

WYOMING GAME AND FISH COMMISSION

CHAPTER 52

TAKE OF NONGAME WILDLIFE REGULATION FROM WITHIN WYOMING

Section 1. Authority. This regulation is promulgated by authority of Wyoming Statutes W.S. § 23-1-103 and § 23-1-302.

Section 2. Definitions. For the purpose of this regulation, definitions shall be as set forth in Title 23, Wyoming Statutes, Commission regulations and the Commission also adopts the following definitions:

~~(a) “Aquaria” means any enclosure used to contain organisms that prevent escape. Aquaria shall have a closed system of water circulation with no risk of contacting the surface waters of the state.~~

(a) “Exotic Species” means those animals as defined in W.S. § 23-1-101(a)(ii).

(b) “Nongame wildlife” means:

(i) Wildlife not otherwise defined as exotic species as defined in W.S. § 23-1-101(a)(ii);

(ii) Wildlife not otherwise defined as domestic or domesticated animals in Commission Regulation Chapter 10, Importation and Possession of Live Warm-Blooded Wildlife;

(iii) All amphibians and reptiles or parts thereof, their viable gametes (eggs and sperm), fertilized eggs, or any hybrid or any transgenic product thereof;

(~~iii~~iv) All mollusks and crustaceans or parts thereof, their viable gametes (eggs and sperm), fertilized eggs, or any hybrid or any transgenic product thereof ~~not listed as aquatic invasive species;~~

(~~iii~~v) All fish not otherwise defined as game fish in Section 2 of Commission Regulation Chapter 46, Fishing Regulations, including fish ~~or~~ parts ~~thereof~~, their viable gametes (eggs and sperm), fertilized eggs, or any hybrid or any transgenic product thereof ~~not defined as game fish or defined as aquatic invasive species;~~

(~~i~~vi) All mammals not otherwise defined in W.S. § 23-1-101(a) as a big game animal, furbearing animal, predatory animal, small game animal, or trophy game animal and any ~~or~~ parts thereof, their viable gametes (eggs and sperm), fertilized eggs, or any hybrid or any transgenic product thereof ~~that are not defined in W.S. § 23-1-101 as a big game animal, furbearing animal, predatory animal, small game animal, or trophy game animal;~~ and,

(vii) All birds not otherwise defined in W.S. § 23-1-101(a) as a game bird, migratory game bird, or predacious bird and any ~~or~~ parts thereof, their viable gametes (eggs and sperm), fertilized eggs, or any hybrid or any transgenic product thereof ~~that are not defined in W.S. § 23-1-101 as a game bird, migratory game bird, or predacious bird.~~

~~(e) —“Ornamental Pond” means any outdoor pond constructed as an aesthetic landscape feature that shall have a closed system of water circulation with no risk of contacting the surface waters of the state and does not include aquaculture facilities, ponds constructed to provide fishing opportunity or ponds used for the confinement or production of baitfish.~~

~~(d)~~ “Personal use” means holding nongame wildlife in aquaria, container or pen, or otherwise restricting its ability to flee; or, utilizing it for personal consumption (and not commercial in nature).

(d) “Predacious Bird” means those animals as defined in W.S. § 23-1-101(a)(vii).

(e) “Protected Animal” means those animals as defined in W.S. § 23-1-101(a)(ix).

Section 3. Purpose. The purpose of this regulation is to govern and regulate the take of nongame wildlife from within the state of Wyoming. Such in-state take may require a permit issued in accordance with Commission Regulations Chapter 10, Importation and Possession of Live Warm-Blooded Wildlife; Chapter 33, Scientific Research, Educational or Special Purpose Permits; or Chapter 69, Importation and Possession of Live Cold-Blooded Wildlife.

Section 34. Controlling Regulation. In the event ~~that Chapter 52, Nongame Wildlife, might conflict with Chapter 10, Regulation for Importation, Possession, Confinement, Transportation, Sale and Disposition of Live~~ of any conflict with this regulation involving warm-blooded wildlife, the controlling regulation shall be Commission Regulation Chapter 10, Importation and Possession of Live Warm-Blooded Wildlife, Chapter 10 shall control the importation and possession of live wildlife. In the event of any conflict with this regulation involving cold-blooded wildlife, the controlling regulation shall be Commission Regulation Chapter 69, Importation and Possession of Live Cold-Blooded Wildlife.

