



Print - Close Window

**From:** "Steve Whiteaker" <Steve.Whiteaker@tpwd.state.tx.us>  
**To:** "rengeldorf@yahoo.com" <rengeldorf@yahoo.com>  
**Subject:** reptile collecting  
**Date:** Wed, 18 Aug 2004 15:43:50 -0500

Roy, in regards to our conversation earlier today, our new policy will be to allow reptile collectors, that are legally licensed, to pull off of the roadway and walk over to pick up a specimen from the roadway. We will not consider this to be hunting from a vehicle. Stopping in the road or driving in a manner that impedes traffic should be avoided because they violate the traffic code. I hope this clarifies this issue for you. Sincerely, Major Steve Whiteaker

**Subject:** New interpretation of road-hunting for snakes?

**From:** "Troy, Marla, & Cheyenne Hibbitts" <alterna2627@swtexas.net>

**Date:** Mon, 23 Aug 2004 21:04:13 -0500

**To:** David.Sinclair@tpwd.state.tx.us, Steve.Whiteaker@tpwd.state.tx.us

Mr. Sinclair/Mr. Whiteaker,

As I'm sure you are both aware, in previous years, the "road cruising" for snakes (driving slowly along a public roadway, pulling off the road to pick up a snake either spotted in the headlights or by use of a spotlight) has been considered "hunting from a motorized vehicle" and a violation of TPWD code - and, I might add, a bone of contention between TPWD and reptile enthusiasts. However, recently I was given a copy of an email from Mr. Whiteaker to Roy Engeldorf of Sanderson, Texas, in which Mr. Whiteaker stated:

" . . . our [TPWD's?] new policy will be to allow reptile collectors, that are legally licensed, to pull off of the roadway and walk over to pick up a specimen from the roadway. We will not consider this to be hunting from a vehicle. Stopping in the road or driving in a manner that impedes traffic should be avoided because they violate the traffic code . . . "

Please clarify for me if this is indeed TPWD's new interpretation of the "hunting from a motor vehicle" regulation.

Sincerely,

Troy Hibbitts

Texas Herpetological Society's TPWD Representative

TPWD Wildlife Diversity Committee

**Subject:** RE: New interpretation of road-hunting for snakes?  
**From:** Steve Whiteaker <Steve.Whiteaker@tpwd.state.tx.us>  
**Date:** Wed, 25 Aug 2004 08:57:39 -0500  
**To:** "Troy, Marla, & Cheyenne Hibbitts" <alterna2627@swtexas.net>  
**CC:** David Sinclair <David.Sinclair@tpwd.state.tx.us>

As stated in my email to Roy Engeldorf, this is the way we will handle reptile collecting from the roadway. This was a consensus reached between myself and the Austin headquarters staff in a meeting last week. Sincerely,  
Major Steve Whiteaker

-----Original Message-----

From: Troy, Marla, & Cheyenne Hibbitts [mailto:alterna2627@swtexas.net]  
Sent: Monday, August 23, 2004 9:04 PM  
To: David.Sinclair@tpwd.state.tx.us; Steve.Whiteaker@tpwd.state.tx.us  
Subject: New interpretation of road-hunting for snakes?

Mr. Sinclair/Mr. Whiteaker,

As I'm sure you are both aware, in previous years, the "road cruising" for snakes (driving slowly along a public roadway, pulling off the road to pick up a snake either spotted in the headlights or by use of a spotlight) has been considered "hunting from a motorized vehicle" and a violation of TPWD code - and, I might add, a bone of contention between TPWD and reptile enthusiasts. However, recently I was given a copy of an email from Mr. Whiteaker to Roy Engeldorf of Sanderson, Texas, in which Mr. Whiteaker stated:

" . . . our [TPWD's?] new policy will be to allow reptile collectors, that are legally licensed, to pull off of the roadway and walk over to pick up a specimen from the roadway. We will not consider this to be hunting from a vehicle. Stopping in the road or driving in a manner that impedes traffic should be avoided because they violate the traffic code . . . "

Please clarify for me if this is indeed TPWD's new interpretation of the "hunting from a motor vehicle" regulation.

