

NONGAME SPECIES

Chapter 67

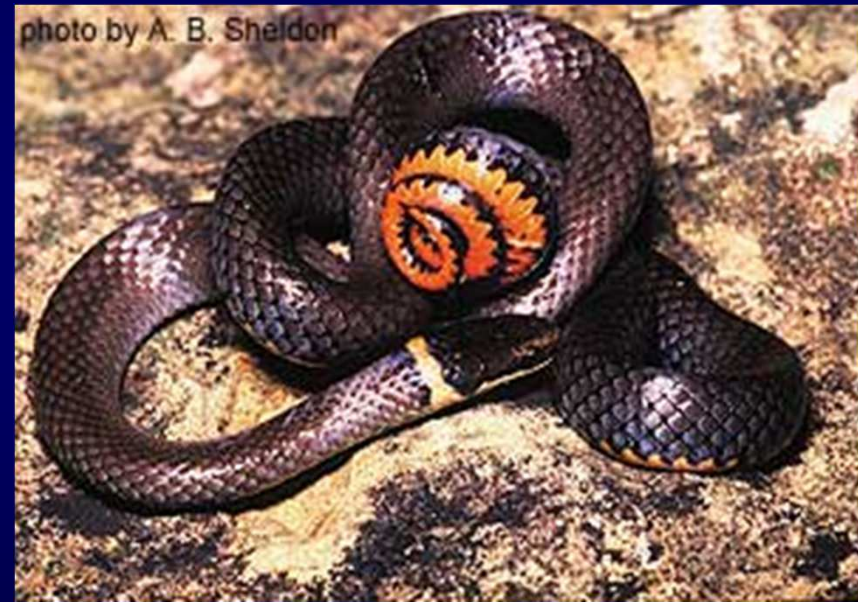
Parks and Wildlife Code

Objective

- Recognize and recall statutes/regulations related to nongame species
- Know where to look for statutes and regulations and how they apply
- Review definitions and procedures for new nongame wildlife regulations
- Identify special permits that are required

Definition of Nongame Species

- Vertebrate and Invertebrate wildlife that are indigenous to Texas
- Does not include:
 - game animals
 - game birds
 - game fish
 - fur-bearing animals
 - endangered species
 - alligator
 - shrimp or oysters
 - Feral hogs



Prairie Ringneck Snake

Texas Biodiversity

	<u>Mammals</u>	<u>Birds</u>	<u>Herps</u>	<u>Fish</u>	<u>Total</u>	<u>% Total</u>
• Non-game	247	561	248	168	1224	84%
• Game	20	47	1	33	98	6.7%
• T & E	20	34	38	30	107	9%
• Extinct	6	6	1	8	21	2%
• TOTAL	293	628	285	239	1448	100%

Management of Nongame

- Conduct Scientific Investigations
- Propagate, distribute, protect
- Develop Habitat
- Acquire Habitat



Green Sea Turtle

TPW Code Permit Authority

- Taking
- Possession
- Propagation
- Transportation
- Sale
- Importation
- Exportation
- Fee



Prairie Dogs

Commission Authority



**Western Diamondback
Rattlesnake**

- Regulate (§67.004, Code)
 - Taking
 - Possession
 - Propagation
 - Transportation
 - Importation
 - Exportation
 - Sale or Offer for Sale

Chapter § 67 - Authority to Regulate Non-game

- Section § 67.0040-
 - “The commission by regulation shall establish any limits on the taking, possession, propagation, transportation, importation, exportation, sale, or offering for sale of non-game fish or wildlife that the department considers necessary to manage the species.”
- Section § 67.0041 -
 - “The department may issue permits for the taking, possession,..... if necessary to properly manage that species.”

