

CHAPTER 69

IMPORTATION AND POSSESSION OF LIVE COLD-BLOODED WILDLIFE

Section 1. Authority. This regulation is promulgated by authority of Wyoming Statutes § 23-1-102, § 23-1-103, § 23-1-302(a), §23-3-301, § 23-4-101, §23-4-102, §23-4-103 and § 23-4-201 through 23-4-205.

Section 2. Definitions. 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 enclosures 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 of Wyoming. Aquaria does not include ornamental ponds.

(b) “Certificate of Veterinary Inspection” means an official health certificate issued by a licensed and accredited veterinarian.

(c) “Cold-Blooded Wildlife” means all fish, amphibians, reptiles, mollusks, crustaceans, their viable gametes (eggs and sperm), fertilized eggs and any transgenic product or hybrid thereof.

(d) “Commercial Use” means utilizing wildlife in sale, trade, barter, brokerage, or other commerce.

(e) “Drainage” means the river or stream proper and the area of land, including all streams and standing waters, which drain into that river or stream. For the purpose of this regulation, drainage shall be defined at the U.S. Geological Survey eight digit hydrologic unit code (8-digit HUC).

(f) “Holding Facility(ies)” or “Facility” means the physical structure designed to confine and handle live wildlife. The holding facility shall be defined by legal description to the quarter-quarter (1/4-1/4) section or Universal Transverse Mercator (UTM) coordinates where live wildlife shall be possessed or confined. Holding facilities shall include aquaculture facilities, private fish hatcheries (as defined in Commission Regulation Chapter 51, Private Fish Hatcheries), aquaria, ornamental ponds or other structures where wildlife are held or reared for any purpose.

(g) “Hybrid” means any animal produced by crossing species or subspecies.

(h) “Import/Importation” means to bring or cause live wildlife to be brought into Wyoming by any means.

(i) “Importation/ Possession Permit” means a written permit issued by the Department in accordance with this regulation to allow for all or part of the following:

importation, possession, transportation, or commercial use of cold-blooded wildlife into or within this state.

(j) “Interstate Transportation Permit” means a written permit issued by the Department through the ports of entry to allow for the transportation of live cold-blooded wildlife throughout the state.

(k) “Marine” means those aquatic wildlife capable of living only in salt water. For purposes of this regulation, fish that migrate between fresh and salt water as part of their life history (anadromous and catadromous) are not marine fish.

(l) “Nongame Fish” means all fish not defined as aquatic invasive species in Commission Regulation Chapter 62, Aquatic Invasive Species and not defined as game fish in Commission Regulation Chapter 46, Fishing Regulation, including those that are commonly considered to be game fish by other states. Nongame fish also includes baitfish, Goldfish (*Carassius auratus*), koi (as defined in Commission Regulation Chapter 49, Private Fish Stocking), marine fish and tropical fish.

(m) “Ornamental Fish” means any species of fish that are reared or marketed for their beauty or exotic characteristics, rather than for consumptive or recreational use. Many nongame fish, including many marine and tropical fish, Goldfish (*Carassius auratus*) and koi are ornamental fish. Ornamental fish does not include game fish as defined in Commission Regulation Chapter 46, Fishing Regulations.

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

(o) “Possess/Possession” as it pertains to live wildlife and as used in this regulation, means to have physical dominion or control over wildlife regardless of ownership; possession also includes constructive possession, where a person knowingly holds the power and ability to exercise dominion and control over wildlife, and has the ability to reduce the wildlife to actual possession.

(p) “Quarantine” means isolation or confinement in a holding facility as approved in advance by the Department, constructed to hold animals in isolation for a certain period of time to ensure they are free of infectious diseases or parasites. Quarantine facilities shall prevent contact between quarantined wildlife and any other animals, prevent escape of quarantined wildlife, and allow humane restraint and handling of quarantined wildlife.

(q) “Tropical Fish” means all species in the genera *Tilapia*, *Coelotilapia*, *Coptodon*, *Heterotilapia* and *Pelmatolapia* and all other fish whose survival in water temperatures below fifty (50) degrees Fahrenheit is not documented in the scientific literature.

