



Certification Page Regular and Emergency Rules

Revised September 2016

Emergency Rules (After completing all of Sections 1 through 3, proceed to Section 5 below)

Regular Rules

1. General Information

a. Agency/Board Name Wyoming Game and Fish Department		
b. Agency/Board Address 3030 Energy Lane	c. City Casper	d. Zip Code 82604
e. Name of Agency Liaison Mike Choma		f. Agency Liaison Telephone Number 307-473-3417
g. Agency Liaison Email Address https://wgfd.wyo.gov/Get-Involved/Public-Meetings		h. Adoption Date August 23, 2017
i. Program Game and Fish Commission - Regulations		

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: **HEA 91 - 2017**

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: 40	Chapter Name: Regulation Governing Commercial Game Bird Farms	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 60	Chapter Name: Regulation Governing Greater Sage-grouse Raised on Private Game Bird Farms	<input checked="" 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 Repealed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 Repealed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 Repealed
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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 Repealed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 Repealed

3. State Government Notice of Intended Rulemaking

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were: **June 8, 2017**

- approved as to form by the Registrar of Rules, and
- provided to the Legislative Service Office and Attorney General:

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. No. Yes. N/A

b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.

Date: June 14, 2017	Time: 6:00 p.m.	City: Casper	Location: Game and Fish Office
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c. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

5. Final Filing of Rules

a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: **August 24, 2017**

b. Date on which final rules were approved as to form by the Secretary of State and sent to the Legislative Service Office: **August 24, 2017**

c. The Statement of Reasons is attached to this certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Keith Culver
Signatory Title	President
Date of Signature	August 23, 2017

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

STATEMENT OF REASONS

CHAPTER 40

REGULATION GOVERNING COMMERCIAL GAME BIRD FARMS

House Enrolled Act No. 91 (HEA No. 91) of the Sixty-Fourth Legislature of the State of Wyoming, 2017 General Session created W. S. § 23-5-111 and modified § 23-3-108, § 23-3-116, § 23-5-102, § 23-5-104 and § 23-5-106. HEA No. 91 modified the game bird farm licensing provisions related to the release of game birds.

Wyoming Statutes § 23-5-101 through § 23-5-111 provide statutory authority of the Commission regarding the regulation and licensing of commercial game bird farms. W. S. § 23-5-104(c) has been modified with regard to the number of game birds that shall be released each year on a licensed game bird farm.

Section 1, Authority, has been edited to include the new and modified statutes included in HEA No. 91.

Section 10, Release of Birds, has been modified to reflect the changes to W. S. § 23-5-104.

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



WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006

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GOVERNOR
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PATRICK CRANK
PETER J. DUBE
DAVID RAEI
MIKE SCHMID

August 24, 2017

MEMORANDUM

TO: David Dewald, Senior Assistant Attorney General

FROM: Mike Choma, Wildlife Law Enforcement Supervisor

COPY TO: Brian Nesvik, Scott Edberg, Doug Brimeyer and Terri Weinhandl

SUBJECT: Changes Made as a Result of Public Comment, Chapter 40, Regulation Governing Commercial Game Bird Farms

The Wyoming Game and Fish Department (Department) conducted one (1) public meeting in Casper to present this draft regulation proposal to the public. A webcast meeting was also conducted and made available on the Department website for public viewing throughout the remainder of the comment period. The draft regulation proposal was available for review and public comment through the Department website.

As a result of these efforts, the Department received one (1) written comment that did not address the proposed regulation change. The Department made no changes to this draft regulation as a result of public comment.

WGFD Web Comment Report
Chapter 40, Regulation Governing Commercial Game Bird Farms

Are breeders going to be charged for eggs, as these are "property" of the state, and in this case how can they legally sell any offsprings?

Final Comment

Pallister, Cynthia

Buffalo, WY

6/14/2017 2:12:00 PM

CHAPTER 40

REGULATION GOVERNING COMMERCIAL GAME BIRD FARMS

Section 1. Authority. This regulation is promulgated under authority of Wyoming Statutes § 23-1-101, § 23-1-103, § 23-1-302, § 23-3-108 through § 23-3-116, § 23-5-101 through § 23-5-111 and § 23-6-111.

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

(a) “Certificate of Veterinary Inspection” means an official health certificate. It shall be a legible record covering the requirements of the State of Wyoming as listed in Wyoming Game & Fish Commission Regulation Chapter 10, Regulation For Importation, Possession, Confinement, Transportation, Sale And Disposition of Live Wildlife and as recorded on an official form from the state of origin and approved by the animal health official of the state of origin, or an approved form of the United States Department of Agriculture which shall be issued by an accredited licensed veterinarian. Certificates of veterinary inspection shall be issued to comply in all respects with requirements of the State of Wyoming. The certificate of veterinary inspection shall delineate the total number of game birds covered by the certificate. It shall indicate the health status of the game birds involved, including dates and results of required tests and vaccinations, the mailing addresses of the consignor and consignee, the origin of the game birds, their actual Wyoming destination, and an accurate description including proper taxonomic identification with genus and species names. It shall designate the individual game bird number, or similar individual identification of each game bird.

(b) “Continuous Tract of Land” means one parcel of fee land, except as may be divided by a public road, highway or a railroad right of way, which is either entirely owned by the game bird farm licensee or which is fee land entirely controlled by the applicant by a five (5) year lease or written agreement.

(c) “Game Birds” means live birds and viable eggs of all grouse, partridge, pheasants, quail and migratory game bird species.

(d) “Game Bird Certificate of Origin” means a sworn statement signed by the owner or manager of game birds originating from premises operated by them that said premises are free of infectious, contagious or communicable diseases including, but not limited to, Newcastle Disease, pullorum, avian cholera, avian tuberculosis, duck viral enteritis and west Nile virus, and the premises have been disease free for at least the immediately preceding twelve (12) consecutive months.

(e) “Holding Facility(ies)” or “facility” means the physical structure designed to confine and handle live game birds. The holding facility shall be defined by legal description to the quarter/quarter (1/4-1/4) section where live game birds shall be possessed or confined.

(f) “Legal Fence” means a fence made of steel, concrete or sound wooden posts and three (3) spans of barbed wire not more than fifteen (15) inches or less than ten (10) inches apart, or two (2) spans of barbed wire with a wooden rail on top. Wooden posts shall be at least four (4) inches in diameter. Posts shall be set firmly in the ground at least twenty (20) inches deep, at no greater distance apart than twenty-two (22) feet between the posts or thirty-three (33) feet with at least two (2) iron or wooden stays between the posts. Stays shall be placed equal distance apart from themselves and the post on either side:

A post and board fence made of sound posts not less than four (4) inches in diameter set substantially in the ground not more than ten (10) feet apart, with three (3) boards sold as one (1) inch lumber eight (8) inches wide, and not more than ten (10) inches apart, or four (4) boards sold as one (1) inch lumber six (6) inches wide, not more than eight (8) inches apart, securely fastened with nails or otherwise;

A four (4) pole fence with round poles not less than two (2) inches in diameter at the small end, with either upright or leaning posts not more than sixteen (16) feet apart, and securely fastened with nails, wires or otherwise; or,

All other fences made and constructed of boards, rails, poles, stones, hedge plants or other material which upon evidence is declared to be as strong and well calculated to protect enclosures, and is as effective for resisting breaching stock as those described in this definition shall be considered a lawful fence.

(g) “Office of the Game and Fish Department” means the Wyoming Game and Fish Department, Permitting, Wildlife Division, whose mailing address is 5400 Bishop Boulevard, Cheyenne, Wyoming 82006-0001.

(h) “Posted as a Private Game Bird Farm” means the placement and maintenance of legible signs with the wording Private Game Bird Farm at all entrances, gates or cattle guards on roads entering the licensed game bird farm property.

(i) “Quarantine” means a holding facility constructed to prevent contact between quarantined game birds and any other animals, to prevent escape of quarantined game birds, and to allow humane restraint and handling of quarantined game birds approved in advance by the Office of the Game and Fish Department; or the period of time during which a game bird(s) is confined in a quarantine facility.

(j) “Pre-Entry Quarantine” means a quarantine facility in the state of origin of game birds to be imported. The quarantine facility shall be approved in advance by the Office of the Game and Fish Department or the Department's designated animal health official in the state of origin of game birds to be imported. Usually pre-entry quarantine is on the premises of origin. Pre-entry quarantine is always the last place of confinement immediately before game birds are shipped directly to Wyoming; or, the period of time during which a game bird(s) is confined in a pre-entry quarantine facility.

(k) “Post-entry quarantine” means a quarantine facility in Wyoming approved in advance by the Office of the Game and Fish Department. Usually post-entry quarantine is on the premises of destination. Post-entry quarantine is always the first place of confinement after game birds are shipped directly to Wyoming; or the period of time during which a game bird(s) is confined in a post-entry quarantine facility.

(l) “Special Competitive Game Bird Hunt” means a competitive game bird hunt held on a licensed game bird farm and approved by the Department. The competitive game bird hunt shall include: judges, trainers, dog owners and/or handlers, dogs bred for the hunting of game birds, advertised date(s) and location(s), and a sponsor. Special competitive game bird hunts shall not be approved for more than a three (3) consecutive day time period.

Section 3. Application for License.

(a) Any person desiring to operate a game bird farm shall make application on forms provided by the Department. A map and legal description to the quarter (1/4) section of all fee lands to be included in the game bird farm shall be provided. If fee lands are leased, a copy of the five (5) year lease agreement shall also be included with the application form. The applicant shall provide the name of the genus and species of all game birds to be possessed, bred, propagated, hunted, killed or sold from the lands described in this section. The applicant shall provide how the game birds are to be disposed of (hunted, killed or sold). It shall be a violation of this regulation for the game bird farm licensee to possess, breed, propagate, hunt, kill, sell or otherwise dispose of any species of game birds not listed on the application and approved by the Office of the Game and Fish Department.

(b) A person may request to amend a game bird farm application by submitting a written request to the Game Warden in whose district the game bird farm is located. The amendment shall specify the requested changes to the original Game Bird Farm application. The amendment request shall be reviewed by the Department and approved or denied. If the amendment requests a species of game bird that occurs on the property, the game bird farm applicant shall abide by Section 9 of this regulation.

(c) The operation of a licensed game bird farm shall not be contrary to, or in violation of any State, County or Municipal laws, regulations or private covenants.

Section 4. Certificate of Origin.

(a) Prior to importation of any game bird(s) from any out of state source, a game bird certificate of origin shall be completed and submitted to the Office of the Game and Fish Department. The sworn statement signed by the owner or operator of the out of state source shall verify that game birds are originating from premises free of infectious, contagious or communicable diseases and have been disease free for at least twelve (12) consecutive months immediately preceding importation of the game birds into the State.

Section 5. Disease Free Certification.

(a) The Department shall require a certificate of veterinary inspection for all game birds imported into Wyoming. The game bird farm licensee shall apply to the Department for copies of the inspection procedures to be followed and copies of the requirements of the Department as to the type of disease free certification which shall be furnished. A copy of the certificate of veterinary inspection shall be forwarded immediately to the animal health official of the state of origin for approval and transmittal to the Wyoming State Veterinarian and Office of the Game and Fish Department. A copy shall accompany and be in the possession of the driver or person in possession of game birds shipped into or in any manner transported into Wyoming. The certificate of veterinary inspection shall contain the names and addresses of the consignor and consignee, total number of game birds covered by the certificate, health status of the game birds involved including dates and results of required tests and vaccinations, the origin of the game birds, the Wyoming destination to where the game birds shall be shipped, and an accurate description including proper taxonomic identification with genus and species names of the game birds. A certificate of veterinary inspection shall be valid for ten (10) days immediately following date of inspection and issuance. A certificate of veterinary inspection shall be issued to comply in all respects with the requirements of the State of Wyoming which are found in Commission Regulation Chapter 10, Regulation For Importation, Possession, Confinement, Transportation, Sale And Disposition Of Live Wildlife.

(b) All game birds acquired, propagated, received, purchased, held, released, harvested or sold shall be maintained disease free in accordance with Department requirements. All facilities utilized in the game bird farm shall be maintained so as to prohibit the acquisition, spread or transmittal of diseases. Game birds held in captivity which become diseased shall immediately be destroyed or placed under the professional care of a veterinarian licensed in the State of Wyoming and such incident reported immediately to the Department by the game bird farm licensee. Department personnel may inspect facilities or game birds to insure they meet disease free requirements. If facilities or game birds are found not to meet Department requirements, or if diseased game birds present a threat to the wildlife of the State, the Department may order such action as necessary, including quarantine or destruction of game birds, sterilization of enclosures and facilities, cessation of activities and disposal of the diseased game birds in a manner satisfactory to the Department. The Department may refuse to lift the quarantine or refuse to allow operation of the game bird farm until such time as the facilities or game birds meet disease free requirements. When it is shown the facilities or game birds meet disease free requirements, the Department may lift the quarantine.

Section 6. Holding Facility(ies). Before a license is issued to operate a game bird farm, Department personnel shall review the applicant's proposed holding facility(ies) taking into consideration the species applied for, the number of game birds requested, the welfare of the game birds to be possessed, the purpose(s) for which the game birds shall be held and to insure adequate protection for Wyoming's wildlife resources. Holding facilities shall be constructed to meet Department approval prior to importation or possession of live game birds.

Section 7. Notification and Disposition of Diseased Game Birds. The licensee or his/her authorized agent shall notify the Department within twenty-four (24) hours of having reason to believe that game birds held under a license pursuant to this regulation may have been exposed to or contracted a contagious disease or parasite. It shall be a violation of this regulation to remove game birds exposed to or which have contracted a contagious disease or parasite from the holding facility(ies) without prior authorization from the Department.

Section 8. Identification Requirements. Before a license is issued to operate a game bird farm, the applicant shall register with the Department the type of identifying leg or wing band to be placed on the game birds. The type of leg or wing band shall depend upon the type and age of the game bird. The Department shall make the final determination as to the suitability of the tag before attachment.

Section 9. Purchase of Game Birds Occurring on Proposed Game Bird Farm Lands. Upon the execution of a proper application for a game bird farm license where game birds occur on the lands to be utilized, the applicant shall pay the Department fifteen dollars (\$15.00) for each game bird of the species to be licensed which are determined to be upon the lands initially licensed as a game bird farm. If the same lands have been licensed as a game bird farm within the three (3) previous years by the same person, for the same species of game birds and the lands are determined to be marginal or unsuitable habitat by the Department for that species of game birds, the applicant shall not have to determine the number of game birds, nor pay for those game birds found on the previously licensed lands.

Section 10. Release of Birds. Each licensee shall release a minimum of one-hundred (100) game birds of the species approved by the Department each year on the licensed premises. The one hundred (100) game birds shall be released in the twelve (12) consecutive month period commencing April 2 and ending April 1 of the next year. A release shall be substantiated with written records. Licensees who sell, but do not hunt game birds, shall be exempt from the minimum game bird release requirement.

Section 11. Records. A licensee shall maintain on the premises of the game bird farm or at his/her residence legible, current, accurate and complete records on forms provided by the Department of the species and the number of game birds received, shipped, purchased, reared, released, disposed of, killed or sold. Records shall include names, addresses of all recipients, purchasers, suppliers and hunters, the license number of all hunters, the date of each transaction and the number and species of game birds reared and released on the game bird farm. Records for special competitive game bird hunts shall include the names and addresses of all participants, and the number and species of all game birds taken during special competitive game bird hunts held on the licensed game bird farms. Records shall be produced upon demand of any Department enforcement officer. All records shall be submitted to the Regional Wildlife Supervisor in their respective Region by April 15 of each year for activities which occurred during the term of the license.

Section 12. Inspection by Department Personnel. Any person issued a license under this regulation shall, during the term of the license and for a period of sixty (60) days after

expiration of the game bird farm license, allow inspection of records, holding facilities, signing and game birds by Department law enforcement personnel during reasonable hours.

Section 13. Disposal of Game Birds if License is not Renewed. Should a licensee fail to renew his/her license for any reason, all game birds held in captivity on the premises shall be disposed of within sixty (60) days after expiration of the game bird farm license. After this sixty (60) day period, all game birds on the premises shall become property of the State and may be disposed of by the Department in the best interest of the Department.

Section 14. Revocation of License. Failure to maintain required records, acquire game bird certificate of origin, acquire certificate of veterinary inspection or maintain disease free facilities and game birds is just cause for revocation of a game bird farm license by the Commission. Revocation of a license by the Commission shall be carried out in compliance with Commission Regulation Chapter 27 Rules of Practice Governing Contested Cases Before The Wyoming Game and Fish Commission.

Section 15. Special Competitive Game Bird Hunts. The Department, in compliance with statutory and regulatory provisions, may approve special competitive game bird hunts on licensed game bird farms as set forth in this section. Individuals participating in an approved special competitive game bird hunt are not required to obtain a valid Wyoming game bird hunting license prior to taking game birds during an approved special competitive game bird hunt.

(a) Applications for special competitive game bird hunts shall be submitted on a form provided by the Department, to the Game Warden in whose district the game bird farm is located not less than twenty (20) days prior to the special competitive game bird hunt. The application for a special competitive game bird hunt shall include: the applicant's name, address and phone number; the name, address and current year's license number of the licensed game bird farm where the hunt will occur; the name of the sponsor; the date(s) of the hunt; the number and species and source of game birds to be utilized, and the estimated number of participants.

(b) Approved special competitive game bird hunts may be held on any licensed game bird farm throughout the calendar year except as provided in this subsection. To protect natural game bird populations, special competitive game bird hunts may not be approved during the time period April 1 through July 31 of each year on licensed game bird farms where Department personnel document natural reproduction of any game bird species.

(c) Only the species of game bird approved by the Department on the licensed game bird farm may be taken during any special competitive game bird hunt.

(d) Participants may possess game birds taken during a special competitive game bird hunt provided each participant possessing game birds has in possession a receipt issued by the permit holder providing the name of the person receiving the game birds, the number and species of game birds in possession and the date the birds were possessed.

WYOMING GAME AND FISH COMMISSION

Keith Culver, President

Dated: August 23, 2017

WYOMING GAME AND FISH COMMISSION

CHAPTER 40

REGULATION GOVERNING COMMERCIAL GAME BIRD FARMS

Section 1. Authority. This regulation is promulgated under authority of ~~W.S.~~Wyoming Statutes § 23-1-101, § 23-1-103, W.S. § 23-1-302, W.S. § 23-3-108 through § 23-3-116, § 23-5-101, W.S. § 23-5-102, W.S. § 23-5-103, W.S. § 23-5-104, W.S. § 23-5-105, W.S. § 23-5-106, W.S. § 23-5-107, W.S. § 23-5-108, W.S. § 23-5-110 through § 23-5-111 and W.S. § 23-6-111.

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A four (4) pole fence with round poles not less than two (2) inches in diameter at the small end, with either upright or leaning posts not more than sixteen (16) feet apart, and securely fastened with nails, wires or otherwise; or,

All other fences made and constructed of boards, rails, poles, stones, hedge plants or other material which upon evidence is declared to be as strong and well calculated to protect enclosures, and is as effective for resisting breaching stock as those described in this definition shall be considered a lawful fence.

(g) “Office of the Game and Fish Department” means the Wyoming Game and Fish Department, Permitting, Wildlife Division, whose mailing address is 5400 Bishop Boulevard, Cheyenne, Wyoming 82006-0001.

(h) “Posted as a Private Game Bird Farm” means the placement and maintenance of legible signs with the wording Private Game Bird Farm at all entrances, gates or cattle guards on roads entering the licensed game bird farm property.

(i) “Quarantine” means a holding facility constructed to prevent contact between quarantined game birds and any other animals, to prevent escape of quarantined game birds, and to allow humane restraint and handling of quarantined game birds approved in advance by the Office of the Game and Fish Department; or the period of time during which a game bird(s) is confined in a quarantine facility.

(j) “Pre-Entry Quarantine” means a quarantine facility in the state of origin of game birds to be imported. The quarantine facility shall be approved in advance by the Office of the Game and Fish Department or the Department's designated animal health official in the state of origin of game birds to be imported. Usually pre-entry quarantine is on the premises of origin. Pre-entry quarantine is always the last place of confinement immediately before game birds are

shipped directly to Wyoming; or, the period of time during which a game bird(s) is confined in a pre-entry quarantine facility.

(k) “Post-entry quarantine” means a quarantine facility in Wyoming approved in advance by the Office of the Game and Fish Department. Usually post-entry quarantine is on the premises of destination. Post-entry quarantine is always the first place of confinement after game birds are shipped directly to Wyoming; or the period of time during which a game bird(s) is confined in a post-entry quarantine facility.

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Section 3. Application for License.

(a) Any person desiring to operate a game bird farm shall make application on forms provided by the Department. A map and legal description to the quarter (1/4) section of all fee lands to be included in the game bird farm shall be provided. If fee lands are leased, a copy of the five (5) year lease agreement shall also be included with the application form. The applicant shall provide the name of the genus and species of all game birds to be possessed, bred, propagated, hunted, killed or sold from the lands described in this section. The applicant shall provide how the game birds are to be disposed of (hunted, killed or sold). It shall be a violation of this regulation for the game bird farm licensee to possess, breed, propagate, hunt, kill, sell or otherwise dispose of any species of game birds not listed on the application and approved by the Office of the Game and Fish Department.

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(c) The operation of a licensed game bird farm shall not be contrary to, or in violation of any State, County or Municipal laws, regulations or private covenants.

Section 4. Certificate of Origin.

(a) Prior to importation of any game bird(s) from any out of state source, a game bird certificate of origin shall be completed and submitted to the Office of the Game and Fish Department. The sworn statement signed by the owner or operator of the out of state source shall verify that game birds are originating from premises free of infectious, contagious or communicable diseases and have been disease free for at least twelve (12) consecutive months immediately preceding importation of the game birds into the State.

Section 5. Disease Free Certification.

(a) The Department shall require a certificate of veterinary inspection for all game birds imported into Wyoming. The game bird farm licensee shall apply to the Department for copies of the inspection procedures to be followed and copies of the requirements of the Department as to the type of disease free certification which shall be furnished. A copy of the certificate of veterinary inspection shall be forwarded immediately to the animal health official of the state of origin for approval and transmittal to the Wyoming State Veterinarian and Office of the Game and Fish Department. A copy shall accompany and be in the possession of the driver or person in possession of game birds shipped into or in any manner transported into Wyoming. The certificate of veterinary inspection shall contain the names and addresses of the consignor and consignee, total number of game birds covered by the certificate, health status of the game birds involved including dates and results of required tests and vaccinations, the origin of the game birds, the Wyoming destination to where the game birds shall be shipped, and an accurate description including proper taxonomic identification with genus and species names of the game birds. A certificate of veterinary inspection shall be valid for ten (10) days immediately following date of inspection and issuance. A certificate of veterinary inspection shall be issued to comply in all respects with the requirements of the State of Wyoming which are found in Commission Regulation Chapter 10, Regulation For Importation, Possession, Confinement, Transportation, Sale And Disposition Of Live Wildlife.

(b) All game birds acquired, propagated, received, purchased, held, released, harvested or sold shall be maintained disease free in accordance with Department requirements. All facilities utilized in the game bird farm shall be maintained so as to prohibit the acquisition, spread or transmittal of diseases. Game birds held in captivity which become diseased shall immediately be destroyed or placed under the professional care of a veterinarian licensed in the State of Wyoming and such incident reported immediately to the Department by the game bird farm licensee. Department personnel may inspect facilities or game birds to insure they meet disease free requirements. If facilities or game birds are found not to meet Department requirements, or if diseased game birds present a threat to the wildlife of the State, the Department may order such action as necessary, including quarantine or destruction of game birds, sterilization of enclosures and facilities, cessation of activities and disposal of the diseased game birds in a manner satisfactory to the Department. The Department may refuse to lift the quarantine or refuse to allow operation of the game bird farm until such time as the facilities or game birds meet disease free requirements. When it is shown the facilities or game birds meet disease free requirements, the Department may lift the quarantine.

Section 6. Holding Facility(ies). Before a license is issued to operate a game bird farm, Department personnel shall review the applicant's proposed holding facility(ies) taking into consideration the species applied for, the number of game birds requested, the welfare of the game birds to be possessed, the purpose(s) for which the game birds shall be held and to insure adequate protection for Wyoming's wildlife resources. Holding facilities shall be constructed to meet Department approval prior to importation or possession of live game birds.

Section 7. Notification and Disposition of Diseased Game Birds. The licensee or his/her authorized agent shall notify the Department within twenty-four (24) hours of having reason to believe that game birds held under a license pursuant to this regulation may have been exposed to or contracted a contagious disease or parasite. It shall be a violation of this regulation to remove game birds exposed to or which have contracted a contagious disease or parasite from the holding facility(ies) without prior authorization from the Department.

Section 8. Identification Requirements. Before a license is issued to operate a game bird farm, the applicant shall register with the Department the type of identifying leg or wing band to be placed on the game birds. The type of leg or wing band shall depend upon the type and age of the game bird. The Department shall make the final determination as to the suitability of the tag before attachment.

Section 9. Purchase of Game Birds Occurring on Proposed Game Bird Farm Lands. Upon the execution of a proper application for a game bird farm license where game birds occur on the lands to be utilized, the applicant shall pay the Department fifteen dollars (\$15.00) for each game bird of the species to be licensed which are determined to be upon the lands initially licensed as a game bird farm. If the same lands have been licensed as a game bird farm within the three (3) previous years by the same person, for the same species of game birds and the lands are determined to be marginal or unsuitable habitat by the Department for that species of game birds, the applicant shall not have to determine the number of game birds, nor pay for those game birds found on the previously licensed lands.

Section 10. Release of Birds. Each licensee shall release a minimum of one-hundred (100) game birds of the species approved by the Department each year on the licensed premises. The one hundred (100) game birds ~~of each species~~ shall be released in the twelve (12) consecutive month period commencing April 2 and ending April 1 of the next year. A release shall be substantiated with written records. Licensees who sell, but do not hunt game birds, shall be exempt from the minimum game bird release requirement.

Section 11. Records. A licensee shall maintain on the premises of the game bird farm or at his/her residence legible, current, accurate and complete records on forms provided by the Department of the species and the number of game birds received, shipped, purchased, reared, released, disposed of, killed or sold. Records shall include names, addresses of all recipients, purchasers, suppliers and hunters, the license number of all hunters, the date of each transaction and the number and species of game birds reared and released on the game bird farm. Records for special competitive game bird hunts shall include the names and addresses of all participants, and the number and species of all game birds taken during special competitive game bird hunts held on the licensed game bird farms. Records shall be produced upon demand of any Department enforcement officer. All records shall be submitted to the Regional Wildlife Supervisor in their respective Region by April 15 of each year for activities which occurred during the term of the license.

Section 12. Inspection by Department Personnel. Any person issued a license under this regulation shall, during the term of the license and for a period of sixty (60) days after

expiration of the game bird farm license, allow inspection of records, holding facilities, signing and game birds by Department law enforcement personnel during reasonable hours.

Section 13. Disposal of Game Birds if License is not Renewed. Should a licensee fail to renew his/her license for any reason, all game birds held in captivity on the premises shall be disposed of within sixty (60) days after expiration of the game bird farm license. After this sixty (60) day period, all game birds on the premises shall become property of the State and may be disposed of by the Department in the best interest of the Department.

Section 14. Revocation of License. Failure to maintain required records, acquire game bird certificate of origin, acquire certificate of veterinary inspection or maintain disease free facilities and game birds is just cause for revocation of a game bird farm license by the Commission. Revocation of a license by the Commission shall be carried out in compliance with Commission Regulation Chapter 27 Rules of Practice Governing Contested Cases Before The Wyoming Game and Fish Commission.

Section 15. Special Competitive Game Bird Hunts. The Department, in compliance with statutory and regulatory provisions, may approve special competitive game bird hunts on licensed game bird farms as set forth in this section. Individuals participating in an approved special competitive game bird hunt are not required to obtain a valid Wyoming game bird hunting license prior to taking game birds during an approved special competitive game bird hunt.

