possessing a commercial turtle permit may not take the following species in numbers greater than the respective limit on an annual (i.e., April 1-March 31) basis:

(1101, 1101,		
Species	Common Name	Limit
Apalone ferox	Florida Softshell Turtle	100
Apalone spinifera	Spiny Softshell Turtle	100
Chelydra serpentina	Common Snapping Turtle	300
Chrysemys picta	Painted Turtle	300
Kinosternon baurii	Striped Mud Turtle	300
Kinosternon subrubrum	Eastern Mud Turtle	300
Pseudemys concinna	River Cooter	100
Sternotherus minor	Loggerhead Musk Turtle	300
Sternotherus odoratus	Common Musk Turtle	300
Trachemys scripta	Pond Slider	1,000



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Spe	cial Permit Unit	COMMERICAL TURTLE
206	5 U.S. Highway 278, S.E.	PERMIT ANNUAL REPORT
Soc	ial Circle, Georgia 30025	For the Report Year Ending
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Kinosternon subrubrum	Eastern Mud Turtle	300
Pseudemys concinna	River Cooter	100
Sternotherus minor	Loggerhead Musk Turtle	300
Sternotherus odoratus	Common Musk Turtle	300
Trachemys scripta	Pond Slider	-1,000
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391-4-16-.03 Unlawful Activities.

- 1) It is unlawful for any person to export native fresh-water turtles without a valid commercial turtle farming permit issued by the department.
- 2) It is unlawful for any person to possess more than ten (10) native fresh-water turtles without a valid commercial turtle farming permit issued by the department.





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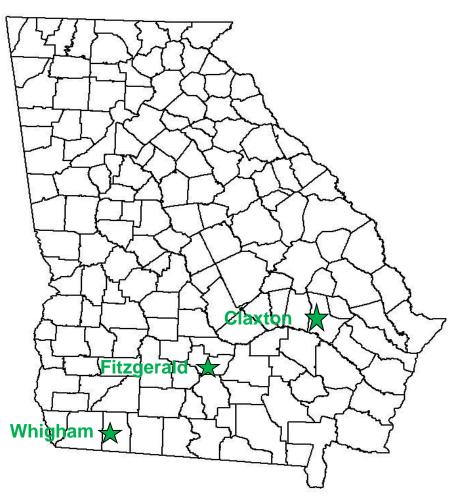
Efforts to Reform Rattlesnake Roundups in Georgia





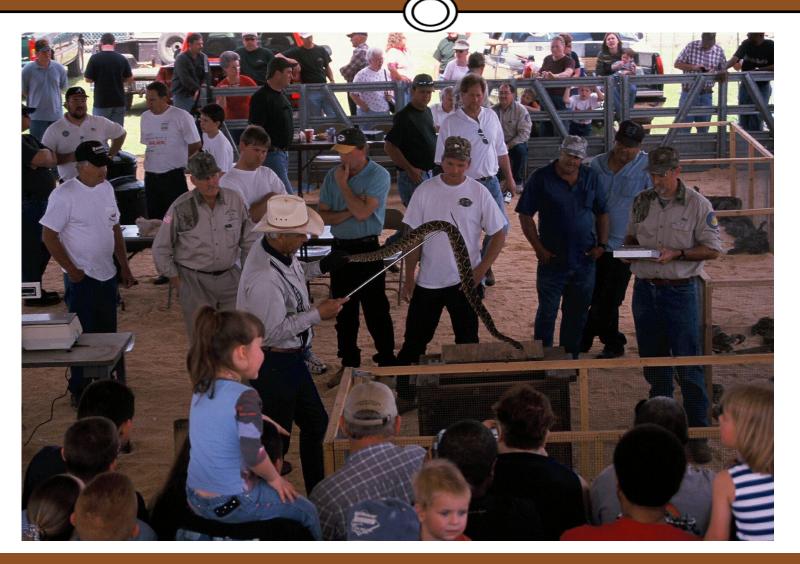
Modern-day Rattlesnake Roundups in GA







Counting, weighing, sorting





Skin and curio vendors











Activities







Parades





Beauty Pageants







What does NOT happen at Georgia rattlesnake roundups...



