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Executive Director
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Petition for Amendment of New Hampshire Code of Administrative Rules – Fis

A Petition for Rulemaking Pursuant to Fis 214.01 and RSA 541-A:4

Petitioners
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Pursuant to RSA 541-A:4 and New Hampshire Administrative Rule Fis 214.01, we respectfully request that the New Hampshire Fish and Game Department initiate rulemaking proceedings to amend New Hampshire Administrative Rule Fis 1401.03 along with Table 800.1, Table 800.2, and Table 1400.2 to prohibit the take and possession of all indigenous turtle species and their eggs, except as authorized by scientific permit, exhibition permit, conservation management authorization, or permitted wildlife rehabilitation activities.

We have named these suggested changes "Oka's Rule" in honor of the female painted turtle in Hillsborough who was taken while nesting and stomped on by a cruel and callous man on June 12, 2026. We respectfully request that the Executive Director initiate rulemaking procedures pursuant to RSA 541-A:3 and Fis 214.01 to amend Fis rules as proposed and supported in the following document.

With gratitude,

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Current Rules Proposed for Amendment

N.H. Administrative Code Fis 1401.03 Reptiles

The current rules permit limited take by individuals of musk turtles (*Sternotherus odoratus*), painted turtles (*Chrysemys picta*), and snapping turtles (*Chelydra serpentina*) subject to seasonal restrictions and bag limits.

Proposed Amendments – "Oka's Rule"

The proposed rule amendments prohibit the take and possession of all indigenous turtle species and their eggs, while still allowing for the possession of parts (e.g., shells) of non-listed indigenous turtle species and legacy permitted possession of non-listed species taken prior to the effective date of prohibition.

We suggest that Fis Administrative Rules be amended as follows:

Fis Tables 800.1 Controlled Species Table and 800.2 Controlled Species Table - Possession

Amend to remove Permittee Category 1 from musk turtle (*Sternotherus odoratus*), painted turtle (*Chrysemys picta*), and snapping turtle (*Chelydra serpentina*).

Fis 1401.03 Reptiles

(a) Amend to read as follows:

No person shall take or possess a spotted turtle (*Clemmys guttata*), Blanding's turtle (*Emydoidea blandingii*), wood turtle (*Glyptemys insculpta*), Eastern box turtle (*Terrapene carolina carolina*), or any egg or part thereof.

No person shall take or possess a musk turtle (*Sternotherus odoratus*), painted turtle (*Chrysemys picta*), snapping turtle (*Chelydra serpentina*), or any egg thereof.

No person shall take or possess a black racer (*Coluber constrictor*), timber rattlesnake (*Crotalus horridus*), Eastern hognose snake (*Heterodon platirhinos*), or any egg or part thereof.

(b) *No change.*
(c) *No change.*
(d) Repeal existing provisions authorizing seasonal take of indigenous turtle species.
(e) Repeal existing provisions authorizing the take of snapping turtles based upon size limitations.

Fis Table 1400.2 Reptiles

Amend to remove musk turtle (*Sternotherus odoratus*), painted turtle (*Chrysemys picta*), and snapping turtle (*Chelydra serpentina*).

Supporting Arguments

There Is Strong Public Support to Increase Protections for Indigenous Turtles

The recent wildlife cruelty conviction arising from the Hillsborough turtle case generated widespread and unanimous public demand to increase protections for native turtle species. Although the individual was not charged for the taking and stomping of the nesting female painted turtle ("Oka") due to insufficient evidence, it does present the opportunity to highlight a significant gap in the current regulatory framework.

While Fis rules regulate when certain turtles may be taken, there appears to be no corresponding rule establishing standards for the humane treatment or dispatch of turtles that are legally taken. As a result, outside of protected periods and other applicable restrictions, a person may lawfully capture a non-listed indigenous turtle by hand pursuant to Fis 1401.01(b), and then do whatever they want with it.