Section 3. Disposition of Cold-Blooded Wildlife. Unless otherwise specified, no live cold-blooded wildlife held in possession shall be abandoned, released, transferred or allowed to escape without authorization from the Department. Cold-blooded wildlife released or abandoned without written authorization of the Department may be taken by Department personnel.

Section 4. Illegal Importation or Possession.

(a) Any live cold-blooded wildlife illegally taken, possessed, imported, confined or transported from another jurisdiction shall be considered illegal in the state of Wyoming.

(b) Cold-blooded wildlife possessed or entering Wyoming in violation of this regulation or without the proper inspections may be destroyed, returned to the state of origin or held in quarantine at owner's risk and expense subject to the order of the Department. The owner or owner's agent shall not allow said wildlife to be moved, released or allowed to escape.

Section 5. Government Entities or Institutions of Higher Education. The Department may consider a permit application for any live cold-blooded wildlife by governmental entities, or any accredited college or university, or a qualified person as determined by the Department, for education, research, special purposes or to meet Department wildlife management goals. Such permits may be issued in accordance with Commission Regulation Chapter 33, Scientific Research, Educational or Special Purpose Permits; health and AIS inspections may be required.

Section 6. Commercial Use. An importation/possession permit is required for commercial use of live cold-blooded wildlife. Health and AIS inspection may be required in accordance with Sections 9 and 10 of this regulation.

(a) Commercial use of the following cold-blooded wildlife is prohibited:

- (i) Cold-blooded wildlife listed in Section 8 of this regulation;
- (ii) Amphibians, reptiles, mollusks and crustaceans that require a permit for scientific and educational take in Commission Regulation Chapter 52, Nongame Wildlife; and,
- (iii) Amphibians and reptiles for use as fishing bait.

(b) An importation/possession permit is required for commercial use of the following live cold-blooded wildlife not prohibited from commercial use in subsection (a) of this Section:

- (i) Poisonous amphibians and venomous reptiles;
- (ii) Amphibians and reptiles indigenous to Wyoming;
- (iii) Mollusks and crustaceans collected within the state; and,

(iv) Coldwater, coolwater, warmwater or nongame fish other than Goldfish and Koi used commercially by pet stores or other commercial operations not connected to the waters of this state.

(c) An importation/possession permit is not required for commercial use of the following live cold-blooded wildlife not listed in subsections (a) or (b) of this Section:

(i) Coldwater, coolwater, warmwater and tropical fish used commercially by a Department approved private fish hatchery or broker but these hatcheries shall be subject to the requirements of Commission Regulation Chapter 51, Private Fish Hatcheries and the requirements of Section 10 of this regulation;

(ii) Fish used commercially by operations dealing primarily in ornamental fish that are confined or reared in aquaculture facilities connected to the waters of this state. These commercial operations shall be considered private fish hatcheries and subject to the requirements of Commission Regulation Chapter 51, Private Fish Hatcheries and the requirements of Section 10 of this regulation;

(iii) Marine fish, tropical fish, Goldfish and koi used commercially by pet stores or other commercial operations not connected to the waters of this state. These operations are not considered to be private fish hatcheries and are not subject to the requirements of Commission Regulation Chapter 51, Private Fish Hatcheries;

(iv) Amphibians and reptiles not listed in subsections (a) or (b) of this section;
and,

(v) Live mollusks and crustaceans not designated as AIS in Commission Regulation Chapter 62, Regulation for Aquatic Invasive Species that are imported solely for human consumption.

Section 7. Transportation of Live Cold-Blooded Wildlife.

(a) Interstate transportation. Cold-blooded wildlife may be transported through the state if the person transporting said wildlife is in possession of a valid permit for interstate transportation of live wildlife or specifically exempted in this subsection. Holders of interstate transportation permits shall not be required to possess an importation/possession permit.

