

## COMMERCIAL NONGAME PERMITS

The new sections are adopted under Parks and Wildlife Code, Chapter 67, which provides the commission with authority to establish any limits on the take, possession, propagation, transportation, importation, exportation, sale, or offering for sale of nongame fish or wildlife.

### **1. Introduction.**

The Texas Parks and Wildlife Department adopts amendments to §65.325, 65.327, and 65.331, concerning Commercial Nongame Permits, without changes to the proposed text as published in the July 11, 2008, issue of the Texas Register (33 TexReg 5499).

### **2. Justification for the Rules.**

In April of 2007, the Texas Parks and Wildlife Commission adopted a comprehensive revision of the department's rules governing the possession and sale of nongame wildlife, including the creation of a "prohibited list" of nongame species that cannot be possessed or used for commercial purposes. The rules took effect October 21, 2007.

The primary goal of the rules was to protect wild populations of nongame species on the prohibited list from commercial collection; however, the rules do allow a person to possess not more than six specimens of any species on the prohibited list, provided the specimens are not used for a commercial purpose.

The rules also acknowledged that the creation of the prohibited list would have the consequence of making it unlawful to possess certain species of nongame wildlife that had been lawfully possessed prior to the effective date of the rules. Therefore, the rules required those persons in recreational possession (personal use, as opposed to commercial use) of more than six specimens of species on the prohibited list to report those collections to the department by November 1, 2008. The department's intent in establishing this "grandfather" provision was to provide a window of time for the development of additional rules to address the possession, captive breeding and sale of species on the prohibited list.

The department does not wish to criminalize the possession of specimens on the prohibited list by persons who lawfully possessed those specimens prior to the effective date of the rules, provided the specimens are not used in a commercial activity. The department also does not see any reason to prohibit the commercial use of captive-bred specimens of species on the prohibited list, provided the breeding stock was lawfully acquired (i.e., acquired from a lawful out-of-state source). The amendments to §§65.325, 65.327, and 65.331 are intended, collectively, to accomplish that goal.

The amendment to §65.325, concerning Applicability, eliminates former subsection (c)(1), which established a deadline for commercial dealers to divest themselves of species on the prohibited list. The deadline has passed, making the provision superfluous.

The amendment to §65.325 also alters the provisions of subsection (c)(2)(A) to extend the ‘grandfather’ provision for specimens held in recreational collections in numbers exceeding the possession limit established in §65.331(e) (the “prohibited list”). The amendment is necessary to provide for continued lawful possession of nongame species that were lawfully possessed prior to October 21, 2007, while affording additional time for the persons possessing the specimens to contact the department and report the collections. Since the current rules became effective on October 21, 2008, there has been a small number of persons who have complied with the reporting requirements for recreational collections affected by the subchapter. The department has no method to reliably estimate how many persons in the state may be in recreational possession of more than six specimens of any given species on the prohibited list. Anecdotal information and communications with persons knowledgeable with the pet trade suggest that there may be as many as 1,000 people with recreational collections consisting to some degree of species on the prohibited list. The department therefore has determined that it is necessary to extend the ‘grandfather’ clause in order to conduct more extensive outreach and awareness activities. Accordingly, the department has extended the ‘grandfather’ clause for an additional two years.

The amendment to §65.325 also clarifies that the exception of rabbits from the applicability of the subchapter affects only the genus *Sylvilagus*, which consists of species commonly referred to as cottontails. The department is concerned that confusion could occur, because the black-tailed jackrabbit (which is subject to the rules), despite its common name, is a member of the genus *Lepus* and thus is a hare, not a rabbit.

The amendment to §65.327, concerning Permit Required, alters subsection (b)(1) to clarify that the provisions of the rule apply to the export of nongame wildlife as well as to the import of nongame wildlife, and that the rules apply to the import or export of nongame wildlife for any purpose, including sale or resale. Current subsection (b)(1)(D)(iii) requires persons to report and keep records of each instance in which nongame wildlife is shipped out of state, which by definition constitutes export, although that term is not used. However, there are provisions in subparagraph (D) that obviously are applicable to importation but not exportation. By creating a separate subparagraph (E) to isolate the current provisions that apply specifically to export, the department intends to make the rules easier to navigate and understand. Similarly, current subsection (b)(1)(D) authorizes permit holders to import nongame wildlife into Texas “for sale or resale.” The department does not

intend for this provision to be interpreted as restricting the applicability of the rules to “sale” and “resale” of nongame wildlife, but intends for the rules to apply to any instance in which nongame wildlife is imported to or exported from the state.

