



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised November 2016

1. General Information

a. Agency/Board Name*		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison		f. Agency Liaison Telephone Number
g. Agency Liaison Email Address		
h. Date of Public Notice		i. Comment Period End Date
j. Public Comment URL or Email Address:		
k. Program		

* By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. Please provide the Enrolled Act Numbers and Years Enacted:

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.
Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
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b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements. No. Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:
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Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

6. State Statutory Requirements

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

Not Applicable.

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

_____ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

_____ (Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	

STATEMENT OF REASONS

WYOMING GAME AND FISH COMMISSION

CHAPTER 28

REGULATION GOVERNING BIG OR TROPHY GAME ANIMAL OR GAME BIRD DAMAGE CLAIMS

W.S. § 23-1-302 (a) (xxii) provides the Commission the authority to promulgate such orders as the Commission considers necessary to carry out the intent of this act.

W.S. § 23-1-901 stipulates the process for owners of damaged property to report damages caused by big or trophy game or game birds.

House Enrolled Act #117, Sixty-Fourth Legislature of the State of Wyoming, 2017 General Session, provides for amendments to W.S. § 23-1-901 (g) and (h) which empowers the Commission to establish rules to allow a property owner to request that an area of land adjacent to the area described in W.S. § 23-1-101 (a) (xii) (B) (I) or (II) be designated as an area where property owners are eligible for damage compensation for damage caused by gray wolves. This act is effective July 1, 2017.

Throughout this draft regulation, language has been added to various Sections to include “gray wolf in accordance with W. S. § 23-1-901 (g) and (h)”. This reference allows a claimant to request damage compensation for gray wolf damage to livestock on land adjacent to the area described in W.S. § 23-1-101 (a) (xii) (B) (I) or (II) in accordance with statutory and regulatory provisions. “Gray Wolf” will also be added to the title of this regulation.

Section 2, Definitions. The definitions of “Claimant, Confirmed by the Department or its Representative, Consequential Damages, Damage, Investigated by the Department and Verified Claim” are being modified to include new statutory provisions. The term “Contiguous Tract of Land” is being defined for clarity and the term “Trophy Game Animals” is being modified.

Section 3, Damage to Livestock by Trophy Game Animals. Reference is being made to the new provisions in W.S. § 23-1-901 (g) and (h) and outlines a process for a claimant to request damage compensation for damage caused by gray wolves on land adjacent to the area described in W.S. § 23-1-101 (a) (xii) (B) (I) or (II).

Section 5, Notification of Damage and Filing of Damage Claims. A new subsection (e) is provided which addresses mail delivery services not being considered agents of the Department and the Department not assuming responsibility for delivery of a verified claim in a timely manner from such services.

Section 9, Verified Claim Requirements. A new subsection (o) is provided that requires a verified claim to include whether the claimant is applying for damage compensation per W.S. § 23-1-901.

Minor grammatical and formatting edits have been incorporated to provide additional clarity but do not change the intent of the rules and regulations

CHAPTER 28

REGULATION GOVERNING BIG OR TROPHY GAME ANIMAL OR GAME BIRD OR GRAY WOLF DAMAGE CLAIMS

Section 1. Authority. This regulation is promulgated by authority of Wyoming Statutes § 23-1-101, § 23-1-102, § 23-1-302, § 23-1-304 and § 23-1-901.

Section 2. Definitions. Definitions shall be as set forth in Title 23, Wyoming Statutes, Commission regulations, and the Commission also adopts the following definitions:

(a) “Authorized hunting seasons” means any hunting season during the twelve (12) month period immediately preceding the date when the claimant filed the verified claim with the Office of the Department that is established by Commission regulation, including Depredation Prevention Hunting Seasons and kill permits, for the harvest of the species of big game animals, trophy game animals, or game birds for which the verified claim was filed.

(b) “Award” means compensation for damage offered to a claimant by the Department.

(c) “Board” means a board of arbitrators.

(d) “Claimant” means any landowner, lessee, agent or property owner whose livestock, bees, hives or honey have been damaged or killed by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h); or, whose land, growing cultivated crops, stored crops, seed crops, or improvements have been damaged by big game animals or game birds; or, whose grass has been extraordinarily damaged by big game animals or game birds.

(e) “Commercial garden” means a business that grows fruits or vegetables for commercial sale.

(f) “Commercial nursery” means a business that grows or stores trees, shrubs or plants solely for commercial sale and that is required under W.S. § 39-15-106 to be licensed with the Wyoming Department of Revenue to collect and remit sales and use tax.

(g) “Commercial orchard” means a business that grows trees for fruit or nut production for commercial sale.

(h) “Confirmed by the Department or its representative” means the Department or its representative conducted an inspection or investigation of the damage and determined the damage was more likely than not caused by a big or trophy game animal or game bird, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h).

(i) “Contiguous tract of land” means one parcel of fee title land, except as may be divided by a public road, highway or railroad right of way, which is entirely owned by a private landowner or corporation.

(j) “Consequential damages” means damage, loss, or injury that does not flow directly and immediately from the act of the big game animal, trophy game animal or game bird, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h), but only from some of the consequences or results of such act. Consequential damages include, but are not necessarily limited to, future or anticipated production (except as otherwise provided in this regulation for young of the year livestock), sentimental value, and labor or equipment costs to remove damaged property.

(k) “Damage” means actual damage to land, growing cultivated crops, stored crops, seed crops or improvements that is caused by big game animals or game birds, and sworn by the claimant on the verified claim to have occurred; or, extraordinary damage to grass that is caused by big game animals or game birds and sworn by the claimant on the verified claim to have occurred; or actual damage to livestock or bees including honey and hives, that is caused by trophy game animals, or gray wolves in accordance with § 23-1-901 (g) and (h), and sworn by the claimant on the verified claim to have occurred. Damage shall not include damage to other real or personal property including, but not necessarily limited to: other vegetation or animals; motor vehicles; structures; damages caused by animals other than big game animals, trophy game animals or game birds, or gray wolves in accordance with W.S. § 23-1-901 (g) and (h); diseases; lost profits; consequential damages; or, any other damages whatsoever that are not specified in this regulation.

(l) “Disinterested arbitrator” means an elector residing in the county where the damage occurred, who is capable of making a reasoned and unbiased decision based on evidence presented to the Board by the claimant and the Department.

(m) “Extraordinary damage to grass” means the loss or harm as proven by the landowner, lessee, or agent that significantly exceeds the usual, customary or average use of non-cultivated grass plants of the Family Graminae.

(n) “Growing cultivated crops” means crops or other vegetation that are grown on privately owned or leased land and harvested or utilized annually for commercial sale or to feed livestock, or for human consumption. “Growing cultivated crops” can include grasses and legumes maturing for harvest, small grains, row crops and vegetables, plants grown in commercial nurseries, commercial orchards, commercial gardens, and native hay meadows that are managed for hay or livestock forage. If the crop is not harvested or utilized annually, it is not a growing cultivated crop unless it requires more than one (1) year to become established and ready for harvest. “Growing cultivated crops” do not include rangelands managed for livestock forage, or products of nurseries, orchards, and gardens that are not intended for commercial sale.

(o) “Hearing” means a procedurally correct arbitration hearing as described in Section 8 of this Regulation that shall be conducted in such manner as to afford the claimant and

the Department the opportunity to present, examine, and cross-examine all witnesses and other forms of evidence presented to the Board.

(p) “Hives” means an artificial structure designed and constructed specifically for housing bees.

(q) “Improvements” means a valuable addition made to real estate to increase the productivity or value of land, including fences and man made structures erected or windbreaks or shelterbelts planted on privately owned or leased land to enhance or improve crop or livestock production or grazing management or as a protection for livestock. Improvements shall not include windbreaks or shelterbelts, if they are not planted solely to enhance or improve crop production or grazing management or as a protection for livestock.

(r) “Investigated by the Department” means an inspection determined by the Department to be a reasonable assessment of the damage caused by big or trophy game animals or game birds, or gray wolves in accordance with W.S. § 23-1-901 (g) and (h).

(s) “Kill permit” means a permit authorized by a Game and Fish Commissioner and the Chief Game Warden granting authority to take big game animals, trophy game animals or game birds that are causing substantial damage to property.

(t) “Land” means soil on privately owned or leased land.

(u) “Lessee” means a person who leases fee title land or State land for agricultural purposes.

(v) “More likely than not” means evidence reasonably tending to support the conclusion. Evidence that is competent, relevant, and material, and which to a rational and impartial mind naturally leads, or involuntarily leads to conclusion for which there is valid, just and reasonable substantiation.

(w) “Office of the Department” means the Wyoming Game and Fish Department, 5400 Bishop Blvd., Cheyenne, Wyoming 82006-0001 or the Wyoming Game and Fish Department, 3030 Energy Lane, Casper, Wyoming 82604.

(x) “Permitted hunting during authorized hunting seasons” means permitted hunting as described in Section 4 of this regulation.

(y) “Promptly served upon each party” means within ten (10) days following the arbitration hearing, the Board shall serve a written copy of its decision to the Office of the Department and the claimant.

(z) “Property” means livestock or bees, land, growing cultivated crops, stored crops including honey and hives, seed crops, improvements or grass that has been extraordinarily damaged.

(aa) “Reasonable expense charges” means compensation given to an arbitrator while performing duties as an arbitrator that is the same compensation rate afforded to State employees by State statute for per diem and vehicular mileage; and, actual expenses incurred by the arbitrator and documented by receipt including, but not necessarily limited to, telephone calls, paper supplies, and mail service.

(bb) “Reasonable service charges” means reimbursement in the amount of one hundred (\$100) dollars per day for performing duties as an arbitrator.

(cc) “Seed crops” means any crop intentionally planted, managed, and grown in accordance with accepted agricultural practices on privately owned or leased land for the production of seed for future propagation, and that is harvested annually by manual or mechanical means. If the crop is not harvested annually, it shall not be classified as a seed crop unless the crop normally requires an establishment period of longer than one (1) year to be harvested or unless the crop is alfalfa seed or crested wheat grass seed.

(dd) “Stored crops” means crops that have been harvested and saved or stored for future use in accordance with accepted agricultural practices.

(ee) “Supervisor” means Regional Wildlife Supervisor.

(ff) “Trophy game animal” means black bear, grizzly bear or mountain lion, or gray wolf in accordance with W.S. § 23-1-101 (a) (xii) (B) (I) and (II).

(gg) “Value of livestock” means the monetary value of individual livestock on the date the verified claim was filed with the Office of the Department based upon the fair market value on that date for like livestock at a rate substantiated by a livestock sales barn or other credible written valuation of the livestock provided by the claimant. However, the monetary value of young of the year livestock on the date the verified claim was filed with the Office of the Department shall be based upon the fair market value on that date for like livestock at the weaning weight substantiated by a livestock sales barn or other credible written valuation of the livestock provided by the claimant.

(hh) “Verified claim” means a Trophy Game Animal or Gray Wolf (in accordance with W.S. § 23-1-901 (g) and (h)) Damage Claim Affidavit or a Big Game Animal or Game Bird Damage Claim Affidavit that has been signed by the claimant and sworn to be accurate before a person authorized to administer oaths, that has been filed with the Office of the Department and contains all information required in Section 9 of this regulation.

Section 3. Damage to Livestock by Trophy Game Animals. Except as specified in subsection (a) of this section, the Department shall only offer payment for damage to individual livestock confirmed by the Department or its representative as having been injured or killed by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h).

(a) In geographic areas determined by the Department to have terrain, topography, and vegetative characteristics that influence the ability of the claimant and Department to find missing calves and sheep that are believed to have been damaged as a result of a trophy game

animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h), the Department shall utilize the methods, factors and formulas in this subsection to determine the amount to compensate any landowner, lessee or agent for calves and sheep missing as a result of such damage.

(i) Any claimant whose verified claim is for missing sheep or calves believed to have been damaged as a result of a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h), shall include on his verified claim the total known death loss, including missing animals, for the sheep or calves for the grazing season together with the number of such losses known to be due to causes other than damage by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h).

(ii) Notwithstanding the use of the formulas in this section, the Department shall not offer compensation for more than the total known death loss less the number of such losses known to be due to causes other than damage by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h). In order to utilize any formula, the Department or its representative must have confirmed the claimant had at least one (1) calf or one (1) sheep injured or killed by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h).

(A) Calves and sheep in areas occupied by grizzly bears. To determine the amount of compensation due to a claimant for calves and sheep believed to be missing as a result of being damaged by a black bear, grizzly bear, or mountain lion in areas occupied by grizzly bears, the Department shall utilize the following formula:

(I) Number of individual calves or sheep confirmed by the Department or its representative killed by a black bear, grizzly bear, or mountain lion multiplied by three and one-half (3.5) multiplied by the value of livestock equals the amount of compensation.

(II) Sheep in areas not occupied by grizzly bears. To determine the amount of compensation due to a claimant for sheep believed to be missing as a result of being damaged by a black bear or mountain lion in areas not occupied by grizzly bears, the Department shall utilize the following formula:

(III) Number of individual sheep confirmed by the Department or its representative killed by a black bear or mountain lion multiplied by three (3) multiplied by the value of livestock equals the amount of compensation.

(iii) Sheep in areas set forth by Commission regulation where gray wolves are designated as trophy game animals, or gray wolves in accordance with W.S. § 23-1-901 (g) and (h). To determine the amount of compensation due to a claimant for sheep believed to be missing as a result of being damaged by gray wolves, in areas occupied by gray wolves, the Department shall utilize the following formula:

(A) Number of individual sheep confirmed by the Department or its representative killed by a gray wolf multiplied by seven (7) multiplied by the value of livestock equals the amount of compensation.

(iv) Calves in areas set forth by Commission regulation where gray wolves are designated as trophy game animals, or gray wolves in accordance with W.S. § 23-1-901 (g) and (h). To determine the amount of compensation due to the claimant for calves believed to be missing as a result of being damaged by gray wolves, in area occupied by gray wolves, the Department shall utilize the following formula:

(A) Number of individual calves confirmed by the Department or its representative killed by gray wolves multiplied by seven (7) multiplied by the value of livestock equals the amount of compensation.

(b) Veterinary costs for the treatment of individual livestock that have been injured by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h), shall be considered up to a maximum amount that is not to exceed the value of the livestock injured, only in cases where a licensed veterinarian believes the individual livestock in question had a reasonable chance to survive and return to a productive state. If the individual livestock died as a result of an injury inflicted by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h), even though the livestock received veterinary care, payment shall only be made up to a maximum of the value of the livestock.

(c) Any claimant who has sustained gray wolf damage located in the area described in W.S. § 23-1-901 (g) and (h) shall be eligible for damage compensation. Each time a claimant reports gray wolf damage to the Department, pursuant to W.S. § 23-1-901 (g) and (h), the claimant shall acknowledge:

(i) The adjacent area of land is outside the area described in W.S. § 23-1-101 (a) (xii) (B) (I) or (II);

(ii) The adjacent area of land is part of a contiguous tract of land a portion of which is currently located within the boundaries described in W.S. § 23-1-101 (a) (xii) (B) (I) or (II);

(iii) The adjacent area of land is privately owned;

(iv) The private landowner of the adjacent area of land consents to the designation;

(v) The designation of the adjacent area of land shall not subtract from or diminish the area described in W.S. § 23-1-101 (a) (xii) (B) (I) or (II).

Section 4. Permitted Hunting During Authorized Hunting Seasons.

(a) A landowner shall not be eligible to receive an award for damage caused by big game animals, trophy game animals, or game birds unless the landowner has permitted hunting during authorized hunting seasons for the species for which the verified claim has been filed on his privately owned or leased land and adjoining Federal or State land within the herd unit in which the damage occurred in accordance with this section. For an award to be allowed, the landowner shall permit hunting during authorized hunting seasons delineated in subsection (i) (A) if the species of big game animals, trophy game animals, or game birds for which the verified claim was filed were present on the landowner's privately owned or leased land and adjoining Federal or State land during authorized hunting seasons delineated in subsection (i) (A). If the species of big game animals, trophy game animals, or game birds for which the verified claim has been filed were not present on the landowner's privately owned or leased land and adjoining Federal or State land during the authorized hunting seasons as delineated in subsection (i) (A), for an award to be allowed the landowner shall permit hunting during authorized hunting seasons delineated in (i) (B) and (i) (C) if requested by the Department. The landowner shall permit hunting during authorized hunting seasons delineated in (i) (B) and (i) (C) without access fees to hunters or the Department.

(i) Authorized hunting seasons include:

(A) Hunting seasons as established by Wyoming Game and Fish Commission rule and regulation;

(B) Depredation prevention hunting seasons as approved by a District Wyoming Game and Fish Commissioner and the Chief Game Warden; or,

(C) Lethal taking of wildlife through a kill permit as approved by a District Wyoming Game and Fish Commissioner and the Chief Game Warden.