(i) Interstate transportation permits may be available at all ports of entry. Interstate transportation permits shall be legible, fully completed, signed and dated by the permittee. It shall be a violation of this regulation for the permittee to make a false statement on the interstate transportation permit.

(ii) An interstate transportation permit shall only allow transportation of live cold-blooded wildlife through the state for a period not to exceed twenty-four (24) consecutive hours from the time of issuance.

(iii) Holders of interstate transportation permits shall immediately notify the Department of any cold-blooded wildlife escapes, deaths, or any wildlife exposed to, or having contracted, a contagious disease or parasite while being transported through Wyoming. Dead cold-blooded wildlife shall not be disposed of within Wyoming unless authorized by the Department. It shall be a violation of this regulation to release live cold-blooded wildlife within the state of Wyoming.

(iv) AIS, as defined in Commission Regulation Chapter 62, Regulation for Aquatic Invasive Species, are prohibited from interstate transportation.

(v) Amphibians and reptiles do not require an interstate transportation permit except as provided below:

(A) Amphibians and reptiles that are prohibited from importation or possession in Section 8 of this regulation may be transported through the state and shall require an interstate transportation permit; and,

(B) Amphibians and reptiles that require an importation/possession permit in Sections 6 or 9 of this regulation shall require an interstate transportation permit.

(vi) Marine fish, tropical fish, ornamental fish, mollusks and crustaceans do not require an interstate transportation permit.

(vii) Coldwater, coolwater and warmwater fish species as defined in Commission Regulation Chapter 51, Private Fish Hatcheries, from a Department approved private fish hatchery do not require an interstate transportation permit.

(viii) Cold-blooded wildlife not requiring an importation/possession permit in Section 10 of this regulation do not require an interstate transportation permit.

(b) Containers of venomous or poisonous wildlife shall be clearly marked as “Venomous Wildlife” or “Poisonous Wildlife” and shall include common and scientific names.

(c) Any person transporting live fish or other live cold-blooded wildlife into Wyoming from an out of state aquaculture facility shall stop at every open AIS check station that is on their route of travel and allow inspection of the conveyance.

(d) Fish shall be transported in vehicles visibly placarded indicating that the equipment is being used to transport live fish. Letters, numbers or symbols displayed on the placard shall be at least three (3) inches in height, excluding shading and bordering, and shall be of a color that contrasts with the placard background color. Individuals transporting fish listed below are exempt from the placard requirement:

(i) Fish shipped by common carrier (e.g., UPS, Federal Express); and,

(ii) Marine fish, tropical fish or ornamental fish.

Section 8. Cold-Blooded Wildlife Prohibited from Importation or Possession.

An importation/possession permit shall not be issued for importation or possession of the live cold-blooded wildlife in this section, except as otherwise specified. Commercial use of the live cold-blooded wildlife in this section is prohibited regardless of captive or wild origin.

- (a) Injurious wildlife listed in 50 CFR § 16.
- (b) AIS as defined in Commission Regulation Chapter 62, Regulation for Aquatic Invasive Species.
- (c) Fish or other aquatic wildlife which originated from a water source classified as suspect, positive or infested with Dreissenid Mussels.
- (d) Endangered and threatened wildlife listed in 50 CFR § 17.11.
- (e) All members of the genus *Xenopus*, including, but not limited to, African Clawed Frog (*Xenopus laevis*).
- (f) American Bullfrog (*Lithobates catesbeianus*).
- (g) Canadian Toad (*Anaxyrus hemiophrys*).
- (h) Green Frog (*Lithobates clamitans*).
- (i) Diploid Grass Carp (*Ctenopharygodon idella*).
- (j) Western Mosquitofish (*Gambusia affinis*).
- (k) Live baitfish that originated from outside Wyoming, unless legally obtained by the holder of a valid license to deal in live baitfish in accordance with Commission Regulation Chapter 46, Fishing Regulations.
- (l) Live baitfish that were obtained from any source within Wyoming that were transported out of state. Once live baitfish leave the state of Wyoming, the baitfish shall not be transported back into the state alive under any circumstance.