The amendment to §65.327 also adds new subsection (b)(1)(F) to explicitly authorize the holder of a nongame dealer permit to breed and sell all species of nongame wildlife, provided the brood stock is lawfully acquired and the person is in compliance with the documentation requirements of the subchapter.

The amendment to §65.327 also alters subsection (b)(2)(B) to allow the holder of a nongame dealer permit to purchase and sell all species of nongame wildlife, provided the person complies with the documentation requirements of the subchapter as they relate to species on the prohibited list.

The amendment to §65.331, concerning Commercial Activity, alters subsection (e) to allow for the commercial use of species listed in subsection (e), provided the specimens are lawfully obtained and the person is in compliance with all applicable reporting and recordkeeping requirements of the subchapter. The amendment also removes the cornsnake, the house mouse, and the rough-footed mud turtle from the list of species that are prohibited from use in commercial activity. The cornsnake is not native to Texas. The house mouse is not wildlife and should not have been included on the list. The rough-footed mud turtle should not have been on the list because it is protected from take under the provisions of Chapter 65, Subchapter G, which regulates Endangered and Threatened species.

The department has determined that the rules as adopted will not result in direct adverse economic impacts on small businesses or micro-businesses, but may have a beneficial effect by allowing for the importation, propagation, and sale of species that are currently unlawful to possess for commercial purposes. The department cannot determine the number of entities affected by the rules that may qualify as small or micro-businesses; however, the rules will not add new reporting or recordkeeping requirements; require any new professional expertise, capital costs, or costs for modification of existing processes or procedures; lead to loss of sales or profits; change market competition; or increase taxes or fees. Since the department has determined that the rules will not result in direct adverse economic impact on small businesses and micro-businesses, the department therefore did not consider alternatives to reduce the direct adverse economic impact of the rules on small businesses and micro-businesses.

The purpose of the amendments is to create an opportunity for persons to engage in the breeding and sale of all species of nongame wildlife without weakening protections for wild populations, and to maintain accurate lists of indigenous wildlife in rules governing indigenous wildlife.

In view of the information currently available to the department, there is no reasonable alternative to the rules that will achieve the objective of the rules, be as effective, and be less burdensome to small businesses or micro-businesses.

### 3. Summary of Public Comment.

Summary may be found online at the Texas Register ([www.sos.state.tx.us](http://www.sos.state.tx.us)).

### 4. Statutory Authority.

The rules are adopted under the authority of Parks and Wildlife Code, §67.004, which authorizes the commission to establish any limits on the taking, possession, propagation, transportation, importation, exportation, sale, or offering for sale of nongame fish or wildlife that the department considers necessary to manage the species; and §67.0041, which authorizes the department to issue permits for the taking, possession, propagation, transportation, sale, importation, or exportation of a nongame species of fish or wildlife if necessary to properly manage that species.

#### **§65.325. Applicability.**

(a) General Applicability. In this subchapter, nongame wildlife means those species of vertebrate wildlife, living or dead, that are indigenous to this state and are not classified as game animals, birds, fish, furbearing animals, endangered species, alligators, marine penaeid shrimp, or oysters. Nongame wildlife includes captive-bred nongame wildlife, parts of nongame wildlife, and the eggs of nongame wildlife.

(b) Exceptions. This subchapter does not apply to the following nongame wildlife:

- (1) coyotes;
- (2) mountain lions;
- (3) bobcats;
- (4) rabbits (genus *Sylvilagus*);
- (5) American bison;
- (6) diamondback terrapin (*Malaclemys terrapin*), which are

addressed under the provisions of §65.82 of this title (relating to Other Aquatic Life); or

(7) threatened species listed in Subchapter G of this chapter (relating to Threatened and Endangered Nongame Species).