(b) The Department shall determine if the landowner permitted hunting during authorized hunting seasons for the species of big game animals, trophy game animals, or game birds for which the verified claim has been filed. For an award to be allowed, the Department shall have to determine the landowner allowed sufficient numbers of hunters to access his privately owned or leased land and adjoining Federal or State land to harvest more than the number of big game animals, trophy game animals or game birds recruited in the preceding twelve (12) months into the segment of the population responsible for doing damage. The landowner shall contact the game warden to whom he reported the damage to determine how many big game animals, trophy game animals, or game birds meets the requirement of more than the number of big game animals, trophy game animals or game birds recruited in the preceding twelve (12) months into the segment of the population responsible for doing damage. An award may be allowed if the Department determines a reduction in big game animals, trophy game animals or game birds affects the Department's ability to sustain the population at the objective the Commission has established for the herd unit.

Section 5. Notification of Damage and Filing of Damage Claims.

(a) Any claimant who has incurred damage as defined in Section 2 of this Regulation shall report the damage to the nearest game warden, supervisor, or Commission member within fifteen (15) consecutive days following the date damage was discovered. If the claimant intends to take actions that prevent the damage being investigated by the Department, such as harvest of damaged crops or removal of damaged livestock, the claimant shall notify the nearest game warden, supervisor, or Commission member as soon as reasonably possible after discovery of the damage so the damage can be investigated by the Department prior to removal, harvest, modification, or destruction of the damaged property; however, in no case shall the claimant take actions that preclude the damage being investigated by the Department. If the claimant denies or precludes the damage being investigated by the Department, the Department shall deny the verified claim.

(b) The claimant shall present a verified claim in accordance with Section 9 of this regulation to the Office of the Department within sixty (60) consecutive days following the date the last item of damage was discovered.

(i) For verified claims of damage to individual livestock by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h), the sixty-day (60) period shall commence from the last date the livestock were present on the grazing allotment or geographic location where the damage occurred;

(ii) For verified claims of damage to bees, honey, and hives by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h), the sixty (60) day period shall commence from the last date damage occurred or from the last date the bees, honey, or hives were present on the location where the damage occurred, whichever date occurs first; and,

(iii) For verified claims of damage to land, growing cultivated crops, seed crops, stored crops, improvements, or extraordinary damage to grass by big game animals or game birds, the sixty (60) day period shall commence from the last date the growing cultivated crop or seed crop was harvested or the land, stored crops, or improvements were damaged or the extraordinary damage to grass occurred.

(c) If a claimant chooses to appeal the Department's decision regarding a verified claim to the Commission, the claimant shall file a written appeal that is received by the Office of the Department within thirty (30) consecutive days from the date the claimant received the Department's notification of its decision on the verified claim.

(d) The claimant shall have no right of appeal to the Commission of the Department's denial of the claim if based upon the information provided by the claimant in the verified claim, the claimant failed to comply with subsection (a) or (b) of this section. The claimant shall have no right of appeal to the Commission of the Department's decision on a verified claim if the claimant failed to comply with subsection (c) of this section.

(e) The U.S. Postal Service or any other mail delivery service providers are not agents of the Department. Therefore, the Department cannot assume responsibility for mail delivery to the Department. It is the claimant's responsibility to assure the delivery of a verified claim to the Office of the Department.

Section 6. Investigation and Payment of Verified Claims.

(a) When investigating damage claims, the Department shall utilize the standard of "more likely than not" in determining whether or not the damage was the result of big or trophy game animals or game birds, or gray wolves in accordance with W.S. § 23-1-901 (g) and (h).

(b) The Department shall consider damage that was discovered by the claimant and reported to the nearest game warden, supervisor or Commission member within fifteen (15) consecutive days after the date the damage was discovered. Any damage that was reported more than fifteen (15) consecutive days after the date it was discovered by the claimant shall not be considered by the Department as damage under this regulation.

(c) The Department shall investigate the verified claim and either reject the claim or provide for full or partial payment to the claimant within ninety (90) consecutive days following the date the Office of the Department received the verified claim.

Section 7. Reasons for Denial of a Verified Claim.

(a) The Department shall deny the verified claim for any of the reasons specified in this subsection.

(i) The claimant did not report the damage to the nearest game warden, supervisor or Commission member within fifteen (15) consecutive days after the date the damage was discovered. Any damage that was reported more than fifteen (15) consecutive days after the date it was discovered by the claimant shall not be considered by the Department as damage under this regulation.

(ii) The damage was caused by animals or wildlife other than big game animals, trophy game animals or game birds, or gray wolves in accordance with W.S. § 23-1-901 (g) and (h).

(iii) The big or trophy game animals or game birds causing damage were on the landowner's privately owned or leased land and adjoining Federal or State land during authorized hunting seasons as specified in Section 4 (a) (i) (A), and the landowner did not permit hunting in accordance with Section 4 (a) of this regulation.

(iv) The big or trophy game animals or game birds causing damage were not on the landowner's privately owned or leased land and adjoining Federal or State land during authorized hunting seasons as specified in Section 4 (a) (i) (A), and the landowner would not agree to the Department's implementation of a depredation prevention hunting season as

specified in Section 4 (a) (i) (B) or insisted on charging an access fee to hunters to participate in a depredation prevention hunting season as specified in Section 4(a).

(v) The big or trophy game animals or game birds causing damage were not on the landowner's privately owned or leased land and adjoining Federal or State land during authorized hunting seasons as specified in Section 4 (a) (i) (A), and the landowner would not agree to the Department's implementation of a kill permit as specified in Section 4 (a) (i) (C) or insisted on charging an access fee to the Department to implement a kill permit as specified in Section 4 (a).

(vi) The verified claim was for property not defined as property in Section 2 of this regulation.

(vii) The claimant was compensated by crop or livestock insurance or a Federal subsidy program for the property damaged to the extent the claimant received compensation under that insurance or program.

(viii) The claimant did not present a verified claim complete with all required information specified in Section 9 of this regulation to the Office of the Department within sixty (60) days after the damage or last item of damage was discovered by the claimant.

(ix) The verified claim was for consequential damages.

(x) Hunting was not permitted during authorized hunting seasons on land in a platted subdivision where the damage occurred due to the actions of a municipal or county ordinance, or homeowners' association covenant prohibiting the discharge of firearms.

(xi) Due to actions of the claimant, the damage was not investigated by the Department.

(xii) The landowner prevented the Department's attempts to mitigate or alleviate the damage through such actions as moving the big or trophy game animals or game birds, or gray wolves in accordance with W.S. § 23-1-901 (g) and (h) responsible for the damage or the claimant refused to utilize fencing materials provided by the Department to protect stored crops, including honey and hives.

Section 8. Arbitration.

(a) If the claimant wishes to appeal the Commission's decision regarding a verified claim, the claimant shall file a written call for arbitration with the Office of the Department within ninety (90) consecutive days from the date the claimant received written notice from the Office of the Department of the Commission's decision.

(b) If the claimant calls for arbitration, the claimant and the Office of the Department shall each appoint a disinterested arbitrator within fifteen (15) consecutive days from the date the Office of the Department received the written call for arbitration.

(c) When the claimant and the Office of the Department appoint arbitrators, written notification of the name, mailing address, and telephone number of arbitrators shall be made by each party to the other within fifteen (15) consecutive days from the date the Office of the Department received the written call for arbitration.

(d) Within twenty (20) consecutive days after their appointment, the two (2) arbitrators shall appoint a third arbitrator. The two (2) arbitrators selected shall notify both the claimant and the Office of the Department in writing of the name, mailing address, and telephone number of the third arbitrator selected. If the third arbitrator is not appointed within this time period, the judge of the district court of the county or the court commissioner in the absence of the judge shall appoint the third arbitrator upon the application of either arbitrator.

(e) The three (3) arbitrators shall appoint a chairman who shall chair the Board and serve as secretary to carry out the correspondence of the Board.

(f) At least twenty (20) consecutive days before the hearing, the Board shall provide the claimant and the Office of the Department written notice of the time and place in the county when and where the testimony of the claimant and the Department shall be heard and the claim investigated and decided by the Board.

(g) Following the arbitration hearing, the Board shall within ten (10) days provide a written copy of its decision to the Office of the Department and the claimant.

(h) Unless otherwise specified in this section, the Uniform Arbitration Act, W.S. § 1-36-101 et seq. shall apply to the hearing.

(i) The decision of the Board shall become part of the Office of the Department's file and shall be made part of the record in the event of an appeal of the Board's decision and any appeal to district court shall be conducted in conformity with the Uniform Arbitration Act, W.S. § 1-36-114 (a) or W.S. § 1-36-115.

Section 9. Verified Claim Requirements. The verified claim required by W.S. § 23-1-901 (b) shall be submitted on the form prescribed by the Department. The verified claim shall contain the following information:

(a) A description of the land on which the damage occurred, including the legal description (section, range, township), the county in which the land is located, and whether the land is privately owned, leased, or federally owned;

(b) Whether the claimant is the landowner, lessee, or agent of the landowner or lessee;

(c) A description of individual livestock, including the number, age class and sex if known, or description of bees, including honey and hives, damaged or killed by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h);

(d) A description of the land, growing cultivated crops, stored crops, seed crops, or improvements damaged by a big game animal or game bird; or a description of the grass extraordinarily damaged by a big game animal or game bird;

(e) Competent, relevant and material evidence provided by the claimant that a big game animal, trophy game animal or game bird, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h) caused the damage;

(f) The dates during which damage took place, to include the specific date the damage was discovered by the claimant and the specific date the damage ended;

(g) The amount and value of livestock or property damaged, including all calculations and evidence supporting the value determination;

(h) The species and number, if known, of big or trophy game animals or game birds, or gray wolves in accordance with W.S. § 23-1-901 (g) and (h) that caused the damage;

(i) The name of the game warden, supervisor or Commission member to whom the claimant reported the damage and the specific date it was reported;

(j) Information to allow the Department to determine whether or not the landowner permitted hunting during authorized hunting seasons for the species causing damage in accordance with Section 4 of this regulation;

(k) Information as to whether or not an access fee was charged by the claimant for permitting hunting during authorized hunting seasons for the species of big game animal, trophy game animal or game bird for which the verified claim was filed; the total amount of access fee charged per hunter; and, the total number of hunters permitted to hunt during authorized hunting seasons for the species causing damage;

(l) Information by which the Office of the Department can recognize the claimant signed and swore before a person authorized to administer oaths (notarized) the verified claim to be accurate;

(m) For verified claims for calves and sheep missing as a result of damage by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h), the total known death loss, including missing animals, for the sheep or calves for the grazing season together with the number of such losses known to be due to causes other than damage by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h);

(n) Information to indicate if all or what portion of the property damaged was compensated for by crop or livestock insurance or a Federal subsidy program to the extent the claimant received compensation under that insurance or program; and,

(o) Whether the claimant is applying for damage compensation per W.S. § 23-1-901(g) and (h).

(p) The claimant may submit additional supporting information, which shall be considered as part of the verified claim.

WYOMING GAME AND FISH COMMISSION

Keith Culver, President

Dated: July 19, 2017

CHAPTER 28

REGULATION GOVERNING BIG OR TROPHY GAME ANIMAL OR GAME BIRD OR GRAY WOLF DAMAGE CLAIMS

Section 1. Authority. This regulation is promulgated by authority of W.S. Wyoming Statutes § 23-1-101, § 23-1-102, § 23-1-302, § 23-1-304 and § 23-1-901.

Section 2. Definitions. Definitions shall be as set forth in Title 23, Wyoming Statutes, Commission regulations, and the Commission also adopts the following definitions:

(a) “Authorized hunting seasons” means any hunting season during the twelve (12) month period immediately preceding the date when the claimant filed the verified claim with the Office of the Department that is established by Commission regulation, including Depredation Prevention Hunting Seasons and kill permits, for the harvest of the species of big game animals, trophy game animals, or game birds for which the verified claim was filed.

(b) “Award” means compensation for damage offered to a claimant by the Department.

(c) “Board” means a board of arbitrators.

(d) “Claimant” means any landowner, lessee, ~~or agent~~ or property owner whose livestock, bees, hives or honey have been damaged or killed by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h); or, whose land, growing cultivated crops, stored crops, seed crops, or improvements have been damaged by big game animals or game birds; or, whose grass has been extraordinarily damaged by big game animals or game birds.

(e) “Commercial garden” means a business that grows fruits or vegetables for commercial sale.

(f) “Commercial nursery” means a business that grows or stores trees, shrubs or plants solely for commercial sale and that is required under W.S. § 39-15-106 to be licensed with the Wyoming Department of Revenue to collect and remit sales and use tax.

(g) “Commercial orchard” means a business that grows trees for fruit or nut production for commercial sale.

(h) “Confirmed by the Department or its representative” means the Department or its representative conducted an inspection or investigation of the damage and determined the damage was more likely than not caused by a big or trophy game animal or game bird, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h).

(i) “Contiguous tract of land” means one parcel of fee title land, except as may be divided by a public road, highway or railroad right of way, which is entirely owned by a private landowner or corporation.

(j) “Consequential damages” means damage, loss, or injury that does not flow directly and immediately from the act of the big game animal, trophy game animal or game bird, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h), but only from some of the consequences or results of such act. Consequential damages include, but are not necessarily limited to, future or anticipated production (except as otherwise provided in this regulation for young of the year livestock), sentimental value, and labor or equipment costs to remove damaged property.

(k) “Damage” means actual damage to land, growing cultivated crops, stored crops, seed crops or improvements that is caused by big game animals or game birds, and sworn by the claimant on the verified claim to have occurred; or, extraordinary damage to grass that is caused by big game animals or game birds and sworn by the claimant on the verified claim to have occurred; ~~and~~ or actual damage to livestock or bees including honey and hives, that is caused by trophy game animals, or gray wolves in accordance with § 23-1-901 (g) and (h), and sworn by the claimant on the verified claim to have occurred. Damage shall not include damage to other real or personal property including, but not necessarily limited to: other vegetation or animals; motor vehicles; structures; damages caused by animals other than big game animals, trophy game animals or game birds, or gray wolves in accordance with W.S. § 23-1-901 (g) and (h); diseases; lost profits; consequential damages; or, any other damages whatsoever that are not specified in this regulation.

(l) “Disinterested arbitrator” means an elector residing in the county where the damage occurred, who is capable of making a reasoned and unbiased decision based on evidence presented to the Board by the claimant and the Department.

(m) “Extraordinary damage to grass” means the loss or harm as proven by the landowner, lessee, or agent that significantly exceeds the usual, customary or average use of non-cultivated grass plants of the Family Graminae.

(n) “Growing cultivated crops” means crops or other vegetation that are grown on privately owned or leased land and harvested or utilized annually for commercial sale or to feed livestock, or for human consumption. “Growing cultivated crops” can include grasses and legumes maturing for harvest, small grains, row crops and vegetables, plants grown in commercial nurseries, commercial orchards, commercial gardens, and native hay meadows that are managed for hay or livestock forage. If the crop is not harvested or utilized annually, it is not a growing cultivated crop unless it requires more than one (1) year to become established and ready for harvest. “Growing cultivated crops” do not include rangelands managed for livestock forage, or products of nurseries, orchards, and gardens that are not intended for commercial sale.

(o) “Hearing” means a procedurally correct arbitration hearing as described in Section 8 of this Regulation that shall be conducted in such manner as to afford the claimant and

the Department the opportunity to present, examine, and cross-examine all witnesses and other forms of evidence presented to the Board.

(~~op~~) “Hives” means an artificial structure designed and constructed specifically for housing bees.

(~~pq~~) “Improvements” means a valuable addition made to real estate to increase the productivity or value of land, including fences and man made structures erected or windbreaks or shelterbelts planted on privately owned or leased land to enhance or improve crop or livestock production or grazing management or as a protection for livestock. Improvements shall not include windbreaks or shelterbelts, if they are not planted solely to enhance or improve crop production or grazing management or as a protection for livestock.

(~~qr~~) “Investigated by the Department” means an inspection determined by the Department to be a reasonable assessment of the damage caused by big or trophy game animals or game birds, or gray wolves in accordance with W.S. § 23-1-901 (g) and (h).

(~~rs~~) “Kill permit” means a permit authorized by a Game and Fish Commissioner and the Chief Game Warden granting authority to take big game animals, trophy game animals or game birds that are causing substantial damage to property.

(~~st~~) “Land” means soil on privately owned or leased land.

(~~tu~~) “Lessee” means a person who leases fee title land or State land for agricultural purposes.

(~~uv~~) “More likely than not” means evidence reasonably tending to support the conclusion. Evidence that is competent, relevant, and material, and which to a rational and impartial mind naturally leads, or involuntarily leads to conclusion for which there is valid, just and reasonable substantiation.

(~~w~~) “Office of the Department” means the Wyoming Game and Fish Department, 5400 Bishop Blvd., Cheyenne, Wyoming 82006-0001 or the Wyoming Game and Fish Department, 3030 Energy Lane, Casper, Wyoming 82604.

(~~wx~~) “Permitted hunting during authorized hunting seasons” means permitted hunting as described in Section 4 of this regulation.

(~~xy~~) “Promptly served upon each party” means within ten (10) days following the arbitration hearing, the Board shall serve a written copy of its decision to the Office of the Department and the claimant.