Sincerely,  
Troy Hibbitts  
Texas Herpetological Society's TPWD Representative  
TPWD Wildlife Diversity Committee

**Subject:** Re: New interpretation of road-hunting for snakes?  
**From:** "Troy, Marla, & Cheyenne Hibbitts" <alterna2627@swtexas.net>  
**Date:** Fri, 27 Aug 2004 23:47:36 -0500  
**To:** david.sinclair@tpwd.state.tx.us  
**CC:** Steve.Whiteaker@tpwd.state.tx.us

Mr. Sinclair,

Please understand that I'm not trying to split hairs here, rather I'm trying to make sure that I've got all my facts straight before I let the constituents I represent know about any changes in TPWD interpretation.

That said, it seems to me like the document you sent in PDF format and the email communications from Major Whiteaker are contradictory. In particular, the passage in the PDF file which states:

"Section 62.003 of the code specifically prohibits anyone from hunting any animal from a vehicle on a public road."

as does the passage which states:

"If a person is driving in an abnormal, unlawful, or erratic manner, which includes driving slow enough to create a safety hazard, stopping and starting on the pavement or roadbed, shining lights in ditches, or turning crossways in the roadway in order to spot snakes lying on the opposite ledges of the right of way, it not only constitutes probably cause to believe hunting from a vehicle on a public road is occurring . . . ."

Whereas Major Whiteaker's emails have stated:

". . . our new policy will be to allow reptile collectors, that are legally licensed, to pull off of the roadway and walk over to pick up a specimen from the roadway. We will not consider this to be hunting from a vehicle. Stopping in the road or driving in a manner that impedes traffic should be avoided because they violate the traffic code . . . ."

and that

"This was a consensus reached between myself and the Austin headquarters staff in a meeting last week."

In order to avoid any confusion, I would suggest that the PDF be ammended in order to describe "road cruising" for snakes - driving safely down a rural roadway, spotting a snake in the headlights on the road way or by aid of a spotlight, parking safely off the road and getting out to collect the animal on foot by aid of hand held light - as not to be considered "hunting from a motorized vehicle on a public roadway".

Sincerely,

Troy Hibbitts  
THS Representative to TPWD

**Subject:** RE: New interpretation of road-hunting for snakes?  
**From:** David Sinclair <David.Sinclair@tpwd.state.tx.us>  
**Date:** Fri, 3 Sep 2004 12:18:48 -0500  
**To:** "Troy, Marla, & Cheyenne Hibbitts" <alterna2627@swtexas.net>  
**CC:** Steve Whiteaker <Steve.Whiteaker@tpwd.state.tx.us>

Mr. Hibbitts:

Hunt is defined as capture, trap, take, or kill, or the attempt to capture, trap, take, or kill. If a person is not doing one of these from a vehicle on a public road, then no charges will be filed. However, if a game warden observes a vehicle operating in a suspicious manner, then the game warden may establish probable cause to stop, investigate, and search the vehicle for illegal wildlife.

Thanks,  
L. David Sinclair  
Chief of Wildlife Enforcement  
Texas Parks and Wildlife Department  
4200 Smith School Road  
Austin, Texas 78744

Office Phone (512) 389-4854  
Fax (512) 389-8400

Operation Game Thief  
Report Hunting and Fishing Violations  
1-800-792-GAME (4263)

-----Original Message-----

From: Troy, Marla, & Cheyenne Hibbitts [mailto:[alterna2627@swtexas.net](mailto:alterna2627@swtexas.net)],  
Sent: Friday, August 27, 2004 11:48 PM  
To: [david.sinclair@tpwd.state.tx.us](mailto:david.sinclair@tpwd.state.tx.us)  
Cc: [Steve.Whiteaker@tpwd.state.tx.us](mailto:Steve.Whiteaker@tpwd.state.tx.us)  
Subject: Re: New interpretation of road-hunting for snakes?

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"This was a consensus reached between myself and the Austin headquarters staff in a meeting last week."

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Sincerely,

Troy Hibbitts  
THS Representative to TPWD

**Subject:** Re: New interpretation of road-hunting for snakes?  
**From:** "Troy, Marla, & Cheyenne Hibbitts" <alterna2627@swtexas.net>  
**Date:** Fri, 03 Sep 2004 23:28:21 -0500  
**To:** David Sinclair <David.Sinclair@tpwd.state.tx.us>  
**CC:** Steve.Whiteaker@tpwd.state.tx.us

Mr. Sinclair:

Mr. Whiteaker has stated that the new policy will be to allow reptile collectors "to pull off of the roadway and walk over to pick up a specimen from the roadway". Since reptile collectors must necessarily exit the vehicle in order to pick up a specimen from the roadway, am I correct in believing that the "hunt" portion of picking up the snake from the roadway, even if it was spotted from a vehicle, will not be considered "hunting from a vehicle"?