General Regulations

- Non-game regulations have been put into effect to assess the take and trade of certain non-game animals in Texas. Hobbyists can still enjoy collecting a wide variety of species but must obtain a valid **non-game** or **dealer's non-game** permit from Texas Parks & Wildlife

Nongame Dealer's Permit

- collect nongame wildlife listed in §65.331(d) of this title (relating to Commercial Activity) from the wild;
- sell nongame wildlife to anyone;
- acquire nongame wildlife by or for a commercial activity only from a person permitted under this subchapter or a lawful out-of-state source; and

Nongame Dealer's Permit

- may import nongame wildlife into Texas for sale or resale, including for purposes of export, provided the person:
 - does not release the nongame wildlife in Texas or allow the nongame wildlife to commingle with native nongame wildlife in Texas;
 - possesses an invoice, bill of sale, or receipt establishing that the nongame wildlife was lawfully obtained in and transported from another state;

Nongame Dealer's Permit

- completes and mails to the department a department-supplied Notice of Import/Export within 24 hours of each instance of shipping such wildlife out-of-state or receiving such nongame wildlife from out-of-state; and
- maintains all documentation required by this paragraph for a period of two years following the importation of the nongame wildlife. The documentation required by this paragraph includes the dealer's copy of each Notice of Import/Export. All documentation shall be provided at the request of any department employee acting within the scope of official duties.

Nongame Permit

- may collect nongame wildlife listed in §65.331(d) of this title from the wild; and
- may purchase or acquire nongame wildlife listed in §65.331(d) of this title from the holder of a valid nongame dealer permit or lawful out-of-state source; but
- may sell only to the holder of a valid nongame dealer permit.

Exceptions

- Applicable to non-game wildlife species listed in §65.331(d) (relating to Affected Species), living or dead, including parts (eggs) of non-game wildlife and captive-bred non-game wildlife except:
- The purchase, possession, or sale of **processed products**
- Non-game wildlife held only for educational purposes by teachers at accredited primary or secondary educational institutions;

Exceptions

- Selling non-game wildlife for and ready for immediate consumption in individual portion servings, and which are subject to limited sales or use tax;

Exceptions

- Coyotes
- Bobcats
- Mountain lions
- Rabbits (cotton tail & swamp rabbits)
- American Bison
- Diamondback terrapin

Person without a nongame or nongame dealer's permit

- possess six or fewer specimens of a species of nongame wildlife listed in §65.331(e)(Black List) of this title, provided the person does not engage in commercial activity involving the nongame wildlife; and
- possess 25 or fewer specimens of a species of nongame wildlife listed in §65.331(d) (White List) of this title, provided the person does not engage in commercial activity involving the nongame wildlife.

Person without a nongame or nongame dealer's permit

- A permit is not required for any person to sell nongame wildlife listed in §65.331(d) of this title for and ready for immediate consumption in individual portion servings, and which are subject to limited sales or use tax, provided the person maintains a receipt identifying the source of the nongame wildlife.
- Notwithstanding any other requirement of this subchapter, no permit under this subchapter is required to purchase, possess, or sell processed products made from nongame wildlife.

Commercial Non-Game Permits

- Non-game Dealer
 - Collection from the wild
 - May sell to anyone
 - Required for commercial export
- Non-game
 - Collection from wild
 - Possession of over 25 listed non-game animals
 - May sell only to dealers
- Both require hunting license to collect



Affected Species

- The species of nongame wildlife listed in paragraph §65.331 (d) may be possessed, purchased, sold, offered for sale, imported, or exported as provided under this subchapter.

Frogs and Toads

- Great Plains toad (*Bufo cognatus*)
- Green toad (*Bufo debilis*)
- Red-spotted toad (*Bufo punctatus*)
- Texas toad (*Bufo speciosus*)
- Gulf Coast toad (*Bufo valliceps*)
- Woodhouse's toad (*Bufo woodhousei*)
- Green treefrog (*Hyla cinerea*)
- Bull frog (*Rana catesbeiana*)
- Couch's spadefoot (*Scaphiopus couchii*)
- Plains spadefoot (*Spea bombifrons*)
- New Mexico spadefoot (*Spea multiplicata*)