(a) Applications for special competitive game bird hunts shall be submitted on a form provided by the Department, to the Game Warden in whose district the game bird farm is located not less than twenty (20) days prior to the special competitive game bird hunt. The application for a special competitive game bird hunt shall include: the applicant's name, address and phone number; the name, address and current year's license number of the licensed game bird farm where the hunt will occur; the name of the sponsor; the date(s) of the hunt; the number and species and source of game birds to be utilized, and the estimated number of participants.

(b) Approved special competitive game bird hunts may be held on any licensed game bird farm throughout the calendar year except as provided in this subsection. To protect natural game bird populations, special competitive game bird hunts may not be approved during the time period April 1 through July 31 of each year on licensed game bird farms where Department personnel document natural reproduction of any game bird species.

(c) Only the species of game bird approved by the Department on the licensed game bird farm may be taken during any special competitive game bird hunt.

(d) Participants may possess game birds taken during a special competitive game bird hunt provided each participant possessing game birds has in possession a receipt issued by the permit holder providing the name of the person receiving the game birds, the number and species of game birds in possession and the date the birds were possessed.

WYOMING GAME AND FISH COMMISSION

~~Mike Healy~~Keith Culver, President

Dated: ~~January 22, 2014~~August 23, 2017

STATEMENT OF REASONS

CHAPTER 60

REGULATION GOVERNING GREATER SAGE-GROUSE RAISED ON PRIVATE GAME BIRD FARMS

House Enrolled Act No. 91 (HEA No. 91) of the Sixty-Fourth Legislature of the State of Wyoming 2017 General Session created W. S. § 23-5-111 and modified W. S. § 23-3-108, § 23-3-116, § 23-5-102, § 23-5-104 and § 23-5-106. HEA No. 91 modified the game bird farm licensing provisions relating to the release of game birds; provided for certification of game bird farms to allow breeding, propagation, handling, taking, rearing and release of Greater Sage-grouse; authorizes gathering of Greater Sage-grouse eggs by certified game bird farms; specifies requirements for certification; directs and empowers the Commission to undergo rule making to administer statutory provisions; provides a time limitation on certification and for disposition of Greater Sage-grouse held at the expiration or revocation of certification; and provides for an effective date.

Chapter 60, Regulation Governing Greater Sage-Grouse Raised on Private Game Bird Farms is a new regulation. All Sections included in this regulation are new.

Section 1, Authority, lists all Wyoming Statutes that govern Greater Sage-grouse being raised on private game bird farms.

Section 2, Regulation, identifies the effective dates and purpose of this regulation, and also indicates that game bird farms certified under this regulation are also governed by Commission Regulation Chapter 40, Regulation Governing Commercial Game Bird Farms.

Section 3, Definitions, indicates that definitions will be set forth in Title 23, Wyoming Statutes, Commission Regulations and other specific definitions relative to this regulation.

Section 4, Application for Game Bird Farm Licensee Sage Grouse Certification, indicates that the Department shall issue no more than five (5) Certifications to raise sage grouse pursuant to W.S. § 23-5-111.

Section 5, Identification Requirements, addresses methods to identify individual sage grouse prior to release of any sage grouse.

Section 6, Disease Free Certification, addresses a licensee's enclosure, hatching facility and privately held sage grouse disease testing and reporting requirements. If facilities or sage grouse are found not to be disease free, or if diseased sage grouse present a threat to the wildlife of the state as determined by the Department, the Department may require additional disease or parasite testing or order such action as necessary, including quarantine or destruction of sage grouse, sterilization of enclosures and facilities, cessation of activities and disposal of the diseased sage grouse in a manner

satisfactory to the Department. Sage grouse scheduled for release shall be quarantined in a separate holding pen for a minimum of thirty (30) consecutive days prior to their release.

Section 7, Sage Grouse Enclosure. Sage grouse enclosures shall take into consideration the number of sage grouse to be held, the welfare of sage grouse possessed and adequate protection for Wyoming's wildlife resources. Enclosures shall also be physically separate from holding facilities for other species of game birds, domestic animals, domesticated animals or livestock and shall include vegetation consistent with the needs of sage grouse and other provisions.

Section 8, Acquiring Sage Grouse for Captive Rearing, provides for limitations and procedures to acquire sage grouse eggs from the wild in Wyoming. The number of sage grouse eggs that may be collected, specific egg collection sites and other requirements will be indicated on a licensee's Certification issued by the Department on an annual basis. A complete suspension of sage grouse egg collection may be mandated by the Department.

Section 9, Hatching Sage Grouse Eggs, requires that hatching of sage grouse eggs be done in a hatching facility. Surrogate hatching of sage grouse eggs using domestic or domesticated animals shall not be permitted.

Section 10, Release of Sage Grouse. The release of sage grouse, and release methods, shall only be permitted through coordination with the Department and may be restricted to protect wild populations of sage grouse.

Section 11, Escape of Captive Sage Grouse, addresses the liability of a licensee for any captive sage grouse that escape from an enclosure and reporting requirements upon discovery of escaped sage grouse.

Section 12, Records, requires a licensee to maintain specific records for the sage grouse bird farm operation and to provide those records to the Department on an annual basis.

Section 13, Inspection by Department Personnel, allows for inspection of records, enclosures, hatching facilities, live sage grouse and sage grouse eggs by Department personnel during reasonable hours.

Section 14, Variation from Specified Rules, allows a licensee to request specific variations from these rules to facilitate experimentation with sage grouse egg collection, captive breeding and rearing of sage grouse.

Section 15, Suspension, Revocation or Non-Renewal of Certification, indicates that failure to comply with provisions of this Chapter or Wyoming Statutes governing game bird farms, or to maintain a captive breeding population of sage grouse is just cause for suspension, revocation or non-renewal of a licensee's certification in conjunction with Chapter 27, Rules of Practice Governing Contested Cases before the Wyoming Game and Fish Commission.

Section 16, Disposal of Sage Grouse if Certification is not Renewed or has been Suspended or Revoked, provides for a time period after expiration, suspension or revocation of a certification when all sage grouse remaining on the premises shall become property of the Department and shall be disposed of by the Department in the best interest of the Department.

Section 17, Department Expenditures, requires the Department to report to the Commission annually any expenditures incurred in relation to management of sage grouse bird farms.



WYOMING GAME AND FISH DEPARTMENT

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August 24, 2017

MEMORANDUM

TO: David Dewald, Senior Assistant Attorney General

FROM: Mike Choma, Wildlife Law Enforcement Supervisor

COPY TO: Brian Nesvik, Scott Edberg, Doug Brimeyer and Terri Weinhandl

SUBJECT: Changes Made as a Result of Public Comment, Chapter 60, Regulation Governing Greater Sage-Grouse Raised on Private Game Bird Farms

The Wyoming Game and Fish Department (Department) conducted one (1) formal public meeting in Casper to present this draft regulation proposal to the public. A webcast meeting was also conducted and made available on the Department website for public viewing throughout the remainder of the comment period. The draft regulation proposal was available for review and public comment through the Department website, and the Department accepted written comments delivered to regional offices. As a result of these efforts, the Department received 38 individual written comments regarding this regulation (27 online comments / 11 written comments). The Department also received 29 copies of an identical form letter signed by different people.

From the total 38 comments received, six (6) were in support of the Department's proposed draft regulation; 28 comments were not in support of the proposal and suggested edits to make the proposal more restrictive; four (4) comments did not imply whether they were for or against the proposal; 13 comments stated they were most concerned about the precedent being set to privatize the state's wildlife resource. The 29 form letters indicated they were not in support of the regulation proposal. The majority of comments received from those opposed to the regulation referenced "habitat condition" as the limiting factor concerning sage grouse populations and did not believe population augmentation was necessary as habitat was still going to be the most limiting factor.

After reviewing and considering all of the public comments received, the Department made the following changes to the draft regulation:

- Clarification was added throughout the document indicating this regulation pertains to "wild" sage grouse or sage grouse eggs being taken "from the wild".
- Edits were made to Section 4 (d) to clearly state that the Department shall issue no more than five (5) Certifications to raise sage grouse pursuant to W.S. § 23-5-111.
- Section 6 (g), edits clarify a Department veterinarian shall inspect a licensee's hatching facility and sage grouse a minimum of one time per year to insure they are disease free.

- Section 7 (c), minimum square footage requirements for holding facilities was removed.
- Section 12 (a), clarified that records shall include disease testing results by date and individual bird tested.
- Section 12 (c) was added and requires every game bird licensee raising sage grouse to report to the regional wildlife supervisor by April 15 of each year the number of sage grouse successfully raised in the preceding 12 month period.
- Added Section 14, Variation from Specified Rules, to allow for experimentation of sage grouse egg collection techniques and raising captive sage grouse. A time period was determined for the Department to respond to a licensee requesting certain variances from specified rules.
- Added Section 17, Department Expenditures, which requires the Department to report to the Commission on an annual basis any expenditures incurred in relation to management of sage grouse bird farms.

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Chapter 60, Regulation Governing Greater Sage-grouse Raised on Private Game Bird Farms

As a native of Wyoming, I find it astounding that WGFD is contemplating a program allowing people to collect eggs of Sage Grouse and make money off them. However, I assume you will approve such a dangerous program and am making specific comments in an attempt to make your proposed rule more rational and sustainable. The rule must contain cost recovery provisions to ensure that the licensee, not the public, pays all WGFD costs, including program administration, application review, inspections, supervision of egg collection, and any other costs involved in the program. No costs should be covered with monies from fishing or hunting licenses. The rule must establish a rigorous monitoring program to determine the impacts of the program in a statistically-valid manner. Monitoring should be done for both the released birds and for the wild population where pen-raised sage-grouse are being released. When negative impacts on wild populations are observed the program must be terminated. The rule must cap the number of licenses to three or less per year, and no more than 250 eggs per license per year. Core population areas must be excluded from collection. The rule must limit releases to non-core areas. To protect the genetic integrity of the greater sage-grouse, farm raised birds must not be released into core population areas of the state. To ensure that all requirements are enforced, WGFD personnel must be present to monitor egg all collection activities. The proposed rule allows the use of dogs, but does not control their numbers or the number of handlers searching for nests. There must be limits on these numbers to minimize disturbance to nesting sage-grouse. The rule must specify the maximum number of nests and egg collection areas that may be disturbed, by each licensee and in total. WGFD should establish firm upper limits on both the number of designated collection areas and on the number of nests that may be disturbed in each collection area by each licensee and in total. The rule must totally prohibit the sale of greater sage-grouse eggs for any other purpose, including to third party purchasers, and should apply to both viable and non-viable eggs. The rule must require reporting of all eggs damaged or destroyed at any point in the process, not just those eggs damaged or destroyed during the collection process. And all damaged eggs must count as part of the licensee's maximum authorized egg collection total for the year. The rule must prohibit any genetic manipulation activities designed to alter the natural genetic composition of sage-grouse, e.g. selective breeding for size, adaptability, survival, etc. The rule must prohibit the privatization of knowledge gained by the licensee during the term of the license. That information must be made public and not treated as proprietary trade secrets. The licensee must be held accountable for actions of his contractors. If a contractor hired by the licensee violates the law, that violation should be considered a violation of the licensee. Strict penalties must be imposed for non-compliance consistent with those levied against violators of game and fish regulations. Simply revoking a license is insufficient. The rule must prevent a violator whose license has been revoked from reapplying under a different corporate name. The punishment for violation of rules should be permanent revocation and no chance of reapplying, ever.

Final Comment	La Point, Peggy	Fort Collins, CO	7/17/2017 9:30:00 PM
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I think this is a great idea. The only problem I see with the regulations is you need approximately 11 acres of enclosure for 200 breeding hens. Add a biologist and a state of the art incubator system and Brooder facility and you have a huge investment coming out of the shoot without any guarantees, kind of tough!

Final Comment	Olsen, Chris	Cheyenne , WY	7/24/2017 1:44:00 PM
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Dear Director Talbott, President Culver and Members of the Commission, In general it is very difficult to successfully raise Sage Grouse from egg to chick in captivity. Further, survival to reproduction in the wild is even less likely, and if wild populations are failing because of lack of habitat or poor habitat condition, then there is an even lower probability of survival of captive reared birds. Overall, in development of Greater Sage-Grouse Game Bird Farms all efforts need to be made to minimize impacts on wild birds. From a legal perspective, we are wary of privatization of Wyoming wildlife – a potentially dangerous precedent for private entities to achieve economic gain from sale of Wyoming wildlife. Economically, we are wary of the significant unfunded mandate to Game & Fish regarding regulation, enforcement, record keeping, inspection and other work requirements related to the Farm regulations. Regarding captive rearing, the WAFWA white paper summarizes many of our concerns: "Pending refinement and demonstration of the effectiveness of captive breeding and release of sage-grouse, other approaches to augmentation appear to be more certain and likely to be less costly and impactful to source populations. Sage-grouse population size varies substantially over

WGFD Web Comment Report

Chapter 60, Regulation Governing Greater Sage-grouse Raised on Private Game Bird Farms

time in response to environmental stochasticity. Augmentations by any means are not necessary for recovery from declines in relatively large contiguous habitats in good conditions. Augmentations are unlikely to have any success in small and isolated populations until and unless the environmental conditions that precipitated sage-grouse declines have been mitigated." The Upper Snake River Basin Working Group (USRBWG) area contains a small, genetically unique population. We are opposed to any egg collection or release of captive reared birds in the USRBWG area. Note, as mentioned in our Conservation Plan, release of adult, wild birds in the 1950s was unsuccessful. The majority of the USRBWG area is on public land (NPS, USFS, and USFWS), which would require additional coordination and permitting with the relevant agencies if any collection or release activities were proposed to occur. Additionally, at a minimum, any proposed activity related to Chapter 60 in the USRBWG area should require involvement of the working group. Recognizing that the department is required to develop Chapter 60, we offer the following comments. Thank you for considering these comments and questions, and please contact me with any questions. The USRBWG, Joe Bohne, Chair Specific Questions and Comments: 1. Section 3. Definitions. (e) "Enclosure." Please request a map and associated geospatial data (shapefile, feature class, GoogleEarth) depicting the spatial extent of the enclosure be provided to the Department by any applicant. This could be in addition to the quarter/quarter section description, but it is significantly more useful for consideration in evaluation of the suitability of the location. 2. Section 4. Add (e) Approved purposes for captive rearing and release of birds: Identify approved purposes for captive rearing and release. We propose approved purposes are limited to attempts of population augmentation and research purposes for population augmentation. We are opposed to release of birds for a shooting preserve situation. This applies to the sale of birds and related record keeping. 3. Section 6. Disease Free Certification. (a): Please add a requirement to notify the United States Department of Agriculture Animal and Plant Health Inspection Service. This is particularly critical in light of potential disease outbreaks that could impact humans, livestock and wildlife such as "bird flu" (H5N1). http://www.who.int/influenza/human_animal_interface/avian_influenza/h5n1_research/faqs/en/ 4. Section 6. Disease Free Certification. (b): Please provide guidance on required/approved methods for cleaning and sanitation. These might include: power wash, steam cleaning, bleach (approved chemicals) or any other best practices for disease free operation taken from existing regulations such as from poultry operations. 5. Section 6. Disease Free Certification. (b) (i): Consider change from "licensee" to "applicant" throughout the document as appropriate (for example, while the documentation is being considered the submitter is an "applicant" and once a license is granted the submitter becomes a "licensee"). 6. Section 6. Disease Free Certification. (b) (ii): As suggested in 3., please include required/approved methods in regulations. 7. Section 6. Disease Free Certification. (f): Please list required/approved sampling intervals, methods, and reporting protocols. 8. Section 6. Disease Free Certification. (g): Throughout the document use "ensure" instead of "insure." 9. Section 6. Disease Free Certification. (i): Consider requesting/requiring WY State Vet Lab to send report directly to appropriate WGFD staff. 10. Section 7. Sage Grouse Enclosure. (a): Please define "approved potential purpose(s)." 11. Section 7. Sage Grouse Enclosure. (b): Is 100' enough? If working dogs are included, please specify. 12. Section 7. Sage Grouse Enclosure. (c): In other words: 335 birds/acre for hatch year and non-breeding adults or 87 birds/acre for egg laying hens. Please state where these numbers come from: please provide justification for their use. These numbers should be based on any available research where Sage Grouse were successfully bred or reared in captivity. 13. Section 8. Acquiring Sage Grouse for Captive Rearing. (g) (v): Consider spelling out April 1st through May 31st. Define how the collection season will be set. Specify use of current season lek activity data to guide collection season setting. Define areas where collection will be allowed and not allowed – such as based on size and stability of natural population. 14. Section 8. Acquiring Sage Grouse for Captive Rearing. (g) (vi): Please specify whether based on calendar date or total number of hours. If by hours, please specify how many total hours and how many calendar days they can be distributed over, as this could influence wild bird disturbance. Consider specification to follow big game hunt – calendar day. 15. Section 8. Acquiring Sage Grouse for Captive Rearing. (g) (viii): Please specify required certification and other characteristics of dogs and how these will be evaluated and enforced. 16. Section 9. Release of Sage Grouse: The Upper Snake River Basin Working Group is opposed to any egg collection or release in our area because our population appears to be genetically distinct and occurs on the edge of the range. If any collection or release were to occur it would require coordination through the WGFD, Local Sage-grouse Working Group and public land management agencies. 17. Section 10. Escape of Captive Sage Grouse. (c): Please specify what Wyoming Statutes would allow exceptions. 18. Section 11. Records. (a): Rightfully, significant administrative tasks are required for both licensee and WGFD. Consider development and maintenance of an electronic record (include tabular and spatial documents) keeping system with a user interface that would ensure accurate and complete data entry. This would facilitate enforcement, review and communication. Records should be maintained in perpetuity (annual updates from the licensee to the WGFD database, just as with completion reports, to renew annual certification). Consider a contract with WYGISC to develop this system. 19. Section 11. Records. (b): As in item Section 11. Records (a), a significant burden is put on WGFD to create forms to be completed by licensee, not to mention review and management

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of the data. Therefore, a system should be developed, including training for users (WGFD, licensees, and others as needed).

Final Comment **Bohne, Joe** **Alpine, WY** 7/25/2017 11:43:00 AM

As a tax paying Wyoming citizen, I do not support the private game bird farms. It sounds like a recipe for disaster for the safe grouse. I believe Fish and Game should focus their efforts on protecting WILD sage grouse and protecting and trying to improve their endangered habitat. If we allow more gas leasing, we'll need to work hard to ensure the survival of this iconic bird. Thank you for your consideration!

Final Comment **Verna, Diane** **Alta, WY** 7/13/2017 8:16:00 AM

Linda J Cooper P.O. Box 121 Bondurant, WY 82922 7/12/2017 Wyoming Game and Fish Department re Rulemaking comments Experimental Farming of Sage Grouse I reject the notion that it is useful to farm Greater Sage Grouse. The direction from the legislature to promulgate regulations to permit private sage grouse farms is on the face of it absurd. 1. There is a preponderance of science evidence that habitat not numbers is the limiting factor in greater sage grouse populations in Wyoming. 2. Elaborate collaboratively developed and citizen and government approved plans established core areas and conservation measures to keep the Greater Sage Grouse off the Endangered species list. These measures are in place. 3. The Greater Sage Grouse are not chickens! They are wild birds that imprint in their environment to survive and thrive. To steal eggs from their nests and raise birds like chickens in coops, flies in the face of past experience that shows that those who have tried before failed. 4. The lessons learned in swan experience while not a perfect comparison, at least shows that swan habitat is key to restoration of a swan population. Greater sage grouse habitat is key to its survival as well. 5. That being said, the Game and Fish regulations should only include "egg snatching" from non- core areas so as to not disturb the conservation program in place. 6. The numbers of eggs allowed to be taken should be limited, perhaps to several hundred and from no more than 3 dozen nests. And if the eggs don't make from the wild to the "coops" there should be no "do over's" allowed. The moment the licensee picks up an egg it is counted. If it doesn't make it back to the farm, no replacement should be allowed. This would prevent callous and cavalier handling of the eggs. 7. Also, at both ends, before the eggs are brought to the farm, while they incubate and before any release of chicks into the wild occurs, strict inspection of the facilities for cleanliness and disease and the condition and health of the grouse before release are all imperative. 8. Health protocols and documentation and field work by Wyoming Fish and Game and consultants required to be hired by the farm must be submitted, evaluated and made available for public review before any chicks are released into the natural environment. Disease that would spread and negatively impact the existing bird population would be devastating and unacceptable. Finally, this proposal is so absurd that I am shocked to even have to comment on it. My overall comment is to ask the legislature to withdraw the direction to promulgate such regulations in the first place. Linda J Cooper P.O. Box 121 Bondurant, WY 82922

Final Comment **Cooper, Linda** **Bondurant, WY** 7/22/2017 5:03:00 PM

Good Morning, I am writing to urge the greatest flexibility possible with rule implementation. When I wrote this bill the intent was to let free enterprise work with common sense oversight by our very capable Game and Fish Commission. It is important to grant a "real" opportunity for this initiative to succeed or fail on the merits of science and ingenuity. I am watching with concern that a duly enacted law can go down the road of "death by agency rules." I am specifically concerned about the following areas. The rules should not be restrictive regarding the following: 1. Requirements for square footages per bird puts an unnecessary and arbitrary standard on the bird farm operator. 2. A specific section should be added to the rules to allow and encourage experimentation by the bird farm operator. 3. Requiring the bird farm to keep records on each bird is excessive. Records by pens is sufficient. Thank you for your service and consideration. Sincerely yours, Steve Harshman Casper

Final Comment **Harshman, Steve** **CASPER, WY** 7/20/2017 8:00:00 AM

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One of Wyoming's natural wonders is our wildlife. Sage grouse are part of our heritage. To capture these birds for profit is cruel and self serving. AS long as the land in Wyoming remains public then we have a duty to protect these creatures in their natural environment. Our Population is not large and we do not need to destroy their habitat. Our energy production is important, but the grouse habit is getting smaller. If the Grouse are raised as endangered species and released to nature it would be okay, not for profit. We need to keep our heritage in Wyoming before we lose it all the profiteers.

Final Comment **Lewis, Rita** **Cody, WY** 7/12/2017 4:00:00 PM

Thank you for the opportunity to comment. I am very much against this proposal to raise Sage Grouse in captivity. It has been the long-standing policy of the Wyo G&F to keep Wyoming's wildlife in public hands. Many battles have been fought over this in the past, and I don't understand why this proposal to privatize Sage Grouse, which are already suffering critical population declines, has gotten as far as it has. The consequences of farm raising wildlife can be seen in our surrounding states, with the outbreak of diseases and escape of exotic species. With Sage Grouse on the brink of Endangered Species listing, it is crazy to allow private game farms to collect eggs from the wild. These hens are having a hard enough time without being chased from their nests and being forced to attempt a second clutch. My understanding is that Sage Grouse have never been successfully propagated in captivity. What losses to the captured population are you willing to accept, while this experiment with our publicly-owns wildlife goes on? Why should MY Sage Grouse be captured for the benefit and profit of private Game farms? I am not allowed to capture songbirds or deer and raise them for my personal profit. Why should these other individuals be allowed to capture and raise Sage Grouse in order to profit from them? The major issue facing Sage Grouse and the rest of our native wildlife, is habitat loss. More and more industrialization of the sagebrush steppe is occurring every day. Massive wind farms have been permitted in prime habitat, and new wind projects are being proposed that will surely be the death-knell for the species. Turning Sage Grouse into farmed birds like pheasants, even if that is feasible, is not the answer. Wyoming Game and Fish should stand with public opinion and with our wildlife and actually protect our remaining wild lands and their fauna by opposing any actions to privatize wildlife. Sincerely, Linda Raynolds, Cody Wy.

Final Comment **Raynolds, Linda** **Cody, WY** 7/13/2017 11:48:00 AM

There is no documentation or scientific research to support game farming for Sage Grouse. The issue is habitat, not numbers. Given that the law is on the books, I would like Wyoming G&F personnel to accompany egg gathering and it should occur no later than May 15. Collection must be done in a manner that does not damage nesting sage-grouse and not done in core areas. The permit fees should cover costs incurred by the G&F in monitoring collection, release facility health and regulation enforcement. Permit approval should be based on assurances that a specified threshold of survival of released sage-grouse is met and that current populations are not damaged. This whole idea is poorly thought out and is not consistent with the planning done by the state and federal agencies. It is a foolish attempt by oil companies to throw money at an issue that gets in the way of their exploitation of the resources.

Final Comment **Hicks, Laney** **Crowheart, WY** 7/17/2017 10:08:00 AM

Farming of any native species is not a good idea. We have resisted this for many years in Wyoming and this is not the time to change. Birds raised in captivity do not have the skills necessary to survive. Wyoming Game and Fish should continue to manage this resource. We should also support the current core plan in use. Sincerely, Rick Kilmer

Final Comment **Kilmer, Rick** **Douglas, WY** 7/13/2017 9:58:00 AM

RE: Opposed to experimental farming of Sage grouse. Keeping Sage-grouse off the ESA list is critical. Hard won, cooperative work in WY has kept Sage grouse off the ESA lists. Currently the Greater Sage grouse population numbers appear good. As long as habitat protection occurs, why does a thriving population need more grouse? There are no successful models of captive rearing of grouse. Other farm raised birds like pheasants and quail lack survival skills. And harvesting wild eggs, even on a limited basis, doesn't make

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sense since there is no demonstrated need to increase the population. Let WY G&FD continue to do their job of scientific management.

Final Comment **Treanor, Kathy** **Dubois, WY** 7/12/2017 4:12:00 PM

This is probably one of the silliest things I have ever heard! What happens when a "farm raised" chicken becomes involved with a native bird? It dilutes the breed and the enjoyment, as we know it, goes out the window! Can't people leave just ONE critter alone without wanting to make a profit out of it? "Let's go out to a sage hen farm and shoot a few" Boy, does that sound like fun or what? Sage chickens have made it through all these years and rough years they have been. They've been fighting other critters, weather, oil rigs, losing their habitat but they are still around. It's too bad humans don't have the resilience they have! Why don't we have a farm for profiteers? Then we could out and get rid of them!!!!!! Chicken hunting is an experience not to be belittled!

Final Comment **Fields, Jo** **Green River, WY** 7/12/2017 12:49:00 PM

Please make sure that the regulations governing greater sage grouse raised on private game farms are written to include monitoring and feedback loops to protect individual eggs and birds. Only the best known practices and science should be used. While we are supportive of public/private efforts that benefit wildlife, at no time should wildlife be privatized.

Final Comment **Irwin, Michele** **Green River, WY** 7/25/2017 11:33:00 AM

Sage grouse farming regulations?? I have a hard time believing we are even considering this as a state. Earlier this year when this legislature was proposed, I felt sure that, with the state of our economy, this proposal would quickly be dismissed as a waste of taxpayer money. I was astonished (and dismayed) when it passed. The best "farming" of sage grouse is done in their natural (and unaltered) habitat given favorable weather conditions. We are not going to farm our way to better habitat. It needs to be protected. Perhaps this money should have been spent on that, because when the money is gone and there is nothing to show for it, those in the legislature who voted for this appropriation are going to look mighty silly, and rightfully so.

Final Comment **Hammer, Jeff** **Lander, WY** 6/13/2017 12:29:00 PM

As a life long Wyoming resident and sportsman I am opposed to the notion of removing any number of sage grouse eggs from the wild to be raised by private, for profit companies. Research into the possibilities of raising sage grouse in captivity should be conducted by the state in conjunction with the University of Wyoming, not by a private, profit driven entity who's findings will surely be skewed toward those benefiting the company. We all know that ultimately sage grouse protection will come about through protection of habitat and removal of seasonal disturbances, not by the creation of artificial populations living in an artificial world.