For example, tonight while driving home from the local high school football game, I saw a small snake in the road. I turned around, pulled off the road, waited for traffic to clear, and walked out to investigate it. While I did not pick up the animal (it was a dead juvenile diamondback rattlesnake), had I done so would this have been considered "hunting from a vehicle" or not?

Sincerely,

Troy Hibbitts

David Sinclair wrote:

Mr. Hibbitts:

Hunt is defined as capture, trap, take, or kill, or the attempt to capture, trap, take, or kill. If a person is not doing one of these from a vehicle on a public road, then no charges will be filed. However, if a game warden observes a vehicle operating in a suspicious manner, then the game warden may establish probable cause to stop, investigate, and search the vehicle for illegal wildlife.

Thanks, L. David Sinclair  
Chief of Wildlife Enforcement  
Texas Parks and Wildlife Department  
4200 Smith School Road  
Austin, Texas 78744

Office Phone (512) 389-4854  
Fax (512) 389-8400

Operation Game Thief  
Report Hunting and Fishing Violations  
1-800-792-GAME (4263)

-----Original Message-----

From: Troy, Marla, & Cheyenne Hibbitts [mailto:alterna2627@swtexas.net] Sent: Friday, August 27, 2004 11:48 PM  
To: david.sinclair@tpwd.state.tx.us  
Cc: Steve.Whiteaker@tpwd.state.tx.us  
Subject: Re: New interpretation of road-hunting for snakes?

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and that

"This was a consensus reached between myself and the Austin headquarters staff in a meeting last week."

In order to avoid any confusion, I would suggest that the PDF be ammended in order to describe "road cruising" for snakes - driving safely down a rural roadway, spotting a snake in the headlights on the road way or by aid of a spotlight, parking safely off the road and getting out to collect the animal on foot by aid of hand held light - as not to be considered "hunting from a motorized vehicle on a public roadway".

Sincerely,

Troy Hibbitts  
THS Representative to TPWD

**Subject:** RE: New interpretation of road-hunting for snakes?  
**From:** David Sinclair <David.Sinclair@tpwd.state.tx.us>  
**Date:** Tue, 7 Sep 2004 06:37:38 -0500  
**To:** "Troy, Marla, & Cheyenne Hibbitts" <alterna2627@swtexas.net>

Your example below is not hunting from a vehicle on a public road.

Thanks,  
L. David Sinclair  
Chief of Wildlife Enforcement  
Texas Parks and Wildlife Department  
4200 Smith School Road  
Austin, Texas 78744

Office Phone (512) 389-4854  
Fax (512) 389-8400

Operation Game Thief  
Report Hunting and Fishing Violations  
1-800-792-GAME (4263)

-----Original Message-----

**From:** Troy, Marla, & Cheyenne Hibbitts [<mailto:alterna2627@swtexas.net>]  
**Sent:** Friday, September 03, 2004 11:28 PM  
**To:** David Sinclair  
**Cc:** [Steve.Whiteaker@tpwd.state.tx.us](mailto:Steve.Whiteaker@tpwd.state.tx.us)  
**Subject:** Re: New interpretation of road-hunting for snakes?

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Sent: Friday, August 27, 2004 11:48 PM  
To: [david.sinclair@tpwd.state.tx.us](mailto:david.sinclair@tpwd.state.tx.us)  
Cc: [Steve.Whiteaker@tpwd.state.tx.us](mailto:Steve.Whiteaker@tpwd.state.tx.us)  
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not to be considered "hunting from a motorized vehicle on a public roadway".

