



March 3, 2010

Attorney General Thurbert Baker
40 Capitol Square, SW
Atlanta, GA 30333

Governor Sonny Perdue
203 State Capitol
Atlanta, GA 30334

Dear Attorney General Baker:

On behalf of the Center for Biological Diversity, Gopher Tortoise Council, American Society of Ichthyologists and Herpetologists, Society for the Study of Amphibians and Reptiles, Coastal Plains Institute and Land Conservancy, Wild Classroom, Dr. Bruce Means, Dr. Lance McBrayer, Dr. Richard Search, and Dr. Rich McWilliams, we are writing to request that you investigate the extent to which rattlesnake roundups are resulting in the gassing or destruction of tortoise burrows and that you work with the Georgia Department of Natural Resources to increase monitoring of rattlesnake collection and to increase enforcement of state laws prior to impending future roundups. State codes § 27-1-30 and § 27-3-130 prohibit the gassing of gopher tortoise burrows. On January 28, 2010, four men were caught gassing gopher tortoise burrows at Silver Lake Wildlife Management Area before a roundup held that weekend in Whigham, Georgia. Although these men were caught, an investigation is needed to determine the prevalence of the practice and to determine the level of enforcement needed to ensure this abhorrent practice is stopped.

The gassing and destruction of gopher tortoise burrows to collect snakes for roundups is contributing to the endangerment of the gopher tortoise, which is the official state reptile of Georgia (§ 50-3-63), is listed by the state as a threatened species, and which is currently under consideration for federal protection (FR 75 1567). As long as roundups are legal in Georgia, the gopher tortoise will continue to be threatened by direct mortality and habitat loss. More than 350 other wildlife species use gopher tortoise burrows for food and shelter, and the gassing of their burrows thus imperils many Georgia species. The federally protected eastern indigo snake is a known inhabitant of gopher tortoise burrows, which makes the gassing of burrows a potential violation of Section 9 of the Endangered Species Act.

We also ask that you investigate whether rattlesnakes are brought across state lines into Georgia for the roundups in violation of state law § 27-2-19, which makes it unlawful to bring wildlife into the state of Georgia without a wildlife importation permit. Newspaper accounts of the roundups commonly report that snakes are collected in Florida for the roundups in Georgia.

You may be aware that on January 28, 2010 the Center for Biological Diversity and allies sent a letter to Governor Perdue asking that state law § 27-1-28 be amended to remove the exemption that specifically prohibits the regulation of venomous snakes by the Department of Natural Resources. We suggest that the roundups be replaced with festivals celebrating native wildlife, as has been successfully done by the towns of Fitzgerald, Georgia, and San Antonio, Florida.

We look forward to your prompt response.

Sincerely,

Center for Biological Diversity and allies

CC: Georgia Board of Natural Resources
2 Martin Luther King Jr. Drive, SE
Suite 1252 East
Atlanta, GA 30334

CC: U.S. Fish and Wildlife Service
Gopher Tortoise Review
7915 Baymeadows Way, Suite 200
Jacksonville, FL 32256