



*Via U.S. Mail*

December 1, 2011

Georgia Department of Natural Resources  
Wildlife Resources Division  
Region VI Law Enforcement  
360 Cedar Street  
Metter, GA 30439

Georgia Department of Natural Resources  
Wildlife Resources Division  
Region V Law Enforcement  
1700 Radium Springs Road  
Albany, GA 31705

Georgia Department of Natural Resources  
Wildlife Resources Division  
Law Enforcement Section  
2070 U.S. Hwy. 278 SE  
Social Circle, GA 30025

Evans County Sheriff Randall Tippins  
123 W. Main Street  
Claxton, GA 30417

Grady County Sheriff Harry Young  
P.O. Box 690  
Cairo, GA 39828

Whigham Community Club  
267 W Broad Ave  
Whigham, GA 39897

Cairo-Grady County Chamber of Commerce  
961 N Broad Street  
P.O. Box 387  
Cairo, GA 39828

Evans County Wildlife Club  
PO Box 292  
Claxton, Georgia 30417

Claxton-Evans County Chamber of  
Commerce  
4 North Duval Street  
Claxton, Georgia 30417-0655

**Re: Wild Animal Licenses or Permits and Liability Insurance Required For Rattlesnake Roundup Participants and Sponsors**

Dear Sirs and Madams:

I am writing on behalf of the Center for Biological Diversity, One More Generation, and the Coastal Plains Institute and Land Conservancy to urge strict enforcement of and compliance with laws requiring wild animal licenses or permits for rattlesnake roundup sponsors and hunters. As explained below, Georgia state law imposes numerous requirements on anyone who possesses or transfers wild eastern diamondback rattlesnakes, including the purchase of liability insurance and compliance with humane care standards. These requirements must be enforced for the safety of the public and the wellbeing of the snakes.

Under Georgia law, “it shall be unlawful for any person to import, transport, transfer, sell, purchase, or possess any wild animal listed in Code Section 27-5-5 . . . without first obtaining a wild animal license from the department . . . or a wild animal permit . . .” O.C.G.A.

§ 27-5-4(a). The eastern diamondback rattlesnake – as a member of the Viperidae family – is listed in Code Section 27-5-5 as a species that is “inherently dangerous to human beings.” O.C.G.A. § 27-5-5 (designating all species of vipers as inherently dangerous).

Rattlesnake hunters and the roundup sponsors are subject to O.C.G.A. § 27-5-4(a) and must be granted wild animal licenses or permits because they transfer and possess the snakes. O.C.G.A. § 27-5-4(a). But the law limits who qualifies for such licenses and permits. Wild animal licenses will be issued “only to persons engaged in the wholesale or retail wild animal business or persons exhibiting wild animals to the public.” O.C.G.A. § 27-5-4(b). Wild animal permits will be issued “only to persons for scientific or educational purposes.” O.C.G.A. § 27-5-4(b).

The rattlesnake hunters cannot qualify for wild animal licenses because they do not themselves publically exhibit the animals or sell the snakes, which are donated to the roundup sponsors. Neither do the hunters qualify for wild animal permits because they do not possess the snakes “for scientific or educational purposes.” *Id.* The hunters collect, hold, and transfer the snakes for the purpose of winning prizes at the rattlesnake roundups, and therefore they cannot be granted permits. For this reason alone, the basic premise of rattlesnake roundups – offering prizes to incentivize collection of wild snakes by members of the public – is inherently flawed and needs to be stopped.

Although the rattlesnake hunters cannot qualify for licenses or permits, the roundup sponsors publically display the animals and could qualify for licenses if they meet all the other requirements. These requirements include compliance with standards for humane care and handling. More specifically, Georgia law provides that it “shall be unlawful for any person holding a [wild] license or permit . . . to import, transport, sell, transfer, or possess any wild animal in facilities not approved by the department as described in Code Section 27-5-6.” O.C.G.A. § 27-5-4(h); *see also* O.C.G.A. § 27-5-4(e) (explaining that the DNR can only issue licenses for public display purposes if the facilities comply with the standards “for the humane handling, care, and confinement of wild animals and ensuring public safety”); O.C.G.A. § 27-5-4(k)(5) (providing that “[f]acilities for holding or exhibiting wild animals must be completely separated from a residence and meet specifications for humane handling, care, and confinement as provided in Code Section 27-5-6”). Code Section 27-5-6 provides a long and detailed list of requirements for facilities, feeding and watering, sanitation, separation, veterinary care, handling, and transportation. The following are just a few examples of these requirements:

- Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavioral patterns. O.C.G.A. § 27-5-6 (4).
- Animals shall be observed every day by the person in charge of the care of the animals or by someone working under his direct supervision. Sick, diseased, stressed, injured, or lame animals shall be provided with veterinary care or humanely destroyed, unless such action is inconsistent with the research purposes for which the animal was obtained and is being held. O.C.G.A. § 27-5-6(10)(B).