Final Comment **Hudson , Tim** **Lander, WY** 7/23/2017 12:24:00 PM

I write regarding the pending rules that will allow private businesses to collect wild Greater sage-grouse eggs, raise them in captivity, and release them back into the wild for a profit. In general I support the long-standing principle that Wyoming's wildlife should be managed only by the Wyoming Game and Fish Department (WGFD), and not for profit. In particular it is my belief that the collection of wild eggs will be deleterious to wild populations, and that the success of Greater sage-grouse re-introduced to the wild will be dubious. Therefore I support stringent controls on the practice, including: • Prohibit the collection of eggs in core population areas for Greater sage-grouse • Cap the number of licenses issued to three • Prohibit the sale of eggs • Require the licensee to pay the costs for the WGFD to administer the program • Require that egg collection activities be supervised by the WGFD • Impose penalties for non-compliance • Expand restrictions on methods for the

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collection of eggs, in particular regarding the number of pointing breed dogs and human handlers that may be actively searching for nests • Limit the release of sage-grouse to non-core areas • Prohibit genetic manipulation • Specify the maximum number of nests and egg collection areas that may be disturbed, by each licensee and in total I am a fan of Wyoming's "Sagebrush Sea", and relish sightings of sage grouse while out and about in Wyoming (most recently, a Mama and two chicks, two weekends ago near the A&D Reservoir west of Bairoil). Please ensure this important Wyoming resource is not further imperiled by a captive breeding program which some may claim is to its benefit, but which may well have opposite effect. Regards, Keith Rittle 1317 E Flint Street Laramie, WY 82072

Final Comment **Rittle, Keith** **Laramie, WY** 7/7/2017 1:24:00 PM

Please keep these birds wild. Private businesses have no business taking wild eggs for whatever reason. Just protect the birds. Thank you for your time.

Final Comment **Werner, Sandra** **Laramie, WY** 7/12/2017 1:03:00 PM

This idea is ridiculous!!!! It's only about people trying to make money on an endangered species. Sage Grouse are VERY private birds - and taking away the few eggs they have will only cause them more stress and decline. This is like ensuring their demise. It's sheer idiocy!!!! And greed!!!! Shame on you!!!!

Final Comment **Gardiner, Darcy** **Laramie, WY** 7/12/2017 1:26:00 PM

Thank you for the process that involves public comment. As a Wyoming native who grew up relishing our open space and public lands, I feel that allow various areas to remain open and protected is vital, and in this case, vital to the sage grouse populations. These birds are iconic to our state. At this juncture, I do not see a need to breed them in captivity, because there is plenty of space for them to live and reproduce naturally, if we work to protect this open space. Thank you for your time and dedication to this, and many other topics effect Wyoming wildlife. Bryon Lee

Final Comment **Lee, Bryon** **Laramie, WY** 7/13/2017 9:26:00 PM

I urge the WGFD to: 1- Prohibit the collection of eggs in core population areas for Greater sage-grouse. As protected habitat areas, core population areas should be off limits to this for-profit experiment that is likely to have disruptive effects to wild grouse. The law that requires the Game and Fish to develop this rule, Enrolled Act 91, requires the rule to identify "areas approved for collection of eggs." We recommend that egg collection areas identified by the rule be located outside the state's core population areas. Known as "General Habitat Management Areas", the millions of areas of sage-grouse habitat located outside of core habitat provide ample opportunities for sage-grouse farmers to collect eggs while at the same time protecting the most productive areas from further disturbance. 2- Cap the number of licenses issued by WGFD to three (3). The proposed rule authorizes the issuance of up to five (5) licenses for the collection of eggs, each with the ability to collect up to 250 wild eggs per year. One of the best things the rule can do to limit the negative effects of egg collection is to place a cap the number of licenses to three (3) or fewer. This simple action—which implements an explicit requirement of Enrolled Act 91 to set the number of licenses—would significantly reduce the harmful effects by reducing the number of eggs that can be taken to no more than 750 per year. 3- Expand restrictions on methods of the collection of eggs. The proposed rule allows the use of pointing breed dogs, but does not limit their number or the number of human handlers that may be actively searching for nests. It seems prudent to place limits on these numbers to minimize disturbance to nesting sage-grouse. 4- Limit the release of sage-grouse to non-core areas. The proposed rule allows the WGFD to "restrict areas of the state from sage grouse release to protect wild populations of sage grouse." To protect the genetic integrity of the greater sage-grouse, we recommend that farm raised birds not be released into core population areas of the state. 5- Prohibit the privatization of knowledge. The proposed rule should be revised to specify that information and experience gained by the licensee during the term of the license is public information and as such, should not be treated as proprietary trade secrets. It's bad enough that certain individuals in the state

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wish to privatize wild animals for profit, but allowing the same people to profit from the information and knowledge gained while doing so is completely unacceptable. 6- Require the licensee to pay for the costs. The WGFD is funded primarily by the sale of hunting and fishing licenses. The costs of administering this grouse farming program, from reviewing the applications, to supervising the collection of eggs, to conducting inspections of facilities, should not be passed on to hunters and anglers. The rule should contain cost recovery provisions to ensure that the licensee, not the public, pays for the cost of the program. 7- Egg collection activities must be supervised by the WGFD. The proposed rule allows—but does not require—the WGFD to supervise the collection of eggs. Collection activities will take place in remote areas of the state where no one is watching. To ensure that all requirements are enforced, WGFD personnel need to be present to monitor egg collection activities. 8- Impose penalties for non-compliance. The proposed rule states that the WGFD may suspend, revoke or not renew the certification granted to a licensee if violations occur. Yet minor game and fish violations may generate a substantial ticket or even jail time. Why should game bird farm operators be treated any differently? 9- prohibit genetic manipulation. To protect the genetic integrity of the species, the WGFD rule should prohibit the licensee from engaging in activities that are designed to alter the natural genetic composition of sage-grouse, e.g. selective breeding for size, adaptability, survival, etc. Thank you, -Kendall Brunette

Final Comment **Brunette, Kendall** **Pinedale, WY** 6/15/2017 5:34:00 PM

I encourage the WY Game and Fish commission to act very conservatively in allowing collection of grouse eggs and to implement the strictest of rules. We need to work on habitat issues, and not allow private companies to experiment with our wildlife!

Final Comment **Korfanta, Kris** **Ranchester, WY** 7/13/2017 8:36:00 PM

Are you kidding me? This idea is one of the dumbest idea I've ever heard. Sage Grouse are wild, and they should remain wild. Having people trekking more into their areas will just make it that much harder for them to support their natural population.

Final Comment **Springman, Brandt** **Riverton, WY** 7/12/2017 12:12:00 PM

I would like to see the Game and Fish's rules help bird farm operators rather than hinder their operation. Having stick requirements on square footage per bird burdens the bird farm operator. Could this be expanded to a larger number of birds? It would be beneficial to the operators if they were allowed and encouraged to experiment within their farms to find new strategies and practices that help the birds. It would help the operators if the record requirement was limited to pens instead of by bird.

Final Comment **Bebout, Eli** **Riverton, WY** 7/20/2017 3:38:00 PM

June 12, 2017 RE: Comments on Proposed Rules Regarding Captive Sage Grouse Operations On behalf of more than 3,000 members and supporters statewide, Wyoming Backcountry Hunters & Anglers (BHA) would like to express our concerns with rules proposed to facilitate the development of commercial captive sage grouse breeding operations in Wyoming. Backcountry Hunters & Anglers is committed to serving as a voice for our publicly owned and managed wildlife under the North American Model of Wildlife Conservation and public trust doctrine. As proposed, the rules undermine the bedrock of our wildlife management model by allowing publicly-owned wildlife to become the property of private parties for purposes of profit. We strongly oppose the concept of allowing for-profit entities to collect sage grouse eggs from the wild for captive breeding operations. Time and time again, research has clearly shown that the domestication of wild species through artificial captive production facilities, commonly lead to the introduction of diseases. These untested captive breeding systems send a false message that we can ignore the need to maintain habitat through a manufactured process, which would rely on a significant increase in financial and staff resources to manage. Wyoming has shown it can lead the way with collaboratively designed science-based land use plans which strike a balance between the need for habitat

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conservation and the demands for energy production. Approval of these regulations will detract from the agreements and progress that has been made to manage a sustainable population of wild sage grouse. We are admittedly opposed to such state-sanctioned systems which facilitate the privatization of our publicly-owned wildlife, we also understand the Wyoming Game & Fish Commission's limitations to stop such a system from moving forward. While we intend to work to reverse this damaging legislation, for now, to minimize harm to sage grouse populations, we urge the commission to do the following: • Prohibit the private sale of any, egg, bird or information regarding bird location. • Require any permit holder to pay full cost of wildlife biologist supervision, permit approval, disease inspection, etc. • Set a separate season for banded pen raised birds, which lasts for no more than one hour on September 1st. • Severely restrict approved egg harvest locations to no more than one acre for each permit holder. While we believe any harvest of private birds an assault on the North American Model, the rules changes suggested above should help minimize the on the ground impacts and unnecessary financial burden that has been put on the department by the legislature. Thank you for considering our comments and speaking-up in defense of our publicly-owned wildlife. Tim Brass State Policy Director Backcountry Hunters & Anglers tim@backcountryhunters.org

Final Comment

Brass, Timothy

Longmont, CO

7/6/2017 7:59:00 AM

Diamond Wings Upland Game Birds LLC Main Office Bird Farm 1541 Diamond Drive 1175 Lane 10 Casper, WY 82601 Powell, WY 82435 Wildlife Division ATTN: Regulations 303 Energy Lane Casper, WY 82604 Chapter 60, Regulation Governing Greater Sage-grouse Raised on Private Game Bird Farms. Thank you for the opportunity to comment on the proposed regulations. Our general comments apply to the document as a whole and hope they will strengthen the goal of the enabling legislation of establishing a captive breeding population of Greater Sage-grouse. The goal of establishing a captive population is to add another "arrow in the quiver" to mitigate the threat of having the Greater Sage-Grouse designated as endangered. The threat to Wyoming's economy if the bird is designated endangered is enormous. One study in 2015 projected an annual economic impact to the U.S. economy of \$5.6 BILLION. Because of the large expanse of Greater Sage-grouse habitat in Wyoming and the largest remaining population of Greater Sage-Grouse is in Wyoming, a disproportion share of the annual \$5.6 Billion impact would hit here. The U.S. Department of Interior has spent or committed \$670 Million to the Greater Sage-Grouse since 2010. The Wyoming experiment of allowing certified Game Bird Farms to raise Greater Sage-Grouse will add to, NOT REPLACE OR DIMINSH, any of the current efforts on behalf of the bird. The Game and Fish Commission should consider using a guiding policy to allow as much flexibility to a certified Game Bird Farm to experiment with the potential for success. Being excessively prescriptive will hamper the ability of the certified bird farm to experiment and discover the best practices. The attempts to raise Greater Sage-grouse heretofore have been academic in nature, not applied science in a large scale. The risk of failure will be on the bird farm operator, not on the State of Wyoming. Because of the limited applied and commercial scientific study that available concerning the captive rearing of the GSG, there needs to be enough flexibility to experiment with different protocols in all aspects. We have been fortunate to talk to a variety of people invested in different research including Dr. Tony Apa, Dr. Larry Clark, Bob Massey with the prairie chicken, Steve Sherrod at George Miksch Sutton Research Center studying the Attwater's prairie chicken, Bob Barry with international studies of various birds, Peter Jenny with the Peregrine falcon, and most recently a personal tour of Calgary Zoo's captive rearing program for the Greater Sage-grouse. A critical addition to the rules should be the specific authorization for the certified bird farm to experiment with types of feed, hatching facilities and procedures, breeding protocols, pen sizes, what vegetation is consistent with the needs of the bird, releasing procedures, how best to transport and other aspects of attempting to successfully raise a captive population of Greater sage grouse. While Diamond Wings Upland Game Birds disagrees with some of the recommendations of the SGIT in its letter signed by Chairman Bob Budd, we do agree with his comment, "It should be emphasized that our intent is to make this effort successful, if possible, and not to place undue restrictions or unreasonable limitations on the effort." It is also important to recognize the strong support the enabling legislation received in the recent legislative session. The bill sponsored by House Speaker Steve Harshman and advocated for in both the senate committee and on the floor of the Senate by President Eli Bebout passed the House 52 ay votes, 6 no votes with 2 excused and the Senate 22 ay votes and 8 no votes. Wyoming might also be in the vanguard position to attempt captive raising of Greater Sage-grouse because of Secretary of the Interior Ryan Zinke's order dated June 7, 2017, which included a specific reference to the department looking into the possibility of such an effort. We do not know of any other state attempting this initiative. Our specific comments are as follows: Insert new paragraph Section 3 (k) Experimenting means the endeavors of the licensed bird farm to test various types of feed, any and all types procedures, pen sizes and vegetation in an effort to raise a captive population of Greater Sage-grouse. Insert a new Section 11. Experimentation. (In addition, renumber the remaining sections

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accordingly) (a) The licensee is authorized to experiment with various types and sizes of enclosures. (b) The licensee is authorized to experiment with various types of hatching facilities. (c) The licensee is authorized to experiment with various types of vegetation consistent with the needs of the bird. (d) The licensee is authorized to experiment with various types of feeds and feeding protocols. (e) The licensee is authorized to experiment with various types of bird transportation. (f) The licensee is authorized to experiment with various types of release processes. In section 11. Records: change the requirement for disease testing and certification results from individual birds to individual pens of birds consistent with guidelines in NPIP. Keeping records on potentially large numbers of birds will be unnecessarily burdensome. In section 7. Sage grouse Enclosure: delete any reference to square footage required by bird. The certified bird farm operator will be responsible to determine the necessary square footage for the health and success of the bird. Should the rules be modified to allow flexibility to enhance the potential of success, we look forward to working with the Wyoming Game and Fish toward the desired end of preserving the Greater Sage-grouse should Diamond Wings become a certified game farm for Greater Sage-grouse. Thanks for your consideration Diemer True Karl Bear Owner Manager

Final Comment	True, Diemer	Casper, WY	7/24/2017 2:48:00 PM
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I believe this new law/ruling concerning sage grouse is ill-conceived, poorly thought out and dangerous for the sage grouse's future. The data I have read does not At All support the concept and will certainly lead to this grouse being listed as endangered, which seems to be Not the goal of the governor. I can not imagine who, why and how this plan/idea has passed through the congress. I am flabbergasted, dismayed and, obviously, made inarticulate this has come to pass. PLEASE rethink this plan and come up with a different alternative to provide Wyoming and, thus, this country, with a solid management goal for our sage grouse. Thank you, thank you, thank you for all you can do.

Final Comment	krall, sarah	Lander, WY	7/13/2017 9:54:00 PM
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I do not think that private entities should be allowed to gather Greater Sage Grouse eggs and release resulting birds later into the wild. If this is to be done, it should be done by the Game and Fish itself. I can see all sorts of potential problems like disease resulting from this idea. A program like this should be handled by the Game and Fish itself. What else are they for?

Final Comment	Ross, Cynthia	Sheridan, WY	7/17/2017 4:16:00 PM
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Wyoming Game and Fish Department
Comment Form



The Department welcomes public comment regarding proposed changes to regulations. Questions about these proposed regulation changes should be directed to Department Regional Offices. No individual Department response will be generated from questions through this forum.

Written comments shall be accepted at all public meetings, by standard mail at the address below, or on the WGFD website at <https://wgfd.wyo.gov/Get-Involved/Public-Meetings>. Comments will not be accepted via email, fax or telephone.

All written comments must be received at the below address no later than 5:00 p.m., July 25, 2017.

Wyoming Game and Fish Department
Wildlife Division
ATTN: Regulations
3030 Energy Lane
Casper WY 82604



Please use a separate form for each of the categories below:

- Chapter 40, Regulation Governing Commercial Game Bird Farms
- Chapter 60, Regulation Governing Greater Sage-grouse Raised on Private Game Bird Farms (New)

Comments:

While this comment is not directly on the draft regulation 5-22-17.12, I would suggest the development of parameters to measure the success or failure of the captive-breeding program, and if it is determined that the program is not successful, to establish a procedure for termination of the program prior to the sunset date of December 31, 2022.

BDR

(Please use reverse for additional comments.)

Bayard D. Rea
Printed Name

6/16/2017
Date

*5200 Yesness Lane
Casper WY 82604*

bdr1ea@tribcsp.com

mail





To whom it may concern

I applaud the 2017 State Legislature for passing House Bill 217. I think it is way overdue but realize quality work takes time to happen. I am a former oil rig worker who has been laid off because Sage Grouse were starting the mating season. I find it very dissapointing that the Wyoming Game and Fish wouldnt make egg collection happen in 2017, one year wasted. Let's hope the time wasted in 2017 will result in a quality job done in 2018 Sage Grouse are a native bird, unique and beautiful. They are similar to any farmers setting hen in that if you collect all the eggs each day they will keep laying to at least 60 eggs per hen, if allowed to sit they will stop at a full nest, 6-10 eggs. If 2 eggs are collected from each nest 4 days into the nesting time of the Sage Grouse in the leak to be collected from and they are collected 2 hours pre sun up the hens will probley return to their nest as soon as the sun comes up or during the dusk time frame thus keeping the remaining eggs warm. That means the egg gatherers need to get 2 eggs from 5 nests in each leak to be collected from a total of 25 different leaks preferably in 25 locations a few miles apart, the greater the disstance the better To do this I think if at all possible and the National Guard is willing to use their night vission infared head gear and supply 25 Guardsmen to 25 teams and the bird farm and the Wyoming Game and Fish 25 people to make up the 2 person teams. The Guardsmen would wear their head gear and the other people would wear black light head lights a spectrom game birds cant see. The Guardsmen

mail



would carry a small cooler with a hot water bottle 5 degrees warmer than the Sage Grouse hens body temperature, they would also locate the warm bodied hen with infared, the other person would gather the 2 eggs and put them in the emty egg carton in the cooler. If camunication is nessary it would need to be a low whisper. Git the eggs ,git out of the leak as soon as possible then open the cooler and the color code the eggs with a felt tip marker asigned to that leak. The eggs would need to be drove to Game Bird Farm as soo as possible so that they dont git chilled, they would then go into the incubater and then hatcher taking care that the chicks cant mix with other chicks from other leaks untill a leak identifying leg band could be installed. Once this is done they could be put into 2 seperate brooder barns 1/2 the hatched chicks from each leak in 1 barn and the rest in the other. ^{THEY} Before are old enough to mate they would be seperated by sex the males put with the females from another leak that is seperated geografically this would insure that no inbreeding could happen. Any bird realeased from stock could be nonrealated to the leak they are realeased in . If a new leak is started a varied genetically batch of birds could be realeased

Now for the math

250 eggs 100% hatched= 250 birds 1/2 Male 1/2 Female

250 eggs 75% hatched 162 birds 1/2 Male 1/2 Female

250 eggs 50 % hatched 125 birds 1/2 Male 1/2 Female

One year old birds could produce the folling amount of eggs

125 hens would lay around 7500 eggs 3750 Male 3750 Female

81 hens would lay around 4860 eggs 2430 Male 2430 Female

63 hens would lay around 3780 eggs 1890 Male 1890 Female

2 years into the project the numbers would be around

$3750+125=3875$ hens could lay 232,500 eggs

$2430+81=2511$ hens could lay 150,600 eggs

$1890 + 63 = 1953$ hens could lay 117,180 eggs

As you can see captive breeding Sage Grouse will limit any threat that the Sage will become extinct. Habitat improvement can't make that claim. I feel all sides need to work together and not just insist on their way only point of view. By doing that habitat can be improved while Oil workers work year around and Ranchers ranch year around. The winner the Sage Grouse

Copys sent to The Wyoming Game and Fish

Interior Secretary Ryan Zinke

Senator Eniz

Senator Barasso

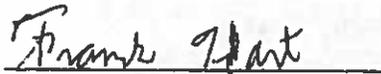
Representative Cheney

The Powell Tribune

The Casper Star Tribune

as well as others

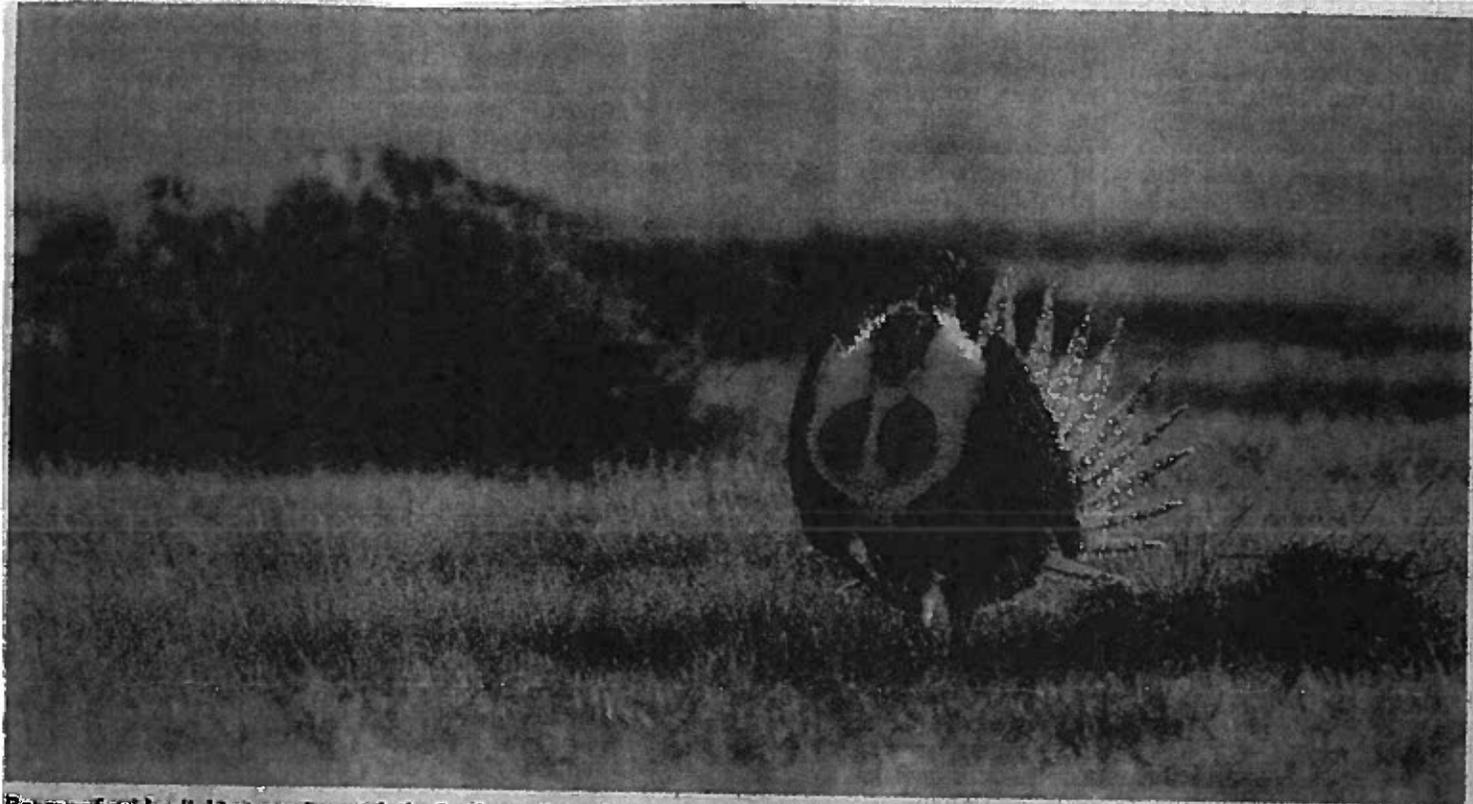
Sincerely Frank Hart



1252 road 4

Powell Wy 82435-8316

1-307-754-9387



Beams of golden light at sunrise catch the feathers of a male sage grouse as it displays for females in a lek near Heart Mountain on preserved sagebrush habitat in Park County. The ground-dwelling bird is the subject of conservation regulations currently being reviewed by new Interior Secretary Ryan Zinke. Wyoming has 26 percent of the world's sagebrush habitat and 37 percent of the total population of sage grouse.

Tribune photo by Mark Davis

FEDERAL SAGE GROUSE POLICY

Trump administration calls for review

BY MARK DAVIS
Tribune Staff Writer

Lost in a national news cycle dominated by testimony from former FBI director James Comey, Secretary of the Interior Ryan Zinke penned secretarial order 3353 — announcing the formation of an internal review team to evaluate both federal and state greater sage grouse conservation plans to ensure they are complementary.

As the team explores possible modifications to federal sage grouse plans, it will also consider local economic growth and job creation, according to Thursday news release from the Department of the Interior.

The team will consist of officials from the Bureau of Land Management, U.S. Fish and Wildlife Service and the U.S. Geological Service.

"They are charged with evaluating federal and state plans, highlighting innovative ideas, including captive breeding," Zinke said.

The former congressman from Montana said in a Wednesday conference call that, in the effort to save the imperiled greater sage grouse, he wants to be a good neighbor and partner with states and private industry.

"We want to be advocates, not adversaries," he said.

Zinke said he spends time on the front line in conversations, talking to people concerned over

heavy-handed management of private industry on public lands under the Bureau of Land Management.

"There is mistrust and anger about our actions," he said. "Uncertainty breeds distrust. Our most important task is to restore trust that the federal government can be a good steward of public lands."

He highlighted complaints from several Western governors — including Brian Sandoval of Nevada, Gary Herbert of Utah and Butch Otter of Idaho — that their concerns were ignored as the plan was developed. The three want a plan which relies less on habitat preservation and more on sage grouse population, Zinke said.

The secretary's order last week resulted in protests from not only conservation organizations, but also from officials who worked on the collaborative, multi-state Obama administration-era National Greater Sage-Grouse Planning Strategy.

The protests include a letter penned by Wyoming governor Matt Mead and Colorado governor John Hickenlooper.

"We understand that you are considering changing the department's approach to sage-grouse, moving from a habitat management model to one that sets population objectives for the states," read the governors' May 26 letter to Zinke. "This is not

See Grouse, Page 8

Grouse: 'Scienc

Continued from Page 1

the right decision."

Former Wyoming governor Dave Freudenthal, as well as current governor Mead, were instrumental in the collaborative effort despite the state's dependency on the development of natural resources including oil, natural gas and coal.

Wyoming has more than 26 percent of the world's sage grouse habitat and 37 percent of the bird's population. Once numbering in the millions, current estimates of the population are between 200,000 to 500,000.

Tom Christiansen, sage grouse program coordinator for the Wyoming Game and Fish Department, has been studying the species for 30 years and worked on the collaboration.

"The effort was not simply to avoid listing [sage grouse as an endangered species]. It was a true conservation effort by all involved," he said.

Christiansen has led the Game and Fish effort since 2004. But he's also an advocate for sage grouse hunting and personally harvests sage grouse every year.

"[Hunting is] not a matter of yes or no," Christiansen said. "It's a matter of how."

Wyoming currently offers a two-week season with a bag limit of two in most of the state; Christiansen is one of the season's biggest proponents.

He's also part of the state's team that will be working to implement new Game and Fish regulations to comply with House Bill 217, passed by the 2017 Wyoming Legislature. It gives privately owned game farms the right to collect wild greater sage grouse eggs and raise chicks to release in an effort to increase population.

"The governor didn't sign the bill," said Holly Copeland, a geospatial ecologist and president of the Wyoming chapter of The Wildlife Society, adding, "I agree with Mead."

The society is a national professional organization of scientists that isn't outspoken unless they have grave concerns, according to Copeland.

"Science doesn't support what



Sage grouse display on a lek during the bird's spring mating ritual at the Nature Conservancy's Heart Mountain Ranch Preserve. Tribune photos by John Parker

they're proposing," Copeland said. "This is a habit issue and we need to focus on habitat."

