

CHAPTER 52

TAKE OF NONGAME WILDLIFE FROM WITHIN WYOMING

Section 1. Authority. This regulation is promulgated by authority of Wyoming Statutes § 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) “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;
 - (iv) All mollusks and crustaceans or parts thereof, their viable gametes (eggs and sperm), fertilized eggs, or any hybrid or any transgenic product thereof;
 - (v) All fish not otherwise defined as game fish in Section 2 of Commission Regulation Chapter 46, Fishing Regulations, including fish parts, their viable gametes (eggs and sperm), fertilized eggs, or any hybrid or any transgenic product thereof;
 - (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 parts thereof, their viable gametes (eggs and sperm), fertilized eggs, or any hybrid or any transgenic product thereof; 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 parts thereof, their viable gametes (eggs and sperm), fertilized eggs, or any hybrid or any transgenic product thereof.
- (c) “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 4. Controlling Regulation. In the event 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. 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 5. Taking of Nongame Wildlife From Within Wyoming. No person shall take any nongame wildlife except as provided in 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) Any take of a federally listed endangered or threatened 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 accordance with U.S. Fish and Wildlife Service regulations governing endangered or threatened species.

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

(i) Pelts from unintentionally taken gray fox or swift fox may be retained or sold if authorized by a Department law enforcement officer and tagged by the Department. For tagging purposes, the person taking a gray fox or swift fox shall present the unskinned carcass or pelt in an unfrozen condition to a game warden or Department Regional Office. At the time of tagging, the person taking the gray fox or swift fox shall furnish the Department the date taken, method of take and the location taken to include section, township and range or GPS coordinates. Tags for gray fox or swift fox shall be issued free of charge.

(ii) Unskinned carcasses of unintentionally taken river otter shall be turned over to the Department as soon as is reasonably possible after notifying a Department law enforcement officer.

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 7. Amphibians and Reptiles.

(a) Scientific and Educational Take. Unless otherwise specified, amphibians or reptiles 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

Amphibian

Frog

Columbia Spotted Frog
Wood Frog

Rana luteiventris
Lithobates sylvaticus

Toad

Western Toad
Wyoming Toad

Anaxyrus boreas
Anaxyrus baxteri

Reptile

Lizard

Great Basin Skink
Northern Tree Lizard
Prairie Lizard

Plestiodon skiltonianus utahensis
Urosaurus ornatus wrighti
Sceloporus consobrinus

Snake

Desert Striped Whipsnake
Great Basin Gopher Snake
Midget Faded Rattlesnake
Northern Rubber Boa
Red-bellied Snake
Smooth Greensnake
Western (Pale) Milksnake

Masticophis taeniatus taeniatus
Pituophis catenifer deserticola
Crotalus oreganus concolor
Charina bottae bottae
Storeria occipitomaculata
Opheodrys vernalis
Lampropeltis triangulum gentilis

Turtle

Northern Spiny Softshell
Ornate Box Turtle

Apalone spinifera spinifera
Terrapene ornata

(b) Take Without a Permit. All amphibians and reptiles not specifically referenced in subsection (a) may be taken 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 North American bullfrog taken shall be killed immediately and shall not be possessed alive.

Section 8. Birds.

(a) Scientific and Educational Take. All nongame birds, except as otherwise specified, shall only be taken with a license or a permit issued in accordance with Commission Regulations Chapter 10, Importation and Possession of Live Warm-Blooded Wildlife; Chapter 25, Falconry and Raptor Propagation; Chapter 33, Scientific Research, Educational or Special Purpose Permits; or Chapter 56, Regulation Governing Lethal Taking of Wildlife; or taken in accordance with federal regulations governing the depredation order for blackbirds, cowbirds, grackles, crows and magpies.

(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) 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.

Section 9. Fishes. The following section applies to nongame fish not otherwise defined as Aquatic Invasive Species in Commission Regulation Chapter 62, 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 Regulation Chapter 33, Scientific Research, Educational or Special Purpose Permits.

Dace

Kendall Warm Springs Dace

Rhinichthys osculus thermalis

(b) Nongame fish not otherwise referenced in this 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. § 23-5-204, (Permission to take fish from licensed fishing preserve waters); Commission Regulations Chapter 33, Scientific Research, Educational or Special Purpose Permits; Chapter 46, Fishing Regulations; and Chapter 69, Importation and Possession of Live Cold-Blooded Wildlife.

(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.

(d) Take of nongame fish for display in aquaria or ornamental ponds shall be in accordance with Commission Regulation 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 10. Mammals.

(a) Scientific, Educational and Lethal Take. Unless otherwise specified, mammals defined as nongame wildlife in this regulation 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 and Chapter 56, Regulation Governing Lethal Taking of Wildlife.

(b) Take Without a Permit. Mammals declared as pests in accordance with W. S. § 11-5-101 through W.S. § 11-5-119 (Weed and Pest Control Act of 1973) may be taken for personal or commercial use without a permit. Mammals listed in this subsection may be taken for personal use and their pelts may be sold.

Chipmunk

Least Chipmunk

Neotamias minimus

Marmot

Yellow-bellied Marmot

Marmota flaviveniris

Mouse

House Mouse

Mus musculus

North American Deermouse

Peromyscus maniculatus

Northern Grasshopper Mouse

Onychomys leucogaster

Western Harvest Mouse

Reithrodontomys megalotis

Opossum		
	Virginia Opossum	<i>Didelphis virginiana</i>
Pocket Gopher		
	Northern Pocket Gopher	<i>Thomomys talpoides</i>
Rat		
	Bushy-tailed Woodrat	<i>Neotoma cinerea</i>
Vole		
	Meadow Vole	<i>Microtus pennsylvanicus</i>

Section 11. 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. Unless otherwise specified, mollusks and crustaceans taken for scientific or educational purposes shall require a permit issued in accordance with Commission Regulation Chapter 33, Scientific Research, Educational or Special Purpose Permits.

(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:

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

(b) Take Without a Permit. Mollusks and crustaceans may be taken without a permit for personal use.

(i) Crayfish used as live fishing bait shall only be used in the water body from which they were captured. 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 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.

WYOMING GAME AND FISH COMMISSION

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