Public killing and skinning of snakes







Idiotic, cruel, and dangerous contests

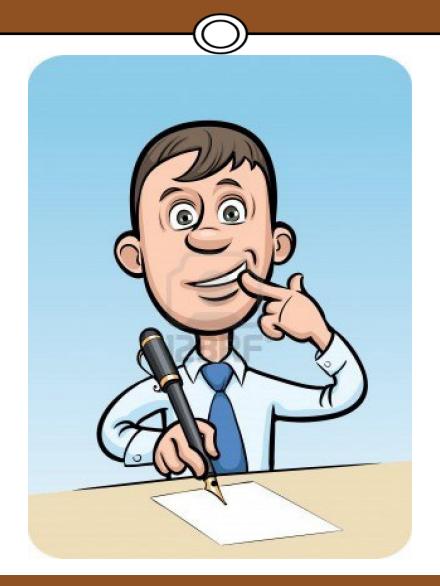






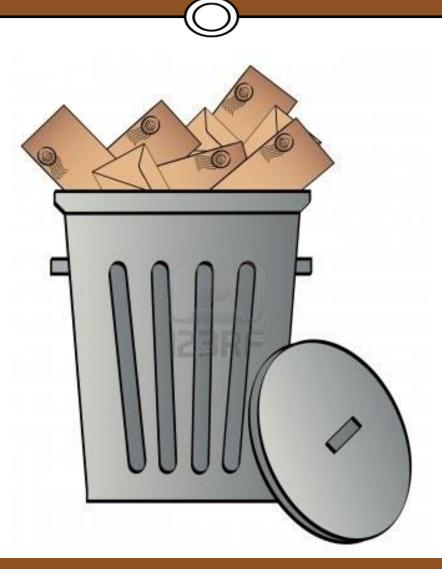


Letter writing campaigns...





...to roundup organizers





Why not just make roundups illegal?



TITLE 27. GAME AND FISH CHAPTER 2. LICENSES, PERMITS, AND STAMPS GENERALLY ARTICLE 1. HUNTING, TRAPPING, OR FISHING

§ 27-1-28. Taking of nongame species

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Why so politically difficult?



- Roundup proceeds go to charities and other good causes
- Related tourism generates lots of \$\$ for the community (Claxton Rattlesnake Roundup voted one of the "Top 20 Events in the SE" by the SE Tourism Society)
- Community and many others believe they are performing an important, even necessary safety measure
- Most people don't like snakes, much less rattlesnakes
- Legal action would increase animosity against GA DNR and may threaten ongoing or future conservation measures on private lands in the region





Problems with Rattlesnake Roundups

(from American Society of Ichthyologists and Herpetologists position paper)

- Promote overexploitation of natural populations of wildlife
- Promote unnecessary killing and inhumane treatment of individual animals
- Promote degradation of habitat
- Promote outdated attitudes toward important elements of America's natural history



ALSO, southeastern roundups especially contribute to declines of eastern diamondbacks and other imperiled wildlife species









DNR Proposal



In exchange for:

- 1. eliminating the capture of wild snakes
- 2. eliminating the sale of native wildlife meat, parts, venom, and other products

DNR will annually provide:

- 1. at least 40 captive adult rattlesnakes for display
- 2. educational wildlife programs
- 3. educational wildlife exhibits
- recruitment of other wildlife educators and conservation organizations to set up displays, etc.
- 5. promotion of the event through press releases, electronic newsletters, Dept. of Industry, Tourism, and Trade publications, etc.



2000



Warm and fuzzy, not! Gregory Langston (left) and Zachary Griner pet an indigo snake in Fitzgerald, where rattlesnake roundups will be discontinued after calls from the Georgia Department of Natural Resources.