(~~yz~~) “Property” means livestock or bees, land, growing cultivated crops, stored crops including honey and hives, seed crops, improvements or grass that has been extraordinarily damaged.

(~~z~~aa) “Reasonable expense charges” means compensation given to an arbitrator while performing duties as an arbitrator that is the same compensation rate afforded to State employees by State statute for per diem and vehicular mileage; and, actual expenses incurred by the arbitrator and documented by receipt including, but not necessarily limited to, telephone calls, paper supplies, and mail service.

(~~a~~ab) “Reasonable service charges” means reimbursement in the amount of one hundred (\$100) dollars per day for performing duties as an arbitrator.

(~~b~~bc) “Seed crops” means any crop intentionally planted, managed, and grown in accordance with accepted agricultural practices on privately owned or leased land for the production of seed for future propagation, and that is harvested annually by manual or mechanical means. If the crop is not harvested annually, it shall not be classified as a seed crop unless the crop normally requires an establishment period of longer than one (1) year to be harvested or unless the crop is alfalfa seed or crested wheat grass seed.

(~~e~~ed) “Stored crops” means crops that have been harvested and saved or stored for future use in accordance with accepted agricultural practices.

(~~d~~ee) “Supervisor” means Regional Wildlife Supervisor.

(~~e~~ff) “Trophy game animals” means black bear, ~~gray wolf~~, grizzly bear or mountain lion, or gray wolf in accordance with W.S. § ~~23-1-901~~(g)23-1-101 (a) (xii) (B) (I) and (II).

(~~f~~gg) “Value of livestock” means the monetary value of individual livestock on the date the verified claim was filed with the Office of the Department based upon the fair market value on that date for like livestock at a rate substantiated by a livestock sales barn or other credible written valuation of the livestock provided by the claimant. However, the monetary value of young of the year livestock on the date the verified claim was filed with the Office of the Department shall be based upon the fair market value on that date for like livestock at the weaning weight substantiated by a livestock sales barn or other credible written valuation of the livestock provided by the claimant.

(~~g~~hh) “Verified claim” means a Trophy Game Animal or Gray Wolf (in accordance with W.S. § 23-1-901 (g) and (h)) Damage Claim Affidavit or a Big Game Animal or Game Bird Damage Claim Affidavit that has been signed by the claimant and sworn to be accurate before a person authorized to administer oaths, that has been filed with the Office of the Department and contains all information required in Section 9 of this regulation.

Section 3. Damage to Livestock by Trophy Game Animals. Except as specified in subsection (a) of this section, the Department shall only offer payment for damage to individual livestock confirmed by the Department or its representative as having been injured or killed by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h).

(a) In geographic areas determined by the Department to have terrain, topography, and vegetative characteristics that influence the ability of the claimant and Department to find

missing calves and sheep that are believed to have been damaged as a result of a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h), the Department shall utilize the methods, factors and formulas in this subsection to determine the amount to compensate any landowner, lessee or agent for calves and sheep missing as a result of such damage caused by a trophy game animal.

(i) Any claimant whose verified claim is for missing sheep or calves believed to have been damaged as a result of a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h), shall include on his verified claim the total known death loss, including missing animals, for the sheep or calves for the grazing season together with the number of such losses known to be due to causes other than damage by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h).

(ii) Notwithstanding the use of the formulas in this section, the Department shall not offer compensation for more than the total known death loss less the number of such losses known to be due to causes other than damage by a ~~black bear, grizzly bear, mountain lion, or gray wolf in those areas where gray wolves are designated as trophy game animals, or gray wolf~~ in accordance with Commission regulation W.S. § 23-1-901 (g) and (h). In order to utilize any formula, the Department or its representative must have confirmed the claimant had at least one (1) calf or one (1) sheep injured or killed by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h).

(A) Calves and sheep in areas occupied by grizzly bears. To determine the amount of compensation due to a claimant for calves and sheep believed to be missing as a result of being damaged by a black bear, grizzly bear, or mountain lion in areas occupied by grizzly bears, the Department shall utilize the following formula:

(I) Number of individual calves or sheep confirmed by the Department or its representative killed by a black bear, grizzly bear, or mountain lion multiplied by three and one-half (3.5) multiplied by the value of livestock equals the amount of compensation.

(II) Sheep in areas not occupied by grizzly bears. To determine the amount of compensation due to a claimant for sheep believed to be missing as a result of being damaged by a black bear or mountain lion in areas not occupied by grizzly bears, the Department shall utilize the following formula:

(III) Number of individual sheep confirmed by the Department or its representative killed by a black bear or mountain lion multiplied by three (3) multiplied by the value of livestock equals the amount of compensation.

(iii) Sheep in areas set forth by Commission regulation where gray wolves are designated as trophy game animals, or gray wolves in accordance with W.S. § 23-1-901 (g) and (h). To determine the amount of compensation due to a claimant for sheep believed to be missing as a result of being damaged by gray wolves, in areas occupied by gray wolves, the Department shall utilize the following formula:

(A) Number of individual sheep confirmed by the Department or its representative killed by a gray wolf multiplied by seven (7) multiplied by the value of livestock equals the amount of compensation.

(iv) Calves in areas set forth by Commission regulation where gray wolves are designated as trophy game animals, or gray wolves in accordance with W.S. § 23-1-901 (g) and (h). To determine the amount of compensation due to the claimant for calves believed to be missing as a result of being damaged by gray wolves, in area occupied by gray wolves, the Department shall utilize the following formula:

(A) Number of individual calves confirmed by the Department or its representative killed by gray wolves multiplied by seven (7) multiplied by the value of livestock equals the amount of compensation.

(b) Veterinary costs for the treatment of individual livestock that have been injured by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h), shall be considered up to a maximum amount that is not to exceed the value of the livestock injured, only in cases where a licensed veterinarian believes the individual livestock in question had a reasonable chance to survive and return to a productive state. If the individual livestock died as a result of an injury inflicted by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h), even though the livestock received veterinary care, payment shall only be made up to a maximum of the value of the livestock.

(c) Any claimant who has sustained gray wolf damage located in the area described in W.S. § 23-1-901 (g) and (h) shall be eligible for damage compensation. Each time a claimant reports gray wolf damage to the Department, pursuant to W.S. § 23-1-901 (g) and (h), the claimant shall acknowledge:

(i) The adjacent area of land is outside the area described in W.S. § 23-1-101 (a) (xii) (B) (I) or (II);

(ii) The adjacent area of land is part of a contiguous tract of land a portion of which is currently located within the boundaries described in W.S. § 23-1-101 (a) (xii) (B) (I) or (II);

(iii) The adjacent area of land is privately owned;

(iv) The private landowner of the adjacent area of land consents to the designation;

(v) The designation of the adjacent area of land shall not subtract from or diminish the area described in W.S. § 23-1-101 (a) (xii) (B) (I) or (II).

Section 4. Permitted Hunting During Authorized Hunting Seasons.

(a) A landowner shall not be eligible to receive an award for damage caused by big game animals, trophy game animals, or game birds unless the landowner has permitted hunting during authorized hunting seasons for the species for which the verified claim has been filed on his privately owned or leased land and adjoining Federal or State land within the herd unit in which the damage occurred in accordance with this section. For an award to be allowed, the landowner shall permit hunting during authorized hunting seasons delineated in subsection (i) (A) if the species of big game animals, trophy game animals, or game birds for which the verified claim was filed were present on the landowner's privately owned or leased land and adjoining Federal or State land during authorized hunting seasons delineated in subsection (i) (A). If the species of big game animals, trophy game animals, or game birds for which the verified claim has been filed were not present on the landowner's privately owned or leased land and adjoining Federal or State land during the authorized hunting seasons as delineated in subsection (i) (A), for an award to be allowed the landowner shall permit hunting during authorized hunting seasons delineated in (i) (B) and (i) (C) if requested by the Department. The landowner shall permit hunting during authorized hunting seasons delineated in (i) (B) and (i) (C) without access fees to hunters or the Department.

(i) Authorized hunting seasons include:

(A) Hunting seasons as established by Wyoming Game and Fish Commission rule and regulation;

(B) Depredation prevention hunting seasons as approved by a District Wyoming Game and Fish Commissioner and the Chief Game Warden; or,

(C) Lethal taking of wildlife through a kill permit as approved by a District Wyoming Game and Fish Commissioner and the Chief Game Warden.

(b) The Department shall determine if the landowner permitted hunting during authorized hunting seasons for the species of big game animals, trophy game animals, or game birds for which the verified claim has been filed. For an award to be allowed, the Department shall have to determine the landowner allowed sufficient numbers of hunters to access his privately owned or leased land and adjoining Federal or State land to harvest more than the number of big game animals, trophy game animals or game birds recruited in the preceding twelve (12) months into the segment of the population responsible for doing damage. The landowner shall contact the game warden to whom he reported the damage to determine how many big game animals, trophy game animals, or game birds meets the requirement of more than the number of big game animals, trophy game animals or game birds recruited in the preceding twelve (12) months into the segment of the population responsible for doing damage. An award may be allowed if the Department determines a reduction in big game animals, trophy game animals or game birds affects the Department's ability to sustain the population at the objective the Commission has established for the herd unit.

Section 5. Notification of Damage and Filing of Damage Claims.

(a) Any claimant who has incurred damage as defined in Section 2 of this Regulation shall report the damage to the nearest game warden, supervisor, or Commission member within fifteen (15) consecutive days following the date damage was discovered. If the claimant intends to take actions that prevent the damage being investigated by the Department, such as harvest of damaged crops or removal of damaged livestock, the claimant shall notify the nearest game warden, supervisor, or Commission member as soon as reasonably possible after discovery of the damage so the damage can be investigated by the Department prior to removal, harvest, modification, or destruction of the damaged property; however, in no case shall the claimant take actions that preclude the damage being investigated by the Department. If the claimant denies or precludes the damage being investigated by the Department, the Department shall deny the verified claim.

(b) The claimant shall present a verified claim in accordance with Section 9 of this regulation to the Office of the Department within sixty (60) consecutive days following the date the last item of damage was discovered.

(i) For verified claims of damage to individual livestock by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h), the sixty-day (60) period shall commence from the last date the livestock were present on the grazing allotment or geographic location where the damage occurred;

(ii) For verified claims of damage to bees, honey, and hives by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h), the sixty (60) day period shall commence from the last date damage occurred or from the last date the bees, honey, or hives were present on the location where the damage occurred, whichever date occurs first; and,

(iii) For verified claims of damage to land, growing cultivated crops, seed crops, stored crops, improvements, or extraordinary damage to grass by big game animals or game birds, the sixty (60) day period shall commence from the last date the growing cultivated crop or seed crop was harvested or the land, stored crops, or improvements were damaged or the extraordinary damage to grass occurred.

(c) If a claimant chooses to appeal the Department's decision regarding a verified claim to the Commission, the claimant shall file a written appeal that is received by the Office of the Department within thirty (30) consecutive days from the date the claimant received the Department's notification of its decision on the verified claim.

(d) The claimant shall have no right of appeal to the Commission of the Department's denial of the claim if based upon the information provided by the claimant in the verified claim, the claimant failed to comply with subsection (a) or (b) of this section. The claimant shall have no right of appeal to the Commission of the Department's decision on a verified claim if the claimant failed to comply with subsection (c) of this section.

(e) The U.S. Postal Service or any other mail delivery service providers are not agents of the Department. Therefore, the Department cannot assume responsibility for mail delivery to the Department. It is the claimant's responsibility to assure the delivery of a verified claim to the Office of the Department.

Section 6. Investigation and Payment of Verified Claims.

(a) When investigating damage claims, the Department shall utilize the standard of "more likely than not" in determining whether or not the damage was the result of big or trophy game animals or game birds, or gray wolves in accordance with W.S. § 23-1-901 (g) and (h).

(b) The Department shall consider damage that was discovered by the claimant and reported to the nearest game warden, supervisor or Commission member within fifteen (15) consecutive days after the date the damage was discovered. Any damage that was reported more than fifteen (15) consecutive days after the date it was discovered by the claimant shall not be considered by the Department as damage under this regulation.

(c) The Department shall investigate the verified claim and either reject the claim or provide for full or partial payment to the claimant within ninety (90) consecutive days following the date the Office of the Department received the verified claim.

Section 7. Reasons for Denial of a Verified Claim.

(a) The Department shall deny the verified claim for any of the reasons specified in this subsection.

(i) The claimant did not report the damage to the nearest game warden, supervisor or Commission member within fifteen (15) consecutive days after the date the damage was discovered. Any damage that was reported more than fifteen (15) consecutive days after the date it was discovered by the claimant shall not be considered by the Department as damage under this regulation.

(ii) The damage was caused by animals or wildlife other than big game animals, trophy game animals or game birds, or gray wolves in accordance with W.S. § 23-1-901 (g) and (h).

(iii) The big or trophy game animals or game birds causing damage were on the landowner's privately owned or leased land and adjoining Federal or State land during authorized hunting seasons as specified in Section 4 (a) (i) (A), and the landowner did not permit hunting in accordance with Section 4 (a) of this regulation.

(iv) The big or trophy game animals or game birds causing damage were not on the landowner's privately owned or leased land and adjoining Federal or State land during authorized hunting seasons as specified in Section 4 (a) (i) (A), and the landowner would not agree to the Department's implementation of a depredation prevention hunting season as

specified in Section 4 (a) (i) (B) or insisted on charging an access fee to hunters to participate in a depredation prevention hunting season as specified in Section 4(a).

(v) The big or trophy game animals or game birds causing damage were not on the landowner's privately owned or leased land and adjoining Federal or State land during authorized hunting seasons as specified in Section 4 (a) (i) (A), and the landowner would not agree to the Department's implementation of a kill permit as specified in Section 4 (a) (i) (C) or insisted on charging an access fee to the Department to implement a kill permit as specified in Section 4 (a).

(vi) The verified claim was for property not defined as property in Section 2 of this regulation.

(vii) The claimant was compensated by crop or livestock insurance or a Federal subsidy program for the property damaged to the extent the claimant received compensation under that insurance or program.

(viii) The claimant did not present a verified claim complete with all required information specified in Section 9 of this regulation to the Office of the Department within sixty (60) days after the damage or last item of damage was discovered by the claimant.

(ix) The verified claim was for consequential damages.

(x) Hunting was not permitted during authorized hunting seasons on land in a platted subdivision where the damage occurred due to the actions of a municipal or county ordinance, or homeowners' association covenant prohibiting the discharge of firearms.

(xi) Due to actions of the claimant, the damage was not investigated by the Department.

(xii) The landowner prevented the Department's attempts to mitigate or alleviate the damage through such actions as moving the big or trophy game animals or game birds, or gray wolves in accordance with W.S. § 23-1-901 (g) and (h) responsible for the damage or the claimant refused to utilize fencing materials provided by the Department to protect stored crops, including honey and hives.

Section 8. Arbitration.

(a) If the claimant wishes to appeal the Commission's decision regarding a verified claim, the claimant shall file a written call for arbitration with the Office of the Department within ninety (90) consecutive days from the date the claimant received written notice from the Office of the Department of the Commission's decision.

(b) If the claimant calls for arbitration, the claimant and the Office of the Department shall each appoint a disinterested arbitrator within fifteen (15) consecutive days from the date the Office of the Department received the written call for arbitration.

(c) When the claimant and the Office of the Department appoint arbitrators, written notification of the name, mailing address, and telephone number of arbitrators ~~they selected~~ shall be made by each party to the other within fifteen (15) consecutive days from the date the Office of the Department received the written call for arbitration.

(d) Within twenty (20) consecutive days after their appointment, the two (2) arbitrators shall appoint a third arbitrator. The two (2) arbitrators selected shall notify both the claimant and the Office of the Department in writing of the name, mailing address, and telephone number of the third arbitrator selected. If the third arbitrator is not appointed within this time period, the judge of the district court of the county or the court commissioner in the absence of the judge shall appoint the third arbitrator upon the application of either arbitrator.

(e) The three (3) arbitrators shall appoint a chairman who shall chair the Board and serve as secretary to carry out the correspondence of the Board.

(f) At least twenty (20) consecutive days before the hearing, the Board shall provide the claimant and the Office of the Department written notice of the time and place in the county when and where the testimony of the claimant and the Department shall be heard and the claim investigated and decided by the Board.

(g) Following the arbitration hearing, the Board shall within ten (10) days provide a written copy of its decision to the Office of the Department and the claimant.

(h) Unless otherwise specified in this section, the Uniform Arbitration Act, W.S. § 1-36-101 et seq. shall apply to the hearing.

(i) The decision of the Board shall become part of the Office of the Department's file and shall be made part of the record in the event of an appeal of the Board's decision and any appeal to district court shall be conducted in conformity with the Uniform Arbitration Act, W.S. § 1-36-114 (a) or W.S. § 1-36-115.