Section 45. Taking of Nongame Wildlife From Within Wyoming.

~~(a) —No person shall take any nongame wildlife except as provided in Sections 4, 5, 6, 7, 8 and 9 of this regulation.~~

(a) Scientific, educational or special purpose take of nongame wildlife species, or other species as specified in this regulation, shall only be authorized with a permit issued under, and in accordance with Commission Regulation Chapter 33, Scientific Research, Educational or Special Purpose Permits.

~~(b) —No person shall take any nongame wildlife for commercial use except in accordance with Commission Regulation Chapter 10, Regulation for Importation, Possession,~~

~~Confinement, Transportation, Sale and Disposition of Live Wildlife and Chapter 46, Fishing Regulations.~~

(~~e~~b) Any take of a federally listed ~~E~~ndangered or ~~T~~hreatened species as listed in 50 CFR § 17.11, and which does not include any later amendments or editions of the incorporated matter, shall be in ~~compliance~~accordance with U.S. Fish and Wildlife Service regulations governing ~~E~~ndangered or ~~T~~hreatened species.

(~~d~~c) Except for unintentional motor vehicle collisions, ~~If any nongame wildlife gray fox (Urocyon cinereoargenteus), or swift fox (Vulpes velox) that is otherwise unintentionally taken, or injured in such a way that the injury may result in death of the animal, or if the animal has been killed,~~ the person taking such ~~nongame~~ wildlife shall notify a Department law enforcement officer as soon as is reasonably possible.

(i) Pelts from nongame mammals listed in this subsection unintentionally taken gray fox or swift fox may be retained or sold if authorized by a Department law enforcement officer.

Fox	Gray Fox	Urocyon cinereoargenteus
	Swift Fox	Vulpes velox

Section 6. Commercial Use of Nongame Wildlife. No person shall take any nongame wildlife from within Wyoming for Commercial use except in accordance with Commission Regulations Chapter 10, Importation and Possession of Live Warm-Blooded Wildlife; Chapter 46, Fishing Regulation; and Chapter 69, Importation and Possession of Live Cold-Blooded Wildlife.

Section ~~5~~7. Amphibians and Reptiles.

(a) Scientific and Educational Take. Unless otherwise specified, ~~A~~amphibians or reptiles listed in this subsection shall only be taken with a permit issued in accordance with Commission Regulations ~~Chapter 10, Regulation for Importation, Possession, Confinement, Transportation, Sale and Disposition of Live Wildlife;~~ Chapter 33, ~~Regulation Governing Issuance of~~ Scientific Research, Educational or Special Purpose Permits; ~~and Chapter 56, Regulation Governing Lethal Taking of Wildlife.~~ ~~Amphibians and reptiles in this subsection shall only be permitted to be taken if the Department determines that their take is beneficial to conservation or management goals of the Department and the individual requesting a permit represents an educational institution, governmental entity, non-governmental scientific research entity or is determined to be a qualified person by the Department.~~

Amphibian		
Frog		
	Columbia Spotted Frog	<i>Rana luteiventris</i>
	Wood Frog	<i>Lithobates sylvaticus</i>

Toad	
Western Toad	<i>Anaxyrus boreas</i>
Wyoming Toad	<i>Anaxyrus baxteri</i>
Reptile	
Lizard	
<u>Great Basin Skink</u>	<u><i>Plestiodon skiltonianus utahensis</i></u>
Northern Tree Lizard	<i>Urosaurus ornateornatus wrighti</i>
<u>Prairie Lizard</u>	<u><i>Sceloporus consobrinus</i></u>
Snake	
<u>Desert Striped Whipsnake</u>	<u><i>Coluber taeniatus taeniatus</i></u>
Great Basin Gopher Snake	<i>Pituophis catenifer deserticola</i>
Midget Faded Rattlesnake	<i>Crotalus oreganus concolor</i>
Northern Rubber Boa	<i>Charina bottae</i>
Black Hills Red-bellied Snake	<i>Storeria occipitomaculata</i>
pahasapae	
Smooth Greensnake	<i>Opheodrys vernalis</i>
<u>Western (Pale) Milksnake</u>	<u><i>Lampropeltis triangulum</i></u>
multistriata <u>gentilis</u>	
Turtle	
<u>Eastern Spiny Softshell</u>	<u><i>Apalone spinifera spinifera</i></u>
Plains Box Turtle	<i>Terrapene ornateornateornata</i>
<u>ornata</u>	

(b) Take Without a Permit. All amphibians and reptiles not specifically referenced in ~~this Section subsection (a)~~ may be taken ~~throughout the calendar year~~ for personal use without a permit, and shall not be used as fishing bait in accordance with Commission Regulation Chapter 46, Fishing Regulations.