The practical effect of this regulatory gap is that a turtle encountered immediately before or after the protected nesting season could be legally captured and subjected to methods of killing – such as stomping – that would be considered inhumane and heinous. While such actions may be uncommon, this is particularly concerning for long-lived species such as turtles, which are widely recognized and valued by the public and whose conservation depends heavily upon the survival of adult individuals.

Allowing any legal take of indigenous turtles is increasingly difficult to justify from a conservation perspective. Native turtle species share many of the same biological characteristics that make them particularly vulnerable to population decline, including delayed maturity, low recruitment rates, and a dependence on high adult survivorship. The removal of adult turtles, especially large and reproductively active individuals, can have lasting impacts on local populations regardless of whether the species is currently listed as threatened or endangered.

Granite Staters love and cherish their wild turtle populations and overwhelmingly support a uniform ban on the take of any indigenous turtle in New Hampshire.

Turtle Nests, Eggs, and Hatchlings Remain Vulnerable Under Current Protections

While all indigenous turtles are protected from take during the nesting season (May 15 to July 15; Fis 1401.03(b)), these protections do not extend through the period when eggs remain in the nest and hatchlings emerge. Most turtle nests in New Hampshire hatch between mid-August and mid-September, creating a substantial gap during which unhatched eggs and newly emerged hatchlings may be lawfully disturbed, collected, or otherwise harmed despite their critical role in sustaining future populations.

This gap is particularly concerning because the eggs of most indigenous turtle species are virtually indistinguishable from one another. As a result, it is often impossible for members of the public or conservation officers to determine whether a nest contains eggs of a common species or those of a state-listed species. Consequently, activities that impact unprotected nests may inadvertently result in the take of protected species and undermine ongoing conservation efforts.

Given that native turtle populations already experience exceptionally high rates of nest predation, hatchling mortality, and low recruitment into the adult breeding population, every successful nest represents a valuable contribution to future population stability. Extending uniform protections to nests, eggs, and hatchlings would help reduce avoidable human-caused losses, close a significant regulatory gap, and better align protections with the biological realities of turtle life history and conservation needs.

Indigenous Turtle Populations Face Significant Conservation Challenges

New Hampshire's native turtle populations are characterized by slow growth, delayed sexual maturity, low juvenile survival, and reliance on high adult survivorship to maintain stable populations. Removal of even small numbers of adult turtles can result in long-term population declines that may take decades to reverse.

Unlike many game species, turtles cannot readily compensate for increased adult mortality through rapid reproduction.

Freshwater turtles exhibit one of the most vulnerable life-history strategies among vertebrates. They reach sexual maturity slowly, experience high mortality during egg and juvenile stages, and depend upon long-lived reproductive adults to maintain stable populations. Research has demonstrated that even small increases in adult mortality can cause population declines and eventual local extirpation.

For example, Heppell (1998) determined that population growth in long-lived reptiles is far more sensitive to adult survival than to reproductive output, meaning that removal of breeding-age individuals can have disproportionate effects on population viability.

Iverson and Smith (2023) found that survival rates in snapping turtles increase with size, especially for females, placing a high value on the largest and oldest individuals to sustain that local population. Snapping turtles exceeding 15 inches in carapace length (i.e., the most likely to survive and reproduce year after year) can currently be legally taken outside of the protected nesting season.

A population of snapping turtles in Ontario that were decimated by river otters and lost 40% of the adult population still had not recovered 23 years later, with the number of adult females found by Keevil et al. (2018) to be at only 60% of the original population.

Taken together, the scientific evidence is clear: the long-term viability of New Hampshire's native turtle populations depends overwhelmingly on the survival of adult breeding individuals. Because turtles mature slowly, experience high mortality in their early life stages, and cannot rapidly replace lost adults, the removal of even a small number of large reproductive turtles can have consequences that persist for decades.

Without stronger safeguards for adult turtles, particularly large breeding females, New Hampshire risks continued population declines that may prove difficult, if not impossible, to reverse within a meaningful conservation timeframe.