Section 9. Verified Claim Requirements. The verified claim required by W.S. § 23-1-901 (b) shall be submitted on the form prescribed by the Department. The verified claim shall contain the following information:

(a) A description of the land on which the damage occurred, including the legal description (section, range, township), the county in which the land is located, and whether the land is privately owned, leased, or federally owned;

(b) Whether the claimant is the landowner, lessee, or agent of the landowner or lessee;

(c) A description of individual livestock, including the number, age class and sex if known, or description of bees, including honey and hives, damaged or killed by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h);

(d) A description of the land, growing cultivated crops, stored crops, seed crops, or improvements damaged by a big game animal or game bird; or a description of the grass extraordinarily damaged by a big game animal or game bird;

(e) Competent, relevant and material evidence provided by the claimant that a big game animal, trophy game animal or game bird, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h) caused the damage;

(f) The dates during which damage took place, to include the specific date the damage was discovered by the claimant and the specific date the damage ended;

(g) The amount and value of livestock or property damaged, including all calculations and evidence supporting the value determination;

(h) The species and number, if known, of big or trophy game animals or game birds, or gray wolves in accordance with W.S. § 23-1-901 (g) and (h) that caused the damage;

(i) The name of the game warden, supervisor or Commission member to whom the claimant reported the damage and the specific date it was reported;

(j) Information to allow the Department to determine whether or not the landowner permitted hunting during authorized hunting seasons for the species causing damage in accordance with Section 4 of this regulation;

(k) Information as to whether or not an access fee was charged by the claimant for permitting hunting during authorized hunting seasons for the species of big game animal, trophy game animal or game bird for which the verified claim was filed; the total amount of access fee charged per hunter; and, the total number of hunters permitted to hunt during authorized hunting seasons for the species causing damage;

(l) Information by which the Office of the Department can recognize the claimant signed and swore before a person authorized to administer oaths (notarized) the verified claim to be accurate;

(m) For verified claims for calves and sheep missing as a result of damage by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h), the total known death loss, including missing animals, for the sheep or calves for the grazing season together with the number of such losses known to be due to causes other than damage by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h);

(n) Information to indicate if all or what portion of the property damaged was compensated for by crop or livestock insurance or a Federal subsidy program to the extent the claimant received compensation under that insurance or program; and,

(o) Whether the claimant is applying for damage compensation per W.S. § 23-1-901(g) and (h).

(ep) The claimant may submit additional supporting information, which shall be considered as part of the verified claim.

WYOMING GAME AND FISH COMMISSION

~~Mike Healy~~Keith Culver, President

Dated: ~~January 22, 2014~~July 19, 2017

STATEMENT OF REASONS

WYOMING GAME AND FISH COMMISSION

CHAPTER 42

MOUNTAIN LION HUNTING SEASONS

W.S. § 23-1-302 directs and empowers the Commission to fix seasons and bag limits, open, shorten or close seasons on any species or sex of wildlife except predatory animals, predacious birds, protected animals and protected birds.

W.S. § 23-1-703 (e) empowers the Commission to determine the allocation of resident and nonresident mountain lion harvest.

Section 3, Hunting Regulations. Edits are proposed to allow for the reporting and registering of mountain lions taken in a designated wilderness area. These edits are similar to the reporting requirements for taking black bears in a designated wilderness area. New language is being added to address false statements provided to the Department during the reporting process for the taking of mountain lions. New language is also being provided in accordance with W.S. § 23-1-703 (e) which allows the Commission to determine the allocation of resident and nonresident mountain lion harvest. Hunt Area 1, Bearlodge, is proposed to have a nonresident mortality limit of no more than six (6) mountain lions with a total hunt area mortality limit of 24 under this new provision

Section 4, Archery Regulations. A clarification has been made that mountain lions may be taken with legal archery equipment.

Section 5, Hunt Area Descriptions. Minor edits have been made to the hunt area boundary descriptions for a few hunt areas for clarification.

Minor grammatical and formatting edits have been incorporated to provide additional clarity but do not change the intent of the regulation.

CHAPTER 42

MOUNTAIN LION HUNTING SEASONS

Section 1. Authority. This regulation is promulgated by authority of Wyoming Statutes § 23-1-302, § 23-2-101 (d), § 23-1-703 (e) and § 23-3-109 (a).

Section 2. Definitions. For the purpose of this regulation, definitions shall be as set forth in Title 23, Wyoming Statutes and the Commission also adopts the following definitions:

(a) “Bayed” means impeding the movement of a mountain lion such that while a person is present (with or without dogs) the animal is unable to flee the area where it is being held.

(b) “Biological year” means twelve (12) consecutive months from September 1 to August 31.

(c) “Dependent Young” means any mountain lion with visible spots other than those occurring on the inside of its front legs or any mountain lion still traveling with an adult female mountain lion.

(d) “Mortality” means any legal mountain lion harvest or illegal human caused mountain lion death, excluding mountain lions taken by the Department, mountain lions taken under the authority of W.S. § 23-3-115 (a), and all other mountain lion deaths.

(e) “Reduced price mountain lion license” means a license which may be authorized in specific hunt areas allowing a person to take a mountain lion in addition to what may be taken on a full price mountain lion license.

Section 3. Hunting Regulations.

(a) Mountain lions shall only be taken during open seasons by the use of legal firearms or archery equipment, except as otherwise provided by State statute and Commission regulations.

(b) Use of Dogs. Dogs may be used to pursue mountain lions during the open season. However, dogs shall only be used to pursue mountain lions during open hours for the taking of mountain lions.

(c) After a mountain lion has been pursued or bayed, a properly licensed person shall promptly harvest or release the mountain lion. No person shall in any manner restrict or hinder the mountain lions ability to escape for the purpose of allowing a person who was not present at the time the mountain lion was bayed to arrive and take the mountain lion.

(d) Bag and Possession Limits. The bag and possession limit for any person with a proper license shall be one (1) mountain lion during any one (1) calendar year (January 1 - December 31), except as otherwise provided in this Section. Hunters may take any mountain lion, except dependent young and female mountain lions with dependent young at side.

(e) Reduced price mountain lion licenses. A person may receive a maximum of one (1) full price mountain lion license and a maximum of one (1) reduced price mountain lion license during any one (1) calendar year. A person shall possess and exhibit a full price mountain lion license for the current calendar year in order to receive a reduced price mountain lion license for the same calendar year.

(f) Reduced price mountain lion licenses are valid only in hunt areas 5, 7, 8, 9, 15, 16, 19, 24, 25, 27 and 31.

(g) Reporting and Registering Kills. Hunters harvesting mountain lions shall retain the pelt and skull from each mountain lion harvested for registration purposes. Even if the skull is damaged, it shall accompany the pelt. Visible external evidence of sex shall remain naturally attached to the pelt.

(i) Within three (3) days (seventy-two (72) hours) after harvesting a mountain lion, the licensee shall present the pelt and skull to a district game warden, district wildlife biologist, or Department personnel at a Department Regional Office during business hours for registration. The entire pelt and skull shall be presented in an unfrozen condition in order to allow collection of two (2) premolar teeth to be utilized to determine the age of the mountain lion and to allow examination of the pelt to determine the sex of the mountain lion and lactation status of females. At the time of registration, the licensee shall furnish the Department with their license, the date of kill, the location of the site of kill to include hunt area, section, township and range, or UTM coordinates.

(ii) A licensee taking a mountain lion in a designated wilderness area shall report their harvest by telephone or in person within three (3) days, (seventy-two (72) hours) and shall present the pelt and skull to a district game warden, district wildlife biologist or Department personnel at a Game and Fish Regional Office during business hours for registration within ten (10) days from the date of harvest or within three (3) days after returning from a designated wilderness area. The licensee making the telephone report shall contact a district game warden, district wildlife biologist or Department personnel at a Game and Fish Department Regional Office and provide their name, license number, date of kill, sex of mountain lion, hunt area and the location of the kill site (drainage). At the time of registration, the licensee shall furnish the Department their license, the date of kill, the location of the site of kill to include hunt area, section, township and range or UTM coordinates.

(h) Any person who makes a false statement reporting a mountain lion kill or on the registration form shall be in violation of this regulation and, such violation shall be punishable as provided by Title 23, Wyoming statutes for violation of Commission regulations.

(i) Hunt Areas, Season Dates and Limitations.

Hunt Area	Dates of Seasons	Hunt Area Mortality Limit	Limitations
1	Sep. 1 - Mar. 31	24	Nonresident mortality limit - no more than 6. See Section 3 (k)
2	Sep. 1 - Mar. 31	3	
3	Sep. 1 - Mar. 31	8	
4	Sep. 1 - Mar. 31	10	
5	Sep. 1 - Mar. 31	12	See Section 3 (e) and (f)
	Apr. 1 - Apr. 30*		Valid off national forest*
6	Sep. 1 - Apr. 30	15	
7	Sep. 1 - Aug. 31	14	See Section 3 (e) and (f)
8	Sep. 1 - Aug. 31	10	See Section 3 (e) and (f)
9	Sep. 1 - Aug. 31	12	See Section 3 (e) and (f)
10	Sep. 1 - Mar. 31	7	
11	Sep. 1 - Mar. 31	4	
12	Sep. 1 - Mar. 31	6	
13	Sep. 1 - Mar. 31	5	
14	Sep. 1 - Mar. 31	15	
15	Sep. 1 - Aug. 31	Unlimited	See Section 3 (e) and (f)
16	Sep. 1 - Mar. 31	6	See Section 3 (e) and (f)
17	Sep. 1 - Mar. 31	9	
18	Sep. 1 - Mar. 31	12	
19	Sep. 1 - Mar. 31	20	See Section 3 (e) and (f)
20	Sep. 1 - Aug. 31	18	
21	Sep. 1 - Mar. 31	20	
22	Sep. 1 - Aug. 31	25	
23	Sep. 1 - Mar. 31	20	
24	Sep. 1 - May 31	Unlimited	See Section 3 (e) and (f)
25	Sep. 1 - Mar. 31	12	See Section 3 (e) and (f)
26	Sep. 1 - Mar. 31	15	
27	Sep. 1 - Aug. 31	Unlimited	See Section 3 (e) and (f)
28	Sep. 1 - Mar. 31	3	
29	Sep. 1 - Mar. 31	6	
30	Sep. 1 - Mar. 31	12	
31	Sep. 1 - Aug. 31	11	See Section 3 (e) and (f)
32	Sep. 1 - Mar. 31	25	

(j) **Hunt Area Mortality Limit.** The mountain lion season in a hunt area shall close when the hunt area mortality limit is reached. If the hunt area mortality limit is not reached, the season shall close upon the date specified in subsection (i) of this Section. Hunt area mortality limits shall be for the biological year. It is the hunter's responsibility to confirm that the hunt area they intend to hunt is open. The status of hunt area closures is available by calling toll free 1-800-264-1280 twenty-four (24) hours a day.

(k) **Nonresident Mortality Limit.** Nonresident mortality limits shall apply in designated hunt areas set forth in this Section, and represent the maximum allowable nonresident mountain lion harvest for a specified hunt area. A hunt area with a nonresident mortality limit shall close to nonresident hunters when the nonresident mortality limit is reached, or the hunt area mortality limit is reached, or on the date specified in subsection (i) of this Section, whichever comes first.

Section 4. Archery Regulations. Mountain lions may be taken with legal archery equipment in all areas as set forth in Section 3 of this Chapter.

Section 5. Hunt Area Descriptions.

(a) Area and Number

Area 1. Bearlodge. Beginning where Wyoming State Highway 24 crosses the Wyoming-South Dakota state line; southerly along said line to U.S. Highway 85; southwesterly along said highway to Wyoming Highway 585; northwesterly along said highway to Interstate Highway 90; westerly along said highway to U.S. Highway 14 at the town of Sundance; northwesterly along said highway to Wyoming State Highway 24; northerly and easterly along said highway to the Wyoming-South Dakota state line.

Area 2. Teton. Beginning where the Continental Divide crosses the southern boundary of Yellowstone National Park; southerly along said divide to the Union Pass Road (U.S.F.S. Road 600); westerly and southerly along said road to the Darwin Ranch Road (U.S.F.S. Road 620); westerly along said road to the divide between the Green River and the Gros Ventre River; southwesterly along said divide to the divide between the Gros Ventre River and the Hoback River at Hodges Peak; westerly along said divide to the divide between Flat Creek and the Granite Creek; southwesterly along said divide to Cache Peak; northerly along the divide between Flat Creek and Cache Creek at Jackson Peak; westerly along the ridge between Cache Creek and Twin Creeks to the Bridger-Teton National Forest/National Elk Refuge Boundary; southwesterly along the National Elk Refuge boundary to where Flat Creek crosses U. S. Highway 26-89-191 at the north edge of the town of Jackson; southwesterly along said highway to Wyoming Highway 22; westerly along said highway to the Wyoming-Idaho state line; northerly along said line to the south boundary of Yellowstone National Park; easterly along said boundary to the Continental Divide, excluding Grand Teton National Park and the National Elk Refuge.

Area 3. Bridger. Beginning where the Union Pass Road (U.S.F.S. Road 600) crosses the Continental Divide; southeasterly along said divide to Mt. Nystrom; easterly from Mt. Nystrom to Sweetwater Gap and the headwaters of the Sweetwater River; southerly down said river to U.S. Highway 28; southwesterly along said highway to U.S. Highway 191; northerly along said highway to the divide between the Green River and the Hoback River (Hoback Rim); northerly along said divide to the divide between the Green River and the Gros Ventre River at Hodges Peak; northeasterly along said divide to the Darwin Ranch Road (U.S.F.S. Road 620); easterly along said road to the Union Pass Road (U.S.F.S. Road 600); northerly and easterly along said road to the Continental Divide.

Area 4. Popo Agie. Beginning where Wyoming Highway 135 crosses the southern boundary of the Wind River Reservation; southerly along said highway to U.S. Highway 287; easterly along said highway to the Sweetwater River; southwesterly and then northerly up said river to Sweetwater Gap and the headwaters of the Sweetwater River; westerly from Sweetwater Gap to Mt. Nystrom and the Continental Divide; northwesterly along said divide to the south boundary of the Wind River Reservation; easterly along said boundary to Wyoming Highway 135.

Area 5. Iron Mountain. Beginning where Interstate Highway 25 crosses the Wyoming-Colorado state line; westerly along said line to U.S. Highway 287; northerly along said highway to Wyoming Highway 34; northerly and easterly along said highway to Interstate Highway 25; southerly along said highway to the Wyoming-Colorado state line.

Area 6. Laramie Peak. Beginning where Interstate Highway 25 crosses the North Platte River at the city of Douglas; southerly along said highway to Wyoming Highway 34; westerly along said highway to U.S. Highway 30; northerly and westerly along said highway to Wyoming Highway 487; northerly and westerly along said highway to the Lone Tree Road (B.L.M. Road 3141); northerly along said road to the Spring Creek Road; easterly to the Bates Creek Road (Natrona County Road 402); northeasterly along said road to the Squaw Springs Trail Road; northeasterly along said road to U.S.F.S. Road 660; southeasterly along said road to Curry Creek; northwesterly down said creek to Deer Creek; northeasterly down said creek to the North Platte River; easterly down said river to Interstate Highway 25.

Area 7. South Snowy Range. Beginning at the city of Laramie and U.S. Highway 287; southerly along said highway to the Wyoming-Colorado state line; westerly along said line to Wyoming Highway 230 (west of the North Platte River); northerly along said highway to Wyoming Highway 130; easterly along said highway to the city of Laramie.

Area 8. Seminoe. Beginning at the junction of Wyoming Highway 220 and Wyoming Highway 487; southerly along Wyoming Highway 487 to U.S. Highway 30; westerly along said highway to Interstate Highway 80; westerly along said highway to U.S. Highway 287 in the city of Rawlins; northerly along said highway to Wyoming Highway 220; northeasterly along said highway to Wyoming Highway 487.

Area 9. Sierra Madre. Beginning at the junction of Interstate Highway 80 and Wyoming Highway 130; southerly along Wyoming Highway 130 to Wyoming Highway 230; southeasterly along said highway to the Wyoming-Colorado state line; westerly along said line to the Continental Divide; northerly along said divide to the Sage Creek Road (Carbon County Road 401); northerly along said road to Wyoming Highway 71; northerly along said highway to Interstate Highway 80; easterly along said highway to Wyoming Highway 130.

Area 10. Haystacks. Beginning at the junction of Interstate Highway 80 and Wyoming Highway 789; easterly along Interstate Highway 80 to the junction of Wyoming Highway 71; southerly along said highway to the Sage Creek Road (Carbon County Road 401); southerly along said road to the Continental Divide at Middlewood Hill; southerly along said divide to the

Wyoming-Colorado state line; westerly along said line to Wyoming Highway 789; northerly along said highway to Interstate Highway 80.

Area 11. Red Desert. Beginning at the junction of Wyoming Highway 73 and U.S. Highway 287; southerly along U.S. Highway 287 to Interstate Highway 80; westerly along said highway to Creston Junction and U.S. Highway 789; southerly along said highway to the Wyoming-Colorado state line; westerly along said line to the Cow Creek-Powder Wash Road north of Powder Wash, Colorado; northwesterly along said road to the Bitter Creek Road (Sweetwater County Road 19); northwesterly along said road to Interstate Highway 80; westerly along said highway to the Green River; northerly up said river to Big Sandy River; northeasterly up said river to U.S. Highway 191; southerly along said highway to Wyoming Highway 28; northeasterly along said highway to the Sweetwater River; northeasterly down said river to U.S. Highway 287; easterly along said highway to the Bison Basin Road; southerly along said road to the Three Forks-Atlantic City Road (B.L.M. Road 2317); easterly along said road to the Wamsutter-Crooks Gap Road (Sweetwater County Road 23N and Fremont County Road 318); southerly along said road to the Bairoil Road (Sweetwater County Road 22); easterly along said road to Wyoming Highway 73; easterly along said highway to U.S. Highway 287.