(c) Transitional Provisions for Possession of Certain Nongame Wildlife. A person in lawful possession of nongame wildlife listed in §65.331(e) of this title (relating to Commercial Activity) prior to October 21, 2007 who possesses the nongame wildlife for personal, noncommercial use may continue to possess the nongame wildlife and any increase, provided:

(1) the person contacts the department by no later than November 1, 2010 and reports the person's name and address, and the species and number of the nongame wildlife in possession; and

(2) the person does not engage in any commercial activity involving the nongame wildlife possessed under this section.

### **§65.326. Definitions.**

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. All other words and terms shall have the meanings assigned by the Parks and Wildlife Code or regulatory definitions adopted under the authority of Parks and Wildlife Code.

(1) Captive-bred - Any wildlife born in captivity from parents held in captivity.

(2) Commercial activity - The sale, offer for sale, exchange, or barter of nongame wildlife.

(3) Export - The transport of nongame wildlife from Texas across a state or international boundary.

(4) Possession - actual care, custody, or control of nongame wildlife.

(5) Resale - Any transaction or activity in which a person purchases nongame wildlife or otherwise acquires nongame wildlife for a consideration and subsequently transfers or delivers the same nongame wildlife to any person in exchange for compensation or remuneration of any kind.

(6) Processed product -

(A) nongame wildlife or parts of nongame wildlife that have been treated or prepared, by means other than refrigeration or freezing, to prevent decomposition; or

(B) parts of nongame wildlife that do not require treatment or preparation to prevent decomposition.

### **§65.327. Permit Required.**

(a) General Requirement. Except as provided in this subchapter, no person may collect, acquire, possess, import, export, cause the import or export of, or engage in a commercial activity involving nongame wildlife.

(b) Permit Privileges and Restrictions.

(1) The holder of a valid nongame dealer permit may:

(A) collect nongame wildlife listed in §65.331(d) of this title (relating to Commercial Activity) from the wild;

(B) sell lawfully obtained nongame wildlife to anyone;

(C) 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

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(D) import nongame wildlife into Texas for any purpose, including sale or resale, or for purposes of export, provided the person:

(i) does not release the nongame wildlife in Texas or allow the nongame wildlife to commingle with native nongame wildlife in Texas;

(ii) possesses an invoice, bill of sale, or receipt establishing that the nongame wildlife was lawfully obtained in and transported from another state;

(iii) completes and mails to the department a department-supplied Notice of Import/Export within 24 hours of each instance of receiving such nongame wildlife from out-of-state; and

(iv) 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;

(E) export lawfully obtained nongame wildlife from Texas for any reason, including sale or resale, provided the person:

(i) 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; and

(ii) maintains the dealer's copy of each Notice of Import/Export for a period of two years following each instance of exportation of nongame wildlife. The documentation required by this paragraph shall be provided at the request of any department employee acting within the scope of official duties; and

(F) engage in captive breeding of all species of nongame wildlife.

(2) The holder of a valid nongame permit:

(A) may collect nongame wildlife listed in §65.331(d) of this title from the wild; and

(B) may purchase or acquire nongame wildlife from the holder of a valid nongame dealer permit or lawful out-of-state source; but

(C) may sell only to the holder of a valid nongame dealer permit.

(3) A person without a nongame or nongame dealer's permit may:

(A) possess six or fewer specimens of a species of nongame wildlife listed in §65.331(e) of this title, provided the person does not engage in commercial activity involving the nongame wildlife; and

(B) possess 25 or fewer specimens of a species of nongame wildlife listed in §65.331(d) of this title, provided the person does not engage in commercial activity involving the nongame wildlife.

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(4) 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.

(5) 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.

(6) No person in this state may take nongame wildlife and subsequently treat it to create a processed product for sale, offer for sale, exchange, or barter unless that person possesses a valid nongame dealer's permit.

(c) Possession of Permit.

(1) This subchapter does not relieve any person of the obligation to possess an appropriate hunting license for any activity involving the take of nongame wildlife.

(2) Except as provided in this section, 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:

(A) the employer's permit or a legible photocopy of the permit is maintained at the place of business during all activities governed by this subchapter; and

(B) the place of business has been identified on the application required by §65.329 of this title (relating to Permit Application).

(3) 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.

(d) Period of Permit Validity. A permit issued under this subchapter is valid through the August 31 immediately following the date of issuance.