Sincerely,

Troy Hibbitts  
THS Representative to TPWD

**Subject:** Road Cruising Revisited . . . again

**From:** "Troy, Marla, & Cheyenne Hibbits" <alterna2627@swtexas.net>

**Date:** Thu, 05 May 2005 18:44:34 -0500

**To:** steve.whiteaker@tpwd.state.tx.us, gus.sorola@tpwd.state.tx.us

**CC:** david.sinclair@tpwd.state.tx.us

Major Whiteaker/Captain Sorola,

Last summer, I obtained a copy of an email from Major Whiteaker to Roy Engeldorf of Sanderson which suggested that "road cruising" for snakes would no longer be enforced as "hunting from a motorized vehicle":

". . . our new policy will be to allow reptile collectors, that are legally licensed, to pull off of the roadway and walk over to pick up a specimen from the roadway. We will not consider this to be hunting from a motorized vehicle. Stopping in the road or driving in a manner that impedes traffic should be avoided because they violate the traffic code . . . " Major Steve Whiteaker, 8/18/04

Not satisfied with the verbiage of that somewhat brief email, I initiated a series of email correspondences (dated 8/23/04 through 9/7/04) with Major Whiteaker and Director of Law Enforcement David Sinclair wherein I very specifically stated what "road cruising" for snakes constituted:

". . .driving slowly along a public roadway, pulling off the road to pick up a snake either spotted in the headlights or by use of a spotlight"

Major Whiteaker responded saying that this [as indicated in his email to Mr. Engeldorf] would be the way that TPWD would handle reptile collecting from the roadway. Director Sinclair sent me a copy of the regulations themselves, which seemed to differ from what Major Whiteaker had indicated, so I asked for further clarification. After a series of emails in which I described a specific example of road cruising for herps, Director Sinclair indicated that what I was doing did not constitute "hunting from a vehicle on a public road". I thought the matter settled.

On the night of 9/11/04, I had a roadside discussion with Captain Sorola and Officer Ray Spears along US Hwy 90 west of Alpine near the Presidio County line. I showed them (and gave them copies of) my series of email correspondences with Major Whiteaker and Director Sinclair. Officer Spears was quick to concede that "if this is the way our bosses want us to enforce it, that's the way we're going to do it" while Captain Sorola read over the emails more carefully. At first, he seemed reluctant to accept the new interpretation, but when I showed him the passages where I defined road cruising, along with my example that Director Sinclair had indicated was not hunting from a motorized vehicle, he conceded that a new interpretation of "hunting from a motorized vehicle on a public road" seemed to be in effect.

Now, the matter seemed settled.

However, yesterday (5/4/05) I had a conversation with Justin Galvan of Alpine, Texas, where he indicated that his father, Johnny Galvan, had been told by Captain Sorola that road cruising, specifically spotlighting from a vehicle, was not legal and would be strictly enforced as "hunting from a motorized vehicle" by officers under his jurisdiction. This seems to directly contradict the discussions that I (and Mr. Engeldorf) had with Major Whiteaker and Director Sinclair last summer.

Please advise (again) regarding the status of "road cruising" (i.e. driving slowly down a roadway at night, pulling off the road safely, waiting for traffic - if any - to clear before getting out to collect and/or observe a reptile or amphibian that had previously been spotted in the car's headlights or by use of a spotlight - noting that the reptile/amphibian may or may not be on the pavement itself, but could be on the gravel shoulder or on an exposed road cut) in the Texas. Will TPWD consider it legal to do what I describe above or not?

(I ask all of the above not just for my own sake, but also so that I may correctly inform the constituents that I represent)

Sincerely,

Troy Hibbitts  
Texas Herpetological Society Representative to TPWD

**Subject:** RE: Road Cruising Revisited . . . again  
**From:** "Steve Whiteaker" <Steve.Whiteaker@tpwd.state.tx.us>  
**Date:** Fri, 6 May 2005 09:02:31 -0500  
**To:** "Troy, Marla, & Cheyenne Hibbitts" <alterna2627@swtexas.net>, "Gus Sorola" <Gus.Sorola@tpwd.state.tx.us>  
**CC:** "David Sinclair" <David.Sinclair@tpwd.state.tx.us>

Mr. Hibbitts, as indicated in our emails last year, we will allow a legally licensed collector to pull off of the roadway and walk over to pick up a specimen from the roadway. Your definition of "road cruising" is correct EXCEPT where you mention the use of a spotlight. Shining a light on the cuts that you are parked and/or driving slowly by is OK, however, shining a spotlight across the roadway or down the roadway is prohibited.

-----Original Message-----

From: Troy, Marla, & Cheyenne Hibbitts [<mailto:alterna2627@swtexas.net>]  
Sent: Thursday, May 05, 2005 6:45 PM  
To: Steve Whiteaker; Gus Sorola  
Cc: David Sinclair  
Subject: Road Cruising Revisited . . . again

Major Whiteaker/Captain Sorola,

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