- Handling of animals shall be done expeditiously and carefully so as not to cause unnecessary discomfort, behavioral stress, or physical harm to the animal. Care should be exercised also to avoid harm to the handler. O.C.G.A. § 27-5-6(11)(A).

In addition to requiring the wild animal license or permit, Georgia law requires liability insurance for anyone who possesses an “inherently dangerous” animal such as the eastern diamondback rattlesnake. O.C.G.A. § 27-5-4(f). Insurance is required to cover claims for injury or damage to persons or property:

Prior to the issuance of a wild animal license or permit for animals classified as being inherently dangerous to people, any applicant other than a governmental agency or university research facility must provide proof of liability insurance from a company licensed to do business in this state or an unauthorized insurer if permitted by Chapter 5 of Title 33. Such insurance must be maintained in force and effect and cover claims for injury or damage to persons or property in an amount equal to \$40,000.00 for each inherently dangerous animal up to a maximum of \$500,000.00. The insurance company shall notify the department at least 30 days prior to the termination of the policy by the company.

O.C.G.A. § 27-5-4(f). For example, the 2011 Claxton roundup brought in approximately 100 snakes, requiring the maximum of \$500,000.00 worth of coverage.

Any persons holding wild animal licenses or permits must also comply with a recordkeeping requirement. Specifically, the transfer of snakes must be recorded “in a record book, within 24 hours after the completion of such a transaction, [with] the date, place, manner, and names and addresses of all persons involved in such a transaction.” O.C.G.A. § 27-5-4(j). The records must be maintained for at least 12 months and available for inspection by the DNR. *Id.*

It is our understanding that roundup participants and sponsors have routinely ignored these important public safety and animal welfare laws. In fact, the website for the Whigham roundup suggests that licenses from the DNR might not be required. *See* Rattlesnake Roundup – Frequently Asked Questions, available at <http://www.caironet.com/RATTLE.HTM> (last visited November 21, 2011). The fact that the roundups are incentivizing widespread violations of law should prompt the roundup sponsors to transform the roundups into events that do not entail the collection, possession, and slaughter of the eastern diamondback rattlesnake, which, in addition to being “inherently dangerous” under Georgia law, is imperiled and being reviewed for inclusion under the federal Endangered Species Act. *See* Petition to List the Eastern Diamondback (*Crotalus adamanteus*) as Threatened Under the Endangered Species Act, available at [http://www.biologicaldiversity.org/species/reptiles/eastern\\_diamondback\\_rattlesnake/pdfs/Easter\\_n\\_diamondback\\_rattlesnake\\_Listing\\_Petition\\_08-22-2011.pdf](http://www.biologicaldiversity.org/species/reptiles/eastern_diamondback_rattlesnake/pdfs/Easter_n_diamondback_rattlesnake_Listing_Petition_08-22-2011.pdf) (last visited Nov. 21, 2011).

Through this letter, we urge the DNR, local law enforcement officials, and rattlesnake roundup sponsors to ensure that the participants and sponsors of the 2012 roundups in Claxton

and Whigham adhere to the laws discussed above. Ignoring these laws puts the public at risk and betrays the state's interest in promoting humane treatment of animals.

We would appreciate a written response from the DNR and the roundup sponsors on how they will ensure that the Whigham and Claxton roundups are in full compliance with these laws. The DNR should work with the roundup sponsors to see if it is possible to make changes to the roundups so that they could qualify for a wild animal license. At a minimum, the roundup sponsors will need to secure the appropriate liability insurance and improve their facilities and procedures to comply with the requisite standards for humane handling and care. In addition, roundup sponsors should immediately and widely publicize the wild animal license/permit requirement to the public, explaining that all rattlesnake hunters will be asked for proof of a wild animal license or permit from the DNR. Local enforcement officials and the DNR should be present at the roundups and require that any person transferring snakes to the roundup sponsors possess a wild animal license or permit. Snakes possessed by persons without the required documentation should be immediately seized by the DNR and later released in suitable habitat.

Finally, please know that by separate letter and under the Georgia Open Records law, we are requesting copies of all wild animal licenses or permits issued by the DNR for possession of eastern diamondback rattlesnakes in Georgia.

On behalf of all of us,



Collette L. Adkins Giese  
Herpetofauna Staff Attorney  
Center for Biological Diversity