



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 Rule

CITE STATUTORY AUTHORITY: §20-1-17(7)

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

February 27, 2021

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

Yes

Jack M Rife -- 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 RULE**

§58-73-1. General.

1.1. Scope. -- These regulations establish open seasons and possession limits for reptiles and amphibians in West Virginia. The take or possession of any native West Virginia reptile or amphibian species not listed hereafter is prohibited pursuant to W. Va. Code §20-2-4.

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

1.3. Filing Date. -- February 26, 2021.

1.4. Effective Date. -- February 27, 2021.

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

§58-73-2. Definitions.

2.1. "Aggregate" means the total possession limit of similar kinds of amphibians or reptiles considered as a whole.

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

2.3. "Egg" means a single reproductive body produced by any reptile or amphibian.

2.4. "Larvae" means any juvenile salamander.

2.5. "Possession" means any reptile or amphibian taken alive or dead from the wild which are in any way under the control of a person.

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

2.7. "Tadpole" means any juvenile frog or toad

2.8. All other terms shall have the meanings prescribed in W. Va. Code §20-1-2.

§58-73-3. Requirements to take or release reptiles or amphibians.

3.1. No person may take or possess snake eggs, lizard eggs, skink eggs, turtle eggs, amphibian eggs, tadpoles, or larvae of any species.

3.2. It is unlawful to take or possess any reptile or amphibian from any area under agreement with, owned, controlled, or administered by the Division of Natural Resources, except pursuant to subsections 3.2.1. and 3.2.2. of this rule.

3.2.1. Persons who have received written permission from the Director, provided they carry and exhibit said permission upon request.

3.2.2. Persons lawfully taking American bullfrogs, green frogs, snapping turtles, and eastern spiny softshell turtles.

3.3. No person shall release any reptile or amphibian into the wild that was held in captivity for more than 30 days. No person shall release at any time any reptile or amphibian that has been held in the same enclosure with other species of reptiles or amphibians. Reptiles or amphibians that may be released must be released at the location of the capture.

3.4. No person may take or possess reptiles or amphibians for education or scientific purposes without obtaining a scientific collecting permit pursuant to W. Va. Code §20-2-50. No person may take or possess any native reptile or amphibian for any other purpose without first obtaining written authorization by the Director pursuant to W. Va. Code §20-1-7.

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

4.1. A person may take the following salamanders year-round for use as fishing bait. A person may have in his or her possession no more than 10 of these species in aggregate.

4.1.1. northern dusky salamander (*Desmognathus fuscus*)

4.1.2. seal salamander (*Desmognathus monticola*)

4.1.3. Allegheny mountain dusky salamander (*Desmognathus ochrophaeus*)

4.1.4. black-bellied salamander (*Desmognathus quadramaculatus*)

4.1.5. Black Mountain salamander (*Desmognathus welteri*)

4.1.6. northern spring salamander (*Gyrinophilus p. porphyriticus*)

4.1.7. Kentucky spring salamander (*Gyrinophilus p. duryi*)

4.1.8. northern two-lined salamander (*Eurycea bislineata*)

4.1.9. southern two-lined salamander (*Eurycea cirrigera*)

4.1.10. eastern long-tailed salamander (*Eurycea l. longicauda*)

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4.2. A person may have in his or her possession no more than 50 salamanders which are purchased from a licensed dealer and accompanied by a bill of sale pursuant to W. Va. Code of State Rules, Title 58 Series 62, Bait Fish Rule.

4.3. Property owners, lessees, or their representative may destroy or relocate any snake within a place of residence, dwelling, structure used for domestic or commercial purposes, and outbuildings, including sheds and structures, gardens, and fields used for agricultural crops and livestock.

4.4. A person may possess snake skins that have been shed from any species and such shed snake skins will not be considered part of the possession limit.

§58-73-5. Penalties.

5.1. Any person convicted of a violation of this rule is subject to the penalties provided for in the W. Va. Code §20-7-9.