Death rattle sounds for roundup

By Ralph Ellis rellis@ajc.com

Fitzgerald — Randy Jones placed his rattlesnake box underneath the funeral tent set up in the middle of town.

The Fitzgerald Jaycees and their helpers measured 14 eastern diamondback rattlers that Jones, 30, and a friend had captured over three days earlier this year.

At \$5 per foot, the reptiles brought \$265 from buyers who milk them for venom to make antivenin, then slaughter them for their meat and skins.

"It's not really worth it,", Jones said of snake collecting. "Not if you figure in the cost of gasoline."

The Fitzgerald Jaycees agree. On Saturday, their annual Fitzgerald Rattlesnake Roundup passed into extinc-



Ricky Haggard of the Jaycees said the club decided to end the roundup after receiving calls from the Georgia

Department of Natural Resources.

greatly to stop doing this," Haggard said, adding that the Jaycees have also received citizen complaint calls after each festival. The festival is also denounced as an example of animal emplety on at least

one rattlesnake-friendly Internet Web site.

DNR said the roundup and similar events in Claxton and Whigham and across the border in Opp, Ala., may be depleting the eastern diamondback population.

Next year, the rattlesnake roundup in Fitzgerald will be replaced with a festival to honor the Burmese wild chicken. Fitzgerald's unofficial mascot. The chickens were introduced to the rural area around Fitzgerald several decades ago. They were supposed to be a game bird, but they proved too urbane for that.

"They didn't like the country habitat," said Gerald Thompson, Fitzgerald mayor for 32 years. "They came to the city."

Now the Burmese wild chickens thrive in the little

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2006





USFWS 12- Month Finding on petition (2011)

Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition To List the Gopher Tortoise as Threatened in the Eastern Portion of Its Range

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 12-month finding on a petition to list the gopher tortoise (Gopherus polyphemus) in the eastern portion of its range (east of the Mobile and Tombigbee Rivers) as threatened and to designate critical habitat under the Endangered Species Act of 1973, as amended. In this finding, we also evaluate whether the status of the gopher tortoise in the western portion its range (west of the Mobile and Tombigbee Rivers) is accurate. review of all available s its range s warranted. rrently, however, listing the gopher tortoise in the eastern portion of its range s precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. We will add the gopher tortoise in the eastern portion of its range to our candidate species list, and we will develop a proposed rule to list the gopher tortoise in the eastern

nortion of its range as our priorities

document was made on July 27, 2011.

ADDRESSES: This finding is available on the Internet at http://www.regulations.gov at Docket Number [FWS-R4-ES-2009-0029]. Supporting documentation we used in preparing this finding is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, North Florida Field Office, 7915 Baymeadows Way, Suite 200, Jacksonville, FL 32256. Please submit any new information, materials, comments, or questions concerning this finding to make address.

FOR FURTHER INFOR AT IN ONTACT:
David L. Hankla, I eld Supervisor,
North Florial Field Office (see
ALC ESSES); by telephone at 904–731–
3 08 or by facsimile at 904–731–3048
mailto:. If you use a telecommunications
device for the deaf (TDD), please call the
Federal Information Relay Service
(FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.) requires that, for any petition to revise the Federal Lists of Threatened and Endangered Wildlife and Plants that contains substantial scientific or commercial information that listing a species may be warranted, we make a finding within 12 months of the date of receipt of the petition. In this finding, we determine that the

25376J. OH January 16, 2006, we received a petition dated January 13. 2006, from Save Our Big Scrub, Inc. and Wild South requesting that the population of the gopher tortoise in the eastern portion of its range (east of the Mobile and Tombigbee Rivers in Alabama, Florida, Georgia, and Sorta Carolina) be listed as a threat ned species under the A habitat be design included apporti oution, present status, and a ammary of actual and potential threats. We acknowledged receipt of the petition in a letter to Wild-Law, legal counsel for Save Our Big Scrub, Inc. and Wild South, dated February 24, 2006. In that letter we also stated that, due to a substantial number of listing-related actions in fiscal year 2006, there were insufficient funds to begin processing the petition at that time. We indicated that we would reevaluate our ability to respond to outstanding petitions as additional funding became available.

