

ENROLLED ACT NO. 123, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING  
2007 GENERAL SESSION

AN ACT relating to game and fish; providing for classification of gray wolves; providing for aggressive management of wolves; providing for monitoring of wolf population and movements; providing for rules and regulations; providing for a contingent repeal; providing for a report; and providing for a contingent effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** This act shall be effective only if W.S. 23-1-109 as created by this act is in effect in accordance with the provisions of that section. The legislative service office is authorized and directed to publish the provisions of this act in the manner which most effectively displays the contingencies provided in this act.

**Section 2.** W.S. 23-1-109 is created to read:

**23-1-109. State management of gray wolves.**

(a) Subject to subsections (b) and (c) of this section, this section shall become effective after the date that gray wolves are removed from the list of experimental nonessential population, endangered species or threatened species in Wyoming, and Wyoming has legal right to exercise full and continuous management authority over gray wolves in the entire state of Wyoming subject only to federal preemption.

(b) This section shall not become effective until such time all claims in U.S. District Court Docket No. 06CV-245J, brought by the state of Wyoming concerning laws passed by the Wyoming legislature and found at 2003 Wyoming Session Laws, Chapter 115, have been resolved by a final

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order issued by the federal district court for the district of Wyoming and that order is no longer subject to potential or ongoing appeal to any federal appellate court with jurisdiction over the district court decision, or until such claims have been settled by the state of Wyoming and all federal agencies which may be party to that action.

(c) On and after February 29, 2008, this section shall not be effective if the United States fish and wildlife service has not:

(i) Published a final rule delisting gray wolves in the manner specified in W.S. 23-1-108 in the entire state of Wyoming; and

(ii) Either:

(A) Published a final rule modifying existing 10(j) rules, under 50 C.F.R. § 17.84, governing management of wolves as an experimental nonessential population, which provides for management of wolves where predation is causing unacceptable impacts to wild ungulate herds and which addresses wolf-wild ungulate conflicts occurring at state operated feedgrounds; or

(B) Executed an agreement with the state of Wyoming which provides adequate protection for Wyoming's wild ungulates. The determination of adequate protection shall be made by certification of the governor as provided in subsection (f) of this section, if necessary to determine whether this section is effective. In making the determination of adequate protection the governor shall consult with the Wyoming game and fish commission.

(d) For purposes of this section, a wild ungulate herd may be experiencing unacceptable impacts from wolf

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predation where the herd has declined below population objectives or is in danger of doing so and:

(i) The wild ungulate herd in question is located within at least a portion of the home range of a documented wolf pack;

(ii) The annual report of wolf population published by the United States fish and wildlife service provides, or the game and fish department has documented, that at least fifteen (15) breeding pairs exist in the designated trophy game area specified in W.S. 23-1-101(a)(xii)(B)(I) and all national parks within the boundaries of Wyoming; and

(iii) The department determines that wolf predation is having an impact on the recruitment rate of the affected wild ungulate herd and the governor certifies that determination as provided in subsection (f) of this section, if necessary to determine whether this section is effective.

(e) For purposes of this section, wolf-wild ungulate conflicts occurring at state operated feedgrounds shall include any situations in which wolves:

(i) Cause wild ungulates to move from those feedgrounds;

(ii) Cause a mixing of livestock and wild ungulates; or

(iii) Cause wild ungulates to pose extraordinary safety hazards on state public roadways.

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(f) The governor shall certify to the secretary of state the occurrence of any acts which affect whether this section is effective. The effective date or dates of this section shall be determined upon the date each such certification is made and filed with the secretary of state.

**Section 3.** W.S. 11-6-302(a)(ix)(B)(II), (x)(B)(I), (II) and by creating a new subsection (b), 23-1-101(a)(viii)(B)(II), (xii)(B)(I), (II) and by creating a new subsection (b), 23-1-302(a)(xxix), 23-1-304(a), (c), (d), (e) and by creating new subsections (g) through (p) and 23-3-115(c) are amended to read:

**11-6-302. Definitions.**

(a) As used in this article:

(ix) "Predatory animal" means:

(B) Until the date gray wolves are removed from the list of experimental nonessential population, endangered species or threatened species in Wyoming as provided by W.S. 23-1-108, "predatory animal" includes wolves. After that date, "predatory animal" shall include any gray wolf not within an area of the state in which the gray wolf is:

(II) Classified as a trophy game animal by the game and fish commission pursuant to W.S. ~~23-1-304(b)(i)(A)~~ 23-1-304(a).