Christiansen, despite being charged with implementing state law, doesn't have faith in the ability to help wild populations by rearing chicks at game farms.

"Intact sagebrush habitat is important. No sagebrush, no sage grouse," he said.

Jamie Rappaport Clark, president and CEO of Defenders of Wildlife, issued a statement after Zinke ordered the review of the federal government's sage grouse efforts.

"Messing with these plans now will not only threaten years of collaborative conservation planning, but also communities and economies that depend on this vibrant ecosystem," Rap-

paport Clark said. "In fact, a transparent, science-based review would find that we should strengthen protections for sage grouse in the federal plans."

She said Secretary Zinke's order could have far-reaching consequences.

Many involved in the collaborative effort are concerned a review of the 2015 sage grouse planning effort could lead to

lawsuits and result in the greater sage grouse being listed as an endangered species. Listing the greater sage grouse would come with strict rules on land use in its habitat — likely impacting oil and gas development — and end hunting seasons.

There is also a list of other species dependent on sagebrush ecosystems.

"What we're really talking

about is sage grouse being a flag-bearer for a large list of species," Christiansen said. "But we live here too. We're trying to find a sustainable existence."

Greater sage grouse populations vary dramatically from three- to five-year cycles. The fact makes it important to watch the results of conservation efforts for long periods of time, according to Christiansen. Yet conservation efforts are led by political appointees in similar cycles.

"There's the rub," Christiansen said. "We need consistent actions across long periods of time."

Zinke directed federal agencies to give him recommendations in 60 days.

"I'm confident our plans will be successful and will not require a listing," he said.

INPUT SOUGHT ON SAGE GROUSE-REARING REGS

The Game and Fish is holding a public meeting and is taking comments on proposed game bird farm and greater sage grouse raised on private game bird farm regulations. The proposals will make Game and Fish regulations comply with legislation passed by the 2017 Wyoming Legislature.

The meeting will be held Thursday at 6 p.m. at the Game and Fish Office in Casper. There will also be an online meeting at noon, accessible at <https://wgrfd.wyo.gov/Get-Involved/Public-Meetings>.

Written comments on the proposed regulations will be accepted through

5 p.m. July 25, by mailing Wyoming Game and Fish Department, Regulations, 3030 Energy Lane, Casper, WY, 82404 or online at <https://wgrfd.wyo.gov>. Written comments will be presented to the Game and Fish Commission prior to a public hearing at its Aug. 23 meeting in Casper.

Wyoming Game and Fish Department
Comment Form



The Department welcomes public comment regarding proposed changes to regulations. Questions about these proposed regulation changes should be directed to Department Regional Offices. No individual Department response will be generated from questions through this forum.

Written comments shall be accepted at all public meetings, by standard mail at the address below, or on the WGFD website at <https://wgfd.wyo.gov/Get-Involved/Public-Meetings>. Comments will not be accepted via email, fax or telephone.

All written comments must be received at the below address no later than 5:00 p.m., July 25, 2017.

Wyoming Game and Fish Department
Wildlife Division
ATTN: Regulations
3030 Energy Lane
Casper WY 82604

Please use a separate form for each of the categories below:

- Chapter 40, Regulation Governing Commercial Game Bird Farms
- Chapter 60, Regulation Governing Greater Sage-grouse Raised on Private Game Bird Farms *(New)*

Comments:

Please consider closing the hunting season in any area where eggs will be collected to minimize the impact on that population.



(Please use reverse for additional comments.)

Joe Mac Guire
Printed Name

7-6-2017
Date

mail

Wyoming Game and Fish Department
Comment Form



The Department welcomes public comment regarding proposed changes to regulations. Questions about these proposed regulation changes should be directed to Department Regional Offices. No individual Department response will be generated from questions through this forum.

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All written comments must be received at the below address no later than 5:00 p.m., July 25, 2017.

Wyoming Game and Fish Department
Wildlife Division
ATTN: Regulations
3030 Energy Lane
Casper WY 82604

Please use a separate form for each of the categories below:

- Chapter 40, Regulation Governing Commercial Game Bird Farms
- Chapter 60, Regulation Governing Greater Sage-grouse Raised on Private Game Bird Farms (New)

Comments:

PLEASE CONSIDER CLOSING THE GREATER SAGE-GROUSE HUNTING SEASON IN THE AREAS WHERE EGGS ARE TO BE COLLECTED. THIS SHOULD LESSEN THE IMPACT ON THE BIRD POPULATION BY NOT HARVESTING THE ADULTS AS WELL AS THE EGGS.

RECEIVED
JUL 25 2017
WYOMING GAME & FISH
WILDLIFE DIVISION
CASPER, WYOMING

(Please use reverse for additional comments.)

RICHARD F. BUZAKO
Printed Name

7-23-17
Date

mail



SARATOGA-ENCAMPMENT-RAWLINS CONSERVATION DISTRICT

101 Cypress Avenue, P.O. Box 633, Saratoga, WY 82331

Phone: 307-326-8156, FAX: 307-326-8572 www.SERCD.ORG

July 21, 2017

Wyoming Game and Fish Department (WGFD)
Wildlife Division
ATTN: Regulations
3030 Energy Lane
Casper, WY 82604



SUBJECT: CHAPTER 60, REGULATION GOVERNING GREATER SAGE-GROUSE RAISED ON PRIVATE GAME BIRD FARMS (NEW)

Dear WGFD Wildlife Division and Wyoming Game and Fish Commission Members,

Following are the Saratoga-Encampment-Rawlins Conservation District's (District) comments pertaining to the Wyoming Game and Fish Department's (WGFD), New Chapter 60, Regulation Governing Greater Sage-grouse Raised on Private Game Bird Farms (Draft Rules).

Our comments are specific to our mission as a local government entity: develop and direct programs to promote long-term conservation and enhancement of our natural resources while contributing to the economic stability of the district and its residents. As these Draft Rules have potential impacts to the conservation of our natural resources and the stability of the district and residents, we believe it is important you continue to inform us of actions and decisions on these Draft Rules. We appreciate the continued opportunity to express the importance of pertinent issues and concerns.

While the District does not support the practice of raising greater sage-grouse on private game farms in Wyoming, we understand and appreciate the efforts of the WGFD to comply with Enrolled Act No. 91 (HEA No. 91) of the Sixty-Fourth (2017) Legislature of the State of Wyoming. We have reviewed the Draft Rules and submit the following comments.

We suggest document consistency in the Draft Rules, as is done in State of Wyoming Executive Order 2015-4 (Executive Order). For each and every instance when discussing *Centrocercus urophasianus*, it should be stated as Greater sage-grouse (capital 'G' and hyphen between sage-grouse). Although definition (h) "Sage Grouse" uses the words sage grouse with and without a hyphen, we do not believe this to be technically correct or definitively clear. We believe consistency with the Executive Order is prudent.

mail

Section 3. Definitions.

A definition for “disturbed” in W.S. § 23-5-11 (e) (iii) “No more than forty (40) nest sites in a single collection area may be disturbed by the game bird farm licensee in any calendar year; and” is needed.

Section 4. Application for Game Bird Farm Licensee Sage Grouse Certification.

(a) We suggest adding the word “Wyoming” between “Any” and “game” so the sentence would read “Any Wyoming game bird farm licensee...”. We believe it should be specifically stated that only Wyoming game bird farm licensees can make application for sage-grouse certification so that an out of state game bird farm licensee cannot make application.

Section 8. Acquiring Sage Grouse for Captive Rearing.

The State of Wyoming along with private landowners, local, state, and federal partners have invested countless hours of work and millions of dollars into Greater sage-grouse conservation efforts in Wyoming. The relationships formed by working together should not be compromised by this effort. We believe it is vital to include annual local notification on proposed “Collection Areas” and solicit input from the sage-grouse Local Working Groups and the public as is done for setting big game seasons. The Draft Rules, Section 8 should begin with a provision to include this local process as an official step in identifying “Collection Areas”. We believe if this step is not outlined in the rules, it may or may not occur.

Section (g) includes a list of the minimum requirements specified in the game bird farm license certification. Although Section 8 (b) states “A maximum of two hundred fifty (250) sage grouse eggs may be collected during a calendar year by a licensee as annually determined and authorized by the Department” we believe the number of Greater sage-grouse eggs allowed for annual collection should be one of the requirements identified as a minimum requirement of the Certification from the Department.

Section 9. Release of Sage Grouse.

Between the first and second sentence we suggest adding the statement “All captive raised sage-grouse released will occur in Wyoming.” While this may be implied, we strongly believe it needs to be stated in the rules.

Section 12. Inspection by Department Personnel.

SERCD would like to see the addition of “welfare of the sage-grouse” to the list of the items that can be inspected by Department personnel in section 12 of the Draft Rules. Overall, this addition would be beneficial to insure this general provision for inspection in addition to the specifics already listed.

We strongly suggest the WGFD identify and publicly publish how success of this program will be measured and determined. Additionally, information regarding activities related to these Draft Rules should be publicly accessible on the WGFD website to include but not be limited to: Bird Farms holding licenses, number of Greater sage-grouse eggs collected, number of Greater sage-grouse eggs hatched, number of Greater sage-grouse chicks surviving at 30 days old, number of Greater sage-grouse released into the wild, and number of live Greater sage-grouse 180 days post-release.

We appreciate the Wyoming Game and Fish Department in their efforts to provide Draft Rules for Chapter 60, Regulation Governing Greater Sage-grouse Raised on Private Game Bird Farms. We

encourage continued attention to the impacts the Draft Rules have upon natural resources and the economic stability of our district and its residents and keep everyone informed of the associated activities. We request notification when the WGFD receives an application for a game bird farm licensee Greater sage-grouse certification from a Carbon County-based entity. We also request annual notification of all "Collection Areas" in the State.

If we can be of further assistance, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Arla Strasser".

Arla Strasser
Board Chair

AS/lc

CC: Senator Larry Hicks
Representative Donald Burkhart
Representative Jerry Paxton
Jerimiah Rieman, Governor Mead's Policy Office

July 25, 2017

Dear President Culver and Wyoming Game and Fish Commissioners,

I submitted the attached comments on the draft Chapter 60 regulations regarding sage-grouse farms in Wyoming via the WGFD website on July 24, 2017. However, some of the track changes suggestions may be difficult to follow due to the format of the on-line submittal system. Consequently, I am providing a hard copy of my input for your consideration at the August 23, 2017 Commission Meeting to be held in Casper.

Thank you for your consideration of these comments.

Respectfully,



Gwyn McKee
Banner, WY



Casper

Great Plains Wildlife Consulting, Inc.

70 Upper Prairie Dog Rd • Banner, Wyoming 82832-9733
Phone (307) 674-1742 • Cell (307) 689-5571 • E-mail: g_mckee@vcn.com

July 24, 2017

Dear President Culver and members of the Wyoming Game and Fish Commission,

Thank you for the opportunity to comment on the proposed new Chapter 60 regulations governing Greater sage-grouse (hereafter, sage-grouse) farms in Wyoming.

I have helped collect, transport, and artificially incubate well over 100 eggs from active bald eagle nests in the wild, along with those from numerous other wild or captive hawk and owl species. I also reared, released, and tracked a great many of the young raptors involved in those efforts. In addition, I have artificially incubated tens of thousands of *Coturnix* quail eggs and raised the young to harvesting age. All of those activities were performed for various raptor propagation and reintroduction programs across the country. So I have at least some level of familiarity with the techniques needed to successfully perform these tasks with wild and propagated eggs and young from multiple avian species.

While I continue to strongly object to sage-grouse bird farms in Wyoming, I would like to offer my sincere compliments to and commendations for the Wyoming Game and Fish Department (Department) for drafting regulations that clearly put the species' best interests first.

I respectfully offer the following input for the Commissioners' consideration to help refine the strong foundation established by the Department in its draft Chapter 60 regulations to maximize protection of our wild sage-grouse populations. My input is shown in the bullet list below, including track changes to certain text in the draft Chapter 60 regulations, followed by supporting reasons for any proposed revisions.

➤ **GENERAL COMMENT**

Please confirm that additional provisions outlined in Enrolled Act No. 91 (EA 91) but not specifically identified in the proposed Chapter 60 regulations still apply. Examples include, but are not necessarily limited to:

- EA 91 Section 1(b)(i) states that "The licensee has successfully raised from eggs or chicks at least two (2) other species of game bird in accordance with this act for not less than three (3) consecutive years."
- EA 91 Section 1(e)(iii) specifies that "No more than forty (40) nest sites in a single collection area may be disturbed by the game bird farm licensee in any calendar year."

As indicated, no such specifications or limitations appear to be outlined in the draft Chapter 60 regulations or the current Chapter 40 regulations, though I assume they still apply given their inclusion in EA 91.



hand delivered - Casper

➤ **SECTION 3. DEFINITIONS.**

▪ **Section 3(d):** “Coordination with the Department” means the game bird licensee shall contact the Department representative listed on their Certificate of Compliance to receive authorization at least ~~ten (10)~~thirty (30) business-calendar days prior to any release of sage grouse within the state and outside of the boundaries of a game bird farm, or to release sage grouse where wild sage grouse exist within the boundaries of an existing game bird farm, or at least ten (10) business days prior to collection of any sage grouse eggs within the state after first receiving an annual Certification from the Department; no sage-grouse shall be released or eggs collected outside the state. A 60-2 Department representative may observe and direct any release of sage grouse or collection of any sage grouse eggs.”

SUPPORT FOR REQUESTED REVISIONS TO SECTION 3(d)

As outlined in Sections 6e and 6i of the draft Chapter 60 regulations, licensees must begin the process for release at least 30 days in advance in order to adequately segregate and test all sage-grouse scheduled for release. That means that the licensee will know exactly how many sage-grouse they plan to release at least 30 days ahead of time, so it should not be a hardship for them to contact the Department for authorization to do so at the same time they perform these other required actions (i.e., a minimum of 30 calendar days prior to release).

Additionally, 10 business days may not allow adequate time for Department personnel to thoroughly review, consider, and respond to the requested authorization. Likewise, having only 10 business days between a requested release and actual release may not allow adequate time for the licensee to respond to any requested or required changes from the Department as a result of its review prior to the scheduled release date, thus potentially impacting the operations of the licensee (e.g., should a client hunt be scheduled on a particular day).

Department personnel stated in the webcast posted on the page associated with this public comment period that sage-grouse are currently intended to be released only in Wyoming. The language in Section 9 implies this limitation on released birds, as well. Section 8(a) references restrictions on importing birds into Wyoming for propagation, but clarifying the intent of the regulations to limit all aspects of the program (egg collection, propagation, and release) to within the state’s borders would help all parties understand the parameters within which such game farms must operate in the state.

▪ **Section 3(i):** “Successfully Raised” means documented evidence, as required by the Department, that a licensee has demonstrated an ability to hatch ~~game-birds~~sage-grouse eggs or brood chicks, raise juvenile ~~game-birds~~sage-grouse to breeding age and achieve reproduction of ~~game-birds~~sage-grouse through either natural or artificial insemination.”

SUPPORT FOR REQUESTED REVISIONS TO SECTION 3(i)

While previous and proven success raising other game bird species is a requirement for licensing of sage-grouse farms (per EA 91, Section 1[b][i]), the language in this section should be revised to be specific to sage-grouse. The current 5-year term of this legislation implies that, if “success” in sage-grouse farms is not achieved in that period, the program will, and should be, discontinued.

The proposed revisions also are consistent with language addressing “reproductive success” and “necessary to successfully hatch sage grouse eggs” provided in Section 3(a) and Section 3(f), respectively.

➤ **SECTION 4. APPLICATION FOR GAME BIRD FARM LICENSEE SAGE-GROUSE CERTIFICATION**

▪ **Section 4(d):** “The Department shall provide annual Certification to no more than ~~five~~ two (2) licensed game bird farms to collect sage grouse eggs from the wild in any given year through December 31, 2022 (initial effective period of the regulations); no more than five (5) such game farms shall be authorized in any subsequent year and only if requirements for success as defined in Section 3(a) are met. If more than the authorized number of five (5) licensed game bird farms apply for annual Certification during these respective periods, the Department shall conduct a random drawing to determine which applicants shall receive Certification.”

SUPPORT FOR REQUESTED REVISIONS TO SECTION 4(d)

EA 91, Section 1(e)(v)(B) states that the rules outlined in the new Chapter 60 permit shall establish “The number of licensees authorized to collect eggs.” This language gives the Department the flexibility to exercise caution during at least the current 5-year period of EA 91. I respectfully urge the Commissioners to employ that caution, allowing the program to move forward judiciously while also ensuring that we maximize protection of our wild populations during the “learning” phase of this effort.

The current language would potentially allow for the removal of up to 1,250 (up to 5 licensees per year at 250 eggs each [per Section 8b]) sage-grouse eggs within each year of the specified 5-year term of EA 91 and the proposed Chapter 60 regulations, for a total of up to 6,250 eggs during that period. Multiple active nests will be impacted each year during nest searches and egg collection, regardless of annual goals or limits. Recent literature does not support the likelihood of success to the extent necessary to warrant this level of egg collection without first proving that it will work (referenced literature was provided during the legislative session and is available upon request).

Given the documented and consistently extremely limited success in captive rearing, propagation, and release of sage-grouse (including greater sage-grouse), as reported in multiple recent peer-reviewed publications, and the current lack of experience or success in captive rearing of sage-grouse in Wyoming, it would seem to be more appropriate to limit the potential number of initial licensees to no more than two (2) until it can be proven that Wyoming game bird farms can successfully transition to and consistently accommodate the highly specialized needs of sage-grouse. Allowing up to two (2) potential operators per year during the initial 5-year term of EA 91 prevents the outcome of this effort from being determined by a sole “experiment” while still minimizing potentially damaging impacts to our wild populations. Should this program prove to be successful during the initial 5-year term, it could presumably be extended by future state legislators, if warranted.

➤ **SECTION 7. SAGE GROUSE ENCLOSURE**

Please consider adding language similar to that provided under Section 6(g) to this section as a **new Section 7(d):**

Department personnel shall inspect a licensee's enclosure, hatchery facility and sage grouse a minimum of one (1) time per year to insure that all requirements outlined in Section 7 are being met.

SUPPORT FOR REQUESTED ADDITION OF A NEW SECTION 7(d)

Annual inspections under Section 7 appear to be warranted and justified based on at least the following factors:

- The requirements under Section 7 are essential and critical to the potential for both short- and long-term success of this effort;
- It may take multiple years to properly establish appropriate sagebrush habitats within the enclosure(s) before acquiring sage-grouse or sage-grouse eggs;
- The condition/configuration of enclosures would presumably contribute to the likelihood of disease transmission.

These components are no less important than the required precautions for disease control, and such inspections could be performed concurrently with annual disease monitoring. Perhaps inspections of other components of the facilities are implied during the latter monitoring, but I believe it would be helpful to the Department and prospective licensees to clarify a requirement for annual inspections of all facilities up front.

➤ **SECTION 8. ACQUIRING SAGE GROUSE FOR CAPTIVE REARING**

- **Section 8(g)(iv):** “The maximum number of nests where a licensee may collect sage grouse eggs in each authorized egg collection area within the state, not to exceed forty (40) nests per area;”
- **Section 8(g)(v):** “Sage grouse egg collection shall only take place for up to twenty (20) days from between April 1 through and May 31, as determined by the Department;”
- **Section 8(g)(vi):** “A licensee shall spend no more than one (1) day searching for and/or collecting sage grouse eggs in each assigned collection area;
- **Section 8(g)(viii):** “The use of pointing breed dogs shall be permitted for locating sage grouse nest sites and egg collection if they are proven not to break point and such confirmation is provided to the Department with the license application;”

SUPPORT FOR REQUESTED REVISIONS TO SECTION 8

As noted previously, EA 91 Section 1(e)(iii) specifies that “No more than forty (40) nest sites in a single collection area may be disturbed by the game bird farm licensee in any calendar year.” Clarifying actual start and end dates can be helpful, even though it should be clear as written. It is likely implied, but it might be helpful to clarify whether or not the one (1) day collection limitation also applies to searching for nests. Young dogs not fully trained could potentially break their point and injure nesting hens or eggs, though presumably a licensee would not risk that given that even broken eggs count toward their annual limit. Nevertheless, these clarifications could remove room for doubt under certain circumstances.

➤ **SECTION 9. RELEASE OF SAGE GROUSE**

“Release of sage grouse and release methods shall only be permitted through coordination with the Department, and shall occur only within Wyoming. The Commission may restrict areas of the state from sage grouse release to protect wild populations of sage grouse.

SUPPORT FOR REQUESTED REVISIONS TO SECTION 9

Please see previous input regarding limiting all aspects of this program to occur within the state of Wyoming.

➤ **SECTION 13. SUSPENSION, REVOCATION OR NON-RENEWAL OF CERTIFICATION**

“Failure to comply with provisions of this Chapter or Wyoming Statutes governing game bird farms or to maintain a captive breeding population is just cause for the suspension, revocation or non-renewal of a certification. The suspension, revocation or non-renewal of a certification by the Department shall be carried out in compliance with Chapter 27, Rules of Practice Governing Contested Cases before the Wyoming Game and Fish Commission. All records related to actions occurring at the facility and not previously submitted to the Department as part of annual reporting requirements must be turned over to the Department within 60 days after expiration, suspension, or revocation of the game bird farm certification.

SUPPORT FOR REQUESTED REVISIONS TO SECTION 9

The proposed addition to Section 13 may help ensure that the Department secures all relevant information within a reasonable timeline following any of these actions. Such information may be useful to other potential licensees or to the Department for future management decisions.

➤ **ADDITIONAL CONSIDERATIONS FOR CONSISTENCY IN THE DOCUMENT**

- Hyphenate sage-grouse throughout for consistency with the first mention.
- I think sagebrush is one word (Section 3[j]).
- Italicize scientific names, where appropriate (sage-grouse in Section 3[h], diseases listed under 6[e]).

Again, I appreciate the opportunity to offer my thoughts about these draft Chapter 60 regulations, and applaud the Department for its efforts to attempt to develop a responsible program, as required by EA 91.

Respectfully,



Gwyn McKee
President/Principal Biologist
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(307) 674-1742 (office)
(307) 689-5571 (cell)
g_mckee@vcn.com

Diamond Wings Upland Game Birds LLC

Main Office
1541 Diamond Drive
Casper, WY 82601



Bird Farm
1175 Lane 10
Powell, WY 82435

Wildlife Division
ATTN: Regulations
303 Energy Lane
Casper, WY 82604

Chapter 60, Regulation Governing Greater Sage-grouse Raised on Private Game Bird Farms.

Thank you for the opportunity to comment on the proposed regulations.

Our general comments apply to the document as a whole and hope they will strengthen the goal of the enabling legislation of establishing a captive breeding population of Greater Sage-grouse. The goal of establishing a captive population is to add another "arrow in the quiver" to mitigate the threat of having the Greater Sage-Grouse designated as endangered. The threat to Wyoming's economy if the bird is designated endangered is enormous. One study in 2015 projected an annual economic impact to the U.S. economy of \$5.6 BILLION. Because of the large expanse of Greater Sage-grouse habitat in Wyoming and the largest remaining population of Greater Sage-Grouse is in Wyoming, a disproportion share of the annual \$5.6 Billion impact would hit here.

The U.S. Department of Interior has spent or committed \$670 Million to the Greater Sage-Grouse since 2010. The Wyoming experiment of allowing certified Game Bird Farms to raise Greater Sage-Grouse will add to, NOT REPLACE OR DIMINSH, any of the current efforts on behalf of the bird.

The Game and Fish Commission should consider using a guiding policy to allow as much flexibility to a certified Game Bird Farm to experiment with the potential for success. Being excessively prescriptive will hamper the ability of the certified bird farm to experiment and discover the best practices. The attempts to raise Greater Sage-grouse heretofore have been academic in nature, not applied science in a large scale. The risk of failure will be on the bird farm operator, not on the State of Wyoming. Because of the limited applied and commercial scientific study that available concerning the captive rearing of the GSG, there needs to be enough flexibility to experiment with different protocols in all aspects. We have been fortunate to talk to a variety of people invested in different research including Dr. Tony Apa, Dr. Larry Clark, Bob Massey with the prairie chicken, Steve Sherrod at George Miksch Sutton Research Center studying the Attwater's prairie chicken, Bob Barry with international studies of various

birds, Peter Jenny with the Peregrine falcon, and most recently a personal tour of Calgary Zoo's captive rearing program for the Greater Sage-grouse.

A critical addition to the rules should be the specific authorization for the certified bird farm to experiment with types of feed, hatching facilities and procedures, breeding protocols, pen sizes, what vegetation is consistent with the needs of the bird, releasing procedures, how best to transport and other aspects of attempting to successfully raise a captive population of Greater sage grouse.

While Diamond Wings Upland Game Birds disagrees with some of the recommendations of the SGIT in its letter signed by Chairman Bob Budd, we do agree with his comment, "It should be emphasized that our intent is to make this effort successful, if possible, and not to place undue restrictions or unreasonable limitations on the effort."

It is also important to recognize the strong support the enabling legislation received in the recent legislative session. The bill sponsored by House Speaker Steve Harshman and advocated for in both the senate committee and on the floor of the Senate by President Eli Bebout passed the House 52 ay votes, 6 no votes with 2 excused and the Senate 22 ay votes and 8 no votes.

Wyoming might also be in the vanguard position to attempt captive raising of Greater Sage-grouse because of Secretary of the Interior Ryan Zinke's order dated June 7, 2017, which included a specific reference to the department looking into the possibility of such an effort. We do not know of any other state attempting this initiative.

Our specific comments are as follows:

Insert new paragraph Section 3 (k) Experimenting means the endeavors of the licensed bird farm to test various types of feed, any and all types procedures, pen sizes and vegetation in an effort to raise a captive population of Greater Sage-grouse.

Insert a new Section 11. Experimentation. (In addition, renumber the remaining sections accordingly)

- (a) The licensee is authorized to experiment with various types and sizes of enclosures.
- (b) The licensee is authorized to experiment with various types of hatching facilities.
- (c) The licensee is authorized to experiment with various types of vegetation consistent with the needs of the bird.
- (d) The licensee is authorized to experiment with various types of feeds and feeding protocols.
- (e) The licensee is authorized to experiment with various types of bird transportation.
- (f) The licensee is authorized to experiment with various types of release processes.

In section 11. Records: change the requirement for disease testing and certification results from individual birds to individual pens of birds consistent with guidelines in NPIP. Keeping records on potentially large numbers of birds will be unnecessarily burdensome.

In section 7. Sage grouse Enclosure: delete any reference to square footage required by bird. The certified bird farm operator will be responsible to determine the necessary square footage for the health and success of the bird.

Should the rules be modified to allow flexibility to enhance the potential of success, we look forward to working with the Wyoming Game and Fish toward the desired end of preserving the Greater Sage-grouse should Diamond Wings become a certified game farm for Greater Sage-grouse.

Thanks for your consideration

Diemer True

Owner

Karl Bear

Manager



WYOMING WILDLIFE
CONSULTANTS, LLC

20 July 2017

Wyoming Game and Fish Department
Wildlife Division
ATTN: Regulations
3030 Energy Lane
Casper WY 82604



Comments Submitted for Chapter 60, Regulation Governing Greater Sage-grouse Raised on Private Game Bird Farms

Dear Sirs:

Please accept these comments in support of developing regulations to permit captive propagation of greater sage-grouse. While we realize that issues of declining sage-grouse populations revolve primarily around habitat, methodologies to breed in captivity and successfully release sage-grouse must be developed before populations become so low that emergency action is required.