Funding became available to begin processing the petition in early February, 2007. On September 9, 2009, we published a 90-day finding (74 FR 46401) that the petition presented substantial scientific and commercial information indicating that listing may be warranted and that we would initiate a status review. We indicated we would accept information to assist us in the review until November 9, 2009. Several commenters requested additional time to provide their comments, and on January 12, 2010, we published

Department of Natural Resources
Wildlife Resources Division



2011



BEFORE THE SECRETARY OF THE INTERIOR

PETITION TO LIST THE
EASTERN DIAMONDBACK RATTLESNAKE (CROTALUS ADAMANTEUS)
AS THREATENED UNDER THE ENDANGERED SPECIES ACT



CENTER FOR BIOLOGICAL DIVERSITY

COASTAL PLAINS INSTITUTE

PROTECTING ALL LIVING SPECIES

ONE MORE GENERATION

August 22, 2011

1





§ 27-1-30. Disturbing or destroying wildlife habitats

GA - Official Code of Georgia Annotated O.C.G.A. § 27-1-30 TITLE 27. GAME AND FISH > CHAPTER 1. GENERAL PROVISIONS

Except as otherwise provided by law or regulation, it shall be unlawful to disturb, mutilate, or destroy the dens, holes, or homes of any wildlife; to blind wildlife with lights; or to use explosives, chemicals, electrical or mechanical devices, or smokers of any kind in order to drive such wildlife out of such habitats, provided that this Code section shall not apply to poisonous snakes.







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Wildlife Exhibition Permits



TITLE 27. GAME AND FISH CHAPTER 2. LICENSES, PERMITS, AND STAMPS GENERALLY ARTICLE 1. HUNTING, TRAPPING, OR FISHING

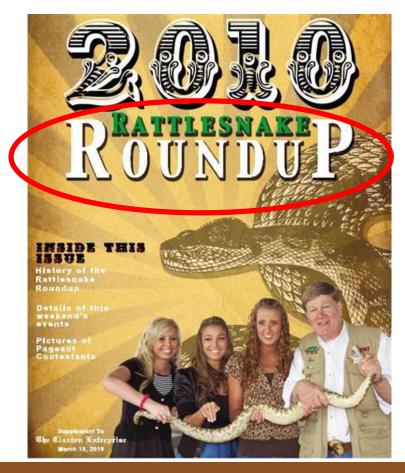
§ 27-2-13. Wildlife exhibition permits

- (a) It shall be unlawful for any person to keep, hold, or possess any wildlife in captivity for the purpose of display or exhibition to the public without first procuring a valid wildlife exhibition permit as provided in Code Section 27-2-23. No such permit shall be issued by the department except where the exhibition or display is solely for educational purposes. The department may impose conditions on such permit requiring adequate sanitation facilities, housing, and feed for the animals and insuring the safety of the public in accordance with regulations promulgated by the board. Exhibitions of wildlife by educational institutions; state, city, county, or municipal zoos; or transient circuses shall not be required to procure a wildlife exhibition permit, provided that such exhibitors must comply with all regulations of the board relating to sanitation, housing, feed, and public safety. Nothing in this Code section shall be construed to require a permit to exhibit or display fish.
- (b) It shall be unlawful for any person holding any wildlife in captivity pursuant to a wildlife exhibition permit to release the wildlife from captivity or to house or maintain the wildlife in such a manner as to pose a reasonable possibility that the wildlife may be released accidentally or escape from captivity.



Claxton Roundup Conversion

1967 - 2011





2012, 2013, 2014, - ?



Claxton Roundup Conversion









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Modern-day Rattlesnake Roundups in GA



