

WYOMING GAME AND FISH COMMISSION

CHAPTER 52

NONGAME WILDLIFE REGULATION

Section 1. Authority. This regulation is promulgated by authority of 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.

(b) “Nongame wildlife” means:

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

(ii) 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) All 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;

(iv) All mammals 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,

(v) All birds 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.

(c) “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).

Section 3. 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 Wildlife, Chapter 10 shall control the importation and possession of live wildlife.

Section 4. Taking of Nongame Wildlife.

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

(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.

(c) Any take of a federally listed Endangered or Threatened species shall be in compliance with U.S. Fish and Wildlife Service regulations governing Endangered or Threatened species.

(d) If any nongame wildlife is 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. Pelts from nongame mammals listed in this subsection may be sold.

Fox

Gray Fox
Swift Fox

Urocyon cinereoargenteus
Vulpes velox

Section 5. Amphibians and Reptiles.

(a) Scientific and Educational Take. Amphibians or reptiles in this subsection shall only be taken 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
Wood Frog

Rana luteiventris
Lithobates sylvaticus

Toad

Western Toad
Wyoming Toad

Anaxyrus boreas
Anaxyrus baxteri

Reptile

Lizard

Northern Tree Lizard

Urosaurus ornate wrighti

Snake

Great Basin Gopher Snake
Midget Faded Rattlesnake
Black Hills Red-bellied Snake
Northern Rubber Boa
Pale Milksnake
Smooth Greensnake

Pituophis catenifer deserticola
Crotalus oreganus concolor
Storeria occipitomaculata pahasapae
Charina bottae
Lampropeltis triangulum multistriata
Opheodrys vernalis

Turtle

Plains Box Turtle

Terrapene ornate ornate

(b) Take Without a Permit. All amphibians and reptiles not specifically referenced in this Section may be taken throughout the calendar year for personal use without a permit, shall be confined at their final destination and shall not be released, abandoned or allowed to escape.

Section 6. Birds.

(a) Scientific and Educational Take. All nongame birds defined in Section 2(b)(v) of this regulation shall only be taken in accordance with Commission Regulations Chapter 10, Regulation for Importation, Possession, Confinement, Transportation, Sale and Disposition of Live 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 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.

(b) Open Seasons. There shall be open 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 season. Wyoming hunting license requirements do not pertain to the taking of crows during the established hunting season dates.

(c) Take Without a Permit. Birds listed in this subsection may be taken throughout the calendar year for personal use without a permit.

Pigeons and Doves

Rock Pigeon

Eurasian Collared-Dove

Columba livia

Streptopelia decaocto

Starling

European Starling

Sturnus vulgaris

Sparrow

House Sparrow

Passer domesticus

Swan

Mute Swan

Cygnus olor

Section 7. Mollusks and Crustaceans.

(a) Scientific and Educational Take. All mollusks and crustaceans defined in Section 2(b)(ii) of this regulation shall only be taken for scientific or educational purposes 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.

(b) Take Without a Permit. All mollusks and crustaceans defined in Section 2(b)(ii) of this regulation may be taken for personal use throughout the calendar year and shall only be used as live fishing bait in the water body from which they were captured in accordance with Commission Regulation Chapter 46, Fishing Regulations. Live mollusks and crustaceans taken for personal use shall be confined to aquaria at their final destination and shall not be released, abandoned or allowed to escape.

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

Section 8. Fishes.

(a) Scientific and Educational Take. Fishes listed in this subsection shall only be taken 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) Fish defined in Section 2(b)(iii) of this regulation and not specifically 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. § 23-5-201, (Department authorized to issue licenses); W.S. § 23-5-204, (Permission to take fish from licensed 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.

(i) 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.

(ii) 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. Nongame fish taken for display in aquaria or ornamental ponds shall not be released, abandoned or allowed to escape.

Section 9. Mammals.

(a) Scientific and Educational Take. Nongame mammals defined in Section 2(b)(iv) of this regulation, and not otherwise listed in subsection (b) of this Section, shall not be taken except 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 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. Pelts 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	<u>Tamias minimus</u>
Mouse		
	North American Deermouse	<u>Peromyscus maniculatus</u>
	House Mouse	<u>Mus musculus</u>
	Northern Grasshopper Mouse	<u>Onychomys leucogaster</u>
	Western Harvest Mouse	<u>Reithrodontomys megalotis</u>
Opossum		
	Virginia Opossum	<u>Didelphis virginiana</u>
Pocket Gopher		
	Northern Pocket Gopher	<u>Thomomys talpoides</u>
Rat		
	Bushy-tailed Woodrat	<u>Neotoma cinerea</u>
	Norway Rat	<u>Rattus norvegicus</u>
Vole		
	Meadow Vole	<u>Microtus pennsylvanicus</u>

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.
- (c) 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 Bussche, 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



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