These comments are generated from the following background:

- Owner and Principal of Wyoming Wildlife Consultants, LLC since 1998. Firm has specialized in sage-grouse biology and has captured and radio-tagged over 1500 greater sage-grouse for a variety of projects.
- Former Wyoming Representative on Council of Scientists for North American Grouse Partnership.
- Successfully bred in captivity gyrfalcon (*Falco rusticolus*), golden eagle (*Aquila chrysaetos*), Hungarian partridge (*Perdix perdix*), chukar partridge (*Alectoris chukar*), ring-necked pheasant (*Phasianus colchicus*) and bobwhite quail (*Colinus virginianus*).
- Managed experimental soft release of ruffed grouse (*Bonasa umbellus*) in Missouri using eggs harvested from wild stock in Michigan fostered under bantam chickens for hatching and hacking to the wild.

The Wyoming Game and Fish Department (Department) and the Wyoming Game and Fish Commission has been directed by the Wyoming Legislature to develop regulations to provide for the captive propagation of greater sage-grouse within Wyoming. However, some of the language in the Draft Regulations is not only unnecessarily strict, but may prevent the success of this effort. Promulgation of regulations that prevent the potential success of this new law would be in direct contradiction to the intent of the Wyoming Legislature. Specific comments are presented below.

The history of North American wildlife conservation is replete with success stories that have captive breeding at their core. With several species, populations were so low that only emergency action saved them from extinction. Examples include: California condor (*Gymnogyps californianus*) reduced to 22 individuals, whooping cranes (*Grus americana*) reduced to 15 birds, and the masked bobwhite (*Colinus virginianus ridgwayi*) which may now be extinct in the wild, with the entire population living in one small building in the Arizona desert. Captive breeding may be

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the best hope to save the critically endangered Attwater's prairie-chicken (*Tympanuchus cupido attwateri*). Everyone is familiar with the spectacular recovery programs associated with the peregrine falcon (*Falco peregrinus*) and bald eagle (*Haliaeetus leucocephalus*), thanks primarily to captive propagation. When captive breeding of all these species was first proposed they were ridiculed and deemed impossible.

Comments specific to draft regulations

Section 3 (j) "Vegetation Consistent with the Needs of Sage Grouse" means the presence of one (1) or more species/subspecies of sage brush, forbs and grass suitable to sage grouse and in sufficient quantity to meet the needs of captive sage grouse and any offspring. Sage brush, forbs and grasses shall be maintained and replaced as necessary to provide food, cover and suitable dust control".

This phrase taken at face value indicates that the enclosure and supplemental food items must provide all the annual needs of both adults and all young produced. With the wide-ranging habitats of wild sage-grouse this is simply not possible. Further, through the extant captive breeding efforts it has been shown to not be necessary to provide exclusively wild food items. Captive sage-grouse survive and reproduce on a variety of commercially-available food items, Oesterle, et al 2005. Further, future production of captively-produced sage-grouse relies on developing new and as-yet undeveloped food sources, as has been shown to great effect with prairie-chicken and houbara breeding. Examples include: development of various feed components based off current commercial feed companies, use of greenhouse and row crop plants (both wild and domestic) and insect growing facilities to provide chicks with critical protein and moisture dietary requirements. A wide range of succulent plant species can be grown and provided to both pre-nesting hens and chicks. These would include such examples as: alfalfa varieties, lettuces, lambs quarters, yarrow and many other species.

Section 7 (c) Holding facilities

None of the numbers within the draft, i.e. minimum of 130 sq/ft per bird held and 500 sq/ft per hen, should be carried through to the final regulation. These specifics presuppose that captive propagation of sage-grouse is an established procedure within which these numbers have been generated over time through many captive breeding scenarios. Those individuals that will undertake the development of captive breeding protocols in Wyoming should not be burdened by regulations which prescribe facilities that have had limited success in the past. Rather they should be encouraged to develop new techniques and facilities.

The 500 sq/ft per hen was simply an artifact of the captive breeding project conducted by the Colorado Division of Wildlife (CDOW). During the comments within the Sage Grouse Implementation Team meeting of 28 April 2017, Leif Weichman stated that the CDOW pens that were 500 sq/ft were "what they inherited" from a previous project to breed pheasants. Working with blue grouse, Stirling 1965, concluded: "On the basis of plumage condition and reproductive behavior the medium sized pens were best." That size was 6 feet wide by 8 feet long (48 sq/ft) for a pair of birds. Further, the CDOW effort focused solely on a semi-natural, polygynous breeding, attempting to reproduce in captivity the lekking behavior that occurs in the wild. No attempts at using imprinted birds was attempted.

Larger sizes, especially as enormous as 500 sq/ft, may actually reduce the potential of breeding. The most productive method of captive production for many bird species is that of using imprinted individuals. Smaller pens allow close contact with human surrogates which enhance breeding potential.

Successful breeding of Asian houbara bustard (*Chlamydotis undulate*) was pioneered by individuals familiar with the captive breeding of raptors brought to full scale by The Peregrine Fund, Inc. Houbara are roughly an ecological equivalent to sage-grouse, although much more highly migratory. The first captive-bred houbara chick was hatched in 1996, and by 2016 a total of more than 200,000 birds had been successfully raised by only one operation, with over 55,000 birds in 2016 alone. Nearly all of these houbara were produced using imprinted adults, in relatively small enclosures, as illustrated below.



Imprint chambers for houbara at the International Fund for Houbara Conservation, Abu Dhabi, United Arab Emirates

Successful private breeding of various grouse species including capercaillie (*Tetrao urogallus*), red grouse (*Lagopus lagopus*), greater prairie-chicken (*Tympanuchus cupido*), Attwater's prairie chicken and other species have all developed enclosure sizes based on actual experience of the investigators. Department regulations should permit the same experimental approach.

Imprinted adults are the primary captive breeding focus of Attwater's prairie-chicken now being employed by the George Miksch Sutton Avian Research Center (Sutton Center) of Oklahoma. After years of limited success by a number of zoos using traditional methods, scientists with the Sutton Center and the North American Grouse

Partnership visited the houbara facilities in the United Arab Emirates to see first-hand their successful operations. Those methods are now being transferred to saving the imperiled Attwater's prairie-chickens.

Section 8. Acquiring Sage Grouse for Captive Rearing

Section 8 (g) (ii) Authorized methods of egg collection,

Section 8 (g) (iii) Techniques that shall be used to minimize disturbance to nesting and breeding sage grouse,

Section 8 (g) (xi) Measures that shall be followed to provide necessary protection to the viability of sage grouse eggs collected.

As part of our 19 years of work in the gas fields in the Pinedale area Wyoming Wildlife Consultants, LLC (WWC) and its biologists have extensive experience using pointing dogs to locate nesting and wintering sage-grouse. While pointing dogs are the only method of locating unmarked grouse on the landscape, they do have limitations. Principal among these, especially during the nesting season, are the weather conditions, including temperature and humidity on any given day. Pointing dogs are generally only effective during the early morning hours.

However, when a nest is located by a dog the incubation stage of the eggs cannot be determined. Partially-incubated eggs are extremely delicate for both temperature and jostling. Developing blood vessels are easily ruptured once incubation has gone past a few days. Further, partial clutches could be harvested thereby reducing both the number of eggs collected and potentially the number of eggs hatched by the wild female.

The best way to obtain viable sage-grouse eggs is to use radio telemetry in concert with the established research field protocols that are used to determine when a female sage-grouse initiates incubation. In this straight-forward technique the movements of the female sage-grouse are monitored each morning, and her activity patterns indicate both her nest location and her repeated visits to the nest as she lays one egg each day to build a full clutch. On the day that she ceases to leave the nest area, and stays motionless in one spot, incubation has begun. A similar technique was used to collect sage-grouse eggs for multiple captive-rearing experiments in Colorado, see in particular Huwer, 2004.

Using radio telemetry to both locate the nest and determine the day of incubation initiation brings two primary benefits to egg collection: 1) eggs are harvested from full clutches; and 2) eggs are fresh and not partially incubated. This latter benefit is of great importance. Fresh eggs are very stable and can withstand transportation within a wide range of temperatures. Fertile game bird eggs are often shipped by mail. This technique is being employed to provide eggs for the Sutton Center prairie-chicken breeding project as illustrated below.



Dr. John Toepfer tracking greater prairie-chickens in Nebraska to collect eggs for the Sutton Center prairie-chicken breeding facility.

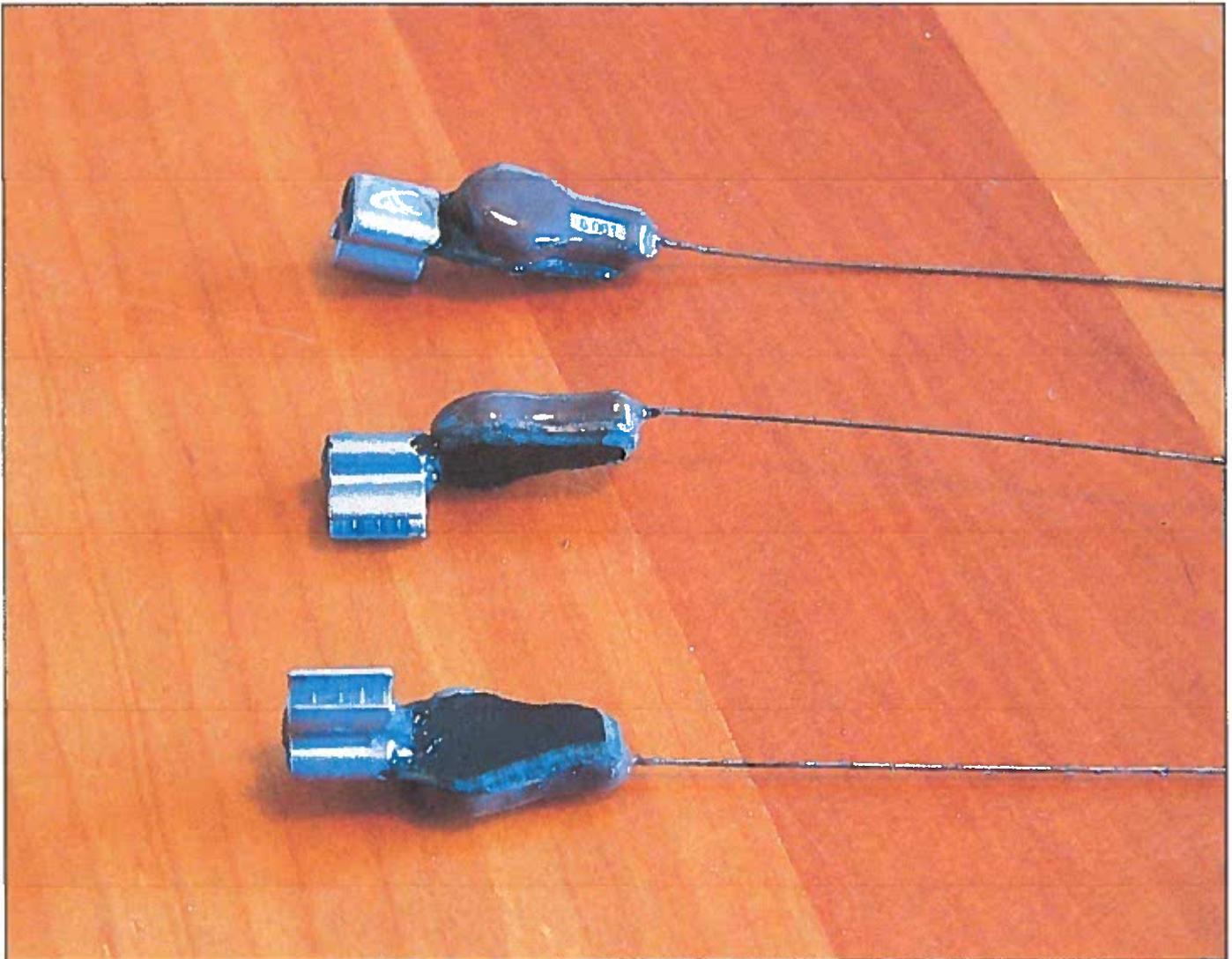
A Department Chapter 33 permit could be issued to the “Professional Wildlife Biologist” listed on the applicant’s Certificate of Compliance as described in Section 3 (g) of the Draft Regulations. As stated in the Draft Regulations, this individual *“has a professional wildlife background in the management of Greater Sage-grouse”*. Each spring across the West, literally hundreds of sage-grouse are captured and marked with radio transmitters, often by technicians or graduate students with little or no experience or background with grouse. Potential disturbance to breeding success by this effort is discounted by the research community. The benefits of this technique would fully meet the intent of Section 8 (g) (xi) *“Measures that shall be followed to provide necessary protection to the viability of sage grouse eggs collected”* of the Draft Regulations. All of the extant grouse breeding projects, including sage-grouse, prairie-chickens and others, have relied on this technique of locating grouse nests at the appropriate stage of development while minimizing the disturbance to nesting hens. Radio telemetry should be allowed as a technique to collect sage-grouse eggs.

To further reduce the potential impact to grouse, we suggest that a temporary attachment technique for transmitters be utilized. Typically, radio transmitters are attached to study subjects in such a way that the transmitters stay on for the life of the subject, even after the project and the transmitter life has ended. Wyoming Wildlife Consultants, LLC (WWC) recently developed and deployed an elegant temporary attachment method.

During 2014 WWC was contracted by Cornell University to act as general biologists and sage-grouse experts for their film *“The Sagebrush Sea”*. This film followed sage-grouse in the Pinedale area throughout the year, with a special emphasis on the breeding season. To capture the critical nesting and hatching sequences we applied for and received a Wyoming Game and Fish Department Chapter 33 permit to capture and mark with radio telemetry 20 individual female sage-grouse. To both eliminate the visual impact of traditional neck-mounted telemetry

transmitters, and to reduce potential future impacts on reproductive grouse, we employed small transmitters mounted to a central tail feather by a clip.

Using these transmitters we tracked the female grouse to their nesting areas as they were established, and monitored their daily visits to the nests as they laid eggs, one each day. After the clutches were completed, we allowed the Cornell photographers to establish photography blinds in the nest areas to capture hatching sequences. The transmitters also allowed us to follow the hens with chicks during their first days of life. Importantly, these transmitters were dropped from the grouse during their normal annual molt. As opposed to other methods of transmitter mounting which stay on the research subject for the life of the individual, the grouse were not burdened with radios after the feathers to which the transmitters were attached were molted. Tail clips are attached to the feathers with specialized pliers and epoxy. Example photos appear below.



Radio transmitters attached to tail clips prior to deployment.



Radio transmitter attached to single tail feather of female sage-grouse.

Section 8 (g) (v) Sage grouse egg collection shall only take place for up to twenty (20) days from April through May as determined by the Department.

The sage-grouse nesting period spans approximately two months, and the initiation rate varies across the state. A blanket egg collection season applied across the state is inappropriate. The nesting period is also extended due to nest predation or abandonment when renesting occurs. Egg collection should be allowed at any time during the nesting season.

Section 8 (g) (vi) A licensee shall spend no more than one (1) day collecting sage grouse eggs in each assigned area.

To limit the collection of grouse eggs to a single day is not only unnecessary, but for all practical purposes eliminates the implementation of egg collection and the development of a captive breeding population. It would be virtually impossible to collect 250 eggs in a single day. Egg collection efforts should be allowed during the entire nesting season.

Section 9. Release of Sage Grouse. Release of sage grouse and release methods shall only be permitted through coordination with the Department. The Commission may restrict areas of the state from sage grouse release to protect wild populations of sage grouse.

Multiple publications on the genetics of sage-grouse indicate that there is substantial gene flow between populations that are not geographically isolated (Oyler-McCance, et al 2011). Using 16 microsatellite loci from 300 blood samples collected in Wyoming and southeastern Montana, Schulwitz, et al 2012 found that the Pinedale and Casper populations form a single genetic cluster. Southeast Montana and Powder River populations form a second cluster, with the isolated populations of Jackson Hole and the Gros Ventre having decreased genetic diversity and forming a third genetic cluster. Release of captive-bred sage-grouse should utilize this information. Thus, sage-grouse whose parents originate from most of Wyoming should be available for release in all of the state, with the exclusion of Powder River and Jackson Hole areas.

One of the primary advantages of the Wyoming captive propagation regulations is that all expenses for the development of the protocols will be privately funded – no public funds are requested or anticipated. In its *Executive Summary for the Attwater's Prairie-Chicken Business Plan*, the National Fish and Wildlife Foundation expects that it and its partners will invest over \$17.6 million through a strategic 10-year plan, including the creation and annual support of the breeding facility at the Sutton Center, as well as research to address the behavioral, physiological, and nutritional aspects associated with captive propagation and release programs. With all expenses associated of the captive breeding of sage-grouse borne by the private sector, the State of Wyoming can realize tremendous cost-savings while taking the lead on a critical aspect of sage-grouse conservation.

Submitted by,



John Dahlke
Principal
Wyoming Wildlife Consultants, LLC

Literature Cited

Huwer, Sherri L. Evaluating Greater Sage-grouse Brood Habitat Using Human-imprinted Chicks. 2004. Master of Science Thesis, Colorado State University, Fort Collins, Colorado.

Oyler-McCance, S. J. and T. W. Quinn. *Molecular Insights into the Biology of Greater Sage-Grouse*. In: Knick, Steven T., and John W. Connelly, editors. *Greater Sage-Grouse: Ecology and Conservation of a Landscape Species and Its Habitats*. 1st ed., University of California Press, 2011. JSTOR, www.jstor.org/stable/10.1525/j.ctt1ppq0j.

Oesterle, Paul; McLean, Robert; Dunbar, Michael; and Clark, Larry, "Husbandry of wild-caught greater sage-grouse" (2005). USDA National Wildlife Research Center - Staff Publications. Paper 51.

Schulwitz, Sarah; Johnson, Jeff A.; and Bedrosian, Bryan (2012) "Low Neutral Genetic Diversity in an Isolated Greater Sage Grouse (*Centrocercus urophasianus*) Population in Northwest Wyoming," *University of Wyoming National Park Service Research Center Annual Report*: Vol. 35, Article 16.

Available at: http://repository.uwyo.edu/uwnpsrc_reports/vol35/iss1/16

Stirling, Ian G. Studies of the Holding, Behavior and Nutrition of Captive Blue Grouse. 1963. Master of Science Thesis, University of British Columbia, Vancouver, British Columbia.



July 24, 2017

Mike Choma
Wyoming Game and Fish Department
Wildlife Division
ATTN: Regulations
3030 Energy Lane
Casper, WY 82604

Re: Comments on Proposed Chapter 60: Regulation Governing Greater Sage-Grouse Raised on Private Game Bird Farms

Dear Mr. Choma,

Please accept the following comments from the National Audubon Society and the Wyoming Outdoor Council concerning the Wyoming Game and Fish Department’s (WGFD) proposed Chapter 60 regulations addressing the captive breeding of Greater Sage-grouse. We appreciate the time, energy and effort you and many others in the Department have put into this effort, and support continued work by the Department to ensure that our wild populations of Greater Sage-grouse are managed using the best available science so as to ensure healthy and sustainable populations, for the benefit of the public.¹

The National Audubon Society’s mission is to conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth’s biological diversity. Audubon has been privileged to be an invited member of the Wyoming Sage Grouse Implementation Team (SGIT) since its inception in 2007, and is cognizant of the important leadership role that Wyoming has played in the region regarding sage-grouse management.

Established in 1967, the Wyoming Outdoor Council is the oldest and largest independent conservation organization in Wyoming. Our mission is to protect the quality of Wyoming’s environment for future generations.

¹ Other entities have provided extensive comments to WGFD addressing the best available science regarding captive breeding of sage-grouse. We adopt and hereby incorporate by reference as fully set forth below the comments submitted by the Wyoming Chapter of The Wildlife Society, dated 24 July, 2017.

Casper

BACKGROUND

Earlier this year – acting against the advice of professional wildlife biologists² - the Wyoming Legislature passed Enrolled Act No. 0091, originally HB0271 Game Bird Farms – Greater Sage-grouse.³ The Governor of Wyoming expressed “considerable reservations” about the bill and allowed it to become law without his signature.⁴ The law authorizes private game bird farms to raise Greater Sage-grouse and to release those birds into the wild. Enrolled Act No. 0091 directs the Wyoming Game and Fish Commission to adopt final rules to implement the law by September 1, 2017.

This proposed rule, and the law on which it is based, has gained a large amount of state and national attention. Our members remain concerned as they see this politically-motivated decision as an assault on the long-standing principle that Wyoming’s wildlife is wild and is to be managed by the Wyoming Game and Fish Department—not by private, for-profit entities.⁵

In addition, especially as Wyoming has been a respected leader in the region regarding science-based management of Greater Sage-grouse, the decisions made concerning captive breeding of sage-grouse are expected to be precedent setting. For this reason, we stress caution in development of the regulations and the distribution of permit(s).

OUR SPECIFIC COMMENTS AND RECOMMENDATIONS FOLLOW.

1. *The Commission should address a threshold legal question concerning the statutory restriction on egg collection activities that was ignored in the proposed rule.*

W.S. 23-5-111(b) provides: “The commission shall promulgate rules and regulations for the administration of this section. The rules and regulations shall establish a system to certify game bird farm licensees to possess, propagate, breed, raise, sell, gather eggs of and release greater sage grouse and to take greater sage grouse *within the boundaries of the game bird farm*” (emphasis added). This section plainly does NOT authorize any of those activities outside the boundaries of the game bird farm, with one exception: W.S. 23-5-111(d) authorizes the *release* of Greater sage-grouse outside the boundaries of the game bird farm, but only in “coordination with the department” in order to “protect existing wild populations of greater sage grouse.”

Section 2 of the WGFD’s proposed rule largely mirrors the statutory language contained in W.S. 23-5-111(b) limiting activities to within the boundaries of the game bird farm, but includes a subtle change that is not supported by the statutory language. Proposed Section 2 provides, in part, that: “The purpose of this regulation is to certify game bird farm licensees to possess, propagate, breed, raise, sell, release and take Greater Sage-grouse within the boundaries of a game bird farm, and to collect Greater Sage-grouse eggs for the purpose of establishing a captive breeding population.” With this subtle but

² Letter from the Wyoming Chapter of The Wildlife Society to Wyoming Senators, dated 21 February, 2017.

³ Enrolled Act No. 0091 is codified at Wyoming Statute § 23-5-111, et seq.

⁴ Letter from Matthew H. Mead, Governor of Wyoming, to the Hon. Edward Murray, Secretary of State, dated March 14, 2017.

⁵ See Western Association of Fish and Wildlife Agencies: RESOLUTION – The Public Trust Doctrine in Fish and Wildlife Conservation, adopted July 26, 2006.

significant change in wording, the WGFD's proposed rule impermissibly allows egg collection ***outside the boundaries of the game bird farm***. This is in direct contrast to the plain and unambiguous statutory language that restricts all activities—including egg collection—to inside the boundaries of game bird farms. In subsection 4(d) the proposed rule further negates the statutory prohibition of egg collection outside the boundaries of game bird farms by authorizing the licensee to “collect sage grouse eggs from the wild.”

The plain language in W.S. § 23-5-111(b) restricts all of the activities enumerated in the section – including possessing, breeding, raising, selling, and the collection of eggs, to areas “within the boundaries of the game bird farm.” The language could not be clearer. Yet the rule proposed by the WGFD completely disregards that limitation and authorizes the collection of eggs “outside the boundaries of the game bird farm” and “from the wild.” It is not within the WGFD's authority to rewrite the law. It cannot authorize an activity that is expressly prohibited in the statute. As the Wyoming Supreme Court stated in *Wyoming Downs Rodeo Events, LLC v. State*, “An administrative agency's authority to promulgate rules is circumscribed by the statutes that govern its activities. Rules promulgated in excess of an agency's authority are null and void. *McLean v. Hyland Enterprises, Inc.*, 2001 WY 111, ¶30, 34 P.3d 1262, 1270 (Wyo. 2001). An agency may not rewrite a statute through its rulemaking power. *U.S. West Communication, Inc. v. Wyoming Public Service Commission*, 992 P.2d 1092, 1096 (Wyo. 1999). *Wyoming Downs Rodeo Events, LLC v. State of Wyoming*, 206 WY 55, 134 P.3d 1223 (Wyo. 2006).

The statutory language W.S. § 23-5-111(b) limiting the collection of sage-grouse eggs to areas “within the boundaries of the game bird farm” is unambiguous and, under widely accepted rules of statutory construction, must be given effect. See *Merrill v. Jansma*, 2004 WY 26, P28, 86 P.3d 270, 284-85 (Wyo. 2004) “Where the language is clear, we look to its ordinary and obvious meaning, are bound to the results so expressed and do not resort to rules of construction.” *Id.* “A statute is unambiguous if its wording is such that reasonable persons are able to agree concerning its meaning with consistency and predictability.” *Id.* “A statute is ambiguous only if it is found to be vague or uncertain and subject to varying interpretations.” *Id.*

Nonetheless, should the Commission initially determine⁶ that the WGFD is within the scope of its legal authority to nullify by regulation an express limitation imposed by law, we submit the following comments for your consideration.

2. Prohibit the collection of eggs in core population areas for Greater Sage-grouse.

As protected habitat areas for Greater Sage-grouse and as the impacts associated with this experiment are yet to be fully understood, core population areas should be off limits to egg collection activities and to the release of farm-raised birds into the wild. W.S. § 23-5-111(e)(v) requires the rule to identify “areas approved for collection of eggs.” We recommend that egg collection areas identified by the rule be located outside the state's core population areas. The millions of areas of sage-grouse habitat located outside of core habitat provide ample opportunities for sage-grouse farm licensee to collect eggs while at the same time protecting the birds in the most productive areas from further disturbance and threats from disease.

⁶ Ultimately, this determination will be a matter for the courts to decide.

3. *Prohibit the release of Greater Sage-grouse in core population areas and in areas that support existing populations of grouse.*

The Wyoming Legislature was cognizant of the need to protect existing wild populations of Greater Sage-grouse from the threats posed by the release of pen-raised birds. W.S. § 23-5-111(d) provides: “Any release of greater sage-grouse within the state and not within the boundaries of the game bird farm shall be in coordination with the department. Commission rules may restrict areas of release as necessary to protect existing wild populations of greater sage-grouse.”

To implement this safeguard, Section 9 of the proposed rule authorizes the WGFD to “restrict areas of the state from sage grouse release to protect wild populations of sage grouse.” But the rule itself fails to identify those areas, deferring that decision to another time. To protect the genetic integrity of the Greater Sage-grouse and reduce the risk of disease transmission, we recommend that the rule be revised to expressly prohibit the release of pen-raised birds into core population areas of the state. In addition, for the same reasons, we recommend that the rule prohibit the release of pen-raised birds in areas that currently support populations of Greater Sage-grouse. The release of birds should only be permitted in areas of the state that are completely devoid of wild Greater Sage-grouse; e.g., areas where the birds have been locally extirpated.

4. *The number of licenses issued by WGFD should be capped at three (3).*

Proposed Section 4(d) authorizes the issuance of up to five (5) licenses for the collection of eggs, each with the potential to collect up to 250 wild eggs per year. One action the WGFD can take to limit the negative effects of egg collection is to place a cap the number of licenses to three (3) or fewer. This simple action—which implements an explicit requirement of the law (W.S. § 23-5-111(e)(v)) to set the number of licensees authorized to collect eggs—would significantly reduce the harmful effects by reducing the number of eggs that can be taken to no more than 750 per year. Limiting the number of licensees to three would also reduce the administrative burden and costs involved in managing and enforcing the program.

5. *The rule should clarify when a nest site is “disturbed”*

W.S. § 23-5-111(e)(iii) specifies that, “[n]o more than forty (40) nest sites in a single collection area may be disturbed by the game bird farm licensee in any calendar year.” Neither the law nor the proposed rule defines “disturbed.” As a result, the limitation is subject to interpretation. Is a nest site “disturbed” within the meaning of the law only when the eggs are removed from the nest, or is a nest site disturbed when hens flush, regardless of whether eggs are removed. We recommend that the rule define disturbance to mean any disruption associated with egg collection activities that causes hens to flush from any nest in the collection area, regardless of whether the nest was targeted for egg collection.⁷

⁷ The rule should contain a presumption that the flushing of hens from any nest in the collection area during egg collection activities is the direct result of egg collection activities.