(x) "Trophy game animal" means:

(B) From and after the date gray wolves are removed from the list of experimental nonessential

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population, endangered species or threatened species in Wyoming as provided by W.S. 23-1-108:

(I) "Trophy game animal" shall include any gray wolf within those tracts of land within ~~the boundaries of Wyoming designated as Yellowstone National Park, Grand Teton National Park, the John D. Rockefeller, Jr. Memorial Parkway, and those federally designated wilderness areas contiguous to these national parks and this parkway as defined by the United States congress as of January 1, 2003; and~~ the following described area, subject to modification as authorized in this subdivision: northwest Wyoming beginning at the east boundary of the Shoshone National Forest and the Wyoming-Montana state line; southerly along said forest boundary to the common boundary between the Shoshone National Forest and the Wind River Indian Reservation; westerly and then southeasterly along the Shoshone National Forest boundary to the Union Pass Road (USFS Road 263); southerly along said road until it intersects the north boundary of the Upper Green River Cattle Association's grazing allotment on forest service lands; following the eastern boundary of said allotment southerly and westerly to the point it intersects the Bridger-Teton National Forest boundary; westerly along said forest boundary to U.S. Highway 189-191; northwesterly along said highway to U.S. Highway 26-89-191 at Hoback Junction; northerly along said highway to Wyoming Highway 22; westerly along said highway to the Wyoming-Idaho state line; north along said state line to the Wyoming-Montana state line; north and then east along said state line to the east boundary of the Shoshone National Forest. This described area may be diminished by rule of the game and fish commission if the game and fish commission determines the diminution does not impede the delisting of gray wolves and will facilitate Wyoming's management of wolves; and

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(II) "Trophy game animal" shall include any gray wolf within any area of the state where gray wolves are classified as trophy game animals by the game and fish commission pursuant to W.S. ~~23-1-304(b)(i)(A)~~ 23-1-304(a).

(b) To the extent necessary to achieve federal government delisting of the gray wolf, the governor may direct the game and fish commission to adopt a boundary between the area in which the wolf is treated as a trophy game animal and the area where it is treated as a predator at any place between the area described in subdivision (a)(x)(B)(I) of this section and the following described area: northwest Wyoming beginning at the junction of Wyoming Highway 120 and the Wyoming-Montana state line; southerly along Wyoming Highway 120 to the Greybull River; southwesterly up said river to the Wood River; southwesterly up said river to the Shoshone National Forest boundary; southerly along said boundary to the Wind River Indian Reservation boundary; westerly, then southerly along said boundary to the Continental Divide; southeasterly along said divide to the Middle Fork of Boulder Creek; westerly down said creek to Boulder Creek; westerly down said creek to the Bridger-Teton National Forest boundary; northwesterly along said boundary to its intersection with U.S. Highway 189-191; northwesterly along said highway to the intersection with U.S. Highway 26-89-191; northerly along said highway to Wyoming Highway 22 in the town of Jackson; westerly along said highway to the Wyoming-Idaho state line; north along said state line to the Wyoming-Montana state line; north, then east along said state line to Wyoming Highway 120. Any boundary change adopted pursuant to this subsection shall be certified and effective as provided in W.S. 23-1-109(f).

**23-1-101. Definitions of wildlife.**

(a) As used in this act:

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(viii) "Predatory animal" means:

(B) Until the date gray wolves are removed from the list of experimental nonessential population, endangered species or threatened species in Wyoming as provided by W.S. 23-1-108, "predatory animal" includes wolves. After that date, "predatory animal" shall include any gray wolf not within an area of the state in which the gray wolf is:

(II) Classified as a trophy game animal by the commission pursuant to W.S. ~~23-1-304(b)(i)(A)~~ 23-1-304(a).

(xii) "Trophy game animal" means:

(B) From and after the date gray wolves are removed from the list of experimental nonessential population, endangered species or threatened species in Wyoming as provided by W.S. 23-1-108:

(I) "Trophy game animal" shall include any gray wolf within those tracts of land within ~~the boundaries of Wyoming designated as Yellowstone National Park, Grand Teton National Park, the John D. Rockefeller, Jr. Memorial Parkway, and those federally designated wilderness areas contiguous to these national parks and this parkway as defined by the United States congress as of January 1, 2003; and~~ the following described area, subject to modification as authorized in this subdivision: northwest Wyoming beginning at the east boundary of the Shoshone National Forest and the Wyoming-Montana state line; southerly along said forest boundary to the common boundary between the Shoshone National Forest and the Wind River Indian Reservation; westerly and then southeasterly along the Shoshone National Forest boundary to the Union

