Federal Sting Nets Reptile Trader With 108 North American Wood Turtles in West Virginia

GLENN HOLLOWELL
PO Box 971, Cordova, Alaska 99574 USA
[glenn@blepsias.net]

On 3 June 2008, the Virginia Department of Game and Inland Fisheries (DGIF) was contacted by United States Fish and Wildlife (USFWS) officers based in Martinsburg, West Virginia and requested to be on the lookout for the subject of a surveillance operation suspected of harvesting wild turtles from publicly and privately owned land for sale in the pet trade. At approximately 1:00 PM, a DGIF Conservation Police Officer stopped a white KIA Sedona minivan heading south on Route 81 driven by Michael P. Ellard of Estero, Florida. Mr Ellard is the owner of two reptile wholesale and export businesses in Florida, "Burgundy Reptile Traders" and "Russian Reptiles". Found in the van (Fig. 1) were 108 North American wood turtles (NAWTs, *Glyptemys insculpta*) (Fig. 2), 4 Eastern box turtles (*Terrapene carolina carolina*), and 6 common snapping turtles (*Chelydra serpentina*). Mr Ellard was previously convicted of violations in West Virginia and other states involving the illegal harvest of reptiles and was considered by wildlife enforcement officials to be a "person of interest". Two other men also involved in this case were in the vehicle and apprehended at that time. Both of Mr Ellard's businesses had previously been in possession of USFWS import/export licenses and held CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) export permits for a number of species.

Figure 1. Confiscated turtles on 3 June 2008. The red legs of North American wood turtles (*Glyptemys insculpta*) are visible in shipping containers.

Figure 2. Some of the 108 North American wood turtles illegally harvested near Martinsburg, West Virginia, in June 2008 by Florida reptile exporter Michael P. Ellard. [Photo G. Hollowell]

Mr Ellard pled guilty to these charges on 31 July 2009. Ellard and his associates were charged with violating the Lacey Act for their participation in the illegal capture and transportation of protected reptiles. The Lacey Act prohibits trade in wildlife, fish, and plants that have been illegally taken, possessed, transported, or sold. Mr Ellard was sentenced in US District Court in Martinsburg, West Virginia, on 10 December 2009 by US District Court Judge John Bailey to serve 1 year of home detention and 5 years of probation and pay $12,000 in restitution. In August 2009, one of Mr Ellard's associates was sentenced to 5 months in federal prison, 5 months of home detention, and 1 year of supervised probation. The third man has not yet been sentenced due to current incarceration in Florida on unrelated offenses. All 3 men pled guilty to one count under separate plea agreements. Of the 108 NAWTs confiscated, 1 died while in captivity and the remaining 107 were released into the watershed that Mr Ellard had collected them from. The eastern box and snapping turtles were released as well. These animals had an estimated value of $35,000 in US reptile markets and more than ten times that much in Japanese markets.

The USFWS Office in Hadley, Massachusetts, provided background information. Prior to this incident, in November 2008 Mr Ellard pled guilty in North Carolina state court to charges relating to his apprehension by North Carolina Wildlife Enforcement officers while he was commercially harvesting spotted turtles (*Clemmys guttata*) for later sale in the pet trade. Spotted turtles are a protected species in North Carolina. Mr Ellard was charged with 1) possession of wildlife for sale and 2) taking of a wild animal on a protected wild animal list. At the time of this arrest, Mr Ellard was also in possession of one North American wood turtle that he indicated he had captured just previously in West Virginia.

North American wood turtles are a highly sought after species by reptile collectors in the United States and abroad. According to advertisements on Kingsnake.com turtle classifieds (http://market.kingsnake.com/index.php?cat=39), full grown adult NAWTs are frequently sold as breeding pairs in online classifieds for $500–$750. The majority of these are offered without proof that they are captive bred and not wild caught. In Japan, according to a Japanese NAWT auction site (http://www.dizzypoint.co.jp/showcase/detail/2150), NAWTs have a current value (as of 2 January 2010) of $3,786 dollars each in Tokyo.

North American wood turtles were given CITES Appendix II protection in 1992 and are thereby identified as a "species of concern". These are species that are not necessarily threatened with extinction but may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival. International trade in specimens of Appendix II species may be authorized by the granting of an export permit according to the CITES website (http://www.cites.org).

CITES permits are issued on a per species basis to sellers; consequently, it is unlikely that a single NAWT opportunistically removed from a stream in New England would end up in Japan the following week. However, at current prices Mr Ellard's methodical harvest could have been worth several hundred thousand dollars to wholesalers in Japan. Other species such as the Spotted Turtle not covered under the CITES Treaty may be collected by smaller operators, and they show up on Japanese websites in large numbers in the spring, selling for upwards of $3000 for a male and female adult pair. Many of these are scarred, rough looking, and appear wild caught. Some also have what appear to be deep notches filed in their marginal scutes, an indicator that these may have not only been wild-caught, but also involved in population studies prior to their capture as this is often a method used to identify individual turtles (personal communication, Kevin [Matsutaro] Leahy).

North American wood turtles occur in the northeastern and upper midwestern United States and portions of Canada. The population of this species is recognized as declining throughout its range. In the latter 19th and early 20th century, this decline was due primarily to habitat loss and fragmentation resulting from agricultural development and expanding urbanization. Mid to late 20th century population declines are attributed to waterway pollution, increasing road construction, and focused collection by biological supply houses and the pet trade. Since the 1970s, collection for the pet trade has increased significantly.

Commercial collectors time their harvest to coincide with the turtles' emergence from hibernation while they are still congregated in rivers and streams. Collectors in Pennsylvania and New York have harvested several hundred turtles from less than a mile of stream. This has resulted in the extirpation of this species from areas where it used to be prolific. As a result, the distribution is now more discontinuous than it once was, and gene flow has likely been severely impacted in most areas of this species range. Collection for pet trade is the major threat to the survival of wood turtles.

Nesting success generally is very low with egg predators taking a heavy toll. The majority of these predators—skunks, raccoons, and opossums—are human-subsidized species that have experienced significant population and range size increases over the last century. One report conservatively estimated egg and hatchling mortality at 98%. Consequently, many populations in areas close to human activity may consist of 80%–85% adults, while remote populations can have populations with significantly more subadults. Reproductive success depends on a high rate of adult survival, long-lived adults that reproduce many times during their lifetime, and the occasional good season when a nest survives.

The combination of late maturity, low reproductive success, and long-lived adults results in a population structure skewed heavily toward adults. These characteristics combine to delay the detection of population declines and to reduce the ability of small, declining populations to recover. Population biology (late maturity combined with very low annual juvenile recruitment) limits recovery potential and

heightens vulnerability to over-collection. Low mobility (e.g., relative to birds) and tendency to home reduce probability of recolonization of decimated populations.

These characteristics necessitate early response to indications of decline. Recovery of NAWTs to historical levels is highly unlikely because significant habitat has been permanently lost to urban and agricultural development and as the result of habitat fragmentation. According to the Nature Serve comprehensive species report (http://www.nature-serve.org/explorer/), if commercial collection was stopped in much of its range, the wood turtle would require little active protection or management to remain secure.