Species Identification Challenges Increase the Risk of Taking State-Listed Turtles

Many of New Hampshire's indigenous turtle species are difficult for members of the public to identify accurately, particularly when encountered as hatchlings, juveniles, or nesting females. Species that are protected from take under current regulations can closely resemble species that may be legally collected, and distinctions often require experience to recognize. Even among wildlife professionals, species identification can occasionally require careful examination. As a practical matter, the average person collecting a turtle is unlikely to possess the knowledge necessary to consistently distinguish between protected and unprotected species.

The risk of misidentification is especially significant for hatchlings and young turtles. Newly emerged turtles are small, often display less distinctive coloration and patterning than adults, and may be encountered far from the wetlands where species-specific habitat would otherwise aid identification (e.g., a wood turtle in a slow-moving river). A person who believes they are collecting a common painted turtle or musk turtle may inadvertently possess or transport a hatchling of a state-listed species. Because take of a protected turtle can occur before a misidentification is recognized, regulations that rely upon species-level distinctions place threatened and endangered turtles at unnecessary risk.

A uniform prohibition on the take and possession of indigenous turtles would substantially reduce the likelihood that threatened and endangered species are inadvertently collected by eliminating the need for the public to make species-identification determinations before deciding whether collection is lawful. This approach would provide a clear and easily understood standard: native turtles should be left in the wild. A straightforward rule would benefit both conservation and enforcement by reducing accidental violations, minimizing

opportunities for unlawful possession to be attributed to mistaken identification, and ensuring greater protection for the state's most vulnerable turtle species.

Collection As Pets Risks Introducing Diseases into Wild Populations

Non-listed indigenous turtles are currently collected with the intention of being kept as pets, often as hatchlings. Removal from the wild often creates conservation risks that extend far beyond the loss of a single individual. Native turtles are long-lived animals with specialized environmental, dietary, and husbandry requirements that can be difficult for the average person to meet over the course of decades. As a result, turtles collected from the wild are frequently surrendered, abandoned, transferred between owners, or released back into the environment when their care becomes more demanding than originally anticipated.

The release of formerly captive turtles presents significant disease-transmission risks to wild populations. Captive turtles are often housed alongside non-native species obtained through the commercial pet trade or exposed to shared water systems, equipment, and enclosures. Even when outwardly healthy, captive reptiles can harbor pathogens, parasites, and other infectious agents that are not normally present in local wild populations. A turtle that has been maintained in captivity and later released may therefore introduce novel diseases into wild turtle communities that have little or no resistance to those pathogens with devastating consequences.

Disease risks may also arise from common feeding practices. Pet turtles are frequently fed live or frozen fish, aquatic invertebrates, and other feeder animals obtained from pet stores, bait suppliers, or commercial breeders. These feeder animals may originate from multiple geographic regions and can carry parasites, bacteria, fungi, or viruses that would not ordinarily be encountered by native turtle populations. Exposure to these organisms in captivity creates additional pathways through which disease may be introduced into wild habitats if captive turtles are later released.

These concerns are especially relevant for snapping turtles (Chelydra serpentina), which grow very large and can live for many decades. What may appear to be a manageable pet for a child or family can ultimately require substantial space, specialized housing, filtration systems, veterinary care, and long-term commitments that exceed the expectations or resources of many owners. Captive management becomes increasingly difficult over time, and when owners are no longer able or willing to provide appropriate care, release into the wild is often viewed as an easy solution despite the potential ecological consequences.

Prohibiting the collection and possession of indigenous turtles would help prevent a predictable cycle of wild capture, long-term captive care challenges, and eventual release

back into the environment. By keeping native turtles in their natural habitats rather than private collections, New Hampshire can reduce disease-transmission risks, prevent disruption of wild populations, eliminate incentives for collection, and ensure that these long-lived animals continue to perform their ecological roles where they belong. Protecting turtles from removal is not only a conservation benefit for individual animals, but also a prudent safeguard for the health and stability of wild turtle populations throughout the state.

Collection of "Common" Species Can Produce Long-Term Population Declines

Although painted turtles, musk turtles, and snapping turtles are not currently listed as threatened in New Hampshire, scientific literature demonstrates that legal collection can cause population declines even in species perceived as common.