Salamanders

- Tiger salamander (*Ambystoma tigrinum*)

Lizards

- Green anole (*Anolis carolinensis*)
- Chihuahuan spotted whiptail (*Aspidoscelis exsanguis*)
- Texas spotted whiptail (*Aspidoscelis gularis*)
- Marbled whiptail (*Aspidoscelis marmoratus*)
- Six-lined racerunner (*Aspidoscelis sexlineatus*)
- Checkered whiptail (*Aspidoscelis tessellatus*)
- Texas banded gecko (*Coleonyx brevis*)
- Greater earless lizard (*Cophosaurus texanus*)
- Collared lizard (*Crotaphytus collaris*)

Lizards

- Five-lined skink (*Eumeces fasciatus*)
- Great plains skink (*Eumeces obsoletus*)
- Texas alligator lizard (*Gerrhonotus infernalis*)
- Lesser earless lizard (*Holbrookia maculata*)
- Crevice spiny lizard (*Sceloporus poinsettii*)
- Prairie lizard (*Sceloporus undulatus*)
- Ground skink (*Scincella lateralis*)
- Tree lizard (*Urosaurus ornatus*)
- Side-blotched lizard (*Uta stansburiana*)

Snakes

- Copperhead (*Agkistrodon contortrix*)
- Cottonmouth (*Agkistrodon piscivorus*)
- Glossy snake (*Arizona elegans*)
- Trans-Pecos rat snake (*Bogertophis subocularis*)
- Racer (*Coluber constrictor*)
- Western diamondback rattlesnake (*Crotalus atrox*)
- Rock rattlesnake (*Crotalus lepidus*)
- Blacktail rattlesnake (*Crotalus molossus*)
- Mojave rattlesnake (*Crotalus scutulatus*)
- Prairie rattlesnake (*Crotalus viridis*)

Snakes

- Baird's rat snake (*Elaphe bairdi*)
- Great Plains rat snake (*Elaphe emoryi*)
- Texas rat snake (*Elaphe obsoleta*)
- Slowinski's cornsnake (*Elaphe slowinskii*)
- Western hognose snake (*Heterodon nasicus*)
- Eastern hognose snake (*Heterodon platirhinos*)
- Texas night snake (*Hypsiglena torquata*)

Snakes

- Gray-banded kingsnake (*Lampropeltis alterna*)
- Prairie kingsnake (*Lampropeltis calligaster*)
- Speckled or desert kingsnake (*Lampropeltis getula*)
- Milk snake (*Lampropeltis triangulum*)
- Texas blind snake (*Leptotyphlops dulcis*)
- Coachwhip (*Masticophis flagellum*)

Snakes

- Schott's whipsnake (*Masticophis schotti*)
- Striped whipsnake (*Masticophis taeniatus*)
- Texas coral snake (*Micrurus tener*)
- Blotched or yellowbelly water snake (*Nerodia erythrogaster*)
- Broad-banded water snake (*Nerodia fasciata*)
- Diamondback water snake (*Nerodia rhombifer*)
- Rough green snake (*Opheodrys aestivus*)
- Bullsnake or gopher snake (*Pituophis catenifer*)
- Texas longnose snake (*Rhinocheilus lecontei*)
- Western blackneck garter snake (*Thamnophis cyrtopsis*)
- Checkered garter snake (*Thamnophis marcianus*)

Snakes

- Western ribbon snake (*Thamnophis proximus*)
- Big Bend patchnose snake (*Salvadora deserticola*)
- Texas or mountain patchnose snake (*Salvadora grahamiae*)
- Massasauga (*Sistrurus catenatus*)
- Pygmy rattlesnake (*Sistrurus miliarius*)
- Ground snake (*Sonora semiannulata*)
- Brown snake (*Storeria dekayi*)
- Flathead snake (*Tantilla gracilis*)
- Southwestern blackhead snake (*Tantilla hobartsmithi*)
- Plains blackhead snake (*Tantilla nigriceps*)
- Lined snake (*Tropidoclonion lineatum*)
- Rough earth snake (*Virginia striatula*)

