



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

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Office of West Virginia  
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL  
RULE**

AGENCY: Natural Resources

TITLE-SERIES: 58-73

RULE TYPE: Legislative Exempt      Amendment to Existing Rule: Yes      Repeal of existing rule: No

RULE NAME: REPTILE AND AMPHIBIAN REGULATIONS

CITE STATUTORY AUTHORITY: §20-1-17(7)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

September 1, 2018

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

**Yes**

**Wendy L Greene -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**

TITLE 58  
LEGISLATIVE EXEMPT RULE  
DEPARTMENT OF COMMERCE  
DIVISION OF NATURAL RESOURCES

SERIES 73  
REPTILE AND AMPHIBIAN REGULATIONS

**§58-73-1. General.**

1.1. Scope. -- These regulations establish possession limits on reptiles and amphibians in West Virginia.

1.2. Authority. -- W. Va. Code §20-1-17(7).

1.3. Filing Date. -- June 6, 2018.

1.4. Effective Date. -- September 1, 2018.

1.5. Possession Limits in General. -- All possession limits, unless otherwise noted, are statewide and subject to change under the provisions of W. Va. Code §20-1-17(7).

1.6. For the purpose of this rule, only bona fide WV residents are permitted to take and/or possess reptile and amphibian species listed as those that can be taken.

1.7. WV Fishing License. -- A valid WV fishing license is required to take aquatic life as prescribed in W. Va. Code §20-2-27.

1.7.a. Nonresidents with a valid Class F nonresident fishing license may take American bullfrog and green frog, as prescribed in §20-2-42f, and certain amphibians as described in this rule.

**§58-73-2. Definitions.**

2.1. All terms shall have the meanings prescribed in §20-1-2.

2.2. "Reptile" means turtles, lizards and snakes, or any part thereof, and eggs or offspring.

2.3. "Amphibian" means salamanders, hellbenders, mudpuppies, frogs and toads, or any part thereof, and eggs or offspring.

2.4. "Possession" means reptiles or amphibians taken alive or dead from the wild in which are in any way under the control of an individual, as prescribed in §20-2-4.

**§58-73-3. Reptiles and Amphibians Which May Not Be Taken and/or Possessed.**

3.1. The season is closed for the following amphibians: eastern hellbender (*Cryptobranchus a. alleghaniensis*), common mudpuppy (*Necturus m. maculosus*), Cheat Mountain salamander (*Plethodon nettingi*), Cow Knob (white-spotted) salamander (*Plethodon punctatus*), Shenandoah Mountain salamander (*Plethodon virginia*), small-mouthed salamander (*Ambystoma texanum*), streamside

salamander (*Ambystoma barbouri*), green salamander (*Aneides aeneus*), cave salamander (*Eurycea lucifuga*), West Virginia spring salamander (*Gyrinophilus subterraneus*), eastern spadefoot (*Scaphiopus holbrookii*), eastern cricket frog (*Acris crepitans*) and northern leopard frog (*Lithobates pipiens*). The amphibians, their eggs, offspring or any parts thereof may not be possessed.

3.2. The season is closed for the following reptiles: wood turtle (*Glyptemys insculpta*), spotted turtle (*Clemmys guttata*), northern map turtle (*Graptemys geographica*), Ouachita map turtle (*Graptemys ouachitensis*) and midland smooth softshell (*Apalone m. mutica*). The reptiles, their eggs, offspring or parts thereof may not be possessed.

#### **58-73-4. Reptiles and Amphibians Which May Be Taken and/or Possessed.**

4.1. Salamanders: Jefferson salamander (*Ambystoma jeffersonianum*), spotted salamander (*Ambystoma maculatum*), marbled salamander (*Ambystoma opacum*), red-spotted newt (including red eft) (*Notophthalmus v. viridescens*), northern dusky salamander (*Desmognathus fuscus*), seal salamander (*Desmognathus monticola*), Allegheny mountain dusky salamander (*Desmognathus ochrophaeus*), black-bellied salamander (*Desmognathus quadramaculatus*), Black Mountain salamander (*Desmognathus welteri*), northern spring salamander (*Gyrinophilus p. porphyriticus*), Kentucky spring salamander (*Gyrinophilus p. duryi*), four-toed salamander (*Hemidactylum scutatum*), northern two-lined salamander (*Eurycea bislineata*), southern two-lined salamander (*Eurycea cirrigera*), eastern long-tailed salamander (*Eurycea l. longicauda*), eastern red-backed salamander (*Plethodon cinereus*), white-spotted slimy salamander (*Plethodon cylindraceus*), northern ravine salamander (*Plethodon electromorphus*), northern slimy salamander (*Plethodon glutinosus*), valley and ridge salamander (*Plethodon hoffmani*), Cumberland Plateau salamander (*Plethodon kentucki*), southern ravine salamander (*Plethodon richmondi*), Wehrle's salamander (*Plethodon wehrlei*), northern red salamander (*Pseudotriton ruber ruber*) and midland mud salamander (*Pseudotriton montanus diastictus*). The total possession limit for these species is ten (10) in aggregate.

4.1.a. Licensed bait dealers may possess two hundred fifty (250) salamanders in total aggregate as prescribed in "Catching and Selling Bait Fish" (58CSR62) but cannot possess species with closed seasons as listed in 3.1.