Area 12. Flaming Gorge. Beginning at the junction of Interstate Highway 80 and the Bitter Creek Road (Sweetwater County Road 19); southeasterly along said road to the Cow Creek-Powder Wash Road; southeasterly along said road to the Wyoming-Colorado state line; westerly along said line to the Wyoming-Utah state line; westerly along said line to Flaming Gorge Reservoir and the Green River; northerly up said river to Interstate Highway 80; easterly along said highway to the junction of the Bitter Creek Road (Sweetwater County Road 19).

Area 13. Wasatch. Beginning where Interstate Highway 80 crosses the Green River; southerly down said river to the Wyoming-Utah state line; westerly and northerly along said line to Interstate Highway 80; easterly along said highway to the Green River.

Area 14. Lincoln. Beginning where the Green River crosses Interstate Highway 80; westerly along said highway to the Wyoming-Utah state line; northerly along said line to the Wyoming-Idaho state line; northerly along said line to the divide between the Salt River and Bear River; easterly along said divide to the divide between the Salt River and the Smiths Fork River; northeasterly along said divide to Commissary Ridge; southeasterly along said ridge to the head of LaBarge Creek; southeasterly down said creek to the Green River; southeasterly down said river to Interstate Highway 80.

Area 15. Kaycee. Beginning at the junction of U.S. Highway 16 and Interstate Highway 25 at the town of Buffalo; southerly along Interstate Highway 25 to U.S. Highway 20-26 at the city of Casper; westerly along said highway to the town of Waltman and the Waltman-Arminto Road (Natrona County Road 104); northerly along said road to the Buffalo Creek Road (Natrona County Road 105); northeasterly along said road to the Big Horn Mountain Divide Road/Hazelton Road (Natrona County Road 109-Washakie County Road 81-Johnson County Road 3); northerly along said road to the Gold Mine Road (U.S.F.S. Road 452); northerly along said road to the Canyon Creek Road (U.S.F.S. Road 25); northerly along said road to U.S. Highway 16; northeasterly along said highway to Interstate Highway 25.

Area 16. Gas Hills. Beginning at the city of Casper and Wyoming Highway 220; southwesterly along said highway to U.S. Highway 287; southerly along said highway to Wyoming Highway 73; westerly along said highway to the Bairoil Road (Sweetwater County Road 22); westerly along said road to the Wamsutter-Crooks Gap Road (Sweetwater County Road 23N and Fremont County Road 318); northerly along said road to the Three Forks-Atlantic City Road (B.L.M. Road 2317); westerly along said road to the Bison Basin Road (Fremont County Road 281 and B.L.M. Road 3221); northerly along said road to U.S. Highway 287; westerly along said highway to Wyoming Highway 135; northerly along said highway to the boundary of the Wind River Reservation; easterly and northerly along said boundary to U.S. Highway 20-26; easterly along said highway to Wyoming Highway 220 in the city of Casper.

Area 17. Piney. Beginning where U.S. Highway 191 crosses the Green River; southeasterly along said highway to the Big Sandy River; southwesterly down said river to the Green River; northerly up said river to LaBarge Creek; northwesterly up said creek to the Greys River Road at Tri Basin Divide; northerly along said road to the divide between the Green River and the Greys River; easterly and northerly along said divide to the divide between the Green River and the Hoback River (Hoback Rim); easterly along said divide to U.S. Highway 191; southerly along said highway to the Green River.

Area 18. Wind River. All of the drainage of the Wind River, which lies west of the west boundary of the Wind River Reservation.

Area 19. Northwest. All of the Clark's Fork River drainage, Soda Butte Creek drainage, Shoshone River drainage, Greybull River drainage, Gooseberry Creek drainage and Yellowstone River drainage, outside Yellowstone National Park and west of Wyoming Highway 120.

Area 20. Owl Creek/Bighorn Basin. Beginning where the Big Horn River crosses the Wyoming-Montana state line; southerly up said river to the north boundary of the Wind River Reservation; westerly along said boundary to the divide between Owl Creek and the South Fork Wood River; northeasterly along said divide to the divide between Cottonwood Creek and Gooseberry Creek; northeasterly along said divide to the divide between Gooseberry Creek and Grass Creek; easterly along said divide to Wyoming Highway 120; northerly along said highway to the Wyoming-Montana state line; easterly along said state line to the Bighorn River; in addition, all non-Indian fee title lands in that portion of Hot Springs County within the exterior boundaries of the Wind River Reservation.

Area 21. Shell. Beginning where the Big Horn Mountain Divide crosses the Wyoming-Montana state line; southerly along said divide to U.S. Highway 16; westerly along said highway to the Big Horn River; northerly down said river to the Wyoming-Montana state line; easterly along said line to the Big Horn Mountain Divide.

Area 22. Ten Sleep. Beginning at the junction of U.S. Highway 16 and the Canyon Creek Road (U.S.F.S. Road 25); southerly along said road to the Gold Mine Road (U.S.F.S. Road 452); southerly along said road to the Big Horn Mountain Divide Road-Hazelton Road (Johnson County Road 3-Washakie County Road 81-Natrona County Road 109); southerly along

said road to the Buffalo Creek Road (Natrona county Road 105); southwesterly along said road to the Waltman-Arminto Road (Natrona County Road 104); southerly along said road to the town of Waltman and U.S. Highway 20-26; westerly along said highway to the east boundary of the Wind River Reservation; northerly then westerly along said boundary to the Big Horn River; northerly down said river to U.S. Highway 16; easterly along said highway to the Canyon Creek Road (U.S.F.S. Road 25). Also included are all lands of the Wind River Reservation within the Bureau of Reclamation Riverton and Boysen Unit boundaries and Boysen State Park, excluding Indian sole occupancy lands north of Cottonwood Creek.

Area 23. Sheridan. Beginning where Interstate Highway 90 crosses the Wyoming-Montana state line; southerly along said highway to Interstate Highway 25; southerly along said highway to U.S. Highway 16; southwesterly along said highway to the Big Horn Mountain Divide at Powder River Pass; northerly along said divide to the Wyoming-Montana state line; easterly along said line to Interstate Highway 90.

Area 24. Rochelle. Beginning where the Rocky Point Road (Crook County Road 145) crosses the Wyoming-Montana state line; southerly along said road to the "D" Road (Crook County Road 68); southerly along said road to Interstate Highway 90; easterly along said highway to U.S. Highway 16; southeasterly along said highway to the Wyoming-South Dakota state line; southerly along said line to the Wyoming-Nebraska state line; southerly along said line to U.S. Highway 20; westerly along said highway to Interstate Highway 25; northwesterly along said highway to the North Platte River at the town of Douglas; westerly along said river to the city of Casper and Interstate Highway 25; northerly along said highway to Interstate Highway 90; northerly along said highway to the Wyoming-Montana state line; easterly along said line to the Rocky Point Road (Crook County Road 145).

Area 25. Hartville. Beginning where U.S. Highway 20 crosses the Wyoming-Nebraska state line; southerly along said line to the Wyoming-Colorado state line; westerly along said line to Interstate Highway 25; northerly along said highway to U.S. Highway 20; easterly along said highway to the Wyoming-Nebraska state line.

Area 26. Greys River. Beginning at the Wyoming-Idaho state line on the Snake River; easterly up said river to Bailey Creek; southeasterly up said creek to Dry Wash Draw; easterly up said draw to the divide between Bailey Creek and Willow Creek (Greyback Ridge); southerly along said divide to the divide between the Greys River and Willow Creek; southerly along said divide to the divide between the Greys River and the Hoback River; southerly along said divide to the divide between the Greys River and the Green River; southerly and westerly along said divide to the Greys River Road at the Tri Basin Divide; southerly along said road to La Barge Creek; northwesterly up said creek to Commissary Ridge; northwesterly along said ridge to the divide between the Salt River and the Smiths Fork River; southwesterly along said divide to the divide between the Salt river and the Bear River; westerly along said divide to the Wyoming-Idaho state line; northerly along said line to the Snake River.

Area 27. Casper Mountain. Beginning at the confluence of the North Platte River and Deer Creek at the town of Glenrock; southerly up said creek to Curry Creek; southeasterly up said creek to U.S.F.S. Road 660; northwesterly along said road to its termination at the Squaw

Springs Trail Road; southwesterly along said road to the Bates Creek Road (Natrona County Road 402); southwesterly along said road to the Spring Creek Road; westerly along said road to the Lone Tree Road (B.L.M. Road 3141); southerly along said road to Wyoming Highway 487; northerly and westerly along said highway to Wyoming Highway 220; northerly and easterly along said highway to the Casper city limits; northerly along said city limits to the North Platte River; easterly along said river to Deer Creek.

Area 28. Crowheart Butte. All non-Indian owned fee title land within the exterior boundaries of the Wind River Reservation excluding Mountain Lion Hunt Area 22, those areas of the Spence and Moriarity Wildlife Management Area that lie east of the East Fork of the Wind River, and those lands within Hot Springs County.

Area 29. Hoback. Beginning where U.S. Highway 191 crosses Flat Creek at the north edge of the town of Jackson; due east to the National Elk Refuge boundary; easterly along said boundary to the Bridger-Teton National Forest boundary and the ridge between Twin Creeks and Cache Creek; easterly along said ridge to Jackson Peak; southerly along the divide between Flat Creek and Cache Creek to Cache Peak; easterly along the divide between Flat Creek and Granite Creek to Pyramid Peak; southerly along the divide between the Gros Ventre River and the Hoback River to Steamboat Peak; southeasterly along said divide to the divide between the Green River and the Hoback River at Hodges Peak; southeasterly along the divide between the Hoback River and Green River; southwesterly along said divide to the divide between the Greys River and Hoback River; northeasterly and westerly along said divide to the divide between the Greys River and Willow Creek; northerly along said divide to the divide between the Bailey Creek and Willow Creek (Greyback Ridge); northerly along said divide to Dry Wash Draw; westerly down said draw to Baily Creek; northwesterly down said creek to the Snake River; southerly and westerly down the Snake River to the Wyoming-Idaho state line; northerly along said line to Wyoming Highway 22; easterly along said highway to U.S. Highway 191; northeasterly along said highway to Flat Creek.

Area 30. Newcastle. Beginning where U.S. Highway 85 crosses the Wyoming-South Dakota state line; southerly along said line to U.S. Highway 16; northwesterly along said highway to the town of Moorcroft and Interstate Highway 90; easterly along said highway to the town of Sundance and Wyoming State Highway 585; southeasterly along said highway to U.S. Highway 85; northerly along said highway to the Wyoming-South Dakota state line.

Area 31. Elk Mountain. Beginning at the city of Laramie and Wyoming Highway 130; westerly then northerly along said highway to U.S. Highway 30; easterly and southerly along said highway to the city of Laramie.

Area 32. Hulett. Beginning where the Montana-Wyoming state lines crosses the Rocky Point Road (Crook County Road 145); easterly along said line to where the Montana, Wyoming and South Dakota state lines meet; southerly along the Wyoming-South Dakota state line to Wyoming State Highway 24; westerly and southerly along said highway to U.S. Highway 14; southeasterly along said highway to the town of Sundance and Interstate Highway 90; westerly along said highway to the town of Moorcroft and the D-Road (Crook County Road 68);

northerly along said road to the Rocky Point Road in Campbell County; northerly along said road to the Wyoming-Montana state line.

WYOMING GAME AND FISH COMMISSION

Keith Culver, President

Dated: July 19, 2017

CHAPTER 42

MOUNTAIN LION HUNTING SEASONS

Section 1. Authority. This regulation is promulgated by authority of ~~W.S.~~ Wyoming Statutes § 23-1-302, and W.S. § 23-2-101 (d), § 23-1-703 (e) and § 23-3-109 (a).

Section 2. Definitions. For the purpose of this regulation, definitions shall be as set forth in Title 23, Wyoming Statutes and the Commission also adopts the following definitions:

- (a) “Bayed” means impeding the movement of a mountain lion such that while a person is present (with or without dogs) the animal is unable to flee the area where it is being held.
- (b) “Biological year” means twelve (12) consecutive months from September 1 to August 31.
- (c) “Dependent Young” means any mountain lion with visible spots other than those occurring on the inside of its front legs or any mountain lion still traveling with an adult female mountain lion.
- (d) “Mortality” means any legal mountain lion harvest or illegal human caused mountain lion death, excluding mountain lions taken by the Department, mountain lions taken under the authority of W.S. § 23-3-115 (a), and all other mountain lion deaths.
- (e) “Reduced price mountain lion license” means a license which may be authorized in specific hunt areas allowing a person to take a mountain lion in addition to what may be taken on a full price mountain lion license.

Section 3. Hunting Regulations.

- (a) Mountain lions shall only be taken during open seasons by the use of legal firearms or archery equipment, except as otherwise provided by State statute and Commission regulations.
- (b) Use of Dogs. Dogs may be used to pursue mountain lions during the open season. However, dogs shall only be used to pursue mountain lions during open hours for the taking of mountain lions.
- (c) After a mountain lion has been pursued or bayed, a properly licensed person shall promptly harvest or release the mountain lion. No person shall in any manner restrict or hinder the mountain lions ability to escape for the purpose of allowing a person who was not present at the time the mountain lion was bayed to arrive and take the mountain lion.

(d) Bag and Possession Limits. The bag and possession limit for any person with a proper license shall be one (1) mountain lion during any one (1) calendar year (January 1 - December 31), except as otherwise provided in this Section. Hunters may ~~harvest~~take any mountain lion, except dependent young and female mountain lions with dependent young at side ~~shall not be harvested.~~

(e) Reduced price mountain lion licenses. A person may receive a maximum of one (1) full price mountain lion license and a maximum of one (1) reduced price mountain lion license during any one (1) calendar year. A person shall possess and exhibit a full price mountain lion license for the current calendar year in order to receive a reduced price mountain lion license for the same calendar year.

(f) Reduced price mountain lion licenses are valid only in hunt areas 5, 7, 8, 9, 15, 16, 19, 24, 25, 27 and 31.

(g) Reporting and Registering Kills. Hunters harvesting mountain lions shall retain the pelt and skull from each mountain lion harvested for registration purposes. Even if the skull is damaged, it shall accompany the pelt. Visible external evidence of sex shall remain naturally attached to the pelt.

(i) _____ Within three (3) days (seventy-two (72) hours) after harvesting a mountain lion, the licensee shall present the pelt and skull to a district game warden, district wildlife biologist, or Department personnel at a Department Regional Office during business hours for registration. The entire pelt and skull shall be presented in an unfrozen condition in order to allow collection of two (2) premolar teeth to be utilized to determine the age of the mountain lion and to allow examination of the pelt to determine the sex of the mountain lion and lactation status of females. At the time of registration, the licensee shall furnish the Department with ~~his~~their license number, the date of kill, the location of the site of kill to include hunt area, section, township and range, or UTM coordinates.

(ii) _____ A licensee taking a mountain lion in a designated wilderness area shall report their harvest by telephone or in person within three (3) days, (seventy-two (72) hours) and shall present the pelt and skull to a district game warden, district wildlife biologist or Department personnel at a Game and Fish Regional Office during business hours for registration within ten (10) days from the date of harvest or within three (3) days after returning from a designated wilderness area. The licensee making the telephone report shall contact a district game warden, district wildlife biologist or Department personnel at a Game and Fish Department Regional Office and provide their name, license number, date of kill, sex of mountain lion, hunt area and the location of the kill site (drainage). At the time of registration, the licensee shall furnish the Department their license, the date of kill, the location of the site of kill to include hunt area, section, township and range or UTM coordinates.

(h) Any person who makes a false statement reporting a mountain lion kill or on the registration form shall be in violation of this regulation and, such violation shall be punishable as provided by Title 23, Wyoming statutes for violation of Commission regulations.

(ji) Hunt Areas, Season Dates and Limitations.