(i) Live amphibians and reptiles taken for personal use shall be confined at their final destination and shall not be released, abandoned or allowed to escape.

(ii) Any American bullfrog taken shall be killed immediately and shall not be possessed alive.

Section 68. Birds.

(a) Scientific and Educational Take. All nongame birds, except as otherwise specified, defined in Section 2(b)(v) of this regulation shall only be taken with a license or a permit issued in accordance with Commission Regulations Chapter 10, ~~Regulation for Importation, and Possession, Confinement, Transportation, Sale and Disposition~~ of Live Warm-Blooded Wildlife; Chapter 25, Falconry and Raptor Propagation; Chapter 33, ~~Regulation Governing Issuance of~~ Scientific Research, Educational or Special Purpose Permits; or Chapter

56, Regulation Governing Lethal Taking of Wildlife; ~~W.S. § 11-5-101 through W.S. § 11-5-119; and or taken in accordance with~~ federal regulations governing the depredation order for blackbirds, cowbirds, grackles, crows and magpies. ~~Nongame birds shall only be permitted to be taken if the Department determines that their take is beneficial to conservation or management goals of the Department and the individual requesting the permit represents an educational institution, governmental entity, non-governmental scientific research entity or is determined to be a qualified person by the Department and their take is in compliance with federal regulations.~~

(i) Predacious birds, exotic species of birds, birds declared as pests in accordance with W.S. § 11-5-101 through W.S. § 11-5-119 (Weed and Pest Control Act of 1973) and birds listed in subsection (c) may be taken for scientific research, education or special purposes with a permit issued in accordance with Commission Regulation Chapter 33, Scientific Research, Educational or Special Purpose Permits.

(b) ~~Open~~ American Crow Seasons. There shall be open hunting seasons for the taking of American Crow (*Corvus brachyrhynchos*) in the entire state annually from January 1 through February 28 and from November 1 through December 31. Crows shall only be taken by use of firearms, archery equipment or falconry. There is no possession limit for crows that may be taken during the open hunting season. Wyoming hunting license requirements do not pertain to the taking of crows during the established hunting season dates.

(c) Take Without a Permit. Except for birds taken for scientific research, education or special purposes, the following birds may be taken for commercial or personal use without a permit: Eurasian Collared-dove (*Streptopelia decaocto*) predacious birds, exotic species of birds, birds declared as pests as defined in and in accordance with W.S. § 11-5-101 through W.S. § 11-5-119 (Weed and Pest Control Act of 1973). Mute Swans may be taken for personal use, but may not be taken for commercial use. ~~Birds listed in this subsection may be taken throughout the calendar year for personal use without a permit.~~

Pigeons and Doves	
Rock Pigeon	<i>Columba livia</i>
Eurasian Collared Dove	<i>Streptopelia decaocto</i>
Starling	
European Starling	<i>Sturnus vulgaris</i>
Sparrow	
House Sparrow	<i>Passer domesticus</i>
Swan	
Mute Swan	<i>Cygnus olor</i>

Section 89. Fishes. The following section applies to nongame fish not otherwise defined as Aquatic Invasive Species in Commission Regulation Chapter 52, Regulation Governing Aquatic Invasive Species.

(a) Scientific and Educational Take. Unless otherwise specified, Fishes listed in this subsection shall only be taken with a permit issued in accordance with Commission Regulations ~~Chapter 10, Regulation for Importation, Possession, Confinement, Transportation, Sale and Disposition of Live Wildlife;~~ Chapter 33, Regulation Governing Issuance of Scientific Research, Educational or Special Purpose Permits; ~~and Chapter 56, Regulation Governing the Lethal Taking of Wildlife.~~ ~~Fish in this subsection shall only be permitted to be taken if the Department determines that their take is beneficial to conservation or management goals of the Department and the individual requesting a permit represents an educational institution, government entity, non-governmental scientific research entity or is determined to be a qualified person by the Department:~~