(e) Exception. No permit is required for nongame wildlife not taken or originating in Texas that are shipped by common carrier or accompanied by documentation of lawful possession from outside of this state to a destination within this state for immediate shipment outside the state.

### **§65.328. Means and Methods.**

(a) Any device employed or emplaced to take or attempt to take nongame wildlife shall be marked with a gear tag. The gear tag must bear the name and address of the person using the device and the date the device was set out. The information on the gear tag must be legible. The gear tag is valid for 30 days following the date indicated on the tag.

(b) 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.

### **§65.329. Permit Application.**

(a) An applicant for a dealer's nongame permit under this subchapter shall submit to the department a completed application on a form supplied by the department, accompanied by the nonrefundable fee specified in Chapter 53 of this title (relating to Finance).

(b) 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 for a permit under this subchapter. This paragraph does not apply to convictions under Parks and Wildlife Code, Chapter 31.

(c) 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).

(d) Permits shall be issued to named individuals only, resident or nonresident as applicable, and shall not be issued in the name of any firm, organization, or institution.

### **§65.330. Record and Reporting Requirements.**

(a) A person possessing a nongame permit issued under this subchapter shall, during the period of validity of the permit:

- (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.

(b) A person possessing a nongame dealer permit shall:

- (1) maintain a current daily record of all purchases and sales;
- (2) maintain a collection log, invoice, or receipt identifying the source or origin of each specimen of nongame wildlife in possession (to include the

nongame permit number of all persons from whom nongame specimens are purchased or acquired); and

(3) 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.

(c) 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.

### **§65.331. Commercial Activity.**

(a) Policy. 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.

(b) Turtles.

(1) The holder of 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.

(2) The holder of a nongame dealer's permit may possess, transport, sell, resell, 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.

(3) No person while on or in public water may possess or use a net or trap capable of catching a turtle. This section does not apply to:

(A) dip nets; or

(B) minnow traps, provided the minnow trap is less than 24 inches in length or has a throat smaller than one by three inches.

(c) It is an offense for any person to take or attempt to take nongame wildlife for purposes of commercial activity from public land or water.

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

### **Frogs and Toads**

Great Plains toad	( <i>Bufo cognatus</i> )
Green toad	( <i>Bufo debilis</i> )
Red-spotted toad	( <i>Bufo punctatus</i> )
Texas toad	( <i>Bufo speciosus</i> )

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Gulf Coast toad	<i>(Bufo valliceps)</i>
Woodhouse's toad	<i>(Bufo woodhousei)</i>
Green treefrog	<i>(Hyla cinerea)</i>
Bull frog	<i>(Rana catesbeiana)</i>
Couch's spadefoot	<i>(Scaphiopus couchii)</i>
Plains spadefoot	<i>(Spea bombifrons)</i>
New Mexico spadefoot	<i>(Spea multiplicata)</i>

### **Salamanders**

Tiger salamander	<i>(Ambystoma tigrinum)</i>
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### **Lizards**

Green anole	<i>(Anolis carolinensis)</i>
Chihuahuan spotted whiptail	<i>(Aspidozelis exsanguis)</i>
Texas spotted whiptail	<i>(Aspidozelis gularis)</i>
Marbled whiptail	<i>(Aspidozelis marmoratus)</i>
Six-lined racerunner	<i>(Aspidozelis sexlineatus)</i>
Checkered whiptail	<i>(Aspidozelis tessellatus)</i>
Texas banded gecko	<i>(Coleonyx brevis)</i>
Greater earless lizard	<i>(Cophosaurus texanus)</i>
Collared lizard	<i>(Crotaphytus collaris)</i>
Five-lined skink	<i>(Eumeces fasciatus)</i>
Great plains skink	<i>(Eumeces obsoletus)</i>
Texas alligator lizard	<i>(Gerrhonotus infernalis)</i>
Lesser earless lizard	<i>(Holbrookia maculata)</i>
Crevice spiny lizard	<i>(Sceloporus poinsettii)</i>
Prairie lizard	<i>(Sceloporus undulatus)</i>
Ground skink	<i>(Scincella lateralis)</i>
Tree lizard	<i>(Urosaurus ornatus)</i>
Side-blotched lizard	<i>(Uta stansburiana)</i>