Hunt Area	Dates of Seasons	<u>Hunt Area</u> Mortality Limit	Limitations
1	Sep. 1 - Mar. 31	24	<u>Nonresident mortality limit - no more than 6. See Section 3 (k)</u>
2	Sep. 1 - Mar. 31	3	
3	Sep. 1 - Mar. 31	8	
4	Sep. 1 - Mar. 31	10	
5	Sep. 1 - Mar. 31	12	See Section 3 (e) and (f)
	Apr. 1 - Apr. 30*		Valid off national forest*
6	Sep. 1 - Apr. 30	15	
7	Sep. 1 - Aug. 31	14	See Section 3 (e) and (f)
8	Sep. 1 - Aug. 31	10	See Section 3 (e) and (f)
9	Sep. 1 - Aug. 31	12	See Section 3 (e) and (f)
10	Sep. 1 - Mar. 31	7	
11	Sep. 1 - Mar. 31	4	
12	Sep. 1 - Mar. 31	6	
13	Sep. 1 - Mar. 31	5	
14	Sep. 1 - Mar. 31	15	
15	Sep. 1 - Aug. 31	Unlimited	See Section 3 (e) and (f)
16	Sep. 1 - Mar. 31	6	See Section 3 (e) and (f)
17	Sep. 1 - Mar. 31	9	
18	Sep. 1 - Mar. 31	12	
19	Sep. 1 - Mar. 31	20	See Section 3 (e) and (f)
20	Sep. 1 - Aug. 31	18	
21	Sep. 1 - Mar. 31	20	
22	Sep. 1 - Aug. 31	25	
23	Sep. 1 - Mar. 31	20	
24	Sep. 1 - May 31	Unlimited	See Section 3 (e) and (f)
25	Sep. 1 - Mar. 31	12	See Section 3 (e) and (f)
26	Sep. 1 - Mar. 31	15	
27	Sep. 1 - Aug. 31	Unlimited	See Section 3 (e) and (f)
28	Sep. 1 - Mar. 31	3	
29	Sep. 1 - Mar. 31	6	
30	Sep. 1 - Mar. 31	12	
31	Sep. 1 - Aug. 31	11	See Section 3 (e) and (f)
32	Sep. 1 - Mar. 31	25	

(kj) Hunt Area Mortality Limit. The mountain lion season in a hunt area shall close when the hunt area mortality limit is reached. If the hunt area mortality limit is not reached, the season shall close upon the date specified in subsection (ji) of this Section. Hunt area mortality limits shall be for the biological year. It is the hunter's responsibility to confirm that the hunt area

~~he intends~~ they intend to hunt is open. The status of hunt area closures is available by calling toll free 1-800-264-1280 twenty-four (24) hours a day.

(k) Nonresident Mortality Limit. Nonresident mortality limits shall apply in designated hunt areas set forth in this Section, and represent the maximum allowable nonresident mountain lion harvest for a specified hunt area. A hunt area with a nonresident mortality limit shall close to nonresident hunters when the nonresident mortality limit is reached, or the hunt area mortality limit is reached, or on the date specified in subsection (i) of this Section, whichever comes first.

Section 4. Archery Regulations. Mountain lions may be taken with legal archery equipment in all areas as set forth in Section 3 of this Chapter.

Section 5. Hunt Area Descriptions.

(a) Area and Number

Area 1. Bearlodge. Beginning where Wyoming State Highway 24 crosses the Wyoming-South Dakota state line; southerly along said line to U.S. Highway 85; southwesterly along said highway to Wyoming Highway 585; northwesterly along said highway to Interstate Highway 90; westerly along said highway to U.S. Highway 14 at the town of Sundance; northwesterly along said highway to Wyoming State Highway 24; northerly and easterly along said highway to the Wyoming-South Dakota state line.

Area 2. Teton. Beginning where the Continental Divide crosses the southern boundary of Yellowstone National Park; southerly along said divide to the Union Pass Road (U.S.F.S. Road 600); westerly and southerly along said road to the Darwin Ranch Road (U.S.F.S. Road 620); westerly along said road to the divide between the Green River and the Gros Ventre River; southwesterly along said divide to the divide between the Gros Ventre River and the Hoback River at Hodges Peak; westerly along said divide to the divide between Flat Creek and the Granite Creek; southwesterly along said divide to Cache Peak; northerly along the divide between Flat Creek and Cache Creek at Jackson Peak; westerly along the ridge between Cache Creek and Twin Creeks to the Bridger-Teton National Forest/National Elk Refuge Boundary; southwesterly along the National Elk Refuge boundary to where Flat Creek crosses U. S. Highway 26-89-191 at the north edge of the town of Jackson; southwesterly along said highway to Wyoming Highway 22; westerly along said highway to the Wyoming-Idaho state line; northerly along said line to the south boundary of Yellowstone National Park; easterly along said boundary to the Continental Divide, excluding Grand Teton National Park and the National Elk Refuge.

Area 3. Bridger. Beginning where the Union Pass Road (U.S.F.S. Road 600) crosses the Continental Divide; southeasterly along said divide to Mt. Nystrom; easterly from Mt. Nystrom to Sweetwater Gap and the headwaters of the Sweetwater River; southerly down said river to U.S. Highway 28; southwesterly along said highway to U.S. Highway 191; northerly along said highway to the divide between the Green River and the Hoback River (Hoback Rim); northerly along said divide to the divide between the Green River and the Gros Ventre River at

Hodges Peak; northeasterly along said divide to the Darwin Ranch Road (U.S.F.S. Road 620); easterly along said road to the Union Pass Road (U.S.F.S. Road 600); northerly and easterly along said road to the Continental Divide.

Area 4. Popo Agie. Beginning where Wyoming Highway 135 crosses the southern boundary of the Wind River Reservation; southerly along said highway to U.S. Highway 287; easterly along said highway to the Sweetwater River; southwesterly and then northerly up said river to Sweetwater Gap and the headwaters of the Sweetwater River; westerly from Sweetwater Gap to Mt. Nystrom and the Continental Divide; northwesterly along said divide to the south boundary of the Wind River Reservation; easterly along said boundary to Wyoming Highway 135.

Area 5. Iron Mountain. Beginning where Interstate Highway 25 crosses the Wyoming-Colorado state line; westerly along said line to U.S. Highway 287; northerly along said highway to Wyoming Highway 34; northerly and easterly along said highway to Interstate Highway 25; southerly along said highway to the Wyoming-Colorado state line.

Area 6. Laramie Peak. Beginning where Interstate Highway 25 crosses the North Platte River at the city of Douglas; southerly along said highway to Wyoming Highway 34; westerly along said highway to U.S. Highway 30; northerly and westerly along said highway to Wyoming Highway 487; northerly and westerly along said highway to the Lone Tree Road (B.L.M. Road 3141); northerly along said road to the Spring Creek Road; easterly to the Bates Creek Road (Natrona County Road 402); northeasterly along said road to the Squaw Springs Trail Road; northeasterly along said road to U.S.F.S. Road 660; southeasterly along said road to Curry Creek; northwesterly down said creek to Deer Creek; northeasterly down said creek to the confluence of Deer Creek and the North Platte River; easterly down said river to Interstate Highway 25.

Area 7. South Snowy Range. Beginning at the city of Laramie and U.S. Highway 287; southerly along said highway to the Wyoming-Colorado state line; westerly along said line to Wyoming Highway 230 (west of the North Platte River); northerly along said highway to Wyoming Highway 130; easterly along said highway to the city of Laramie.

Area 8. Seminoe. Beginning at the junction of Wyoming Highway 220 and Wyoming Highway 487; southerly along Wyoming Highway 487 to U.S. Highway 30; westerly along said highway to Interstate Highway 80; westerly along said highway to U.S. Highway 287 in the city of Rawlins; northerly along said highway to Wyoming Highway 220; northeasterly along said highway to Wyoming Highway 487.

Area 9. Sierra Madre. Beginning at the junction of Interstate Highway 80 and Wyoming Highway 130; southerly along Wyoming Highway 130 to Wyoming Highway 230; southeasterly along said highway to the Wyoming-Colorado state line; westerly along said line to the Continental Divide; northerly along said divide to the Sage Creek Road (Carbon County Road 401); northerly along said road to Wyoming Highway 71; northerly along said highway to Interstate Highway 80; easterly along said highway to Wyoming Highway 130.

Area 10. Haystacks. Beginning at the junction of Interstate Highway 80 and Wyoming Highway 789; easterly along Interstate Highway 80 to the junction of Wyoming Highway 71; southerly along said highway to the Sage Creek Road (Carbon County Road 401); southerly along said road to the Continental Divide at Middlewood Hill; southerly along said divide to the Wyoming-Colorado state line; westerly along said line to Wyoming Highway 789; northerly along said highway to Interstate Highway 80.

Area 11. Red Desert. Beginning at the junction of Wyoming Highway 73 and U.S. Highway 287; southerly along U.S. Highway 287 to Interstate Highway 80; westerly along said highway to Creston Junction and U.S. Highway 789; southerly along said highway to the Wyoming-Colorado state line; westerly along said line to the Cow Creek-Powder Wash Road north of Powder Wash, Colorado; northwesterly along said road to the Bitter Creek Road (Sweetwater County Road 19); northwesterly along said road to Interstate Highway 80; westerly along said highway to the Green River; northerly up said river to Big Sandy River; northeasterly up said river to U.S. Highway 191; southerly along said highway to Wyoming Highway 28; northeasterly along said highway to the Sweetwater River; northeasterly down said river to U.S. Highway 287; easterly along said highway to the Bison Basin Road; southerly along said road to the ~~Alkali Creek Road~~ Three Forks-Atlantic City Road (B.L.M. Road 2317); easterly along said road to the Wamsutter-Crooks Gap Road (Sweetwater County Road 23N and Fremont County Road 318); southerly along said road to the Bairoil Road (Sweetwater County Road 22); easterly along said road to Wyoming Highway 73; easterly along said highway to U.S. Highway 287.

Area 12. Flaming Gorge. Beginning at the junction of Interstate Highway 80 and the Bitter Creek Road (Sweetwater County Road 19); southeasterly along said road to the Cow Creek-Powder Wash Road; southeasterly along said road to the Wyoming-Colorado state line; westerly along said line to the Wyoming-Utah state line; westerly along said line to Flaming Gorge Reservoir and the Green River; northerly up said river to Interstate Highway 80; easterly along said highway to the junction of the Bitter Creek Road (Sweetwater County Road 19).

Area 13. Wasatch. Beginning where Interstate Highway 80 crosses the Green River; southerly down said river to the Wyoming-Utah state line; westerly and northerly along said line to Interstate Highway 80; easterly along said highway to the Green River.

Area 14. Lincoln. Beginning where the Green River crosses Interstate Highway 80; westerly along said highway to the Wyoming-Utah state line; northerly along said line to the Wyoming-Idaho state line; northerly along said line to the divide between the Salt River and Bear River; easterly along said divide to the divide between the Salt River and the Smiths Fork River; northeasterly along said divide to Commissary Ridge; southeasterly along said ridge to the head of LaBarge Creek; southeasterly down said creek to the Green River; southeasterly down said river to Interstate Highway 80.

Area 15. Kaycee. Beginning at the junction of U.S. Highway 16 and Interstate Highway 25 at the town of Buffalo; southerly along Interstate Highway 25 to U.S. Highway 20-26 at the city of Casper; westerly along said highway to the town of Waltman and the Waltman-Arminto Road (Natrona County Road 104); northerly along said road to the Buffalo Creek Road (Natrona County Road 105); northeasterly along said road to the Big Horn Mountain Divide

Road/Hazelton Road (Natrona County Road 109-Washakie County Road 81-Johnson County Road 3); northerly along said road to the Gold Mine Road (U.S.F.S. Road 452); northerly along said road to the Canyon Creek Road (U.S.F.S. Road 25); northerly along said road to U.S. Highway 16; northeasterly along said highway to Interstate Highway 25.

Area 16. Gas Hills. Beginning at the city of Casper and Wyoming Highway 220; southwesterly along said highway to U.S. Highway 287; southerly along said highway to Wyoming Highway 73; westerly along said highway to the Bairoil Road (Sweetwater County Road 22); westerly along said road to the Wamsutter-Crooks Gap Road (Sweetwater County Road 23N and Fremont County Road 318); northerly along said road to the Three Forks-Atlantic City Road (B.L.M. Road 2317); westerly along said road to the Bison Basin Road (Fremont County Road 281 and B.L.M. Road 3221); northerly along said road to U.S. Highway 287; westerly along said highway to Wyoming Highway 135; northerly along said highway to the boundary of the Wind River Reservation; easterly and northerly along said boundary to U.S. Highway 20-26; easterly along said highway to Wyoming Highway 220 in the city of Casper.

Area 17. Piney. Beginning where U.S. Highway 191 crosses the Green River; southeasterly along said highway to the Big Sandy River; southwesterly down said river to the Green River; northerly up said river to LaBarge Creek; northwesterly up said creek to the Greys River Road at Tri Basin Divide; northerly along said road to the divide between the Green River and the Greys River; easterly and northerly along said divide to the divide between the Green River and the Hoback River (Hoback Rim); easterly along said divide to U.S. Highway 191; southerly along said highway to the Green River.

Area 18. Wind River. All of the drainage of the Wind River, which lies west of the west boundary of the Wind River Reservation.

Area 19. Northwest. All of the Clark's Fork River drainage, Soda Butte Creek drainage, Shoshone River drainage, ~~Wood~~Greybull River drainage, Gooseberry Creek drainage and Yellowstone River drainage, outside Yellowstone National Park and west of Wyoming Highway 120.

Area 20. Owl Creek/Bighorn Basin. Beginning where the Big Horn River crosses the Wyoming-Montana state line; southerly up said river to the north boundary of the Wind River Reservation; westerly along said boundary to the divide between Owl Creek and the South Fork Wood River; northeasterly along said divide to the divide between Cottonwood Creek and Gooseberry Creek; northeasterly along said divide to the divide between Gooseberry Creek and Grass Creek; easterly along said divide to Wyoming Highway 120; northerly along said highway to the Wyoming-Montana state line; easterly along said state line to the Bighorn River; in addition, all non-Indian fee title lands in that portion of Hot Springs County within the exterior boundaries of the Wind River Reservation.

Area 21. Shell. Beginning where the Big Horn Mountain Divide crosses the Wyoming-Montana state line; southerly along said divide to U.S. Highway 16; westerly along said highway to the Big Horn River; northerly down said river to the Wyoming-Montana state line; easterly along said line to the Big Horn Mountain Divide.

Area 22. Ten Sleep. Beginning at the junction of U.S. Highway 16 and the Canyon Creek Road (U.S.F.S. Road 25); southerly along said road to the Gold Mine Road (U.S.F.S. Road 452); southerly along said road to the Big Horn Mountain Divide Road-Hazelton Road (Johnson County Road 3-Washakie County Road 81-Natrona County Road 109); southerly along said road to the Buffalo Creek Road (Natrona county Road 105); southwestly along said road to the Waltman-Arminto Road (Natrona County Road 104); southerly along said road to the town of Waltman and U.S. Highway 20-26; westerly along said highway to the east boundary of the Wind River Reservation; northerly then westerly along said boundary to the Big Horn River; northerly down said river to U.S. Highway 16; easterly along said highway to the Canyon Creek Road (U.S.F.S. Road 25). Also included are all lands of the Wind River Reservation within the Bureau of Reclamation Riverton and Boysen Unit boundaries and Boysen State Park, excluding Indian sole occupancy lands north of Cottonwood Creek.

Area 23. Sheridan. Beginning where Interstate Highway 90 crosses the Wyoming-Montana state line; southerly along said highway to Interstate Highway 25; southerly along said highway to U.S. Highway 16; southwestly along said highway to the Big Horn Mountain Divide at Powder River Pass; northerly along said divide to the Wyoming-Montana state line; easterly along said line to Interstate Highway 90.

Area 24. Rochelle. Beginning where the Rocky Point Road (Crook County Road 145) crosses the Wyoming-Montana state line; southerly along said road to the "D" Road (Crook County Road 68); southerly along said road to Interstate Highway 90; easterly along said highway to U.S. Highway 16; southeasterly along said highway to the Wyoming-South Dakota state line; southerly along said line to the Wyoming-Nebraska state line; southerly along said line to U.S. Highway 20; westerly along said highway to Interstate Highway 25; northwesterly along said highway to the North Platte River at the town of Douglas; westerly along said river to the city of Casper and Interstate Highway 25; northerly along said highway to Interstate Highway 90; northerly along said highway to the Wyoming-Montana state line; easterly along said line to the Rocky Point Road (Crook County Road 145).

Area 25. Hartville. Beginning where U.S. Highway 20 crosses the Wyoming-Nebraska state line; southerly along said line to the Wyoming-Colorado state line; westerly along said line to Interstate Highway 25; northerly along said highway to U.S. Highway 20; easterly along said highway to the Wyoming-Nebraska state line.

Area 26. Greys River. Beginning at the Wyoming-Idaho state line on the Snake River; easterly up said river to Bailey Creek; southeasterly up said creek to Dry Wash Draw; easterly up said draw to the divide between Bailey Creek and Willow Creek (Greyback Ridge); southerly along said divide to the divide between the Greys River and Willow Creek; southerly along said divide to the divide between the Greys River and the Hoback River; southerly along said divide to the divide between the Greys River and the Green River; southerly and westerly along said divide to the Greys River Road at the Tri Basin Divide; southerly along said road to La Barge Creek; northwesterly up said creek to Commissary Ridge; northwesterly along said ridge to the divide between the Salt River and the Smiths Fork River; southwestly along said divide to the

divide between the Salt river and the Bear River; westerly along said divide to the Wyoming-Idaho state line; northerly along said line to the Snake River.