4.2. Toads and frogs: Eastern American toad (*Anaxyrus a. americanus*), Fowler's toad (*Anaxyrus fowleri*), Cope's gray treefrog (*Hyla chrysoscelis*), gray treefrog (*Hyla versicolor*), mountain chorus frog (*Pseudacris brachyphona*), spring peeper (*Pseudacris crucifer*), upland chorus frog (*Pseudacris feriarum*), American bullfrog (*Lithobates catesbeianus*), green frog (*Lithobates clamitans*), pickerel frog (*Lithobates palustris*) and wood frog (*Lithobates sylvaticus*). The total possession limit for these species is four (4) in aggregate, except for the American bullfrog and green frog, as prescribed in 58CSR60 Section 5.11 "Fishing Regulations" (58CSR60)

4.3. Amphibian eggs, tadpoles, larvae. No more than 25 eggs, tadpoles or larvae, in aggregate, may be possessed.

4.4. Snakes: Eastern wormsneak (*Carphophis a. amoenus*), northern black racer (*Coluber c. constrictor*), northern ring-necked snake (*Diadophis punctatus edwardsii*), red cornsnake (*Pantherophis guttatus*), eastern ratsnake (*Pantherophis alleghaniensis*), gray ratsnake (*Pantherophis spiloides*), eastern hog-nosed snake (*Heterodon platirhinos*), eastern kingsnake (*Lampropeltis g. getula*), eastern black kingsnake (*Lampropeltis nigra*), eastern milksnake (*Lampropeltis t. triangulum*), common watersnake (*Nerodia s. sipedon*), northern rough greensnake (*Opheodrys a. aestivus*), smooth

greensnake (*Opheodrys vernalis*), northern pinesnake (*Pituophis m. melanoleucus*), queen snake (*Regina septemvittata*), Dekay's brownsnake (*Storeria dekayi*), red-bellied snake (*Storeria occipitomaculata*), common ribbonsnake (*Thamnophis s. saurita*), eastern gartersnake (*Thamnophis s. sirtalis*), eastern smooth earthsnake (*Virginia v. valeriae*), mountain earthsnake (*Virginia v. pulchra*), eastern copperhead (*Agkistrodon contortrix*) and timber rattlesnake (*Crotalus horridus*). The total possession limit is four (4) snakes in aggregate, with exceptions listed in 58CSR73-4.4.a and 58CSR73-4.4.b.

4.4.a. Eastern copperhead. The possession limit for the eastern copperhead (*Agkistrodon contortrix*) is one (1).

4.4.b. Timber rattlesnake. The possession limit for timber rattlesnake (*Crotalus horridus*) is one (1). The possession of timber rattlesnakes less than forty-two (42) inches in length is not permitted.

4.4.c. Protection of property. Homeowners, lessees or their representatives may destroy or collect for relocation any snake within the curtilage of a dwelling or any structure used for domestic purposes.

4.4.d. Snake eggs. The possession of snake eggs is not permitted.

4.4.e. Shed skin: Snake skins that have been shed may be taken and will not be considered as part of the total possession limit.

4.5. Lizards and skinks: Eastern fence lizard (*Sceloporus undulatus*), eastern six-lined racerunner (*Aspidoscelis s. sexlineata*), northern coal skink (*Plestiodon a. anthracinus*), common five-lined skink (*Plestiodon fasciatus*), broad-headed skink (*Plestiodon laticeps*) and little brown skink (*Scincella lateralis*). The total possession limit is four (4) in aggregate.

4.5.a. Collection dates. Lizards or skinks may be taken only between January 1 and May 15 and between July 15 and December 31.

4.5.b. Lizard or skink eggs. The possession of lizard or skink eggs is not permitted.

4.6. Turtles: Eastern musk turtle (*Sternotherus odoratus*), eastern painted turtle (*Chrysemys p. picta*), midland painted turtle (*Chrysemys p. marginata*), eastern river cooter (*Pseudemys c. concinna*), northern red-bellied cooter (*Pseudemys rubriventris*), eastern box turtle (*Terrapene carolina*) and red-eared slider (*Trachemys scripta elegans*). The total possession limit is four (4) turtles in aggregate.

4.6.a. Snapping turtle and eastern spiny softshell turtle. The daily creel limit of snapping turtle (*Chelydra s. serpentina*) and eastern spiny softshell (*Apalone s. spinifera*) is ten (10) turtles and the possession limit is twenty (20) turtles.

4.6.b. Collection dates. Turtles may be taken only between January 1 and May 15 and July 15 and December 31.

4.6.c. Turtle eggs. The possession of turtle eggs is not permitted.

## **58-73-5. Possession and Release of Reptiles and Amphibians.**

## **58CSR73**

5.1. It shall be unlawful to take or possess any reptile or amphibian from any area under agreement with, owned or controlled or administered by the Division of Natural Resources, Wildlife Resources Section, except as described in 58CSR73-5.1.a and 58CSR73-5.1.b.

5.1.a. Persons who have received written permission from the Chief of the Wildlife Resources Section, provided they carry and exhibit said permission upon request.

5.1.b. Persons lawfully taking bullfrogs, green frogs, snapping turtles and eastern spiny softshell turtles.

5.2. It shall be unlawful to release any reptile or amphibian back into the wild that was held in captivity for more than 30 days. Reptiles or amphibians that have been held in the same enclosure with other species of reptiles or amphibians may not be released at any time. Reptiles or amphibians that are released must be released at the location of the capture.