### **Snakes**

Copperhead	<i>(Agkistrodon contortrix)</i>
Cottonmouth	<i>(Agkistrodon piscivorus)</i>
Glossy snake	<i>(Arizona elegans)</i>
Trans-Pecos rat snake	<i>(Bogertophis subocularis)</i>
Racer	<i>(Coluber constrictor)</i>
Western diamondback rattlesnake	<i>(Crotalus atrox)</i>
Rock rattlesnake	<i>(Crotalus lepidus)</i>
Blacktail rattlesnake	<i>(Crotalus molossus)</i>

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Mojave rattlesnake	<i>(Crotalus scutulatus)</i>
Prairie rattlesnake	<i>(Crotalus viridis)</i>
Baird's rat snake	<i>(Elaphe bairdi)</i>
Great Plains rat snake	<i>(Elaphe emoryi)</i>
Texas rat snake	<i>(Elaphe obsoleta)</i>
Slowinski's cornsnake	<i>(Elaphe slowinskii)</i>
Western hognose snake	<i>(Heterodon nasicus)</i>
Eastern hognose snake	<i>(Heterodon platirhinos)</i>
Texas night snake	<i>(Hypsiglena torquata)</i>
Gray-banded kingsnake	<i>(Lampropeltis alterna)</i>
Prairie kingsnake	<i>(Lampropeltis calligaster)</i>
Speckled or desert kingsnake	<i>(Lampropeltis getula)</i>
Milk snake	<i>(Lampropeltis triangulum)</i>
Texas blind snake	<i>(Leptotyphlops dulcis)</i>
Coachwhip	<i>(Masticophis flagellum)</i>
Schott's whipsnake	<i>(Masticophis schotti)</i>
Striped whipsnake	<i>(Masticophis taeniatus)</i>
Texas coral snake	<i>(Micrurus tener)</i>
Blotched or yellowbelly water snake	<i>(Nerodia erythrogaster)</i>
Broad-banded water snake	<i>(Nerodia fasciata)</i>
Diamondback water snake	<i>(Nerodia rhombifer)</i>
Rough green snake	<i>(Opheodrys aestivus)</i>
Bullsnake or gopher snake	<i>(Pituophis catenifer)</i>
Texas longnose snake	<i>(Rhinocheilus lecontei)</i>
Western blackneck garter snake	<i>(Thamnophis cyrtopsis)</i>
Checkered garter snake	<i>(Thamnophis marcianus)</i>
Western ribbon snake	<i>(Thamnophis proximus)</i>
Big Bend patchnose snake	<i>(Salvadora deserticola)</i>
Texas or mountain patchnose snake	<i>(Salvadora grahamiae)</i>
Massasauga	<i>(Sistrurus catenatus)</i>
Pygmy rattlesnake	<i>(Sistrurus miliarius)</i>
Ground snake	<i>(Sonora semiannulata)</i>
Brown snake	<i>(Storeria dekayi)</i>
Flathead snake	<i>(Tantilla gracilis)</i>
Southwestern blackhead snake	<i>(Tantilla hobartsmithi)</i>
Plains blackhead snake	<i>(Tantilla nigriceps)</i>
Lined snake	<i>(Tropidoclonion lineatum)</i>
Rough earth snake	<i>(Virginia striatula)</i>

### Mammals

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

(e) No person shall engage in commercial activity involving any nongame species not listed in subsection (d) of this section, except as provided in §65.327 of this title (relating to Permit Required) and subsection (b) of this section. This prohibition on commercial activity includes, but is not limited to, the following species:

### Salamanders

Three-toed Amphiuma	<i>(Amphiума tridactylum)</i>
Gulf Coast Waterdog	<i>(Necturus beyeri)</i>
Lesser Siren	<i>(Siren intermedia)</i>
Spotted Salamander	<i>(Ambystoma maculatum)</i>
Marbled Salamander	<i>(Ambystoma opacum)</i>
Mole Salamander	<i>(Ambystoma talpoideum)</i>
Small-mouthed Salamander	<i>(Ambystoma texanum)</i>
Southern Dusky Salamander	<i>(Desmognathus auriculatus)</i>
Salado Salamander	<i>(Eurycea chisholmensis)</i>
Texas Salamander	<i>(Eurycea neotenes)</i>
Dwarf Salamander	<i>(Eurycea quadridigitata)</i>
Jollyville Plateau Salamander	<i>(Eurycea tonkawae)</i>
Valdina Farms Salamander	<i>(Eurycea troglodytes)</i>
Western Slimy Salamander	<i>(Plethodon albagula)</i>
Southern Red-backed Salamander	<i>(Plethodon serratus)</i>
Eastern Newt	<i>(Notophthalmus viridescens)</i>