Area 27. Casper Mountain. Beginning at the confluence of the North Platte River and Deer Creek at the town of Glenrock; southerly up said creek to Curry Creek; southeasterly up said creek to U.S.F.S. Road 660; northwesterly along said road to its termination at the Squaw Springs Trail Road; southwestly along said road to the Bates Creek Road (Natrona County Road 402); southwestly along said road to the Spring Creek Road; westerly along said road to the Lone Tree Road (B.L.M. Road 3141); southerly along said road to Wyoming Highway 487; northerly and westerly along said highway to Wyoming Highway 220; northerly and easterly along said highway to the Casper city limits; northerly along said city limits to the North Platte River; easterly along said river to Deer Creek.

Area 28. Crowheart Butte. All non-Indian owned fee title land within the exterior boundaries of the Wind River Reservation excluding Mountain Lion Hunt Area 22, those areas of the Spence and Moriarity Wildlife Management Area that lie east of the East Fork of the Wind River, and those lands within Hot Springs County.

Area 29. Hoback. Beginning where U.S. Highway 191 crosses Flat Creek at the north edge of the town of Jackson; due east to the National Elk Refuge boundary; easterly along said boundary to the Bridger-Teton National Forest boundary and the ridge between Twin Creeks and Cache Creek; easterly along said ridge to Jackson Peak; southerly along the divide between Flat Creek and Cache Creek to Cache Peak; easterly along the divide between Flat Creek and Granite Creek to Pyramid Peak; southerly along the divide between the Gros Ventre River and the Hoback River to Steamboat Peak; southeasterly along said divide to the divide between the Green River and the Hoback River at Hodges Peak; southeasterly along the divide between the Hoback River and Green River; southwestly along said divide to the divide between the Greys River and Hoback River; northeasterly and westerly along said divide to the divide between the Greys River and Willow Creek; northerly along said divide to the divide between the Bailey Creek and Willow Creek (Greyback Ridge); northerly along said divide to Dry Wash Draw; westerly down said draw to Baily Creek; northwesterly down said creek to the Snake River; southerly and westerly down the Snake River to the Wyoming-Idaho state line; northerly along said line to Wyoming Highway 22; easterly along said highway to U.S. Highway 191; northeasterly along said highway to Flat Creek.

Area 30. Newcastle. Beginning where U.S. Highway 85 crosses the Wyoming-South Dakota state line; southerly along said line to U.S. Highway 16; northwesterly along said highway to the town of Moorcroft and Interstate Highway 90; easterly along said highway to the town of Sundance and Wyoming State Highway 585; southeasterly along said highway to U.S. Highway 85; northerly along said highway to the Wyoming-South Dakota state line.

Area 31. Elk Mountain. Beginning at the city of Laramie and Wyoming Highway 130; westerly then northerly along said highway to U.S. Highway 30; easterly and southerly along said highway to the city of Laramie.

Area 32. Hulett. Beginning where the Montana-Wyoming state lines crosses the Rocky Point Road (Crook County Road 145); easterly along said line to where the Montana, Wyoming and South Dakota state lines meet; southerly along the Wyoming-South Dakota state line to Wyoming State Highway 24; westerly and southerly along said highway to U.S. Highway 14; southeasterly along said highway to the town of Sundance and Interstate Highway 90; westerly along said highway to the town of Moorcroft and the D-Road (Crook County Road 68); northerly along said road to the Rocky Point Road in Campbell County; northerly along said road to the Wyoming-Montana state line.

WYOMING GAME AND FISH COMMISSION

~~T. Carrie Little~~Keith Culver, President

Dated: ~~July 8, 2016~~July 19, 2017

STATEMENT OF REASONS
WYOMING GAME AND FISH COMMISSION
CHAPTER 62
REGULATION FOR AQUATIC INVASIVE SPECIES

W.S. § 23-4-203 and W.S. § 23-4-204 empower the Commission to promulgate rules and regulations to establish, operate and maintain aquatic invasive species check stations in order to inspect conveyances.

Changes to Aquatic Invasive Species (AIS) regulations were made to incorporate important portions of the Model Regulation for State Watercraft Inspection and Decontamination Programs produced by the Western Regional Panel on Aquatic Invasive Species (WRP) and approved by the Western Association of Fish and Wildlife Agencies (WAFWA). This Model Regulation was developed to increase consistency in AIS regulations between states. Additional changes were made to simplify regulations and to remove language pertaining to decontamination protocol that apply only to Wyoming Game and Fish Department operations and restrict the Department's ability to adapt when necessary to implement best available science.

Section 2, Definitions;

Added or edited definitions of Suspect Water, Positive Water, Infested Water, and Seal Receipt to adopt standard language recommended by the WRP. Deleted the definition of Interstate Water because the term is not used anywhere in the regulation. Deleted the reference to the definition of Watercraft in Chapter 22. Revised the term and definition of Water of the State to make it consistent with statutory definition.

New Section 3, Draining and cleaning watercraft and conveyances;

Added a new Section 3 to adopt standard language recommended by the WRP requiring that immediately upon removing a watercraft from any waters of this state, operators remove vegetation, drain all water, and leave all plugs open while watercraft are transported by land. The WAFWA AIS subcommittee adopted a resolution in July 2016 encouraging all western states to implement these changes for consistency and to reduce the likelihood of watercraft transporting AIS into and within the state. Sections (a)(i) was added to clarify how live baitfish could be legally transported by land if watercraft are completely drained.

Added a regulation prohibiting the transport of water, live baitfish or other aquatic wildlife from waters known to contain zebra or quagga mussels.

Section 4. Inspection and Decontamination;

Combined previous Sections 3 and 4. Reorganized some regulations to make the section easier to understand. Moved Section 3(h) to 4(b) and Section 3(m) to 4(e). Removed requirement that a seal be retained as proof of decontamination in 4(c)(v) and moved to Section 4(f).

Reorganized and edited past Sections 3(e) through 3(g) pertaining to inspection requirements in order to clarify the existing regulations pertaining to mandatory inspections.

Removed numerous examples of self-regulatory language from Sections 3 and 4. These sections specified precisely how inspections and decontaminations be conducted, thereby restricting the Department's ability to adapt when necessary to serve the public and implement best available science without changing regulations.

Added Section 4(i) to clarify, along with edits to definition of Authorized Inspector in Section 2, that not all inspectors are authorized to conduct decontaminations.

Section 6. Mandatory Reporting of Aquatic Invasive Species;

Deleted Section 6(a) due to redundancy with 6(b) and eliminated redundant reference to 48 hours in 6(b). Deleted language suggesting people collect samples of AIS since it is illegal to possess or transport these species.

Section 7. Aquatic Invasive Species Check Stations;

Eliminated this entire section because it pertained solely to Department operations and not the public.

New Section 7. Aquatic Invasive Species Program Decal;

Eliminate self-regulatory language to allow for future flexibility in how and where the Department may choose to sell AIS decals.

Additional, minor grammatical and formatting edits have been incorporated into this regulation that do not change the intent of the regulation.

CHAPTER 62

REGULATION FOR AQUATIC INVASIVE SPECIES

Section 1. Authority. These regulations are promulgated by authority of Wyoming Statutes § 23-1-102, §§ 23-4-201 through 23-4-205.

Section 2. Definitions. Definitions shall be as set forth in Title 23, Wyoming Statutes, Commission regulations, and the Commission also adopts the following definitions:

(a) “Aquatic invasive species” is defined in W.S. § 23-4-201(a) (i). Aquatic invasive species include some species known to be present in Wyoming and species with a high potential to invade, survive and reproduce in Wyoming.

(i) Aquatic invasive species include:

(A) All members of the genus *Dreissena*, including, but not limited to, zebra mussel *D. polymorpha* and quagga mussel *D. rostriformis*;

(B) New Zealand mudsnail - *Potamopyrgus antipodarum*;

(C) Asian clam - *Corbicula fluminea*;

(D) Rusty crayfish - *Orconectes rusticus*;

(E) Brook stickleback - *Culaea inconstans*;

(F) All members of the genus *Hypophthalmichthys*, including, but not limited to, bighead carp *H. nobilis*, silver carp *H. molitrix*, and largescale silver carp *H. harmandi*;

(G) Black carp - *Mylopharyngodon piceus*;

(H) All members of the genera *Channa* and *Parachanna* in the family Channidae (snakeheads);

(I) Hydrilla - *Hydrilla verticillata*;

(J) Eurasian watermilfoil - *Myriophyllum spicatum*; and,

(K) Curly pondweed – *Potamogeton crispus*.

(b) “Authorized inspector” means an authorized aquatic invasive species inspector who has a valid certification from an aquatic invasive species inspection training course that meets the requirements established by the Wyoming Game and Fish Department (Department) to certify inspectors for aquatic invasive species inspections.

(c) “Certified inspection location” means a location or an address where a Department authorized inspector may be available to conduct an inspection.

(d) “Infested water” means a water designated by the Department as having an established population of Dreissenid mussels.

(e) “Mandatory aquatic invasive species check station” means a location established by the Department at Wyoming ports of entry, other Wyoming Department of Transportation facilities that meet established state and national safety and commerce requirements for the

traveling public or other appropriate facilities where stopping is mandatory and an authorized inspector may conduct an inspection.

(f) “Positive water” means a water where the presence of any life stage of Dreissenid mussels has been detected in multiple Department sampling events.

(g) “Seal” means a locking device affixed to a conveyance that has been inspected or decontaminated by an authorized inspector.

(h) “Suspect water” means a water where any life stage of Dreissenid mussels has been detected in a single Department sampling event, but not verified by subsequent sampling.

(i) “Seal receipt” means a valid written or electronic document issued by an authorized inspector following an inspection that contains information regarding the conveyance, any action taken by an authorized inspector, and information correlating to an applied seal, if issued.

(j) “Waters of this state” means any waters within the jurisdiction of Wyoming.

Section 3. Draining and cleaning watercraft and conveyances.

(a) Immediately upon removing a watercraft from any waters of this state, the operator shall remove all visible vegetation from the watercraft and trailer and drain all water from the watercraft including, but not limited to, water in the hull, ballast tanks, bilges, live wells and motors.

(i) Containers may be used to transport legally obtained live baitfish or other wildlife by land, but shall not be a part of a watercraft and shall be free of aquatic vegetation.

(b) No live baitfish, mollusks or crustaceans shall be collected from or transported in water taken from any suspect water, positive water or infested water.

(c) All bilge and ballast plugs and other barriers that prevent water drainage from a watercraft shall be removed or remain open while a watercraft is transported by land within the state.

(d) The operator shall drain all water from all conveyances including construction and commercial equipment, upon leaving any suspect water, positive water or infested water.

Section 4. Inspection and Decontamination.

(a) Compliance with aquatic invasive species inspection requirements is an express condition of allowing a conveyance to contact any waters of this state.

(i) Any person who refuses to permit inspection of their conveyance or refuses to complete any required removal and disposal of aquatic invasive species shall be prohibited from allowing the conveyance to contact any waters of this state.

(ii) If a person refuses to allow inspection of a conveyance or to complete any required removal and disposal of aquatic invasive species prior to departure from any waters of this state known to contain an aquatic invasive species, the conveyance is subject to impoundment until an aquatic invasive species inspection and decontamination is completed.

(b) All conveyances are subject to inspection upon encountering a mandatory aquatic invasive species check station.

(c) Authorized inspectors may inspect any conveyance. Authorized inspectors shall perform decontaminations at the direction of a peace officer or with the voluntary consent of the person transporting the conveyance.

(d) Inspections shall be conducted by:

(i) any peace officer; or,

(ii) any authorized inspector.

(e) Once a conveyance is inspected or decontaminated, a seal may be affixed to the conveyance by a peace officer or authorized inspector. A copy of the completed seal receipt shall accompany all seals. The person transporting a conveyance sealed by an authorized inspector may remove the seal at their discretion. The Department may recognize a properly affixed seal applied by an authorized inspector from a state or province with a Department approved aquatic invasive species inspection and decontamination program if the seal is accompanied by a valid seal receipt. It shall be a violation of this regulation for any person to attempt to reattach any seal once it is removed from a conveyance.

(f) A seal receipt indicating the type of decontamination procedure performed shall serve as proof of decontamination.

(g) Any person transporting a conveyance into the state by land, shall have the conveyance inspected by an authorized inspector prior to contacting any water of the state, unless exempted by (i) or (ii) below.

(i) Any person transporting a watercraft from March 1 through November 30 that has not been in contact with a suspect water, positive water or infested water within the past thirty (30) days and who did not encounter a mandatory aquatic invasive species check station prior to reaching a water of the state, may launch without inspection if in possession of a seal receipt. The seal receipt shall be retained while on the water.

(ii) Any person transporting a watercraft from December 1 through the last day of February that has not been in contact with a suspect water, positive water or infested water within the past thirty (30) days and who did not encounter a mandatory aquatic invasive species check station prior to reaching a water of the state may launch without inspection.

(h) A conveyance suspected to contain an aquatic invasive species shall be decontaminated before said conveyance shall be allowed to contact any water of the state.

(i) Decontaminations shall be conducted only by those authorized inspectors that have received additional Department training to conduct decontaminations and are specifically authorized to do so.

(j) Any person operating a conveyance may be ordered to remove the conveyance from any water of the state or any conveyance staging area by any peace officer if there is reason to believe the conveyance may contain aquatic invasive species or was not properly inspected prior to contacting the water. Once removed from the water, the conveyance shall be subject to inspection and decontamination for the removal and disposal of aquatic invasive species.

Section 5. Impoundment and Quarantine.

(a) A peace officer may impound and quarantine a conveyance as provided in W.S. § 23-4-203.

(b) If the person in charge of the conveyance is not the registered owner, the registered owner shall be notified by mail, return receipt requested, within ten (10) days of the location of the impounded conveyance. Such notification shall also include contact information for the peace officer ordering the impoundment. If the registered owner is present when the conveyance is ordered impounded, then the same information shall be provided to the registered owner at the time the impound order is issued.

(c) All impounded conveyances shall be held at the risk and expense of the owner. A conveyance held under impound for non-compliance with this regulation shall only be released after a peace officer is satisfied by inspection or quarantine that the conveyance is no longer a threat to the aquatic resources, water supplies, and water infrastructure of the state.

(d) Duration of conveyance quarantine shall be determined by the Department, shall be sufficient to allow decontamination, and shall not exceed thirty (30) days.

(e) An impounded conveyance shall not be released until a Department impound release form is signed and executed by a peace officer. It is the responsibility of the owner to coordinate with the Department for the release of the conveyance.

Section 6. Mandatory Reporting of Aquatic Invasive Species.

(a) Any person who knows that an unreported aquatic invasive species is present at a specific location in Wyoming shall report the aquatic invasive species presence within forty-eight (48) hours to the Commission, the Department, or any peace officer and shall provide the date and time of the detection of the aquatic invasive species, the exact location of sighting (water body and specific location on the water body), the suspected species, and the name and contact information of the reporter.

Section 7. Aquatic Invasive Species Program Decal.

(a) An aquatic invasive species program fee may be assessed as part of the Department's motorized watercraft registration fee. A current, properly affixed combination

motorized watercraft registration and Aquatic Invasive Species Program Decal shall be proof of payment of this fee. Proof of combination decal purchase may be used in lieu of a properly affixed decal for up to fifteen (15) days from date of purchase

(b) All owners or operators of motorized watercraft registered outside of Wyoming, any owners or operators of Wyoming registered watercraft that have not paid the aquatic invasive species program fee as part of their watercraft registration fee and all owners or operators of non-motorized watercraft shall purchase an Aquatic Invasive Species Program Decal valid for the current calendar year prior to contacting any waters of this state. Purchase of this decal shall be evidenced by an Aquatic Invasive Species Program Decal properly affixed to the watercraft. Proof of decal purchase may be used in lieu of a properly affixed decal for up to fifteen (15) days from date of purchase. For the purpose of this Section, all non-motorized inflatable watercraft ten (10) feet in length or less are exempt from this decal provision.

(c) The price of the decal shall be ten dollars (\$10) for motorized watercraft registered in Wyoming and thirty dollars (\$30) for motorized watercraft registered outside of Wyoming. The price of the decal shall be five dollars (\$5) for non-motorized watercraft owned by a Wyoming resident and fifteen dollars (\$15) for non-motorized watercraft owned by a nonresident.

(i) An Aquatic Invasive Species Program Decal affixed to a motorized watercraft shall be displayed on the starboard (right) side of the bow six (6) inches left of and directly in line with the watercraft registration decal. Decals affixed to non-motorized watercraft shall be displayed on the bow in a manner such that the decal is visible when the watercraft is underway. Only the Aquatic Invasive Species Program Decal which is currently valid shall be displayed.

(ii) In the case of rental watercraft, it shall be the responsibility of the rental watercraft owner to ensure that a valid Aquatic Invasive Species Program Decal is properly displayed on the watercraft.

(d) Owners of multiple non-motorized watercraft may transfer valid decals between their own non-motorized watercraft, however, each non-motorized watercraft shall display a valid decal while contacting any waters of this state.