Gibbs and Shriver (2002) found that chronic adult mortality resulting from human activities, including collection and road mortality, may cause populations to decline despite appearing abundant for many years. Because turtles are long-lived, declines may remain undetected until populations reach critically low levels.

Studies of snapping turtles have similarly demonstrated that regulated harvest may not be biologically sustainable in many northern populations. Brooks et al. (1991) and Galbraith and Brooks (1987) documented low recruitment and extreme dependence upon survival of mature adults in snapping turtle populations.

Adult female turtles are especially vulnerable during nesting movements and are often the segment of the population most frequently encountered and collected by humans. Loss of breeding females can have disproportionate impacts on long-term population viability. Eliminating legal take would reduce direct human-caused mortality and removal of reproductive adults.

New Hampshire does not actively monitor or study the populations of painted turtles, musk turtles, or snapping turtles, which could result in population declines going undetected until they reach a level requiring additional management measures.

Current Regulations Create Enforcement Difficulties

Current regulations prohibit collection of some species while allowing limited collection of others. This distinction may complicate enforcement and public education efforts while creating opportunities for unlawful possession of protected species.

A uniform prohibition on collection and possession of indigenous turtles would provide:

- Greater regulatory clarity;

- Improved public compliance;
- Easier enforcement by conservation officers; and
- Reduced illegal (incidental or intentional) collection masked as lawful possession.

A uniform prohibition on the collection of indigenous turtles would simplify enforcement, reduce species-identification disputes in the field, improve public understanding of legal requirements, and better reflect modern scientific understanding of turtle conservation.

Consistency with Modern Wildlife Conservation Principles

Wildlife agencies throughout North America have increasingly restricted or prohibited collection of native turtles in response to growing scientific evidence regarding population vulnerability.

Wildlife management increasingly emphasizes conservation of native species in their natural habitats. Non-consumptive wildlife observation has become the predominant public use of turtle populations, while collection and possession provide limited public benefit.

The Association of Fish and Wildlife Agencies' 2021 Best Management Practices for Native Turtle Conservation recognizes collection and harvest as significant threats and recommends precautionary management where adequate population data are unavailable.

Because New Hampshire lacks comprehensive population monitoring data for several indigenous turtle species, a precautionary protective approach is scientifically justified.

Consistency with the Department's Statutory Duty to Conserve Nongame Wildlife Resources

The proposed amendments are fully consistent with the statutory responsibilities entrusted to the New Hampshire Fish and Game Department under RSA 206:6. The Legislature has charged the Department with responsibility for the protection, management, restoration, and conservation of the state's wildlife resources, including nongame species and the habitats upon which they depend.

Native turtle species are an integral component of New Hampshire's nongame wildlife community. Scientific evidence demonstrates that turtle populations are especially vulnerable to increases in adult mortality because of their delayed maturity, low juvenile survival, and dependence upon long-lived reproductive adults. As a result, management actions that reduce human-caused mortality are among the most effective conservation measures available for sustaining viable populations over time.

By eliminating authorized take of indigenous turtle species, the Department would be acting consistently with its statutory conservation mandate by preventing avoidable mortality, reducing collection pressure on wild populations, simplifying enforcement of wildlife protection laws, and promoting the long-term welfare of native wildlife resources. The proposed amendment represents a precautionary and science-based approach to wildlife management that advances the Department's responsibility to conserve New Hampshire's biological diversity for present and future generations.

Furthermore, where scientific uncertainty exists regarding the status or sustainability of individual turtle populations, a protective regulatory approach is consistent with sound wildlife management principles and the Department's obligation to ensure that native wildlife resources are not diminished by preventable human activities. Adoption of the proposed amendments would therefore further the purposes of RSA 206:6 by strengthening conservation protections for New Hampshire's indigenous turtle species while supporting the Department's broader mission of stewardship and responsible management of the state's wildlife resources.

Literature Cited

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