### Frogs and Toads

American Toad	<i>(Bufo americanus)</i>
Cane Toad	<i>(Bufo marinus)</i>
Cricket Frog	<i>(Acris crepitans)</i>

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Canyon Treefrog	<i>(Hyla arenicolor)</i>
Cope's Gray Treefrog	<i>(Hyla chrysoscelis)</i>
Squirrel Treefrog	<i>(Hyla squirella)</i>
Gray Treefrog	<i>(Hyla versicolor)</i>
Spotted Chorus Frog	<i>(Pseudacris clarki)</i>
Spring Peeper	<i>(Pseudacris crucifer)</i>
Southeastern Chorus Frog	<i>(Pseudacris feriarum)</i>
Strecker's Chorus Frog	<i>(Pseudacris streckeri)</i>
Barking Frog	<i>(Eleutherodactylus augusti)</i>
Rio Grande Chirping Frog <i>ystignathoides)</i>	<i>(Eleutherodactylus)</i>
Spotted Chirping Frog	<i>(Eleutherodactylus guttillatus)</i>
Cliff Chirping Frog	<i>(Eleutherodactylus marnockii)</i>
Eastern Narrow-mouthed Toad	<i>(Gastrophryne carolinensis)</i>
Great Plains Narrow-mouthed Toad	<i>(Gastrophryne olivacea)</i>
Hurter's Spadefoot	<i>(Scaphiopus hurterii)</i>
Crawfish Frog	<i>(Rana areolata)</i>
Rio Grande Leopard Frog	<i>(Rana berlandieri)</i>
Plains Leopard Frog	<i>(Rana blairi)</i>
Green Frog	<i>(Rana clamitans)</i>
Pig Frog	<i>(Rana grylio)</i>
Pickerel Frog	<i>(Rana palustris)</i>
Southern Leopard Frog	<i>(Rana sphenoccephala)</i>

**Turtles**

Painted Turtle	<i>(Chrysemys picta)</i>
Chicken Turtle	<i>(Deirochelys reticularia)</i>
Mississippi Map Turtle	<i>(Graptemys kohni)</i>
Ouachita Map Turtle	<i>(Graptemys ouachitensis)</i>
Texas Map Turtle	<i>(Graptemys versa)</i>
River Cooter	<i>(Pseudemys concinna)</i>
Rio Grande Cooter	<i>(Pseudemys gorzugi)</i>
Texas River Cooter	<i>(Pseudemys texana)</i>
Eastern Box Turtle	<i>(Terrapene carolina)</i>
Ornate Box Turtle	<i>(Terrapene ornata)</i>
Big Bend Slider	<i>(Trachemys gaigeae)</i>
Yellow Mud Turtle	<i>(Kinosternon flavescens)</i>
Rough-footed Mud Turtle	<i>(Kinosternon hirtipes)</i>
Eastern Mud Turtle	<i>(Kinosternon subrubrum)</i>
Razor-backed Musk Turtle	<i>(Sternotherus carinatus)</i>

Stinkpot

(*Sternotherus odoratus*)

### Lizards

Slender Glass Lizard

(*Ophisaurus attenuatus*)

Long-nosed Leopard Lizard

(*Gambelia wislizenii*)

Spot-tailed Earless Lizard

(*Holbrookia lacerata*)

Keeled Earless Lizard

(*Holbrookia propinqua*)

Round-tailed Horned Lizard

(*Phrynosoma modestum*)

Dunes Sagebrush Lizard

(*Sceloporus arenicolus*)

Blue Spiny Lizard

(*Sceloporus cyanogenys*)

Graphic Spiny Lizard

(*Sceloporus grammicus*)