WYOMING GAME AND FISH COMMISSION

Keith Culver, President

Dated: July 19, 2017

CHAPTER 62

REGULATION FOR AQUATIC INVASIVE SPECIES

Section 1. Authority. These regulations are promulgated by authority of ~~W.S. Wyoming Statutes~~ § 23-1-102, ~~W.S. §§~~ 23-4-201 through ~~W.S. §~~ 23-4-205.

Section 2. Definitions. Definitions shall be as set forth in Title 23, Wyoming Statutes, Commission regulations, and the Commission also adopts the following definitions:

(a) “Aquatic invasive species” is defined in W.S. § 23-4-201(a) (i). Aquatic invasive species include some species known to be present in Wyoming and species with a high potential to invade, survive and reproduce in Wyoming.

(i) Aquatic invasive species include:

(A) All members of the genus *Dreissena*, including, but not limited to, zebra mussel *D. polymorpha* and quagga mussel *D. rostriformis*;

(B) New Zealand mudsnail - *Potamopyrgus antipodarum*;

(C) Asian clam - *Corbicula fluminea*;

(D) Rusty crayfish - *Orconectes rusticus*;

(E) Brook stickleback - *Culaea inconstans*;

(F) All members of the genus *Hypophthalmichthys*, including, but not limited to, bighead carp *H. nobilis*, silver carp *H. molitrix*, and largescale silver carp *H. harmandi*;

(G) Black carp - *Mylopharyngodon piceus*;

(H) All members of the genera *Channa* and *Parachanna* in the family Channidae (snakeheads);

(I) Hydrilla - *Hydrilla verticillata*;

(J) Eurasian watermilfoil - *Myriophyllum spicatum*; and,

(K) Curly pondweed – *Potamogeton crispus*.

(b) “Authorized inspector” means an authorized aquatic invasive species inspector who has a valid certification from an aquatic invasive species inspection training course that meets the requirements established by the Wyoming Game and Fish Department (Department) to certify inspectors for aquatic invasive species inspections ~~and decontaminations~~.

(c) “Certified inspection location” means a location or an address where a Department authorized inspector may be available to conduct an inspection.

(d) ~~“High risk infested water”~~ “Infested water” means a water ~~in any state or province known or suspected to contain Dreissenid mussels. A list of all high risk infested waters will be available on the Department website~~ designated by the Department as having an established population of Dreissenid mussels.

(e) ~~“Interstate water”~~ means Big Horn Lake downstream from the causeway (U. S.

~~Highway 14A) in Bighorn County, Flaming Gorge Reservoir in Sweetwater County, and Palisades Reservoir and the Snake River (South Fork Snake River) between the Greys River in Lincoln County and the Heise Bridge crossing in Bonneville County, Idaho.~~

(fe) “Mandatory aquatic invasive species check station” means a location established by the Department at Wyoming ports of entry, other Wyoming Department of Transportation facilities ~~located near the borders of this state~~ that meet established state and national safety and commerce requirements for the traveling public or other appropriate facilities where stopping is mandatory and an authorized inspector may conduct an inspection.

(f) “Positive water” means a water where the presence of any life stage of Dreissenid mussels has been detected in multiple Department sampling events.

(g) “Seal” means a locking device affixed to a conveyance that has been inspected or decontaminated by an authorized inspector.

(h) “Suspect water” means a water where any life stage of Dreissenid mussels has been detected in a single Department sampling event, but not verified by subsequent sampling.

~~(hi) “Valid seal~~Seal receipt” means a valid written or electronic document issued by an authorized inspector in conjunction with a seal that contains a number matching the number on the seal and information regarding the conveyance following an inspection that contains information regarding the conveyance, any action taken by an authorized inspector, and information correlating to an applied seal, if issued.

~~(i) “Watercraft” is defined in Chapter 22, Watercraft Regulation.~~

~~(j) “Waters of the this state” means all any waters under within the jurisdiction of the state of Wyoming.~~

Section 3. Draining and cleaning watercraft and conveyances.

(a) Immediately upon removing a watercraft from any waters of this state, the operator shall remove all visible vegetation from the watercraft and trailer and drain all water from the watercraft including, but not limited to, water in the hull, ballast tanks, bilges, live wells and motors.

(i) Containers may be used to transport legally obtained live baitfish or other wildlife by land, but shall not be a part of a watercraft and shall be free of aquatic vegetation.

(b) No live baitfish, mollusks or crustaceans shall be collected from or transported in water taken from any suspect water, positive water or infested water.

(c) All bilge and ballast plugs and other barriers that prevent water drainage from a watercraft shall be removed or remain open while a watercraft is transported by land within the state.

(d) The operator shall drain all water from all conveyances including construction and commercial equipment, upon leaving any suspect water, positive water or infested water.

Section 34. Inspection and Decontamination.

(a) Compliance with aquatic invasive species inspection requirements is an express condition of allowing a conveyance to contact ~~or enter~~ any ~~water~~waters of ~~the~~this state.

(i) Any person who refuses to permit inspection of their conveyance or refuses to complete any required removal and disposal of aquatic invasive species shall be prohibited from allowing the conveyance to contact ~~or enter~~ any ~~water~~waters of ~~the~~this state.

(ii) If a person refuses to allow inspection of a conveyance or to complete any required removal and disposal of aquatic invasive species prior to departure from any ~~water~~waters of ~~the~~this state known to contain an aquatic invasive species, the conveyance is subject to impoundment until an aquatic invasive species inspection and decontamination is completed.

(b) All conveyances are subject to inspection upon encountering a mandatory aquatic invasive species check station.

~~(b)~~ (c) Authorized inspectors may inspect any conveyance. Authorized inspectors shall perform decontaminations at the direction of a peace officer or with the voluntary consent of the person transporting the conveyance.

~~(e)~~ (d) Inspections shall be conducted by:

(i) any peace officer; or,

(ii) any authorized inspector.

~~(d)~~ ~~Inspections shall be conducted in accordance with Department procedures at:~~

~~(i)~~ ~~a mandatory aquatic invasive species check station; or,~~

~~(ii)~~ ~~a certified inspection location; or,~~

~~(iii)~~ ~~another location where an authorized inspector is available to conduct an inspection.~~

(e) Once a conveyance is inspected or decontaminated, a seal may be affixed to the conveyance by a peace officer or authorized inspector. A copy of the completed seal receipt shall accompany all seals. The person transporting a conveyance sealed by an authorized inspector may remove the seal at their discretion. The Department may recognize a properly affixed seal applied by an authorized inspector from a state or province with a Department approved aquatic invasive species inspection and decontamination program if the seal is accompanied by a valid seal receipt. It shall be a violation of this regulation for any person to

attempt to reattach any seal once it is removed from a conveyance.

(f) A seal receipt indicating the type of decontamination procedure performed shall serve as proof of decontamination.

~~(eg) Any person transporting a conveyance that within the past thirty (30) days HAS BEEN in contact with a high risk infested water in any state or province into the state by land, shall have the conveyance inspected by an authorized inspector prior to contacting or entering any water of the state, unless exempted by (i) or (ii) below.~~

~~(fi) Any person transporting a conveyance into the state by land watercraft from March 1 through November 30, that HAS NOT BEEN that has not been in contact with a high risk suspect water, positive water or infested water within the past thirty (30) days, shall have the conveyance inspected by an authorized inspector prior to contacting or entering any water of the state, unless exempted by (i) below and who did not encounter a mandatory aquatic invasive species check station prior to reaching a water of the state, may launch without inspection if in possession of a seal receipt. The seal receipt shall be retained while on the water.~~

~~(ii) Any person transporting a watercraft from December 1 through the last day of February that has not been in contact with a suspect water, positive water or infested water within the past thirty (30) days and who did not encounter a mandatory aquatic invasive species check station prior to reaching a water of the state may launch without inspection if the watercraft bears a properly affixed seal applied by an authorized inspector and is accompanied by a valid seal receipt during transit. The person transporting the watercraft may remove the seal immediately prior to launching on the destination water and must retain the seal and valid seal receipt while on the water.~~

~~(g) Any person transporting a conveyance into the state by land from December 1 through the last day of February that has not been in contact with a high risk infested water within the past thirty (30) days and did not encounter a mandatory aquatic invasive species check station prior to reaching a water of the state, is exempted from mandatory inspection.~~

~~(h) All conveyances are subject to inspection in accordance with Department procedures upon encountering a mandatory aquatic invasive species check station.~~

~~(i) Authorized inspectors shall determine if there is reason to believe that aquatic invasive species are present by interviewing the person transporting the conveyance or using visual and tactile inspection methods. As part of all inspections, all compartments, equipment, and containers that may hold water, including, but not limited to, live wells, ballast and bilge areas shall be completely drained as directed by authorized inspectors.~~

~~(jh) A conveyance suspected to contain an aquatic invasive species shall be decontaminated using Department approved procedures before said conveyance shall be allowed to contact or enter any water of the state.~~

(i) Decontaminations shall be conducted only by those authorized inspectors that

have received additional Department training to conduct decontaminations and are specifically authorized to do so.

(kj) Any person operating a conveyance may be ordered to remove the conveyance from any water of the state or any conveyance staging area by any peace officer if there is reason to believe the conveyance may contain aquatic invasive species or was not properly inspected prior to contacting ~~or entering~~ the water. Once removed from the water, the conveyance shall be subject to inspection and decontamination for the removal and disposal of aquatic invasive species.

~~(l) — Any authorized inspector who, through the course of an inspection, determines that aquatic invasive species are present shall document the inspection, including but not limited to the type and number of aquatic invasive species suspected or detected and identification of the conveyance, including license plate numbers and watercraft registration number, if available. The authorized inspector shall advise the operator that the conveyance shall be required to be decontaminated according to Department procedures as soon as possible. Only peace officers have the authority to order decontamination, impoundment, or quarantine of a conveyance.~~

~~(m) — Once a conveyance is inspected or decontaminated, a seal may be affixed to the conveyance by a peace officer or authorized inspector. A copy of the completed valid seal receipt shall accompany all seals. Seals shall be affixed to a conveyance in accordance with Department procedures. A seal, once properly affixed to a conveyance and when accompanied by the valid seal receipt, certifies a proper inspection or decontamination procedure. The person transporting a conveyance sealed by an authorized inspector may remove the seal at their discretion. The Department may recognize a properly affixed seal applied by an authorized inspector from a state or province with a Department approved aquatic invasive species program if the seal is accompanied by a valid seal receipt. It shall be a violation of this regulation for any person to attempt to reattach any seal once it is removed from a conveyance.~~

Section 4. Decontamination.

~~(a) — The Department shall only recognize decontamination methods described in this Section as proper Department procedures. All decontaminations shall be completed following all applicable laws, disposal methods, recommended safety precautions, safety equipment, and Department approved procedures.~~

~~(b) — Decontamination shall be achieved by removal of the conveyance from any water body and eliminating the water from all compartments, equipment, and containers that may hold water, including but not limited to live wells, ballast tanks and bilges for a length of time as determined by the Department not to exceed thirty (30) days.~~

~~(c) — If decontamination is not achieved by removal of the conveyance from any water body for at least thirty (30) days, the following requirements apply:~~

~~(i) — Decontamination of water compartments, equipment or containers in a conveyance to address the potential presence of an aquatic invasive species shall be accomplished by rinsing and flushing with water of at least one hundred twenty (120) degrees~~

Fahrenheit.

~~(ii) Decontamination of the exterior of a conveyance shall be accomplished by removing or destroying all aquatic invasive species, mud, plants, and organisms. The entire exterior of the conveyance and all intakes shall be thoroughly washed with water of at least one hundred forty (140) degrees Fahrenheit. A high pressure (minimum of 2500 psi) water wash or scrubbing will be used as necessary.~~

~~(iii) All compartments, equipment and containers that hold water including, but not limited to live wells, ballast and bilge areas, shall be flushed with water of at least one hundred twenty (120) degrees Fahrenheit but not at high pressure. If a bilge pump is present, it shall be operated until the bilge appears to be empty. The lower unit of the engine shall be thoroughly flushed with water of at least one hundred forty (140) degrees Fahrenheit.~~

~~(iv) After decontamination an authorized inspector or peace officer shall re-inspect the conveyance to ensure complete decontamination has occurred prior to the release of the conveyance.~~

~~(v) Proof of decontamination shall consist of a properly affixed seal and valid seal receipt or a copy of the Department decontamination form if no seal was applied.~~

Section 5. Impoundment and Quarantine.

(a) A peace officer may impound and quarantine a conveyance as provided in W.S. § 23-4-203.

(b) If the person in charge of the conveyance is not the registered owner, the registered owner shall be notified by mail, return receipt requested, within ten (10) days of the location of the impounded conveyance. Such notification shall also include contact information for the peace officer ordering the impoundment. If the registered owner is present when the conveyance is ordered impounded, then the same information shall be provided to the registered owner at the time the impound order is issued.

(c) All impounded conveyances shall be held at the risk and expense of the owner. A conveyance held under impound for non-compliance with this regulation shall only be released after a peace officer is satisfied by inspection or quarantine that the conveyance is no longer a threat to the aquatic resources, water supplies, and water infrastructure of the state.

(d) Duration of conveyance quarantine shall be determined by the Department, shall be sufficient to allow decontamination, and shall not exceed thirty (30) days.

(e) An impounded conveyance shall not be released until a Department impound release form is signed and executed by a peace officer. It is the responsibility of the owner to coordinate with the Department for the release of the conveyance.

Section 6. Mandatory Reporting of Aquatic Invasive Species.

~~(a) Identification of an aquatic invasive species through sampling and monitoring~~

~~procedures at a location where that species has not been known to exist shall be reported immediately to the Department.~~

~~(b) Any person who knows that an unreported aquatic invasive species is present at a specific location in Wyoming shall report the aquatic invasive species presence within forty-eight (48) hours to the Commission, the Department, or any peace officer. An aquatic invasive species report shall include and shall provide the date and time of the detection of the aquatic invasive species, the exact location of sighting (water body and specific location on the water body), the suspected species, and the name and contact information of the reporter. Samples collected of suspected aquatic invasive species shall be submitted to the Department within forty-eight (48) hours.~~

Section 7. Aquatic Invasive Species Check Stations.

- ~~(a) All mandatory aquatic invasive species check stations shall be signed.~~
- ~~(b) Check stations shall be operated in accordance with Department procedures.~~
- ~~(c) Lists of mandatory aquatic invasive species check stations and certified inspection locations shall be provided on the Department website.~~

Section 87. Aquatic Invasive Species Program Decal.

(a) An aquatic invasive species program fee may be assessed as part of the Department's motorized watercraft registration fee. A current, properly affixed combination motorized watercraft registration and Aquatic Invasive Species Program Decal shall be proof of payment of this fee. Proof of combination decal purchase may be used in lieu of a properly affixed decal for up to fifteen (15) days from date of purchase

(b) All owners or operators of motorized watercraft registered outside of Wyoming, any owners or operators of Wyoming registered watercraft that have not paid the aquatic invasive species program fee as part of their watercraft registration fee and all owners or operators of non-motorized watercraft shall purchase an Aquatic Invasive Species Program Decal valid for the current calendar year prior to contacting ~~or entering~~ any waterwaters of ~~the~~this state. Purchase of this decal shall be evidenced by an Aquatic Invasive Species Program Decal properly affixed to the watercraft. Proof of decal purchase may be used in lieu of a properly affixed decal for up to fifteen (15) days from date of purchase. For the purpose of this Section, all non-motorized inflatable watercraft ten (10) feet in length or less are exempt from this decal provision.

~~(c) Aquatic Invasive Species Program Decals shall not be limited in number and shall be sold through the Electronic Licensing System (ELS), designated license selling agents, and authorized personnel. The price of the decal shall be ten dollars (\$10) for motorized watercraft registered in Wyoming and thirty dollars (\$30) for motorized watercraft registered outside of Wyoming. The price of the decal shall be five dollars (\$5) for non-motorized watercraft owned by a Wyoming resident and fifteen dollars (\$15) for non-motorized watercraft owned by a nonresident.~~

(i) ~~Owners or operators of motorized watercraft required to purchase an An~~ Aquatic Invasive Species Program Decal affixed to a motorized watercraft shall display the ~~decal shall be displayed~~ on the starboard (right) side of the bow six (6) inches left of and directly in line with the watercraft registration decal. ~~Non-motorized watercraft owners or operators~~ Decals affixed to non-motorized watercraft shall be displayed ~~the decal~~ on the bow in ~~such a~~ manner such that the decal ~~shall be~~ is visible when the watercraft is underway. Only the Aquatic Invasive Species Program Decal which is currently valid shall be displayed.

(ii) In the case of rental watercraft, it shall be the responsibility of the rental watercraft owner to ensure that a valid Aquatic Invasive Species Program Decal is properly displayed on the watercraft.

(d) Owners of multiple non-motorized watercraft may transfer valid decals between their own non-motorized watercraft, however, each non-motorized watercraft shall display a valid decal while contacting any ~~water~~waters of ~~the~~this state.

WYOMING GAME AND FISH COMMISSION

~~Charles C. Price~~Keith Culver, President

Dated: ~~November 5, 2015~~July 19, 2017