Section 9. Cold-Blooded Wildlife Requiring an Importation/Possession Permit.

An importation/possession permit shall be required for the activities listed in this section. The applicant for an importation/possession permit may be required to provide evidence, allow inspections, or implement procedures necessary to ensure that the proposed activity will not spread or introduce an AIS of concern (as defined in Commission Regulation Chapter 51, Private Fish Hatcheries), pathogen, disease or parasite. The Department may deny importation or possession if the Department determines it would pose a risk to the wildlife resources of the state of Wyoming. Cold-blooded wildlife imported into the state shall not be diverted from the destination stated on the importation/possession permit.

(a) Importation or possession of venomous reptiles or poisonous amphibians. A certificate of veterinary inspection is also required prior to importation.

(b) Importation or possession of all amphibians, reptiles, mollusks and crustaceans listed in Commission Regulation Chapter 52, Nongame Wildlife that require a permit for scientific and educational take. A certificate of veterinary inspection is also required prior to importation.

(c) Importation or possession of reptiles and amphibians indigenous to Wyoming imported for commercial use. A certificate of veterinary inspection is also required prior to importation.

(d) Placing aquatic turtles in ornamental ponds designed to prevent escape. An importation/possession permit shall not be issued if the Department determines that escape may be likely.

(e) Transplanting or stocking Plains Topminnow (*Fundulus sciadicus*), Northern Plains Killifish (*Fundulus kansae*), or Plains Killifish (*Fundulus zebrinus*) to control mosquitoes. These species may be approved only if they are known to the Department to be established in the drainage, stocking in the locations requested is considered by the Department to be compatible with aquatic species in that drainage and the source population(s) for transplant are not located in drainages known to contain an AIS or pathogen of concern (as defined in Commission Regulation Chapter 51, Private Fish Hatcheries).

(f) Using nongame fish in aquaponics or displaying nongame fish in aquaria or ornamental ponds unless otherwise prohibited from importation or possession in Section 8 of this regulation or allowed without an importation/possession permit in Section 10 of this regulation.

(g) Displaying coldwater, coolwater and warmwater fish in aquaria or ornamental ponds. Fish shall be legally obtained from a Department approved private fish hatchery or an individual or commercial operation permitted under this regulation.

(h) Importing mollusks and crustaceans for personal use that are designated as prohibited, invasive, or nuisance by any state, unless imported solely for human consumption and exempted in Section 6 of this regulation.

Section 10. Cold-Blooded Wildlife Not Requiring an Importation/Possession Permit.

(a) The animals listed in this section may be imported or possessed without securing an importation/possession permit and shall not require written authorization from the Chief of Fisheries. A certificate of veterinary inspection or a fish health and AIS inspection are not required.

- (i) Amphibians and reptiles not listed in Section 8 or 9 of this regulation.
- (ii) Mollusks and crustaceans not listed in Sections 8 or 9 of this regulation that are confined to aquaria.
- (iii) Marine fish.
- (iv) Tropical fish confined in aquaria, ornamental ponds or reared in aquaponics or other artificial environments not connected to the waters of this state.
- (v) Goldfish (*Carassius auratus*) and koi that are confined in aquaria or ornamental ponds.
- (vi) Live baitfish legally obtained in accordance with Commission Regulations Chapter 46, Fishing Regulations and Chapter 51, Private Fish Hatcheries.

(b) The following animals may be imported or possessed without securing an importation/possession permit but shall require written authorization from the Chief of Fisheries. Importation, possession, stocking and transportation shall be conducted in accordance with Commission Regulations Chapter 49, Private Stocking of Cold-Blooded Wildlife and Chapter 51, Private Fish Hatcheries.

(i) Fathead Minnow (*Pimephales promelas*) for stocking as fish forage or mosquito control that are legally obtained from a Department approved private fish hatchery in accordance with Commission Regulation Chapter 49, Private Stocking of Cold-Blooded Wildlife.

