

## 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*), 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 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.

**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

*Coluber taeniatus taeniatus*  
*Pituophis catenifer deserticola*  
*Crotalus oreganus concolor*  
*Charina bottae*  
*Storeria occipitomaculata*  
*Opheodrys vernalis*  
*Lampropeltis gentilis*

Turtle

Eastern Spiny Softshell  
Plains Box Turtle

*Apalone spinifera spinifera*  
*Terrapene ornata 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 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 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 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	<i>Neotamias minimus</i>
Marmot	
Yellow-bellied Marmot	<i>Marmota flaviveniris</i>
Mouse	
House Mouse	<i>Mus musculus</i>
North American Deermouse	<i>Peromyscus maniculatus</i>
Northern Grasshopper Mouse	<i>Onychomys leucogaster</i>
Western Harvest Mouse	<i>Reithrodontomys megalotis</i>
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

*Microtus pennsylvanicus*

**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

*Anodonta californiensis*

Plain Pocketbook

*Lampsilis cardium*

(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.

**Section 12. Effective Date.** These regulations are effective January 1, 2023 and shall remain in effect until modified or rescinded by the Commission.

Wyoming Game and Fish Commission

By: \_\_\_\_\_  
Kenneth Roberts, President

Dated: July 19, 2022