6. *The rule should specify the maximum number of nests and egg collection areas that may be disturbed, by each licensee and in total.*

W.S. § 23-5-111(e)(iii) provides that, “[n]o more than forty (40) nest sites in a single collection area may be disturbed by the game bird farm licensee in any calendar year.” But the law does not place any limit on the number of licensees who may enter each collection area or on the number of collection sites that may be utilized in any given year. We recommend that this omission be addressed in the final rule. As it stands now, because these important decisions are deferred to the Certificate of Compliance issued by the Department, every single one of the licensees authorized by the WGFD could in theory disturb as many as 40 nests per collection area, apparently with no limit on the number of collection areas that could be targeted. To better protect wild sage-grouse, the rule being developed by WGFD should establish firm upper limits on both the number of designated collection areas and on the number of nests that may be disturbed in each collection area by each licensee and in total.

7. *The rule should define “unacceptable impact.”*

Section 8(c) of the proposed rule authorizes the suspension of egg collection activities if “the Department determines there is an unacceptable impact to nesting sage-grouse.” We recommend that the term, “unacceptable impact”, be defined in the rule to include, at a minimum, the flushing of hens from, and damage or destruction of eggs on, nests that were not targeted for egg collection activities.

8. *The rule should identify criteria that will be used to set annual limits on the number of eggs that may be collected.*

W.S. 23-5-111(e)(ii) provides that “[n]o more than two hundred fifty (250) eggs may be collected by any game bird farm licensee in any calendar year.” Section 8(b) of the proposed rule implements the statutory provision by limiting the number of eggs that may be collected in a calendar year to a maximum of two-hundred fifty “as annually determined and authorized by the Department.” To protect against claims of arbitrariness, we suggest including in the rule the specific criteria the Department will consider in setting limits on the number of eggs that may be collected.

9. *The WGFD should directly supervise egg collection activities.*

W.S. § 23-5-111(e)(i) specifies that: “All collections shall be conducted by the licensee or his agent under the supervision of a professional wildlife biologist and in coordination with the department.” Section 8(c) of the proposed rule allows—but does not require—the WGFD to supervise the collection of eggs. To ensure that all legal and regulatory requirements are followed, WGFD personnel need to be physically present to monitor egg collection activities.

10. *The rule should establish a limit on the number of eggs that may be possessed by a licensee.*

The proposed rule does not limit the number of eggs a licensee may have in his/her possession. It is conceivable that a licensee could collect eggs and in turn sell or transfer those eggs to another licensee. Through this method, a single licensee could legally acquire and possess all of the eggs collected in

the State by the other licensees, creating an untenable situation where “all of the eggs are in the same basket” and a monopolistic business environment dominated by a single entity.

11. *Prohibit the sale of eggs.*

W.S. 23-5-111(e) authorizes the collection of eggs only for “the purpose of establishing a captive breeding program.” The proposed rule should be revised to absolutely prohibit the sale of Greater Sage-grouse eggs for any other purpose, including the sale of eggs to third party purchasers, such as egg collectors who sell and trade such things on eBay. This restriction should apply to all eggs, both viable and non-viable. The absence in the rule of a restriction on the sale of eggs for other purposes is a glaring omission that must be corrected.

12. *The licensee must pay for the costs.*

The WGFD is funded primarily by the sale of hunting and fishing licenses. The costs of administering this grouse farming program, from reviewing the applications, to supervising the collection of eggs, to conducting inspections of facilities, should not be passed on to hunters and anglers. The rule should contain cost recovery provisions to ensure that the licensee, not the public, pays for the cost of the program. In his March 14, 2017, letter to Secretary Murray, Governor Mead stated that, “the Department [must] ensure that the State of Wyoming incurs no financial burden as a result of this law.”

13. *The rule should be revised to require a robust monitoring program.*

Because something of this scale has never been done before (as scientists and wildlife managers have long-opposed its need or efficacy for Greater Sage-Grouse), the efforts must have a rigorous monitoring program to determine the success of the program in a statistically-valid manner. Monitoring should be done for both the released birds and for the wild population where pen-raised sage-grouse are being released. This is important because researchers have reported that release programs have negatively impacted wild populations by (1) decreasing breeding success of wild individuals, (2) increasing predation of the population in general, (3) spreading disease, and (4) weakening genetics of the wild population.

14. *The licensee must be held accountable for actions of his contractors.*

Experience suggests that licensees will attempt to limit their legal exposure by utilizing contractors and “agents” rather than employees to perform necessary work. To prevent licensees from using this loophole, we support a revision to the proposed rule that would impute violations of the law or regulations by the agent or contractor of the licensee to the licensee himself. In other words, if a contractor or agent employed by the licensee violates the law, the violation should be considered a violation by the licensee.

15. *Recordkeeping requirements must be strengthened.*

Section 11 of the proposed rule requires, among other things, that the licensee report eggs damaged or destroyed during the collection process, and count those eggs as part of the licensee's maximum authorized egg collection total for the year. This provision should be revised to require reporting of all eggs damaged or destroyed at any point in the process: from collection, to transportation, to placing in the facility. For example, if a vehicle transporting eggs crashes, or if an egg incubator at a facility malfunctions, or if a holding facility burns to the ground or collapses under snow weight, any of which could result in substantial losses, those significant events should be reported and accounted for.

16. *The WGFD should impose stiffer penalties for non-compliance.*

Section 13 of the proposed rule provides that the WGFD may suspend, revoke or not renew the certification granted to a licensee if violations occur. While we support these measures, we note that even relatively minor Game and Fish Department violations may generate a substantial fine, or even jail time. Is there a reason why game bird farm operators shouldn't be subject to the same degrees of enforcement? We recommend that violations of proposed Chapter 60 be treated the same as other Game and Fish Department violations.

17. *Strengthen certificate revocation requirements.*

W.S. § 23-5-111(h) specifies that, "[a] licensee whose certification under this section has been revoked may not reapply for a new certification within eighteen (18) months of the date of revocation." We recommend that the rule be strengthened to prevent entities whose certificates have been revoked from reapplying under a different corporate name or structure. In addition, the rule should provide for a time period greater than 18 months for egregious or serious violations.

18. *Expand restrictions on methods of the collection of eggs.*

Section 8(g)(viii) of the proposed rule allows the use of pointing breed dogs, but does not limit their number or the number of human handlers that may be actively searching for nests. It seems prudent to place limits on these numbers to minimize disturbance to nesting sage-grouse. We recommend that no more than one dog and one handler be allowed to work in any egg collection area at any given time.

19. *Prohibit the use of drones.*

The use of drones to assist egg collection efforts should be expressly prohibited.

20. *Prohibit genetic manipulation.*

To protect the genetic integrity of the species, the WGFD rule should prohibit the licensee from engaging in activities that are designed to alter the natural genetic composition of sage-grouse, e.g. genetic engineering - selective breeding for size, adaptability, survival, etc.

21. Prohibit the privatization of protocols.

Information gained from the privatization of a public trust resource—wildlife—should remain public. The proposed rule should be revised to specify that protocols developed by the licensee during the term of the license are public information and as such, should not be treated as proprietary trade secrets. We have grave concerns that certain individuals in Wyoming seek to privatize wild animals for profit. Allowing these same people to profit from the information and knowledge gained while doing so is completely unacceptable.

In May 2017, SGIT Chairman Bob Budd submitted comments to yourself and Mr. Scott Edberg, Deputy Chief Game Warden. As Audubon is a member of SGIT and participated in the discussion that resulted in this letter, we agree with many points made within this letter. However, we would specifically like to **reinforce these** (see Section 8, page 3, of letter):

“1) no eggs would be collected from a single lek area more than one time in any one year, or in successive years, 2) no areas currently used for research would be collected, 3) no areas under specific management guidelines (e.g. mining areas, federal units, stipulated permits, etc) would be eligible for collection, 3) recognition of the fact that native birds are acclimated to particular varieties of sage brush and other plants, and 4) the ability for the Department to cease collection due to weather conditions, catastrophic loss in a specific year, or other unforeseen circumstances.”

Also, Mr. Budd’s letter references “the SGIT will **empower a team of experts** in Greater Sage-grouse natural history, sagebrush and rangeland ecology, and captive breeding of native species to advise this effort” (see page 1, emphasis added). We respectfully ask that if this is pursued, the following be considered:

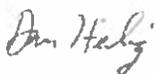
- Composition and role of this body is clearly and publically stated (participants should not directly benefit from this venture), and
- The process by which this group advises is pre-determined and transparent.

Finally, the issue of captive breeding of Greater Sage-grouse, continues to gain regional and national attention, we jointly stress the precedence-setting nature of the decision before the Wyoming Game and Fish Commission. In a **white paper released in July 2017 by the Western Association of Fish and Wildlife Agencies** on this topic, they note the challenges associated with captive breeding. Among their conclusions, they caution (emphasis added; see enclosed Attachment for full paper):

“Pending refinement and demonstration of the effectiveness of captive breeding and release of sage-grouse, *other approaches to augmentation appear to be more certain and likely to be less costly and impactful to source populations.*”

We appreciate the opportunity to review and comment on the Proposed Chapter 60 Regulation.

Sincerely,



Dan Heilig
Senior Conservation Advocate
Wyoming Outdoor Council
262 Lincoln Street
Lander, WY 82520



Brian Rutledge
Director Sagebrush Ecosystem Initiative
National Audubon Society
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ATTACHMENT

Augmenting Sage-grouse Populations through Captive Breeding and other Means

Western Association of Fish and Wildlife Agencies

Augmentation of sage-grouse populations has been a management strategy used by state wildlife agencies in limited circumstances since the 1930s. Augmentation has been employed to bolster small and isolated populations, to re-establish populations in historic habitats, or to establish new populations. Augmentation for these purposes has been conducted through transplants of adult and yearling birds, usually trapped on or near leks. Reese and Connelly (1997) reviewed published literature and unpublished reports describing 56 transplants of 7,200 individual sage-grouse conducted in seven states and one Canadian province prior to 1997. They concluded only transplants in Colorado, Idaho, and Utah appeared successful, and populations remained small. More recently, Colorado Parks and Wildlife (CPW) has demonstrated some success enhancing genetic diversity of small populations by translocating Gunnison sage-grouse from a source population in the Gunnison Basin to smaller satellite populations. The Utah Division of Wildlife Resources coupled predator control with a transplant of sage-grouse into a population near Strawberry Reservoir with some success (Baxter et al. 2007).

Reasons for relatively low success rates for transplants are complex and not well documented or necessarily understood. Commonly, large post-release movements can lead to high mortality, and hens may not breed or attempt to nest in the spring following release. In general, if environmental conditions that precipitated sage-grouse declines have not been mitigated, transplants of additional and locally naïve birds is not likely to succeed. Refinements to transplant protocols to address these issues, such as supportive predator control (Baxter et al. 2007), artificial insemination prior to release (Mathews et al. 2016), and transplants of juveniles or yearlings are being incorporated in augmentations and will likely increase success rates.

Sage-grouse have been maintained, hatched and bred in captivity successfully, but only in research settings (Pyrah 1961; Johnson and Boyce 1990, 1991; Spurrier and Boyce 1994, Huwer 2004; Oesterle et al. 2005; Huwer et al. 2008; Thompson et al. 2015; Apa and Wiechman 2015, 2016). Sage-grouse captured in the wild do not adapt well to captive conditions (Ligon 1946, Pyrah 1961, Oesterle et al. 2005). Many adult, and to a lesser degree juvenile, sage-grouse brought into captivity are flighty and stressed, which leads to high mortality rates (Remington and Braun 1988, Oesterle et al. 2005, Apa and Wiechman 2015). Consequently, the most effective approach to establishing a captive breeding flock would start with collection and incubation of eggs from wild nests. Large-scale, programmatic captive breeding efforts have never been attempted for sage-grouse. Attwater's prairie-chicken, listed as endangered since 1967, are sustained through a captive breeding (at seven facilities) and release program facilitated by the U.S. Fish and Wildlife Service. They have effectively been extirpated from almost all of their former range and persist on about 200,000 fragmented acres.

There has only been one published study that evaluated survival of sage-grouse chicks produced in captivity and released to the wild (Thompson et al. 2015). In this study, 1-10 day-old sage-grouse chicks produced in captivity from wild-collected eggs were released to radio-marked hens with an existing brood. Adoption rates overall were 89%; releases in the evening and of chicks younger than 5 days were the most likely to result in successful adoption. Survival of adopted chicks was comparable to that of wild chicks. Although successful, this technique is limited to situations where surrogate hens with broods are available and locatable at short notice (i.e., radio-marked). A more generally applicable approach would be to raise chicks to 12-16 weeks old and release them when they are capable of surviving without a brood hen. There has been no research conducted on survival rates of juvenile (12-16 week old) sage-grouse raised in captivity and released to the wild. Colorado Division of Wildlife did successfully rear Gunnison sage-grouse chicks in captivity to 5- and 7- weeks post-hatch when they were released to the wild, however, none survived (T. Apa, pers. comm.). Survival of male and female wild juvenile sage-grouse in two study areas in Colorado was only 61% from 1

September to 31 March (calculated from Apa et al. 2017). Based on literature related to survival of juvenile ring-necked pheasant over-winter, survival of captive-bred juvenile sage-grouse is likely to be much lower than that of wild juveniles.

The number of sage-grouse or sage-grouse eggs needed to provide 50 sage-grouse for augmentation purposes (a relatively small number) at the beginning of the breeding season from translocation and captive rearing, and the number of birds or eggs required from source populations for each method can be estimated for illustrative and comparative purposes using published estimates of survival, hatchability, and re-nesting rates of wild hens (Table 1). A captive flock of 50 to 150 hens would be required to produce the 429-1,286 eggs needed to produce enough juveniles for release at 12 weeks of age that would result in 50 birds alive and able to breed in March. This estimate assumes post-release survival rates between 10% (based on experiences with game farm pheasants) and 30% (best case; based on Attwater's prairie-chicken long-term average survival given extended soft release protocol and supportive predator control). Establishing a captive flock of this size would require collecting 123 to 369 eggs from the wild, under the simplifying assumption that all birds surviving to 12 weeks survive to lay clutches (this likely greatly overestimates contribution of captive-reared birds to reproduction as Leif (1994) found that captive-reared hen pheasants contributed less than 10% of the reproductive output that wild hens did given much lower survival during the nesting and brood-rearing period and lower nest initiation/incubation rates. There is potential for impacts to source populations in the establishment of a captive flock large enough to provide the number of eggs needed (Table 1). This would be an initial impact that would not recur, although additional removals from source populations would be expected to offset inbreeding depression and loss of genetic diversity in captive flocks.

Number of Sage-grouse or sage-grouse eggs needed to result in 50 sage-grouse at start of breeding season {31 Mar}

Method	Hatchability	Survival to release	Post-release survival to 31 Mar.	Number of birds or eggs needed	Net Removal from source population
Spring transplant	NA	0.95	0.50	105 birds	105 birds
Collect wild eggs, release progeny < 10 days old	0.745	0.792	0.22	378 eggs	239 eggs
Collect wild eggs, release progeny ~ 12 weeks old	0.745	0.52	0.1-0.3	429-1,286 eggs	272-816 eggs
Eggs from captive flock, release progeny < 10 days old	0.565	0.792	0.22	498 eggs	443 eggs
Eggs from captive flock, release progeny ~ 12 weeks old	0.565	0.52	0.1-0.3	565-1696 eggs	503-1508 eggs

It is likely that with experience, hatchability and chick survival in captive-rearing facilities could be improved, which would reduce the number of eggs needed somewhat. Sage-grouse are determinate layers, meaning each individual female will contribute only about 7-10 eggs per year. That, along with relatively high chick mortality and juvenile mortality following release suggests relatively large breeding flocks would need to be maintained and periodically augmented.

Other Considerations. Collection of eggs and/or adult sage-grouse would require permits from state wildlife agencies and, if taken from Federal land, from land management agencies. State regulations, laws and attitudes about private

possession of wildlife vary, so this may or may not require regulatory change or legislative approval based on the state. Sage-grouse of all ages are very susceptible to West Nile Virus (WNV), so if a captive flock is established precautions should be taken to prevent exposure of birds to mosquitoes that may carry the WNV by physical enclosures or placement of the facility in areas where WNV is not prevalent. Captive sage-grouse also seem susceptible to salmonella, aspergillosis, and other bacterial, fungal, and viral diseases, so precautions should be taken to prevent introduction of these diseases into wild populations if captive birds are released. Captive breeding facilities for Attwater's prairie-chicken have experienced outbreaks of Reticuloendotheliosis viruses (REV), which has resulted in transmission to wild birds upon release (Morrow 2017).

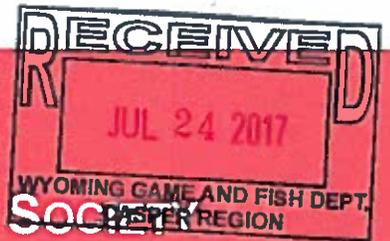
Conclusions

- Sage-grouse can be artificially incubated, hatched, reared, maintained, and bred, and will produce viable eggs in captivity.
- Relatively low hatchability and survival rates in captivity suggest egg collections from wild clutches could be substantial to produce a sizable captive flock for captive egg production.
- Release of 1-5-day old captive-reared chicks to existing brood hens is effective, but is not likely to be a strategy that could be scaled up. Survival of sage-grouse juveniles released at 8-12 weeks has not been evaluated but should be evaluated if releases at this age are contemplated.
- Techniques for captive rearing of sage-grouse are still in their infancy although significant strides have been made in the last 10 years. Methods associated with artificial insemination, controlling bacterial disease, disease prevention and control, and other aspects of husbandry need additional research. Zoos or other conservation partners with a similar mission, in collaboration with state or provincial wildlife agencies, may be in the best position to fund and staff this kind of research.
- Pending refinement and demonstration of the effectiveness of captive breeding and release of sage-grouse, other approaches to augmentation appear to be more certain and likely to be less costly and impactful to source populations.
- Sage-grouse population size varies substantially over time in response to environmental stochasticity. Augmentations by any means are not necessary for recovery from declines in relatively large contiguous habitats in good conditions. Augmentations are unlikely to have any success in small and isolated populations until and unless the environmental conditions that precipitated sage-grouse declines have been mitigated.

Literature cited can be found under the Sagebrush Ecosystem Initiative tab at wafwa.org



WYOMING CHAPTER – THE WILDLIFE SOCIETY



The mission of The Wildlife Society is to inspire, empower, and enable wildlife professionals to sustain wildlife populations and habitats through science-based management and conservation.

Learn more at: <http://wildlife.org/wyoming-chapter/>

July 24, 2017

Wyoming Game and Fish Department
Wildlife Division
Attn: Regulations
3030 Energy Lane
Casper, WY 82604

RE: Chapter 60: Regulation Governing Greater Sage-grouse Raised on Private Game Bird Farms

Dear Wyoming Game and Fish Department,

On behalf of The Wyoming Chapter of the Wildlife Society (WY-TWS), please find the following comments on Chapter 60 (Draft 5-22-17.12): Regulation Governing Greater Sage-grouse Raised on Private Game Bird Farms.

About The Wildlife Society

The Wildlife Society is an international organization committed to addressing national and international issues that affect the current and future status of wildlife in North America and throughout the world. WY-TWS, overseen by a voluntary executive board, is comprised of wildlife professionals who collectively promote awareness of and continued improvement in science-based wildlife management in Wyoming. There is a tremendous amount of peer-reviewed scientific research on Greater Sage-grouse, much of which was conducted and published by members of WY-TWS. WY-TWS has been following the progress of this bill and had engaged while it was being considered by the State Legislature. We appreciate the opportunity to share our biological expertise with the Wyoming Game and Fish Department (Department) as you work with the Wyoming Game and Fish Commission to adopt final rules to implement the law by September 1, 2017. Our purpose for engagement in this issue is to provide the scientific expertise that will result in minimized impact to Wyoming's wild populations of Greater Sage-grouse.

Recommendations to Improve Chapter 60

The following concerns and suggestions are based on the expertise of our membership, an extensive review of the peer-reviewed literature, and conversations with scientists and colleagues knowledgeable in rearing sage-grouse in captivity.

Casper

Section 3(c) – Specification of appropriate “collection area(s),” geographic areas determined by the Department where sage-grouse nest sites may be disturbed by a licensee for the sole purpose of collecting grouse eggs.

- **Recommendation:** Core Population Areas¹ should *not* be included in geographic areas determined suitable by the Department for egg collection and subsequent release efforts. Wyoming’s long-standing Core Area strategy follows the established mitigation hierarchy understanding that the primary mission is avoiding impacts to the best remaining habitat for Greater Sage-grouse².

Section 3(e) – Separation from wild sage-grouse, including a buffer to reduce chances of disease transmission between captive and wild sage-grouse, is critical.

- **Recommendation:** We recommend explicitly establishing separation from wild sage-grouse in the definition of “enclosure.” Refer to comments on Section 7(b).

Section 3(i) – Given different (although dependent) success criterion specific to the differing goals of farming sage-grouse in Wyoming as suggested by the suite of regulations proposed, “successfully raised” needs to include more than the captive flock-specific criterion established in Section 3(i).

- **Recommendation:** We recommend establishing a definition of “successfully raised” specific for and unique to captive sage-grouse (rather than game birds in general as suggested by the current definition).

Scientific literature suggests that most artificially-reared grouse species die within a few weeks of release due primarily to behavioral deficiencies in released animals, including foraging, predator avoidance, and social deficiencies. Further, the scientific literature pertaining to the captive rearing of sage-grouse as well as other species is consistent in suggesting that the methods, handling protocols and facilities used to rear sage-grouse in captivity directly influence the survivability of individuals upon release. Finally, although there has been some success releasing captive-reared Attwater’s prairie-chicken and having them survive to breeding age and nest, “documented survival of offspring from these nests has been extremely poor to non-existent” (USFWS 2010). Therefore, the release of sage-grouse that are behaviorally adapted to survive to be recruited into a wild population, nest, and successfully raise chicks constitute unique success criteria for a bird farm.

- **Recommendation:** We recommend establishing a definition of “successfully raised” specific for and unique to released sage-grouse.
- **Recommendation:** We recommend explicitly establishing that “successfully raised” for released sage-grouse is defined as rearing sage-grouse in captivity that are behaviorally suited to survive to sexual maturity (1 year) upon release and are documented to be recruited into the wild breeding population.
- **Recommendation:** We additionally recommend that the definition of “successfully raised” for released sage-grouse includes language establishing that at least a certain proportion of released

¹ To identify core regions Doherty et al. (2011) used an abundance-weighted simple kernel function to delineate priority nesting areas based on proximity of surrounding leks.

² <https://wgfd.wyo.gov/Habitat/Sage-Grouse-Management/MitigationDecemberwithupdateFINAL>

sage-grouse are documented to successfully nest and raise chicks that survive to sexual maturity, basing this proportion on demographic rates documented for wild sage-grouse.

- **Recommendation:** Finally, we suggest including this definition of successfully raised released sage-grouse for license renewal—e.g., licensee needs to empirically demonstrate that released sage-grouse meet the successfully raised (for released sage-grouse) standard for license renewal.

Section 3(j) – The “needs” of sage-grouse and their offspring is well established in the scientific literature, and should be defined. The needs of sage-grouse change seasonally, and “vegetation consistent with the needs of sage-grouse” must address both the cover and nutritional requirements of the species on a seasonal basis.

- **Recommendation:** We recommend paraphrasing from the following narrative to establish a definition for “needs”:

Sagebrush provides cover for adult and juvenile sage-grouse year-round, with specific sagebrush canopy cover and height requirements for nesting, brood-rearing and winter. Tall grasses provide cover during the nesting and brood-rearing seasons. Cover requirements for sage-grouse on a seasonal basis are available in the literature. Adult sage-grouse eat sagebrush year-round, but consume substantial quantities of forbs and insects during the spring and summer. Forbs and insects provide the nutritional boost these individuals require for successful nesting and raising of chicks. Lists of the primary forbs consumed by adult sage-grouse are available in the literature. Chicks require high protein diets consisting primarily of insects for the first 30 days after hatching, when their diets shift to consuming a combination of insects and forbs. The proportion of insects to forbs required in the diet of chicks for survival and optimal growth is available in the literature. Chicks will begin to consume sagebrush later in the summer of their first year, and will transition to a diet that mirrors adults as forbs become unavailable later in the fall.

Section 6(a) – The monitoring requirements described in the Regulations are insufficient to make the determination that a bird farm raising sage-grouse is “maintained disease free.” The scientific literature, including sage-grouse specific literature, is consistent in cautioning that disease is a substantial and constant risk to wild animals being reared in captivity,³ and the critical function disease monitoring plays in minimizing that risk.

- **Recommendation:** We recommend that, in addition to the protocols established in the Regulations, (1) licensees are required to have their facilities directly inspected by the Wyoming Game and Fish Department (Department) in coordination with the Wyoming State Veterinary Laboratory at least quarterly to include the direct testing of captive sage-grouse for macro- and microparasites and their associated infectious diseases; (2) all sage-grouse that die in a facility, including eggs that do not hatch, are necropsied as described in Section 6(i), and (3) language similar to Section 7 in Chapter 40 (Regulations Governing Commercial Game Bird Farms) is added to the sentence in Section 6(a) describing the approach to handling any sage-grouse

³ Christiansen, T.J., and C.M. Tate. 2011. Parasites and infectious diseases of Greater Sage-Grouse. Pp. 113-126 in S.T. Knick and J.W. Connelly (editors). Greater Sage-Grouse: ecology and conservation of a landscape species and its habitats. Studies in Avian Biology (vol. 38), University of California Press, Berkeley, CA. See Table 8.1 for known parasites and infectious diseases of Greater Sage-Grouse – listed by state.

suspected of being exposed to disease—i.e., “The licensee shall notify the Department within twenty-four (24) hours of *having reason to believe* that sage-grouse held under a license pursuant to this regulation *may have been* exposed to or contracted a contagious disease or parasite” (emphasis added).

- **Recommendation:** We additionally recommend adding the following language paraphrased from Chapter 40 to the end of Section 6(a): “It shall be a violation of this regulation to remove captive sage-grouse exposed to, suspected of being exposed to, or which have contracted a contagious disease or parasite from the holding facility(ies) without prior authorization from the Department.”

Section 6(b) – The cleaning and sanitizing of sage-grouse farming facilities is critical to reduce risk of disease, and approaches to doing so should be explicitly addressed by the Department.

- **Recommendation:** We suggest adding “using Department approved protocols and products” to Section 6(b).

Section 6(e) – The list of infectious diseases and macro- and microparasites potentially affecting sage-grouse as reported in the literature³ is far more extensive than the list of diseases included in Section 6(e). Further, it is worth emphasizing that there are always risks that release programs may inadvertently infect wild populations with pathogens for which those populations have no resistance, even with intensive pre-release screening.

- **Recommendation:** We recommend that Section 6(e) be rewritten similar to Section 2(d) in Chapter 40 to read (emphasis added): “All sage-grouse scheduled for release shall test negative within thirty (30) days prior to release for *all infectious, contagious or communicable diseases or parasites including, but not limited to*, *Mycoplasma gallisepticum*, *M. synoviae*, *M. meleagridis*, avian influenza, *Salmonella pullorum* (Pullorum Disease), *S. gallinarum* (Fowl Typhoid) and *West Nile virus (WNV)*.”
- **Recommendation:** We further recommend that language specific to the monitoring of wild populations that may come into contact with released sage-grouse be added to Section 6(e)—e.g., “The licensee, in coordination with the Department, will be required to rigorously monitor wild populations that may come into contact with released sage-grouse for disease exposure to include the full spectrum of diseases and parasites known to impact sage-grouse as well as diseases and parasites that could potentially impact the species but are currently not known to impact the species.”