(ii) Coldwater, coolwater and warmwater fish as defined in Commission Regulation Chapter 51, Private Fish Hatcheries for private fish stocking or use in private fish hatcheries.

(iii) Nongame fish used in private fish hatcheries dealing primarily in marine or ornamental fish.

(iv) Mollusks or crustaceans used in aquaponics or any aquaculture operation. AIS hatchery inspections may be required. Inspections shall be conducted in accordance with Commission Regulation Chapter 51, Private Fish Hatcheries.

(c) The following requirements shall apply for fish requiring written authorization from the Chief of Fisheries prior to importation or possession.

(i) When importing fish or eggs to stock directly into a Wyoming water, the fish shall be accompanied by a copy of the private fish stocking authorization issued by the Chief of Fisheries per Commission Regulation Chapter 49, Private Stocking of Cold-Blooded Wildlife authorizing the stocking of a Wyoming water.

(A) If the fish or eggs are being transported by a broker they shall also be accompanied by a copy of the receipt of delivery as defined in Commission Regulation Chapter 49, Private Stocking of Cold-Blooded Wildlife.

(ii) When an in-state Department approved private fish hatchery is importing fish, their viable gametes (eggs and sperm) or fertilized eggs from any out-of-state source, the fish shall be accompanied by a copy of the letter from the Chief of Fisheries to the in-state Department approved private fish hatchery authorizing the importation.

Section 11. Certificate of Veterinary Inspection Requirements. The following requirements shall apply when a certificate of veterinary inspection is required in this regulation.

(a) A certificate of veterinary inspection shall be completed by a United States Department of Agriculture accredited veterinarian from the state of origin prior to importation or transportation of cold-blooded wildlife through the state of Wyoming and shall be valid for thirty (30) days following the date of inspection and issuance, except as otherwise specified, and shall accompany the shipment of said wildlife.

(b) All certificates of veterinary inspection shall be a legible record covering the requirements of the state of Wyoming as listed in this regulation and recorded on an official form from the state of origin and approved by the animal health official of the state of origin.

(c) Wildlife shall not be diverted from the destination stated on a certificate of veterinary inspection.

(d) If wildlife is marked in a manner allowing individual identification, such identification marking(s) shall be recorded on the certificate of veterinary inspection.

(e) A copy of the certificate of veterinary inspection shall accompany each and every container of live cold-blooded wildlife.

Section 12. Department Notification Required for Health, Aquatic Invasive Species or Escape of Permitted Wildlife.

(a) Health Notification and Mitigation

(i) It shall be an express condition of this regulation that a permittee or an authorized agent of the permittee shall notify the Chief of Fisheries within forty-eight (48) hours of having reason to believe that permitted amphibians or reptiles may have been exposed to or contracted a pathogen, disease or parasite. It shall be a violation of this regulation to import permitted amphibians or reptiles into this state or remove permitted amphibians or reptiles from a holding facility without prior authorization from the Department if said wildlife have been exposed to or contracted a pathogen, disease or parasite.

(A) The Department may order inspection by an accredited veterinarian or inspecting agent of permitted amphibians or reptiles believed to have been

exposed to or contracted a pathogen, disease or parasite. Inspection may be at the expense of the permittee.

(B) The Department shall determine when destruction, quarantine or disinfection of diseased amphibians or reptiles is required. If the Department determines that destruction, quarantine or disinfection of diseased amphibians or reptiles or disinfection of the facility is required, a written order from the Department shall be issued to the permittee or an authorized agent of the permittee setting forth the steps necessary and establishing the time period that the permittee shall carry out such actions.

(b) Aquatic Invasive Species (AIS) Notification and Mitigation

(i) It shall be an express condition of this importation/possession permit that the permittee or authorized agent of the permittee shall notify the Chief of Fisheries within forty-eight (48) hours if at any time the permittee or authorized agent finds, suspects or becomes aware of an AIS of concern at their holding facility.