Dace

Kendall Warm Springs Dace

Rhinichthys osculus thermalis

(b) Nongame Ffish ~~defined in Section 2(b)(iii) of this regulation and~~ not specifically otherwise referenced in this ~~S~~section shall only be taken in accordance with W.S. § 23-2-104(a), (Archery licenses); W.S. § 23-2-201, (Fees; restrictions); W.S. § 23-2-202, (Age restrictions; fishing); W.S. § 23-2-206, (Underwater fishing); W. S. § 23-2-207, (Special limited fishing permits); W.S. § 23-2-208, (Landowner fishing); W.S. § 23-4-102(h), (Operation of privately owned fish hatchery); W.S. § 23-4-103, (License to seine; license for dealers in live bait); ~~W.S. § 23-5-201, (Department authorized to issue licenses);~~ W.S. § 23-5-204, (Permission to take fish from licensed fishing preserve waters); Commission Regulations ~~Chapter 10, Regulation for Importation, Possession, Confinement, Transportation, Sale and Disposition of Live Wildlife;~~ Chapter 33, Regulation Governing Issuance of Scientific Research, Educational or Special Purpose Permits; Chapter 46, Fishing Regulations; ~~or, Chapter 56, Regulation Governing Lethal Taking of Wildlife~~ and Chapter 69, Importation and Possession of Live Cold-Blooded Wildlife.

(~~i~~c) Take of nongame fish for use as live or dead baitfish shall be in accordance with W.S. § 23-4-103 (License to seine) and Commission Regulation Chapter 46, Fishing Regulations. Goldfish (*Carassius auratus*) and koi taken or purchased for use as bait shall be killed immediately. Live Goldfish or koi shall not be in possession while fishing.

(~~ii~~d) Take of nongame fish for display in aquaria or ornamental ponds shall be in accordance with Commission Regulation ~~Chapter 33, Regulation Governing Issuance of Scientific Research, Educational or Special Use Permits~~ Chapter 69, Importation and Possession of Live Cold-Blooded Wildlife. Nongame fish taken for display in aquaria or ornamental ponds shall not be released, abandoned or allowed to escape.

Section 910. Mammals.

(a) Scientific, ~~and~~ Educational and Lethal Take. Unless otherwise specified, ~~Nongame~~ mammals defined ~~in Section 2(b)(iv) of~~ as nongame wildlife in this regulation, ~~and not otherwise listed in subsection (b) of this Section, shall not~~ may be taken ~~except for scientific research, education or special purposes with a permit issued~~ in accordance with Commission Regulations ~~Chapter 10, Regulation for Importation, Possession, Confinement, Transportation,~~

~~Sale and Disposition of Live Wildlife; Chapter 33, Regulation Governing Issuance of Scientific Research, Educational or Special Purpose Permits; and Chapter 56, Regulation Governing Lethal Taking of Wildlife Mammals. Mammals in this subsection shall only be permitted to be taken if the Department determines their take is beneficial to conservation or management goals of the Department and the individual requesting a permit represents an educational institution, governmental entity, non-governmental scientific research entity or is determined to be a qualified person by the Department.~~

(b) Take Without a Permit. Mammals declared as pests ~~by~~in accordance with W. S. § 11-5-101 through W.S. § 11-5-119 (Weed and Pest Control Act of 1973) ~~and those mammals listed in this subsection may be taken in accordance with the provisions of W.S. § 11-5-101 through W. S. § 11-5-119.~~may be taken for personal or commercial use without a permit. ~~Mammals listed in this subsection may be taken for personal use and their Ppelts taken from mammals in this subsection~~ may be sold. ~~Scientific research of these mammals shall be governed by Commission Regulation Chapter 33, Regulation Governing Issuance of Scientific Research, Educational or Special Purpose Permits.~~

Chipmunk

Least Chipmunk

~~Neotamias~~Tamias *minimus*

Marmot

Yellow-bellied Marmot

Marmota flaviventris

Mouse

House Mouse

Mus musculus

North American Deermouse

Peromyscus maniculatus

Northern Grasshopper Mouse

Onychomys leucogaster

Western Harvest Mouse

Reithrodontomys megalotis

Opossum

Virginia Opossum

Didelphis virginiana

Pocket Gopher

Northern Pocket Gopher

Thomomys talpoides

Rat

Bushy-tailed Woodrat

Neotoma cinerea

~~Norway Rat~~

~~*Rattus norvegicus*~~

Vole

Meadow Vole

Microtus pennsylvanicus

Section 711. Mollusks and Crustaceans. The following section applies to mollusks and crustaceans not defined as aquatic invasive species in Commission Regulation Chapter 62, Regulation Governing Aquatic Invasive Species.