Section 6(f) – We question why the Regulations specify parasites in Section 6(f) and not diseases.

- **Recommendation:** We recommend that, in addition to the parasite monitoring program established by Section 6(f), the Regulations establish that infectious, contagious and communicable disease monitoring programs as approved by the Department be maintained by the licensee [see comment Section 6(a)].

Section 6(g) – The literature suggests that sage-grouse succumb to many of the diseases affecting the species within days rather than years (e.g., sage-grouse experimentally infected with WNV die within 6 to 8 days). Therefore, annually-scheduled inspections by Department personnel are not sufficiently frequent to make the determination that a facility is disease free.

- **Recommendation:** We recommend that (1) facilities raising sage-grouse are inspected *at least* quarterly, (2) inspections are done by Department personnel in coordination with the Wyoming State Veterinary Laboratory, and (3) inspections explicitly include the direct disease testing of captive sage-grouse in addition to the inspection of a licensee’s enclosure, hatchery facility and sage-grouse.
- **Recommendation:** Further, we recommend including language similar to Section 5(b) in Chapter 40 at the end of Section 6(g) to read: “Department personnel may inspect facilities or sage-grouse at any time to insure they meet disease free requirements.”

Section 7(b) – The separation of captive sage-grouse from wild sage-grouse is important to reduce the chance of the potential transfer of infectious diseases or macro- and microparasites.

- **Recommendation:** We recommend that separation from wild sage-grouse be explicitly established as a requirement of captive sage-grouse holding facilities.
- **Recommendation:** Additionally, we recommend that the 100-foot unoccupied buffer zone mentioned in Section 7(b) be designed and maintained to *eliminate entirely* the possibility that wild sage-grouse will come within 100 feet of captive individuals.

Section 8 – Given sage-grouse behavior (extensively documented in the scientific literature), the majority of wild female sage-grouse impacted by the actions authorized under Section 8 of the Regulations will more than likely be effectively eliminated from the reproducing population the year impacted. To reduce the potential population-level effects pursuing the actions authorized under Section 8 may have on wild populations, we *recommend* the following:

- Section 8(b) – It needs to be explicitly stated that eggs are collected by a licensee for the sole purpose of populating a captive sage-grouse flock at that licensee’s facility (e.g., eggs cannot be sold to another licensee).
- Section 8(c) – It is absolutely critical that Section 8(c) explicitly establish that the Department *must directly* supervise the collection of sage-grouse eggs.
- Section 8(g)(iv) – A maximum number of nests across all authorized egg collection areas during a calendar year must be identified in the Department’s Certification. It is worth noting that the number of nests that can be disturbed in any single year should be determined by the range conditions for that year—i.e., the Department should reduce the number of nests allowed to be impacted during a given year if range conditions are not expected to be optimal for high productivity (i.e., residual grass cover and height is reduced, and long-range forecasting is not favorable).
 - **Recommendation:** We recommend that the total number of nests impacted in any one year does not exceed 33 nests per licensee (based on an average clutch size for sage-grouse of 7.5 eggs).
 - **Recommendation:** We further recommend that the number of nests counted towards the maximum include nests that were disturbed inadvertently by the licensee’s activities (e.g., females flushed from a formed nest bowl that contained no eggs).
- Section 8(g)(v) – Egg collection *must* be completed no later than May 15 to avoid impacting sage-grouse during the hatching and early brood-rearing periods.

- Section 8(g)(viii) – The use of pointing breed dogs to find nests should be explicitly established as the only technique permitted beyond the random searching for nests on foot.
 - **Recommendation:** We recommend adding additional language to Section 6(g)(viii) establishing that (1) the use of telemetry or any other form of electronic tracking of females is not permitted for locating sage-grouse nests, (2) any and all techniques designed to flush females from nests (e.g., chain dragging) are not permitted as means of locating nesting sage-grouse, and (3) the use of any motorized vehicle, including all-terrain vehicles, is strictly prohibited off of designated roadways during nest searching.

Section 10(c) – We question the clause “except as may be provided by Wyoming Statutes” being included in Section 10(c). As detailed above, captive sage-grouse may represent a serious disease risk to wild populations. Further, issues relating to release programs raised in the scientific literature include negative impacts to wild populations from decreased breeding success, increased predation, and genetic pollution.

- **Recommendation:** We recommend establishing that the unauthorized release of captive sage-grouse for *any reason* is a violation resulting in the immediate loss of the licensee's sage-grouse certification and forfeiture of all sage-grouse held in captivity at the licensee's facility.

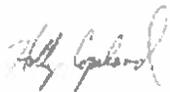
Section 13 – Ultimately, the success of the sage-grouse farming program will be judged on the number of captive reared sage-grouse that survive to be recruited into a wild population, and that subsequently successfully raise chicks that are recruited thereby augmenting the wild population. If a licensee is unable to raise sage-grouse in captivity in such a way as to meet both definitions of successfully raised, then the Department should have the authority to revoke that licensee's certification.

- **Recommendation:** We recommend adding language included in the definitions of “successfully raised” – both for captive and released sage-grouse (as recommended above) – in Section 13.

Section 2(h) Chapter 40 – The scientific literature suggests closing bird farming facilities housing species of conservation concern to the public. If these facilities are to be open to the public, visitors should practice the same rigorous disease-prevention methodology as the bird farm staff.

- **Recommendation:** We recommend including language similar to Section 2(h) Chapter 40 in Chapter 60, emphasizing that signage needs to explicitly inform those entering a game bird farm raising sage-grouse that any and all people approaching pens housing sage-grouse need to follow Department approved protocols of sanitization and decontamination prior to doing so.

We thank you for your consideration,



Holly Copeland
President, WY-TWS



Matt Holloran
Former President, WY-TWS

July 25, 2017

Wyoming Game and Fish Department
Wildlife Division
Attn: Regulations
3030 Energy Lane
Casper, WY 82604



On behalf of the undersigned organizations, who represent a large portion of American sportsmen and women and have worked for years to ensure the greater sage-grouse (herein referred to as sage-grouse or grouse) does not warrant a listing under the Endangered Species Act (ESA), we are writing in regard to the 12 May 2017 Chapter 40 draft Regulations Governing Commercial Game Bird Farms and Chapter 60 draft Regulations Governing Greater Sage-Grouse Game Bird Farms. We echo Governor Mead's concerns about provisions in this new law regarding disease control, genetic diversity, survivability of released birds, and timing, location and method of egg collection expressed in a letter on March 14, 2017 to Wyoming Secretary of State Edward Murray. We respectfully submit the following comments to the Commission:

Chapter 40 draft Regulations Governing Commercial Game Bird Farms

We support the draft regulations for governing commercial game bird farms in Wyoming, and support the full authority of the Wyoming Game and Fish Department (WYGF) to manage all aspects of commercial game bird farms.

Chapter 60 draft Regulations Governing Greater Sage-Grouse Game Bird Farms

We support the full authority of the WYGF to manage **all** aspects of sage-grouse egg collection, propagation, and release of birds. Our support for extensive WYGF oversight stems from previous attempts to restore grouse populations into vacant wild habitat through release of captive-reared birds that have had almost no success in reestablishing wild populations (the only example with Attwater's prairie chickens has failed to sustain population due to zero recruitment from pen-raised birds released

hand delivered to Jackson office

into the wild; Lockwood et al. 2005) and brood augmentation that only has been demonstrated under specific research settings (Apa and Wiechman 2015, 2016, Thompson et al. 2015). In fact, the only documented success of brood augmentation comes from Colorado, where 1-5 day-old Gunnison sage-grouse chicks were released into existing broods of radio-marked hens (Apa and Wiechman 2015, 2016, Thompson et al. 2015). Importantly, the Western Associations of Fish and Wildlife Agencies (WAFWA 2017) noted that this will not likely to be a strategy that could be scaled up from research settings to operations covering larger populations. Additionally, no large-scale, programmatic captive breeding efforts such as that allowed by current Wyoming law have ever been attempted for sage-grouse, thus warranting strict oversight by WYGF.

Additionally, we are adamant that releasing captive-reared birds into areas without the necessary habitat to support them clearly has little chance of accomplishing anything useful relative to conservation of sage-grouse populations. No scientific information is available to suggest that stocking captive-reared greater sage-grouse has any chance of accomplishing anything useful for sage-grouse populations. Indeed, (WAFWA) recently stated that “augmentations are unlikely to have any success in small and isolated populations until and unless the environmental conditions that precipitated sage-grouse declines have been mitigated” (WAFWA 2017). Thompson et al. (2015) also noted that any brood augmentation program must be done in conjunction with other habitat and population management efforts to address root causes of population decline and vulnerability.

We also are unaware of any scientific information regarding whether disturbing sage-grouse nests and removing their eggs over an unspecified area will cause greater reduction in sage-grouse populations than any augmentation could possibly counter. Indeed, as WAFWA (2017) point out, given the relatively low hatchability and survival rates of sage-grouse in captivity, we feel that egg collections from wild clutches could be substantial to produce a sizable captive flock for captive egg production and could have negative impacts on wild populations.

There also is a complete lack of scientific information on a specific time frame for successfully returning captive-reared sage grouse chicks back to the wild except for the work of Apa and Wiechman et al. (2015, 2016) and Thompson et al. (2015), who released 1-5 day old chicks into existing broods of marked hens. There are virtually no data on survivorship of captive-reared chicks simply dumped out into the landscape beyond 5-days of age and/or without the presence of existing broods. As such, most if not all such releases past 5 days of age and not into existing broods should be expected to die.

Without strict scientific oversight of sage-grouse game bird farms in Wyoming by WYGF biologists, we believe there is little probability that there will be any reasonable or viable benefits from such operations. All available science, coupled with the expert opinion of sage-grouse researchers, leads us to believe releasing older captive-reared birds is doomed to fail. Thus, to justify the disturbance on wild populations and impact of egg collection, the Commission should clearly define the conditions that must be met for release of captive-reared birds into the wild. We suggest only successful scenarios described in the literature be used for any releases (e.g., Apa and Wiechman 2015, 2016, Thompson et al. 2015), and offer further suggestions below.

Section 6. Disease Free Certification:

We believe that sage-grouse game-farm owners and operators should support strict regulations and protocols that ensure grouse held in captivity have the best chance of survival. To ensure the highest likelihood of survival, we recommend that captive-propagation facilities with eggs collected from wild sage-grouse should be authorized only under the following requirements:

- prior to release a physical examination of birds must be conducted by a licensed wildlife veterinarian and should include:
 - age and weight of each bird;
 - CBC/plasma chemistry analysis;
 - fecal parasites analysis;

- de-worming prior to release, preferably at departure from facility;
- all dead birds should be necropsied by a licensed wildlife veterinarian to determine cause of death and presence of disease;
- disease and parasite surveys should be conducted of facility prior to egg collection each year, of all birds reared in facility, and of all birds scheduled for release into the wild;
- Disease testing should include:
 - *Salmonella pullorum/typhoid*;
 - Avian Influenza (AGID at TVMDL-Gonzales lab);
 - *Chlamydochila* (EBA at Co. Station);
 - Reticuloendotheliosis Virus (REV) (PCR at TVMDL Co. Station) – 1 test;
 - West Nile virus;
 - fecal (cloacal) culture for Salmonella; and
 - any other infectious disease recognized in the flock of origin that could present a risk to the birds.
- list of diseases should be reviewed on an annual basis to include testing for diseases that present a newly-recognized risk to the population, or delete testing for diseases that are no longer considered a threat; and
- all sage-grouse should be dusted to kill lice and mites prior to release into the wild.

Section 7. Sage Grouse Enclosures:

We believe that sage-grouse game-farm owners and operators should support strict regulations and protocols that ensure sage-grouse held in captivity retain as much of their natural instincts as possible so they have the best chance of survival when reintroduced into the wild. To ensure that this has a high likelihood of occurring, we recommend that captive-propagation facilities with collected sage-grouse eggs should be authorized only under the proposed requirement by WGF.

Section 8. Acquiring Sage Grouse for Captive Rearing:

Although Section 8 of the draft regulations (Chapter 60) does not specify where eggs may or may not be collected, we believe methods approved to collect wild sage-grouse eggs by WYGF must be as restrictive and regulated as possible to limit hen, nest, and brood disturbances during the reproductive period. Sage-grouse are determinate layers, meaning each individual female will contribute only about 7-10 eggs per year. Thus, contrary to what some have said publically, sage grouse rarely re-nest and are sensitive and vulnerable to disturbance. Therefore, we recommend that provisions developed for sage-grouse game bird farms should prohibit egg collections:

- in sage-grouse core areas, on federal public lands, and in popular hunting areas that might reduce hunting opportunities for hunters;
- in the same area for consecutive years;
- through the use of dogs to locate nest
- after 15 May, otherwise collection activities may overlap with and disrupt the early brood-rearing period;
- when reproductive performance may be suppressed by natural conditions, e.g., following severe winters or during periods of drought (consider using adaptive triggers identified in state and federal conservation plans); and
- through the use of chaining or other destructive techniques used to identify nest locations.

Additionally, we recommend that a fee be charged for all collection permits and be large enough to cover all costs and expenses associated with administrative tasks associated with issuing the permit. A permit should be required, to be carried at all times, by any permitted collector and have identification information including a recent photograph of the approved collector. A WYGF biologist should also pre-approve all collection agencies, be onsite during egg collection activities, and

immediately inspect all eggs collected. These costs incurred by WYGF should also be covered by permittee and/or bird farm which will receive eggs.

Section 9. Release of Sage Grouse:

We believe that sage-grouse game-farm owners and operators should support strict regulations and protocols that ensure sage-grouse held in captivity retain as much of their natural instincts as possible so they have the best chance of survival when reintroduced into the wild. We only support using proven release techniques defined by Apa and Weichman (2015, 2016) and Thompson et al. (2015), but should the State of Wyoming allow release of older birds into the wild, we suggest the following recommendations:

- all birds released be tagged (leg band) for easy identification from wild birds;
- no released birds be used for population counts in determining yearly bird numbers – as such, pen-raised birds should not be released during periods of lek counts in the spring (generally late March – early May); and
- a proportion of released sage-grouse must be radio-marked to monitor survival and movements.

Additionally, we believe all releases of pen-raised sage-grouse, notably those >5 days and not into existing broods, should be done so in a research context to elucidate survivorship of older released birds to determine their productivity (see Lockwood et al. 2005 regarding no recruitment and failure of releases of Attwater's prairie chickens). The permittee should be responsible for funding this research and all information must be collected in partnership with WYGF. The research should be published in the scientific literature and made available to the public. Once the science indicates acceptable survivorship and productivity of captive reared birds in a research setting, then scaling up to broader scale operations could be considered. Without such a rigorous program to evaluate effectiveness, we are deeply

concerned wild populations will ultimately be negatively impacted from flawed attempts to release birds and simply manage to numbers of sage-grouse.

We strongly oppose the use of captive-reared sage-grouse as a form of mitigation or compensation for any impacts associated with habitat loss, fragmentation, and degradation from authorized actions by the State of Wyoming or a Federal Agency. Finally, we recommend that the WYGF conduct an annual review of any program or action stemming from implementation of this law and release findings within 60 days of the end of the year and before the subsequent egg collection season begins.

Thank you very much for the work that the WYGF Team has been doing, and a special thanks to staffs that have done the heavy lifting to help keep this species off of the Endangered Species List. We hope that the Department will continue to use common sense and sound science to provide guidance and oversight for the health of sage-grouse populations, in implementing solutions to the problems causing sage-grouse declines, and encouraging public policies and management decisions that will enhance important habitats and sage-grouse populations. Please do not hesitate to contact one or more of our organizations if you have any questions or request our assistance.

Sincerely,

Wyoming Wildlife Federation

National Wildlife Federation

North American Grouse Partnership

Theodore Roosevelt Conservation Partnership

Muley Fanatics Foundation

LITERATURE CITED

- Apa, A. D., and L. A. Wiechman. 2015. Captive-rearing of Gunnison sage-grouse from egg collection to adulthood to foster proactive conservation and recovery of a conservation-reliant species. *Zoo Biology* 34:438-452.
- Apa, A. D., and L. A. Wiechman. 2016. Captive-breeding of captive and wild-reared Gunnison sage-grouse. *Zoo Biology* 35:70-75.
- Lockwood, M. A., C. P. Griffin, M. E. Morrow, C. J. Randel, and N. J. Silvy. 2005. Survival, movements and reproduction of released captive-reared Attwater's prairie-chicken. *Journal of Wildlife Management* 69:1251-1258.
- Thompson, T. R., A. D. Apa, K. P. Reese, and K. M. Tadvick. 2015. Captive rearing sage-grouse for augmentation of surrogate wild broods: evidence for success. *Journal of Wildlife Management* 79:998-1013.
- Western Association of Fish and Wildlife Agencies (WAFWA). 2017. Augmenting Sage-grouse Populations through Captive Breeding and other Means.
http://www.wafwa.org/initiatives/sagebrush_ecosystem_initiative/

July 12, 2017

Dear Wyoming Game & Fish Department:



I love Sage Grouse. An amazing bird to see in the wild and a fund bird to hunt, it's actually great table fare!! Please do the right thing for the Sage Grouse and not allow egg collection.

I am proud of the role Wyoming has played in regards to sage-grouse management. Our state has led the nation in finding common-sense, science-based solutions to protect Greater Sage-Grouse. I was sincerely disheartened to learn about the passage of HB 271 (now called Enrolled Act 91), which is counter-productive to not only what the scientific community has argued for but also against the long-standing belief that our wildlife is a public resource and not appropriate for individual gain through privatization. I am submitting comments for your consideration in developing proposed rules so as to ensure least amount of damage to our wild grouse populations.

Specifically:

- Collection of eggs should NOT be allowed in core population areas. These priority habitat areas should be off limits to this for-profit experiment because of the likely disruptive effects to wild grouse.
- Cap the number of licenses issued by WGFD to three (3). This simple action would significantly reduce the harmful effects by reducing the number of eggs that can be taken to no more than 750 per year.
- Prohibit the privatization of knowledge. The proposed rule should be revised to specify that information and experience gained by the licensee during the term of the license is public information and as such, should not be treated as proprietary trade secrets. Allowing individuals to profit from the information and knowledge gained at the expense of our wildlife populations is unacceptable.
- Require the licensee to pay for the costs. The WGFD is funded primarily by the sale of hunting and fishing licenses. The costs of administering this grouse farming program, from reviewing the applications, to supervising the collection of eggs, to conducting inspections of facilities, should not be passed on to hunters and anglers. The rule should contain cost recovery provisions to ensure that the licensee, not the public, pays for the cost of the program.
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Thank you for considering my comments.

Sincerely,

Jason Gies
Laramie, WY 82070
July 12, 2017

Dear Wyoming Game & Fish Department:

Casper



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Every time I think I've heard it all concerning the greed behind making a profit at the expense of wildlife or the environment something like this happens.

Thank you for considering my comments.

Sincerely,

Kirk and Ann Jacobs
Laramie, WY 82072
July 12, 2017

Dear Wyoming Game & Fish Department:

I am disappointed to learn about the passage of HB 271 (now called Enrolled Act 91), which is against the long-standing ideal that our wildlife is a public resource and not appropriate for individual gain through privatization. I am submitting comments for your consideration in

developing proposed rules so as to ensure least amount of damage to our wild grouse populations.

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Thank you for considering my comments.

Sincerely,

Anya Tyson
Lander, WY 82520



July 12, 2017

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Thank you for considering my comments.

Sincerely,

Deborah Stowe
Cheyenne, WY 82009



July 12, 2017

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Thank you for considering my comments.

Sincerely,

Caroline Kirsch Russell
Casper, WY 82609



July 12, 2017

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Thank you for considering my comments.

Sincerely,

Cel Hope
Sheridan, WY 82801



July 12, 2017

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Thank you for considering my comments.

Sincerely,

Jason Reed
Casper, WY 82609



July 12, 2017

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Thank you for considering my comments.

Sincerely,

Mary evans
Baggs, WY 82321



July 12, 2017

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Thank you for considering my comments.

Sincerely,

Macey Mott
Jackson, WY 83002



July 12, 2017

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Thank you for considering my comments.

Sincerely,

Steve Ford
Casper, WY 82601



July 12, 2017

Dear Wyoming Game & Fish Department:

I am proud of the role Wyoming has played in regards to sage-grouse management. Our state has led the nation in finding common-sense, science-based solutions to protect Greater Sage-Grouse. I was sincerely disheartened to learn about the passage of HB 271 (now called Enrolled Act 91), which is counter-productive to not only what the scientific community has argued for but also against the long-standing belief that our wildlife is a public resource and not appropriate for individual gain through privatization. I am submitting comments for your consideration in developing proposed rules so as to ensure least amount of damage to our wild grouse populations.

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Thank you for considering my comments.

Sincerely,

Andrew Salter
Jackson, WY 83001



July 12, 2017

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Thank you for considering my comments.

Sincerely,

Louise Wade
Jackson, WY 83001



July 12, 2017

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Thank you for considering my comments.

Sincerely,

Joanna Taylor
Buffalo, WY 82834



July 12, 2017

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Sincerely,

Brian McGee
Jackson, WY 83001



July 12, 2017

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Sincerely,

Brenda Baxter
Cody, WY 82414



July 12, 2017

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Thank you for considering my comments.

Sincerely,

robert ferrara
Cheyenne, WY 82009



July 12, 2017

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Thank you for considering my comments.

Sincerely,

Julian Coppede
Cheyenne, WY 82009



July 12, 2017

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Thank you for considering my comments.

Sincerely,

Linda Olinger
Riverton, WY 82501



July 14, 2017

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Sincerely,

Geoff Skews
Yellowstone National Park, WY 82190



July 15, 2017

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Sincerely,

Deborah Richards
Burns, WY 82053



July 12, 2017

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Sincerely,

Jim Engleman
Laramie, WY 82072



July 12, 2017

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Sincerely,

George Simmons
Green River, WY 82935



July 12, 2017

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Patricia Gehring
Sheridan, WY 82801



July 12, 2017

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- Prohibit the privatization of knowledge. The proposed rule should be revised to specify that information and experience gained by the licensee during the term of the license is public information and as such, should not be treated as proprietary trade secrets. Allowing individuals to profit from the information and knowledge gained at the expense of our wildlife populations is unacceptable.
- Require the licensee to pay for the costs. The WGFD is funded primarily by the sale of hunting and fishing licenses. The costs of administering this grouse farming program, from reviewing the applications, to supervising the collection of eggs, to conducting inspections of facilities, should not be passed on to hunters and anglers. The rule should contain cost recovery provisions to ensure that the licensee, not the public, pays for the cost of the program.
- Require a strong monitoring program. Because something of this scale has never been done before (as scientists and wildlife managers have long-opposed its need or benefit to Greater Sage-Grouse), the efforts must have a rigorous monitoring program to determine the success of the program in a statistically valid manner. Monitoring should be done for both the released birds and for the wild population where pen-raised sage-grouse are being released. This is important because researchers have reported that release programs have negatively impacted wild populations by (1) decreasing breeding success of wild individuals, (2) increasing predation of the population in general, (3) spreading disease, and (4) weakening genetics of the wild population.

Thank you for considering my comments.

Sincerely,

Rick Walters
Laramie, WY 82070



July 12, 2017

Dear Wyoming Game & Fish Department:

I am proud of the role Wyoming has played in regards to sage-grouse management. Our state has led the nation in finding common-sense, science-based solutions to protect Greater Sage-Grouse. I was sincerely disheartened to learn about the passage of HB 271 (now called Enrolled Act 91), which is counter-productive to not only what the scientific community has argued for but also against the long-standing belief that our wildlife is a public resource and not appropriate for individual gain through privatization. I am submitting comments for your consideration in developing proposed rules so as to ensure least amount of damage to our wild grouse populations.

Specifically:

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Thank you for considering my comments.

Sincerely,

Ms Zentura
Casper, WY 82604



July 12, 2017

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Thank you for considering my comments.

Sincerely,

Kathy Hendricks
Cody, WY 82414



July 12, 2017

Dear Wyoming Game & Fish Department:

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Thank you for considering my comments.

Sincerely,

Dennis Blumenshine
Laramie, WY 82070



July 12, 2017

Dear Wyoming Game & Fish Department:

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Thank you for considering my comments.

Sincerely,

L Olson
Wilson, WY 83014



July 13, 2017

Dear Wyoming Game & Fish Department:

I am proud of the role Wyoming has played in regards to sage-grouse management. Our state has led the nation in finding common-sense, science-based solutions to protect Greater Sage-Grouse. I was sincerely disheartened to learn about the passage of HB 271 (now called Enrolled Act 91), which is counter-productive to not only what the scientific community has argued for but also against the long-standing belief that our wildlife is a public resource and not appropriate for individual gain through privatization. I am submitting comments for your consideration in developing proposed rules so as to ensure least amount of damage to our wild grouse populations.

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Thank you for considering my comments.

Sincerely,

Charles Kuckel
Cheyenne, WY 82003



CHAPTER 60

REGULATION GOVERNING GREATER SAGE-GROUSE RAISED ON PRIVATE GAME BIRD FARMS

Section 1. Authority. This regulation is promulgated under authority of Wyoming Statutes § 23-1-101, § 23-1-103, § 23-1-302, § 23-3-108, § 23-3-116, §§ 23-5-101 through 23-5-111 and § 23-6-111.

Section 2. Regulation. The Wyoming Game and Fish Commission hereby adopts the following regulation governing Greater Sage-grouse raised on licensed and certified game bird farms. This regulation shall remain in effect until modified or repealed by the Commission and all certifications issued under this regulation shall expire on December 31, 2022. The purpose of this regulation is to certify game bird farm licensees to possess, propagate, breed, raise, sell, release and take Greater Sage-grouse within the boundaries of a game bird farm, and to collect Greater Sage-grouse eggs from the wild for the purpose of establishing a captive breeding population. Game bird farms certified under this regulation are also governed by Commission regulation Chapter 40, Regulation Governing Commercial Game Bird Farms.

Section 3. Definitions. For the purpose of this regulation, definitions will be as set forth in Title 23, Wyoming Statutes, Commission regulations and the Commission also adopts the following definitions:

(a) “Captive Breeding Population” means live captive sage grouse in the possession of a licensee with the proper certification, where the licensee has documented captive reproductive success through natural breeding or artificial insemination practices and has successfully raised sage grouse chicks from captive sage grouse hens living entirely within an enclosure, that are self-sustaining and do not require any additional wild sage grouse to be added to or supplemented into the flock for any purpose.

(b) “Certificate of Compliance” or “Certification” means a written approval by the Department to a game bird farm licensee that authorizes the licensees to possess, propagate, breed, raise, sell, gather eggs from the wild and release live greater sage grouse and to take greater sage grouse within the boundaries of their game bird farm.

(c) “Collection Area” means a geographic area as determined by the Department and specified on a Certificate of Compliance, where sage grouse nest sites in the wild may be disturbed by a licensee for the sole purpose of collecting sage grouse eggs.

(d) “Coordination with the Department” means the game bird licensee shall contact the Department representative listed on their Certificate of Compliance to receive authorization at least ten (10) business days prior to any release of sage grouse within the state and outside of the boundaries of a game bird farm, or to release sage grouse where wild sage grouse exist within the boundaries of an existing game bird farm, or collection of any sage grouse eggs from the wild. A Department representative may observe and direct any release of sage grouse or collection of any sage grouse eggs from the wild.

(e) “Enclosure” means a holding facility designed to confine and physically separate captive sage grouse from other game birds, domestic animals, domesticated animals and livestock, and to handle live greater sage grouse. The holding facility shall be defined by legal description to the quarter/quarter (1/4-1/4) section where live sage grouse shall be possessed or confined.

(f) “Hatching Facility” means a commercially produced incubator and hatcher capable of monitoring and maintaining environmental conditions necessary to successfully hatch sage grouse eggs.