(A) Upon confirmation of the finding of an AIS of concern, permittee shall immediately initiate reasonable action as defined in Commission Regulation Chapter 51, Private Fish Hatcheries. The Department may require that all or portions of the holding facility shall not be used until eradication of AIS is fully complete.

(c) Escape Notification and Mitigation

(i) It shall be an express condition of this importation/possession permit that the permittee or an authorized agent of the permittee shall notify the Department within twenty-four (24) hours of discovery that permitted cold-blooded wildlife have escaped. If the Department discovers the escape, it shall notify the permittee or his authorized agent within twenty-four (24) hours. The permittee or authorized agent shall have forty-eight (48) hours following notification to the Department or notification by the Department, to recover escaped wildlife that do not pose a threat to public safety or Wyoming's wildlife resources. The Department may take wildlife that are not recovered.

(A) The Department may take escaped cold-blooded wildlife at any time if it is determined by the Department that the wildlife poses a threat to public safety or Wyoming's wildlife resources.

Section 13. Stocking and Personal Use of Cold-Blooded Wildlife. No amphibians, reptiles, mollusks, crustaceans, their viable gametes (eggs and sperm), fertilized eggs or any hybrid or transgenic product thereof shall be stocked or released into the waters of this state unless authorized in writing by the Chief of Fisheries. Fish stocking shall be conducted in accordance with Commission Regulations Chapter 49, Private Stocking of Cold-Blooded Wildlife and Chapter 51, Private Fish Hatcheries.

(a) Live amphibians and reptiles imported, taken or possessed for personal use shall be confined and shall not be released, abandoned or allowed to escape.

(i) Use or possession of live or dead amphibians or reptiles while fishing is prohibited in accordance with Commission Regulation Chapter 46, Fishing Regulations.

(ii) Live amphibians and reptiles shall not be placed in ornamental ponds, unless otherwise specified in this regulation.

(b) Live mollusks and crustaceans imported, taken or possessed for personal use, shall be confined and shall not be released, abandoned or allowed to escape.

(i) Mollusks and crustaceans shall not be placed in ornamental ponds.

(ii) Use of crayfish as fishing bait shall be in accordance with Commission Regulation Chapter 46, Fishing Regulations.

Section 14. Application Requirements.

(a) The applicant shall disclose if cold-blooded wildlife proposed for importation has been exposed to or contracted a contagious disease or parasite.

(b) Application for an importation/possession permit shall be submitted to the Department on a form provided by the Department. The application shall be legible, fully completed, signed and dated by the applicant and include the following:

(i) The name, complete mailing address, street address and telephone number of the person making application for an importation/possession permit;

(ii) The total number of live wildlife to be imported and possessed and their taxonomic designation by genus, species and subspecies to include any varieties, strains or geographical races that are recognized;

(iii) The name and address of the supply source(s), or consigner form from where the live wildlife shall be obtained;

(iv) The purpose(s) for which live wildlife shall be imported or possessed; and,

(v) A complete description of the holding facility(ies) to include the geographic legal description to the quarter/quarter section, size and construction specifications for enclosures and handling facilities.

(c) Upon request by the Department, the applicant shall submit data including, but not limited to, biological evaluations, reports and studies in order to satisfy any Department concerns that Wyoming wildlife resources shall be adequately protected from such threats as:

(i) Competition

- (ii) Habitat damage or destruction;
- (iii) Predation;
- (iv) Disease or Parasitism;
- (v) Hybridization;
- (vi) Threats to human safety; and,
- (vii) Survival in the wild in Wyoming.

(d) The Department shall review the applicant's proposed holding facility(ies) taking into consideration the species applied for, the number of animals requested, the welfare of the animals to be possessed, the purpose(s) for which the animals shall be held and any other information the Department deems necessary to ensure adequate protection for Wyoming's wildlife resources and human health and safety. Holding facilities shall be constructed to provide secure containment to prevent risk of escape, shall not contact the waters of this state and shall be approved by the Department prior to importation or possession of live cold-blooded wildlife.

(e) Copies of any required federal permit(s) for the take of wildlife, if applicable, shall accompany the importation/possession permit application, or be submitted to the Department prior to conducting permitted activities.