(a) Scientific and Educational Take. ~~All~~Unless otherwise specified, mollusks and crustaceans ~~defined in Section 2(b)(ii) of this regulation shall only be~~ taken for scientific or educational purposes shall require a permit issued in accordance with Commission Regulations ~~Chapter 10, Regulation for Importation, Possession, Confinement, Transportation, Sale and Disposition of Live Wildlife;~~ Chapter 33, ~~Regulation Governing Issuance of~~ Scientific Research, Educational or Special Purpose Permits; ~~and Chapter 56, Regulation Governing Lethal Taking of Wildlife.~~

(i) Mollusks and crustaceans listed in this subsection shall only be taken with a permit issued in accordance with Commission Regulation Chapter 33, Scientific Research, Educational or Special Purpose Permits:

<u>California Floater</u>	<u><i>Anodonta californiensis</i></u>
<u>Plain Pocketbook</u>	<u><i>Lampsilis cardium</i></u>

(b) Take Without a Permit. ~~All mollusks~~Mollusks and crustaceans ~~defined in Section 2(b)(ii) of this regulation~~ may be taken without a permit for personal use, ~~throughout the calendar year and~~

(i) Crayfish shall only be used as live fishing bait shall only be used in the water body from which they were captured ~~in accordance with Commission Regulation Chapter 46, Fishing Regulations.~~ Once transported away from the water of capture, crayfish shall not be used as live fishing bait in accordance with Commission Regulation Chapter 46, Fishing Regulations.

(ii) Live mollusks and crustaceans taken for personal use, excluding fishing, shall be confined to aquaria or aquaponic system at their final destination and shall not be released, abandoned or allowed to escape. Once confined to aquaria, live mollusks and crustaceans shall not be used as fishing bait.

(c) Traps used to take mollusks and crustaceans shall have the owners name and address attached while in use.

~~**Section 10. — Taxonomic References.** For the purpose of this regulation, the following taxonomic references have been utilized to establish scientific names and taxonomic grouping (e.g., Orders) for nongame wildlife.~~

~~(a) — Amphibians and Reptiles.—~~

~~Crother, B. I. (ed). 2012. Scientific and Standard English Names of Amphibians and Reptiles of North America North of Mexico, with Comments Regarding Confidence in our Understanding. SSAR Herpetological Circular 39:1-92.~~

~~(b) — Birds.~~

~~American Ornithologists' Union. 1983. Check list of North American birds. 7th edition. American Ornithologists' Union, Washington, D.C.~~

~~———— American Ornithologists' Union. 2015. Fifty sixth supplement to the American Ornithologists' Union check list of North American birds. Auk 132:748-764.~~

~~———— (e) ——— Crustaceans.~~

~~———— McLaughlin, P.A. and thirty nine others. 2005. Common and scientific names of aquatic invertebrates from the United States and Canada: crustaceans. American Fisheries Society, Special Publication 31, Bethesda, MD.~~

~~———— (d) ——— Fishes.~~

~~———— Page, L.M. and seven others. 2013. Common and scientific names of fishes from the United States, Canada, and Mexico. 7th Edition. American Fisheries Society, Special Publication 34, Bethesda, MD.~~

~~———— (e) ——— Mammals.~~

~~———— Bradley R.D., L.K. Ammerman, R.J. Baker, L.C. Bradley, J.A. Cook, R.C. Dowler, C. Jones, D.J. Schmidly, F.B. Stangl, Jr., R.A. Van Den Busche, and R. Wursig. 2014. Revised Checklist of North American Mammals North of Mexico, 2014. Occasional Papers. Museum of Texas Tech University.~~

~~———— (f) ——— Mollusks~~

~~———— Turgeon, D.D. and fourteen others. 1998. Common and scientific names of aquatic invertebrates from the United States and Canada: mollusks. 2nd Edition. American Fisheries Society. Special Publication 26, Bethesda, MD.~~

Wyoming Game and Fish Commission

By: _____
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