Desert Spiny Lizard

(*Sceloporus magister*)

Canyon Lizard

(*Sceloporus merriami*)

Texas Spiny Lizard

(*Sceloporus olivaceus*)

Rose-bellied Lizard

(*Sceloporus variabilis*)

Coal Skink

(*Eumeces anthracinus*)

Broad-headed Skink

(*Eumeces laticeps*)

Many-lined Skink

(*Eumeces multivirgatus*)

Prairie Skink

(*Eumeces septentrionalis*)

Four-lined Skink

(*Eumeces tetragrammus*)

Gray Checkered Whiptail

(*Aspidocelis dixonii*)

Little Striped Whiptail

(*Aspidocelis inornata*)

Laredo Striped Whiptail

(*Aspidocelis laredoensis*)

New Mexico Whiptail

(*Aspidocelis neomexicana*)

Mexican Plateau Spotted Whiptail

(*Aspidocelis septemvittata*)

Desert Grassland Whiptail

(*Aspidocelis uniparens*)

### Snakes

New Mexico Blind Snake

(*Leptotyphlops dissectus*)

Western Blind Snake

(*Leptotyphlops humilis*)

Western Wormsnake

(*Carphophis vermis*)

Ring-necked Snake

(*Diadophis punctatus*)

Red-bellied Mudsnake

(*Farancia abacura*)

Tamaulipan Hook-nosed Snake

(*Ficimia streckeri*)

Chihuahuan Hooked-nosed Snake

(*Gyalopion canum*)

Saltmarsh Snake

(*Nerodia clarki*)

Mississippi Green Watersnake

(*Nerodia cyclopion*)

Graham's Crayfish Snake

(*Regina grahamii*)

Glossy Crayfish Snake

(*Regina rigida*)

Red-bellied Snake

(*Storeria occipitomaculata*)

Texas Parks and Wildlife Department  
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Mexican Black-headed Snake  
Plains Gartersnake  
Common Gartersnake  
Smooth Earthsnake

(*Tantilla atriceps*)  
(*Thamnophis radix*)  
(*Thamnophis sirtalis*)  
(*Virginia valeriae*)

**Mammals**

Southern Short-tailed Shrew  
Elliot's Short-tailed Shrew  
Least Shrew  
Desert Shrew  
Eastern Mole  
Pallid Bat  
Mexican Long-tongued Bat  
Big Brown Bat  
Western Mastiff Bat  
Silver-haired Bat  
Western Red Bat  
Eastern Red Bat  
Hoary Bat  
Northern Yellow Bat  
Seminole Bat  
Ghost-faced Bat  
Southeastern Myotis  
California Myotis  
Western Small-footed Myotis  
Little Brown Myotis  
Northern Myotis  
Fringed Myotis  
Cave Myotis  
Long-legged Myotis  
Yuma Myotis  
Evening Bat  
Pocketed Free-tailed Bat  
Big Free-tailed Bat  
Western Pipistrelle  
Eastern Pipistrelle  
Townsend's Big-eared Bat  
Brazilian Free-tailed Bat  
Mexican Ground Squirrel  
Gray-footed Chipmunk

(*Blarina carolinensis*)  
(*Blarina hylophaga*)  
(*Cryptotis parva*)  
(*Notiosorex crawfordi*)  
(*Scalopus aquaticus*)  
(*Antrozous pallidus*)  
(*Choeronycteris mexicana*)  
(*Eptesicus fuscus*)  
(*Eumops perotis*)  
(*Lasionycteris noctivagans*)  
(*Lasiurus blossevillii*)  
(*Lasiurus borealis*)  
(*Lasiurus cinereus*)  
(*Lasiurus intermedius*)  
(*Lasiurus seminolus*)  
(*Mormoops megalophylla*)  
(*Myotis austroriparius*)  
(*Myotis californicus*)  
(*Myotis ciliolabrum*)  
(*Myotis lucifugus*)  
(*Myotis septentrionalis*)  
(*Myotis thysanodes*)  
(*Myotis velifer*)  
(*Myotis volans*)  
(*Myotis yumanensis*)  
(*Nycticeius humeralis*)  
(*Nyctinomops femorosacca*)  
(*Nyctinomops macrotis*)  
(*Pipistrellus hesperus*)  
(*Pipistrellus subflavus*)  
(*Plecotus townsendii*)  
(*Tadarida brasiliensis*)  
(*Spermophilus mexicanus*)  
(*Tamias canipes*)