(f) Incomplete or illegible applications shall not be considered by the Department.

(g) An importation/possession permit may be denied or conditioned to protect Wyoming's wildlife resources and to ensure public safety for reasons including, but not limited to, threats identified in subsections (c) and (d) of this section.

(i) When a new or renewal of an importation/possession permit application has been denied, the Department Permitting Officer shall send a certified, registered letter with return receipt to the applicant indicating the importation/possession permit application has been denied and the reasons for the denial.

Section 15. Permit Conditions. Permit holders shall comply with all conditions of the permit issued, and any applicable Wyoming statutes, Commission regulations, federal statutes, county and municipal rules or ordinances or any other laws or covenants.

(a) Each container of live amphibians and reptiles imported into Wyoming shall bear the names and addresses of the consignor and the consignee or the name and address of the person in possession of the wildlife if no transfer will occur. Each container shall have a label that clearly describes its contents.

(b) All containers or holding facilities used for venomous or poisonous species shall be clearly marked “Venomous Wildlife” or “Poisonous Wildlife” and shall include the common and scientific name.

(c) Holding facilities shall be kept clean and sanitary and be designed, constructed and maintained to provide for the physical well-being of the animal(s) and the safety and protection of other wildlife and people as deemed necessary by the Department.

(d) As a condition of receiving a permit, the permittee shall agree to be solely responsible for all costs, expenses and damages suffered as a result of importation and possession of live cold-blooded wildlife including, but not limited to, quarantine, total or partial depopulation on account of contagious diseases or parasites, or costs and expenses associated with the capture or destruction of escaped cold-blooded wildlife.

(e) The permittee may be required to maintain complete, accurate and legible records for the term of the permit on forms approved by the Department. Original records shall be kept at the holding facility. Data provided on the records shall include dates of purchase, barter, trade or other form of acquisition; sex, species, subspecies, number of animals captured, received, transported, purchased, reared, date of sale, death or other form of disposition for each individual animal. Dates and types of disease tests for each animal shall be recorded on the form. Records shall include names and addresses of all suppliers, persons to whom live cold-blooded wildlife are sold, traded, bartered or given and the date of each transaction.

Section 16. Inspection by Department Personnel.

(a) Any person issued an importation/possession permit shall allow inspection of all records, holding facilities and permitted live cold-blooded wildlife during reasonable hours throughout the term of the importation/possession permit.

(b) The Department shall have the right to collect blood or other biological samples for disease and AIS testing, genetic identification or other purposes to protect Wyoming wildlife resources.

(c) Permitted or non-permitted individuals transporting cold-blooded wildlife in containers of water shall stop at authorized mandatory AIS check stations for inspection.

Section 17. Permit Renewal. Any person possessing live cold-blooded wildlife held under an importation/possession permit shall make application for a new permit to the Department no later than sixty (60) consecutive days prior to the expiration of the permit if said wildlife are to be possessed beyond the permit’s expiration date. Applications for renewal shall be treated as original applications and may be denied in accordance with procedures set forth in this regulation.

Section 18. Process for Appealing a Department Decision.

(a) The applicant may appeal a permit denial or other Department decision made under the authority of this regulation by submitting a written request to the Department Permitting Officer at Department headquarters for reconsideration within thirty (30) consecutive days from the date of receipt of written notification of the decision being contested. If an applicant fails to request an appeal within thirty (30) consecutive days, the applicant shall waive their ability to make any future appeal request regarding the Department's decision.

(b) Upon receipt of a written request for reconsideration, the Permitting Officer shall notify the Chief of the Wildlife Division or Chief of the Fish Division as appropriate. The Chief shall establish a Department Decision Review Board (Board) consisting of five (5) Department employees, no more than two (2) of whom were directly involved in the initial decision.

(i) The Board shall review the Department's decision and may consider any additional information provided by the applicant.