Mammals

- Texas Antelope Squirrel - (*Ammospermophilus interpres*)
- Black-tailed Prairie Dog - (*Cynomys ludovicianus*)
- Merriam's Kangaroo Rat - (*Dipodomys merriami*)
- Eastern Flying Squirrel - (*Glaucomys volans*)
- Black-tailed Jackrabbit - (*Lepus californicus*)
- Spotted Ground Squirrel - (*Spermophilus spilosoma*)
- Thirteen-lined Ground Squirrel - (*Spermophilus tridecemlineatus*)
- Rock Squirrel - (*Spermophilus variegatus*)

Permit Possession

- a permit required by this subchapter shall be possessed on the person of the permittee during any activity governed by this subchapter
- A separate permit is required for each permanent place of business
- An employee of a nongame dealer may engage in commercial activity or the resale of nongame wildlife only at a permanent place of business operated by the permittee, provided that:

Permit Possession

- the employer's permit or a legible photocopy of the permit is maintained at the place of business
- the place of business has been identified on the application
- In the event that a nongame dealer conducts a commercial activity at a place in addition to the permittee's permanent place of business, that person shall possess on their person the original or a legible photocopy of a valid nongame dealer's permit

Period of Validity

- A permit issued under this subchapter is valid through the August 31 immediately following the date of issuance

Means and Methods

- Any device used to take or attempt to take nongame wildlife shall be marked with a gear tag.
 - Name
 - Address
 - Date set out (The gear tag is valid for 30 days following the date indicated on the tag)
- Any device used to take turtles shall be set such that:
 - (1) the opening or entrance to the device remains above water at all times; and
 - (2) the holding area of trap provides a sufficient area above water to prevent trapped turtles from drowning

Permit Application

- An applicant for a dealer's nongame permit shall submit an application to the department along with a non-refundable application fee
- The department reserves the right to refuse permit issuance to any person finally convicted of any violation of Parks and Wildlife Code during the five-year period immediately prior to an application

Permit Application

- The department shall not issue a permit to any person who has not complied with the applicable requirements of §65.330 of this title (relating to Reporting Requirements)
- Permits shall be issued to named individuals only
 - resident or nonresident as applicable
 - shall not be issued in the name of any firm, organization, or institution

Record and Reporting Requirements

- A person possessing a nongame permit issued under this subchapter shall:
 - (1) continuously maintain and possess upon their person during any permitted activity a daily log indicating the date, location, and number of specimens of each species collected and/or possessed; and
 - (2) maintain a current daily record of all sales, to include the permit number of all nongame dealers purchasing nongame wildlife from the permittee.

Record and Reporting Requirements

- A person possessing a nongame dealer permit shall:
 - maintain a current daily record of all purchases and sales
 - maintain a collection log, invoice, or receipt identifying the source or origin of each specimen of nongame wildlife in possession
 - nongame permit number of all persons from whom nongame specimens are purchased or acquired); and
 - complete and submit to the department, on a form supplied or approved by the department, an annual report for the period of August 1 through the following July 31. The report is due no later than August 15 of each year.

Record and Reporting Requirements

- All records required by this section shall be retained and kept available for inspection upon request of a department employee acting within the official scope of duty for a period of two years following the period of validity of the permit under which they are required to be kept.

Commercial Activity

- The department shall develop a policy for periodic evaluation of pertinent information or evidence to determine if a species should be added to or removed from the lists of species in this section.

Turtles



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Turtles

The holder of a dealers nongame or a nongame permit may possess, transport, sell, import, or export common snapping turtle (*Chelydra serpentina*), red-eared slider (*Trachemys scripta*), or softshell turtle (*Apalone spinifera*, *A. muticus*) in accordance with the provisions of this subchapter, provided that take occurs on private land or **private water**