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Yellow-faced Pocket Gopher	( <i>Cratogeomys castanops</i> )
Desert Pocket Gopher	( <i>Geomys arenarius</i> )
Attwater's Pocket Gopher	( <i>Geomys attwateri</i> )
Baird's Pocket Gopher	( <i>Geomys breviceps</i> )
Plains Pocket Gopher	( <i>Geomys bursarius</i> )
Jones' Pocket Gopher	( <i>Geomys knoxjonesi</i> )
Texas Pocket Gopher	( <i>Geomys personatus</i> )
Llano Pocket Gopher	( <i>Geomys texensis</i> )
Botta's Pocket Gopher	( <i>Thomomys bottae</i> )
Northern Pygmy Mouse	( <i>Baiomys taylori</i> )
Hispid Pocket Mouse	( <i>Chaetodipus hispidus</i> )
Rock Pocket Mouse	( <i>Chaetodipus intermedius</i> )
Nelson's Pocket Mouse	( <i>Chaetodipus nelsoni</i> )
Desert Pocket Mouse	( <i>Chaetodipus penicillatus</i> )
Gulf Coast Kangaroo Rat	( <i>Dipodomys compactus</i> )
Ord's Kangaroo Rat	( <i>Dipodomys ordii</i> )
Banner-tailed Kangaroo Rat	( <i>Dipodomys spectabilis</i> )
Mexican Spiny Pocket Mouse	( <i>Liomys irroratus</i> )
Mexican Vole	( <i>Microtus mexicanus</i> )
Prairie Vole	( <i>Microtus ochrogaster</i> )
Woodland Vole	( <i>Microtus pinetorum</i> )
White-throated Woodrat	( <i>Neotoma albigula</i> )
Eastern Woodrat	( <i>Neotoma floridana</i> )
Golden Mouse	( <i>Ochrotomys nuttalli</i> )
Mearns' Grasshopper Mouse	( <i>Onychomys arenicola</i> )
Northern Grasshopper Mouse	( <i>Onychomys leucogaster</i> )
Marsh Rice Rat	( <i>Oryzomys palustris</i> )
Plains Pocket Mouse	( <i>Perognathus flavescens</i> )
Silky Pocket Mouse	( <i>Perognathus flavus</i> )
Merriam's Pocket Mouse	( <i>Perognathus merriami</i> )
Texas Mouse	( <i>Peromyscus attwateri</i> )
Brush Mouse	( <i>Peromyscus boylii</i> )
Cactus Mouse	( <i>Peromyscus eremicus</i> )
Cotton Mouse	( <i>Peromyscus gossypinus</i> )
White-footed Mouse	( <i>Peromyscus leucopus</i> )
Deer Mouse	( <i>Peromyscus maniculatus</i> )
Northern Rock Mouse	( <i>Peromyscus nasutus</i> )
White-ankled Mouse	( <i>Peromyscus pectoralis</i> )
Piñon Mouse	( <i>Peromyscus truei</i> )
Fulvous Harvest Mouse	( <i>Reithrodontomys fulvescens</i> )

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Eastern Harvest Mouse	<i>(Reithrodontomys humulis)</i>
Western Harvest Mouse	<i>(Reithrodontomys megalotis)</i>
Plains Harvest Mouse	<i>(Reithrodontomys montanus)</i>
Mexican Woodrat	<i>(Neotoma mexicana)</i>
Southern Plains Woodrat	<i>(Neotoma micropus)</i>
Tawny-bellied Cotton Rat	<i>(Sigmodon fulviventer)</i>
Hispid Cotton Rat	<i>(Sigmodon hispidus)</i>
Yellow-nosed Cotton Rat	<i>(Sigmodon ochrognathus)</i>
Porcupine	<i>(Erethizon dorsatum)</i>
Long-tailed Weasel	<i>(Mustela frenata)</i>

**§65.332. Violations and Penalties.**

A person who violates any provision of this subchapter commits an offense and is subject to the penalties provided by Parks and Wildlife Code, §67.005.