(ii) The Board shall either uphold the Department's decision or approve the appeal request, in full or in part. The Board's decision shall be sent to the applicant as a certified, registered letter with return receipt within fifteen (15) consecutive days of the Board receiving the written request for appeal.

(c) The applicant may appeal the decision of the Board by submitting a written request to the Director of the Department at Department headquarters for reconsideration. This request shall be received at Department headquarters no later than thirty (30) consecutive days after the applicant receives the Board's decision letter. If an applicant fails to request an appeal within thirty (30) consecutive days from the date they received the Board's decision letter, the applicant shall waive their ability to make any future request for reconsideration of the Department's decision.

(i) The Director, or designee, shall conduct a review of the Department's and the Board's decision and may consider any additional information provided by the applicant.

(ii) The Director shall either uphold the Department's decision or approve the appeal request in full or in part. The Director's decision shall be sent to the applicant as a certified, registered letter with return receipt within fifteen (15) consecutive days of the applicant's written request for reconsideration.

(d) An applicant may appeal the decision of the Director by submitting a written request to the President of the Commission at Department headquarters no later than thirty (30) consecutive days after the applicant receives the Director's decision letter. If the applicant fails to submit a request for reconsideration within thirty (30) consecutive days from the date they received the Director's decision letter, the applicant shall waive their ability to make any future request for reconsideration of the Department's decision.

(i) The Commission shall hold a contested case hearing under Commission Regulation Chapter 27, Rules of Practice Governing Contested Cases Before the Wyoming Game and Fish Commission to review the director's decision.

(ii) The Commission shall either uphold the Director's decision or approve the appeal and issue a new decision. The commission shall provide its final decision on the matter to the applicant at their next regularly scheduled Commission meeting.

(e) The applicant may appeal a decision of the Commission by filing with the appropriate Wyoming District Court.

Section 19. Revocation of Permit.

(a) The Department may revoke any permit for any violations of this regulation, where the permittee has failed to comply with these regulations, where any conditions placed on the permit at the time of issuance have not been met or adhered to, or when the Department has determined that permitted cold-blooded wildlife poses a threat to public safety or Wyoming's wildlife as specified in Section 14 of this regulation. The Department may revoke any permit if the applicant or an authorized agent of the applicant falsified information on the permit application or on the certificate of veterinary inspection, or falsified or failed to keep or submit records as required by this regulation. If the Department revokes a permit, disposition of live cold-blooded wildlife shall be in accordance with Section 20 of this regulation.

(b) A permittee dissatisfied with the Department's decision to revoke a permit may request a hearing before the Wyoming Game and Fish Commission. A request for hearing shall be made in writing to the Chief of Fisheries within ten (10) business days after receipt of the notice from the Department revoking the permit. The hearing shall be conducted in accordance with Commission Regulation Chapter 27, Rules of Practice Governing Contested Cases before the Wyoming Game and Fish Commission.

Section 20. Disposition of Live Cold-Blooded Wildlife if Permit is Revoked or Expires. Should a permit expire or be revoked, all formerly permitted live cold-blooded wildlife in possession shall be disposed of by the permittee within seven (7) consecutive days or a longer time period agreed to by the Department in writing after expiration or revocation of the permit. No formerly permitted live cold-blooded wildlife shall be abandoned, released or removed from the holding facility without prior written permission of the Department. All formerly permitted live cold-blooded wildlife remaining at the holding facility seven (7) consecutive days after expiration or revocation of the permit may be taken by the Department without compensation to the permittee.

Section 21. Disposition of Live Cold-Blooded Wildlife Upon Death of Permittee. Upon the death of a permittee, all permitted live coldblooded wildlife shall become property of the permittee's personal representative. The personal representative shall be required to apply for a permit to possess live cold-blooded wildlife within thirty (30) consecutive days of the death of the permit holder. All formerly permitted live cold-blooded wildlife remaining at the holding facility forty-five (45) consecutive days after death of the permittee may be taken by the Department without compensation unless the permittee's personal representative obtains a permit to possess the cold-blooded wildlife.

Section 22. 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