(g) “Professional Wildlife Biologist” means an individual named by an applicant on their certification application who has a professional wildlife background in the management of Greater-Sage grouse and is knowledgeable of the species’ habitats, who has been approved by the Department and is listed on a licensee’s Certificate of Compliance.

(h) “Sage Grouse” means live birds and viable eggs of all Greater-Sage grouse (*Centrocercus urophasianus*).

(i) “Successfully Raised” means documented evidence, as required by the Department, that a licensee has demonstrated an ability to hatch game bird eggs or brood chicks, raise juvenile game birds to breeding age and achieve reproduction of game birds through either natural or artificial insemination.

(j) “Vegetation Consistent with the Needs of Sage Grouse” means the presence of one (1) or more species/subspecies of appropriate sage brush, forbs and grasses suitable to sage grouse and in sufficient quantity to meet the needs of captive sage grouse and any offspring. Sage brush, forbs and grasses shall be maintained and replaced as necessary to provide food, cover and suitable dust control.

Section 4. Application for Game Bird Farm Licensee Sage Grouse Certification.

(a) Any game bird farm licensee desiring certification to operate a sage grouse private game bird farm shall make application on forms provided by the Department. A Certificate of Compliance shall be received prior to taking possession of any sage grouse.

(b) Applications for a Certificate of Compliance shall be submitted annually on a form provided by the Department to the permitting officer during regular business hours from November 1 through December 31 for the following calendar year. If the deadline date occurs on a date when the Department has been closed to mail delivery (weekends, holiday, etc.), applications shall be accepted until 5:00 p.m. mountain time zone on the next business day.

(c) Only complete applications received by the permitting officer during the application period shall be accepted. Applicants shall be notified by the Department by January 15 of Certification approval or denial, and by March 15 of specific egg collection allocation limits and the geographic areas where sage grouse eggs may be collected.

(d) The Department shall issue no more than five (5) Certifications to raise Greater Sage-grouse pursuant to W.S. § 23-5-111.

Section 5. Identification Requirements. Before release of any sage grouse, the Department and licensee shall determine a specific method to identify individual birds. The type of identification shall depend upon the age of the sage grouse. The Department shall make the final determination as to the suitability of the identification method.

Section 6. Disease Free Certification.

(a) All sage grouse possessed under a Certification of Compliance shall be maintained disease free in accordance with Department requirements and applicable Commission regulations. All facilities utilized in the game bird farm shall be maintained so as to prohibit the acquisition, spread or transmittal of diseases and parasites. Upon the discovery or exposure of any captive sage grouse to any contagious disease, the licensee shall immediately place such affected sage grouse under the professional care of a veterinarian licensed in the State of Wyoming and such incident shall be reported within twenty-four (24) hours to a Department representative listed on the licensee's Certificate of Compliance, their local game warden or regional office by the game bird farm licensee or their designee.

(b) All sage grouse enclosures and hatching facilities shall be cleaned and sanitized prior to placing any sage grouse in these facilities.

(i) The licensee shall provide written documentation to the Department that the enclosure and hatching facilities have been cleaned and sanitized annually, including a description of the methods used to clean and sanitize the facilities, prior to the issuance of a Certificate of Compliance.

(ii) The licensee shall designate and utilize a Department approved method of sanitization and decontamination for all persons entering or exiting a sage grouse enclosure or hatching facility to reduce the transmission of disease.

(c) The licensee shall submit an annual National Poultry Improvement Plan (NPIP) certificate to the Department prior to renewal of their certification.

(d) The licensee shall provide to the Department an annual avian influenza free certification from a veterinarian licensed in the state of Wyoming for their sage grouse enclosure and hatching facility prior to renewal of their certification.

(e) All sage grouse scheduled for release shall test negative within thirty (30) days prior to release for *Mycoplasma gallisepticum*, *M. synoviae*, *M. meleagridis*, avian influenza, *Salmonella pullorum* (Pullorum Disease) and *S. gallinarum* (Fowl Typhoid).

(f) The licensee shall maintain an active parasite monitoring program as approved by the Department and manage or treat sage grouse as needed to maintain low parasite burdens.

(g) A Department veterinarian shall inspect a licensee's enclosure, hatching facility and sage grouse a minimum of one (1) time per year to insure they are disease free.

(h) If facilities or sage grouse are found not to be disease free, or if diseased sage grouse present a threat to the wildlife of the state as determined by the Department, the Department may require additional disease or parasite testing or order such action as necessary, including quarantine or destruction of sage grouse, sterilization of enclosures and facilities, cessation of activities and disposal of the diseased sage grouse in a manner satisfactory to the Department. The Department may refuse to lift the quarantine or refuse to allow the operation of the game bird farm until such time as the facilities and sage grouse meet disease free requirements. When it is shown the facilities and sage grouse meet disease free requirements, the Department may lift the quarantine.

(i) Sage grouse scheduled for release shall be held in a separate holding pen for a minimum of thirty (30) consecutive days prior to their release. Any sage grouse mortality from those held for release during this thirty (30) day period shall immediately be reported to the Department and sent for necropsy to the Wyoming State Veterinary Laboratory at the expense of the licensee. Copies of the necropsy results from the Wyoming State Veterinary Laboratory shall be provided to the Department by the licensee within five (5) calendar days from the date of the report. In such cases, written permission from the Department shall be required prior to release of any remaining sage grouse.

Section 7. Sage Grouse Enclosure.

(a) Before a certification is issued to a licensee, Department personnel shall review the applicant's proposed enclosure taking into consideration the number of sage grouse requested, the welfare of the sage grouse to be possessed, the purpose(s) for which the sage grouse shall be held and to insure adequate protection for Wyoming's wildlife resources. Sage grouse enclosures shall be constructed to meet Department approval prior to possession of live sage grouse.

(b) A sage grouse enclosure shall be physically separate from holding facilities utilized for other species of game birds, domestic animals, domesticated animals or livestock. Sage grouse holding facilities shall be constructed to include a minimum one hundred (100) foot unoccupied buffer zone around the enclosure to avoid physical contact between other species of game birds, domestic birds or livestock to diminish the transmission of aerosolized pathogens.

(c) Enclosures shall include vegetation consistent with the needs of sage grouse, sources of visual obstruction, small shelters, cover and sub-pens that enable complete separation of the sexes during certain times of year.

Section 8. Acquiring Sage Grouse for Captive Rearing.

(a) Sage grouse shall not be imported into Wyoming for the purpose of propagation on game bird farms.

(b) A maximum of two hundred fifty (250) sage grouse eggs may be collected during a calendar year by a licensee as annually determined and authorized by the Department.

(c) The Department may supervise the collection of sage grouse eggs to assure minimal impact to nesting sage grouse. If the Department determines there is an unacceptable impact to nesting sage grouse, the Department shall not allow the licensee to collect additional sage grouse eggs.

(d) No person shall collect sage grouse eggs on private land without first obtaining written permission from the landowner, lessee or person in charge of the property.

(e) Additional limitations may be imposed upon sage grouse egg collection as stipulated on the certification, or a complete suspension of sage grouse egg collection may be mandated immediately upon notification as determined by the Department.

(f) A licensee desiring to collect sage grouse eggs shall annually obtain a Certification from the Department which shall, at a minimum, identify:

(i) Designated sage grouse egg collection areas;

(ii) Authorized methods of egg collection;

(iii) Techniques that shall be used to minimize disturbance to nesting and breeding sage grouse;

(iv) The maximum number of nests where a licensee may collect sage grouse eggs in each authorized egg collection area;

(v) Sage grouse egg collection shall only take place for up to twenty (20) days from April through May as determined by the Department;

(vi) A licensee shall spend no more than one (1) day collecting sage grouse eggs in each assigned collection area;

(vii) The time of day for sage grouse egg collection shall be determined by the Department in conjunction with the approved methods of egg collection;

(viii) The use of pointing breed dogs shall be permitted for locating sage grouse nest sites and egg collection;

(ix) A licensee shall collect all sage grouse eggs from each individual sage grouse nest utilized for egg collection;

(x) All sage grouse eggs that are damaged or destroyed during the collection process, including eggs damaged in a nest due to a fleeing hen, shall count toward a licensee's maximum authorized egg collection total for the year; and,

(xi) Measures that shall be followed to provide necessary protection to the viability of sage grouse eggs collected.

Section 9. Hatching Sage Grouse Eggs. Hatching sage grouse eggs shall be done in a hatching facility. Surrogate hatching of sage grouse eggs using domestic or domesticated animals shall not be permitted.

Section 10. Release of Sage Grouse. Release of sage grouse and release methods shall only be permitted through coordination with the Department. The Commission may restrict areas of the state from sage grouse release to protect wild populations of sage grouse.

Section 11. Escape of Captive Sage Grouse.

(a) As a condition of receiving a certification, the licensee shall agree to be solely responsible for all costs, expenses and damages suffered as a result of possessing sage grouse, but not limited to quarantine or total or partial depopulation on account of contagious diseases or parasites; or costs and expenses associated with the capture of or destruction of escaped sage grouse.

(b) The licensee or an authorized agent of the licensee shall notify the Department within twenty-four (24) hours of discovery that captive sage grouse have escaped. If the Department discovers the escape, it shall notify the licensee or their authorized agent within twenty-four (24) hours. If escaped sage grouse are not recovered by the licensee or their agent within forty-eight (48) hours following discovery of the escape or notification by the Department, the Department may at its discretion take the escaped sage grouse.

(c) It is a violation of this regulation to release, abandon or to allow escape of any captive sage grouse without prior written authorization from the Department, except as may be provided by Wyoming Statutes. All captive sage grouse released or abandoned without written authorization from the Department may be taken by Department personnel.

Section 12. Records.

(a) A licensee shall maintain on the premises of the game bird farm or at his residence legible, current, accurate and complete records on forms provided by the Department of the number of sage grouse received, shipped, purchased, reared, released, disposed of, killed or sold. Records shall include names and addresses of all recipients, purchasers, suppliers and hunters, the license number of all hunters, the date of each transaction and the number of sage grouse reared and released on the sage grouse private game bird farm. Records shall include disease testing results by date and individual bird tested. Records shall be produced upon demand by any Department law enforcement officer during reasonable hours. The licensee shall submit all records to the regional wildlife supervisor in their respective region by April 15 of each year for activities that occurred during the term of the certification.

(b) A licensee shall also report the number of nest sites where sage grouse eggs were collected, GPS coordinates of all individual nest sites located, the number of eggs in each nest

used for collection, the number of eggs collected, number of eggs damaged or destroyed during the collection process, dates of egg collection, records of all sage grouse hatched or produced in captivity, dates and locations of all released sage grouse and all sage grouse deaths.

(c) Every game bird licensee raising Greater Sage-grouse shall report to the regional wildlife supervisor by April 15 of each year the number of Greater Sage-grouse successfully raised in the preceding twelve (12) months.

Section 13. Inspection by Department Personnel. Any person issued a certification under this regulation shall, during the term of the certification and for a period of sixty (60) days after expiration of the certification, allow inspection of sage grouse records, enclosures, hatching facilities, sage grouse and sage grouse eggs by Department personnel during reasonable hours.

Section 14. Variation from Specified Rules. Any game bird farm licensee certified to raise live sage grouse may submit to the Department for consideration a detailed written request to experiment with alternate measures in sage grouse egg collection or raising captive sage grouse. The Department shall provide a written response within twenty (20) days to the licensee approving or denying the request and outlining any approved variations from the standard rules prior to the licensee adopting any alternate measures.

Section 15. Suspension, Revocation or Non-Renewal of Certification. Failure to comply with provisions of this Chapter or Wyoming Statutes governing game bird farms or to maintain a captive breeding population is just cause for the suspension, revocation or non-renewal of a certification. The suspension, revocation or non-renewal of a certification by the Department shall be carried out in compliance with Chapter 27, Rules of Practice Governing Contested Cases before the Wyoming Game and Fish Commission.

Section 16. Disposal of Sage Grouse if Certification is not Renewed or has been Suspended or Revoked. Should a licensee fail to renew their sage grouse certification or their certification is suspended or revoked, all sage grouse held in captivity on the premises shall be disposed of within sixty (60) days after expiration, suspension or revocation of the game bird farm certification. Disposal shall be in accordance with this Chapter. After this sixty (60) day period, all sage grouse on the premises shall become property of the Department and shall be disposed of by the Department in the best interest of the Department.

Section 17. Department Expenditures. The Department shall report to the Commission on an annual basis any expenditures incurred in relation to management of Greater Sage-grouse bird farms authorized pursuant to W.S. §§ 23-5-101 through 23-5-111.

WYOMING GAME AND FISH COMMISSION

Keith Culver, President

Dated: August 23, 2017

CHAPTER 60

REGULATION GOVERNING GREATER SAGE-GROUSE RAISED ON PRIVATE GAME BIRD FARMS

Section 1. Authority. This regulation is promulgated under authority of Wyoming Statutes § 23-1-101, § 23-1-103, § 23-1-302, § 23-3-108, § 23-3-116, §§ 23-5-101 through 23-5-111 and § 23-6-111.

Section 2. Regulation. The Wyoming Game and Fish Commission hereby adopts the following regulation governing Greater Sage-grouse raised on licensed and certified game bird farms. This regulation shall remain in effect until modified or repealed by the Commission and all certifications issued under this regulation shall expire on December 31, 2022. The purpose of this regulation is to certify game bird farm licensees to possess, propagate, breed, raise, sell, release and take Greater Sage-grouse within the boundaries of a game bird farm, and to collect Greater Sage-grouse eggs from the wild for the purpose of establishing a captive breeding population. Game bird farms certified under this regulation are also governed by Commission regulation Chapter 40, Regulation Governing Commercial Game Bird Farms.

Section 3. Definitions. For the purpose of this regulation, definitions will be as set forth in Title 23, Wyoming Statutes, Commission regulations and the Commission also adopts the following definitions:

(a) “Captive Breeding Population” means live captive sage grouse in the possession of a licensee with the proper certification, where the licensee has documented captive reproductive success through natural breeding or artificial insemination practices and has successfully raised sage grouse chicks from captive sage grouse hens living entirely within an enclosure, that are self-sustaining and do not require any additional wild sage grouse to be added to or supplemented into the flock for any purpose.

(b) “Certificate of Compliance” or “Certification” means a written approval by the Department to a game bird farm licensee that authorizes the licensees to possess, propagate, breed, raise, sell, gather eggs from the wild and release live greater sage grouse and to take greater sage grouse within the boundaries of their game bird farm.

(c) “Collection Area” means a geographic area as determined by the Department and specified on a Certificate of Compliance, where sage grouse nest sites in the wild may be disturbed by a licensee for the sole purpose of collecting sage grouse eggs.

(d) “Coordination with the Department” means the game bird licensee shall contact the Department representative listed on their Certificate of Compliance to receive authorization at least ten (10) business days prior to any release of sage grouse within the state and outside of the boundaries of a game bird farm, or to release sage grouse where wild sage grouse exist within the boundaries of an existing game bird farm, or collection of any sage grouse eggs from the wild. A Department representative may observe and direct any release of sage grouse or collection of any sage grouse eggs from the wild.

(e) “Enclosure” means a holding facility designed to confine and physically separate captive sage grouse from other game birds, domestic animals, domesticated animals and livestock, and to handle live greater sage grouse. The holding facility shall be defined by legal description to the quarter/quarter (1/4-1/4) section where live sage grouse shall be possessed or confined.

(f) “Hatching Facility” means a commercially produced incubator and hatcher capable of monitoring and maintaining environmental conditions necessary to successfully hatch sage grouse eggs.

(g) “Professional Wildlife Biologist” means an individual named by an applicant on their certification application who has a professional wildlife background in the management of Greater Sage-grouse and is knowledgeable of the species’ habitats, who has been approved by the Department and is listed on a licensee’s Certificate of Compliance.

(h) “Sage Grouse” means live birds and viable eggs of all Greater Sage-grouse (Centrocercus urophasianus).

(i) “Successfully Raised” means documented evidence, as required by the Department, that a licensee has demonstrated an ability to hatch game bird eggs or brood chicks, raise juvenile game birds to breeding age and achieve reproduction of game birds through either natural or artificial insemination.

(j) “Vegetation Consistent with the Needs of Sage Grouse” means the presence of one (1) or more species/subspecies of appropriate sage brush, forbs and grasses suitable to sage grouse and in sufficient quantity to meet the needs of captive sage grouse and any offspring. Sage brush, forbs and grasses shall be maintained and replaced as necessary to provide food, cover and suitable dust control.

Section 4. Application for Game Bird Farm Licensee Sage Grouse Certification.

(a) Any game bird farm licensee desiring certification to operate a sage grouse private game bird farm shall make application on forms provided by the Department. A Certificate of Compliance shall be received prior to taking possession of any sage grouse.

(b) Applications for a Certificate of Compliance shall be submitted annually on a form provided by the Department to the permitting officer during regular business hours from November 1 through December 31 for the following calendar year. If the deadline date occurs on a date when the Department has been closed to mail delivery (weekends, holiday, etc.), applications shall be accepted until 5:00 p.m. mountain time zone on the next business day.

(c) Only complete applications received by the permitting officer during the application period shall be accepted. Applicants shall be notified by the Department by January 15 of Certification approval or denial, and by March 15 of specific egg collection allocation limits and the geographic areas where sage grouse eggs may be collected.

(d) The Department shall issue no more than five (5) Certifications to raise Greater-sage Grouse pursuant to W.S. § 23-5-111.

Section 5. Identification Requirements. Before release of any sage grouse, the Department and licensee shall determine a specific method to identify individual birds. The type of identification shall depend upon the age of the sage grouse. The Department shall make the final determination as to the suitability of the identification method.

Section 6. Disease Free Certification.

(a) All sage grouse possessed under a Certification of Compliance shall be maintained disease free in accordance with Department requirements and applicable Commission regulations. All facilities utilized in the game bird farm shall be maintained so as to prohibit the acquisition, spread or transmittal of diseases and parasites. Upon the discovery or exposure of any captive sage grouse to any contagious disease, the licensee shall immediately place such affected sage grouse under the professional care of a veterinarian licensed in the State of Wyoming and such incident shall be reported within twenty-four (24) hours to a Department representative listed on the licensee's Certificate of Compliance, their local game warden or regional office by the game bird farm licensee or their designee.

(b) All sage grouse enclosures and hatching facilities shall be cleaned and sanitized prior to placing any sage grouse in these facilities.

(i) The licensee shall provide written documentation to the Department that the enclosure and hatching facilities have been cleaned and sanitized annually, including a description of the methods used to clean and sanitize the facilities, prior to the issuance of a Certificate of Compliance.

(ii) The licensee shall designate and utilize a Department approved method of sanitization and decontamination for all persons entering or exiting a sage grouse enclosure or hatching facility to reduce the transmission of disease.

(c) The licensee shall submit an annual National Poultry Improvement Plan (NPIP) certificate to the Department prior to renewal of their certification.

(d) The licensee shall provide to the Department an annual avian influenza free certification from a veterinarian licensed in the state of Wyoming for their sage grouse enclosure and hatching facility prior to renewal of their certification.

(e) All sage grouse scheduled for release shall test negative within thirty (30) days prior to release for Mycoplasma gallisepticum, M. synoviae, M. meleagridis, avian influenza, Salmonella pullorum (Pullorum Disease) and S. gallinarum (Fowl Typhoid).

(f) The licensee shall maintain an active parasite monitoring program as approved by the Department and manage or treat sage grouse as needed to maintain low parasite burdens.

(g) A Department veterinarian shall inspect a licensee's enclosure, hatching facility and sage grouse a minimum of one (1) time per year to insure they are disease free.

(h) If facilities or sage grouse are found not to be disease free, or if diseased sage grouse present a threat to the wildlife of the state as determined by the Department, the Department may require additional disease or parasite testing or order such action as necessary, including quarantine or destruction of sage grouse, sterilization of enclosures and facilities, cessation of activities and disposal of the diseased sage grouse in a manner satisfactory to the Department. The Department may refuse to lift the quarantine or refuse to allow the operation of the game bird farm until such time as the facilities and sage grouse meet disease free requirements. When it is shown the facilities and sage grouse meet disease free requirements, the Department may lift the quarantine.

(i) Sage grouse scheduled for release shall be held in a separate holding pen for a minimum of thirty (30) consecutive days prior to their release. Any sage grouse mortality from those held for release during this thirty (30) day period shall immediately be reported to the Department and sent for necropsy to the Wyoming State Veterinary Laboratory at the expense of the licensee. Copies of the necropsy results from the Wyoming State Veterinary Laboratory shall be provided to the Department by the licensee within five (5) calendar days from the date of the report. In such cases, written permission from the Department shall be required prior to release of any remaining sage grouse.

Section 7. Sage Grouse Enclosure.

(a) Before a certification is issued to a licensee, Department personnel shall review the applicant's proposed enclosure taking into consideration the number of sage grouse requested, the welfare of the sage grouse to be possessed, the purpose(s) for which the sage grouse shall be held and to insure adequate protection for Wyoming's wildlife resources. Sage grouse enclosures shall be constructed to meet Department approval prior to possession of live sage grouse.

(b) A sage grouse enclosure shall be physically separate from holding facilities utilized for other species of game birds, domestic animals, domesticated animals or livestock. Sage grouse holding facilities shall be constructed to include a minimum one hundred (100) foot unoccupied buffer zone around the enclosure to avoid physical contact between other species of game birds, domestic birds or livestock to diminish the transmission of aerosolized pathogens.

(c) Enclosures shall include vegetation consistent with the needs of sage grouse, sources of visual obstruction, small shelters, cover and sub-pens that enable complete separation of the sexes during certain times of year.

Section 8. Acquiring Sage Grouse for Captive Rearing.

(a) Sage grouse shall not be imported into Wyoming for the purpose of propagation on game bird farms.

(b) A maximum of two hundred fifty (250) sage grouse eggs may be collected during a calendar year by a licensee as annually determined and authorized by the Department.

(c) The Department may supervise the collection of sage grouse eggs to assure minimal impact to nesting sage grouse. If the Department determines there is an unacceptable impact to nesting sage grouse, the Department shall not allow the licensee to collect additional sage grouse eggs.

(d) No person shall collect sage grouse eggs on private land without first obtaining written permission from the landowner, lessee or person in charge of the property.

(e) Additional limitations may be imposed upon sage grouse egg collection as stipulated on the certification, or a complete suspension of sage grouse egg collection may be mandated immediately upon notification as determined by the Department.

(f) A licensee desiring to collect sage grouse eggs shall annually obtain a Certification from the Department which shall, at a minimum, identify:

(i) Designated sage grouse egg collection areas;

(ii) Authorized methods of egg collection;

(iii) Techniques that shall be used to minimize disturbance to nesting and breeding sage grouse;

(iv) The maximum number of nests where a licensee may collect sage grouse eggs in each authorized egg collection area;

(v) Sage grouse egg collection shall only take place for up to twenty (20) days from April through May as determined by the Department;

(vi) A licensee shall spend no more than one (1) day collecting sage grouse eggs in each assigned collection area;

(vii) The time of day for sage grouse egg collection shall be determined by the Department in conjunction with the approved methods of egg collection;

(viii) The use of pointing breed dogs shall be permitted for locating sage grouse nest sites and egg collection;

(ix) A licensee shall collect all sage grouse eggs from each individual sage grouse nest utilized for egg collection;

(x) All sage grouse eggs that are damaged or destroyed during the collection process, including eggs damaged in a nest due to a fleeing hen, shall count toward a licensee's maximum authorized egg collection total for the year; and,

(xi) Measures that shall be followed to provide necessary protection to the viability of sage grouse eggs collected.

Section 9. Hatching Sage Grouse Eggs. Hatching sage grouse eggs shall be done in a hatching facility. Surrogate hatching of sage grouse eggs using domestic or domesticated animals shall not be permitted.

Section 10. Release of Sage Grouse. Release of sage grouse and release methods shall only be permitted through coordination with the Department. The Commission may restrict areas of the state from sage grouse release to protect wild populations of sage grouse.

Section 11. Escape of Captive Sage Grouse.

(a) As a condition of receiving a certification, the licensee shall agree to be solely responsible for all costs, expenses and damages suffered as a result of possessing sage grouse, but not limited to quarantine or total or partial depopulation on account of contagious diseases or parasites; or costs and expenses associated with the capture of or destruction of escaped sage grouse.

(b) The licensee or an authorized agent of the licensee shall notify the Department within twenty-four (24) hours of discovery that captive sage grouse have escaped. If the Department discovers the escape, it shall notify the licensee or their authorized agent within twenty-four (24) hours. If escaped sage grouse are not recovered by the licensee or their agent within forty-eight (48) hours following discovery of the escape or notification by the Department, the Department may at its discretion take the escaped sage grouse.

(c) It is a violation of this regulation to release, abandon or to allow escape of any captive sage grouse without prior written authorization from the Department, except as may be provided by Wyoming Statutes. All captive sage grouse released or abandoned without written authorization from the Department may be taken by Department personnel.

Section 12. Records.

(a) A licensee shall maintain on the premises of the game bird farm or at his residence legible, current, accurate and complete records on forms provided by the Department of the number of sage grouse received, shipped, purchased, reared, released, disposed of, killed or sold. Records shall include names and addresses of all recipients, purchasers, suppliers and hunters, the license number of all hunters, the date of each transaction and the number of sage grouse reared and released on the sage grouse private game bird farm. Records shall include disease testing results by date and individual bird tested. Records shall be produced upon demand by any Department law enforcement officer during reasonable hours. The licensee shall submit all records to the regional wildlife supervisor in their respective region by April 15 of each year for activities that occurred during the term of the certification.

(b) A licensee shall also report the number of nest sites where sage grouse eggs were collected, GPS coordinates of all individual nest sites located, the number of eggs in each nest

used for collection, the number of eggs collected, number of eggs damaged or destroyed during the collection process, dates of egg collection, records of all sage grouse hatched or produced in captivity, dates and locations of all released sage grouse and all sage grouse deaths.

(c) Every game bird licensee raising Greater-sage Grouse shall report to the regional wildlife supervisor by April 15 of each year the number of Greater-sage Grouse successfully raised in the preceding twelve (12) months.

Section 13. Inspection by Department Personnel. Any person issued a certification under this regulation shall, during the term of the certification and for a period of sixty (60) days after expiration of the certification, allow inspection of sage grouse records, enclosures, hatching facilities, sage grouse and sage grouse eggs by Department personnel during reasonable hours.

Section 14. Variation from Specified Rules. Any game bird farm licensee certified to raise live sage grouse may submit to the Department for consideration a detailed written request to experiment with alternate measures in sage grouse egg collection or raising captive sage grouse. The Department shall provide a written response within twenty (20) days to the licensee approving or denying the request and outlining any approved variations from the standard rules prior to the licensee adopting any alternate measures.

Section 15. Suspension, Revocation or Non-Renewal of Certification. Failure to comply with provisions of this Chapter or Wyoming Statutes governing game bird farms or to maintain a captive breeding population is just cause for the suspension, revocation or non-renewal of a certification. The suspension, revocation or non-renewal of a certification by the Department shall be carried out in compliance with Chapter 27, Rules of Practice Governing Contested Cases before the Wyoming Game and Fish Commission.

Section 16. Disposal of Sage Grouse if Certification is not Renewed or has been Suspended or Revoked. Should a licensee fail to renew their sage grouse certification or their certification is suspended or revoked, all sage grouse held in captivity on the premises shall be disposed of within sixty (60) days after expiration, suspension or revocation of the game bird farm certification. Disposal shall be in accordance with this Chapter. After this sixty (60) day period, all sage grouse on the premises shall become property of the Department and shall be disposed of by the Department in the best interest of the Department.

Section 17. Department Expenditures. The Department shall report to the Commission on an annual basis any expenditures incurred in relation to management of Greater-sage Grouse bird farms authorized pursuant to W.S. §§ 23-5-101 through 23-5-111.

WYOMING GAME AND FISH COMMISSION

Keith Culver, President

Dated: August 23, 2017