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Pass Road (USFS Road 263); southerly along said road until it intersects the north boundary of the Upper Green River Cattle Association's grazing allotment on forest service lands; following the eastern boundary of said allotment southerly and westerly to the point it intersects the Bridger-Teton National Forest boundary; westerly along said forest boundary to U.S. Highway 189-191; northwesterly along said highway to U.S. Highway 26-89-191 at Hoback Junction; northerly along said highway to Wyoming Highway 22; westerly along said highway to the Wyoming-Idaho state line; north along said state line to the Wyoming-Montana state line; north and then east along said state line to the east boundary of the Shoshone National Forest. This described area may be diminished by rule of the commission if the commission determines the diminution does not impede the delisting of gray wolves and will facilitate Wyoming's management of wolves; and

(II) "Trophy game animal" shall include any gray wolf within any area of the state where gray wolves are classified as trophy game animals by the commission pursuant to W.S. ~~23-1-304(b)(i)(A)~~ 23-1-304(a).

(b) To the extent necessary to achieve federal government delisting of the gray wolf, the governor may direct the game and fish commission to adopt a boundary between the area in which the wolf is treated as a trophy game animal and the area where it is treated as a predator at any place between the area described in subdivision (a)(x)(B)(I) of this section and the following described area: northwest Wyoming beginning at the junction of Wyoming Highway 120 and the Wyoming-Montana state line; southerly along Wyoming Highway 120 to the Greybull River; southwesterly up said river to the Wood River; southwesterly up said river to the Shoshone National Forest boundary; southerly along said boundary to the Wind River Indian Reservation boundary; westerly, then southerly along said



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boundary to the Continental Divide; southeasterly along said divide to the Middle Fork of Boulder Creek; westerly down said creek to Boulder Creek; westerly down said creek to the Bridger-Teton National Forest boundary; northwesterly along said boundary to its intersection with U.S. Highway 189-191; northwesterly along said highway to the intersection with U.S. Highway 26-89-191; northerly along said highway to Wyoming Highway 22 in the town of Jackson; westerly along said highway to the Wyoming-Idaho state line; north along said state line to the Wyoming-Montana state line; north, then east along said state line to Wyoming Highway 120. Any boundary change adopted pursuant to this subsection shall be certified and effective as provided in W.S. 23-1-109(f).

**23-1-302. Powers and duties.**

(a) The commission is directed and empowered:

(xxix) After the date gray wolves are removed from the list of experimental nonessential population, endangered species or threatened species in Wyoming as provided by W.S. 23-1-108, to classify gray wolves as predatory or trophy game animals in accordance with W.S. 23-1-304, and to regulate the number of gray wolves which may be taken under a license issued under this act or as necessary to carry out the commission's duties under this act.

**23-1-304. Classification of gray wolves.**

(a) The commission shall ~~determine the classification of gray wolves as provided in this section. In making this classification the commission shall rely upon information provided by department personnel and shall consult with the Wyoming animal damage management board created by W.S. 11-6-303 and the director of the Wyoming department of agriculture, and consider any additional information~~

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~~provided by that board and by that director~~ by rule and regulation establish areas within the state where gray wolves are classified as trophy game animals and set seasons and bag limits within those areas. The areas designated, seasons and bag limits shall be set annually in a manner the commission determines, through rule and regulation, only as necessary to reasonably ensure at least seven (7) breeding pairs of gray wolves are located in this state and primarily outside of Yellowstone National Park, Grand Teton National Park and John D. Rockefeller, Jr. Memorial Parkway at the end of the current calendar year.

(c) For purposes of this section ~~"pack"~~ "breeding pair" means ~~five (5) or more gray wolves traveling together. If a group of gray wolves consists of more than ten (10) animals known to be traveling together, the commission may, at its discretion, recognize the number of packs within such a group to be equal to the number of reproductively mature females bearing young found within that group of wolves~~ an adult male and an adult female gray wolf raising at least two (2) pups of the year until December 31. The number of breeding pairs shall be certified by the department prior to January 31 of each year.

(d) The department shall institute and maintain an active program of population monitoring statewide. Population monitoring shall include the use of global positioning systems and radio collaring of gray wolves, including use of aerial tracking, necessary to accurately determine the population and movement of gray wolves in the state. The commission is authorized to enter into memoranda of understanding with the United States fish and wildlife service or other federal agencies to fund the purchase of the necessary technology and to ensure accurate and adequate monitoring of wolf population levels and movements

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through global positioning systems and radio collar tracking. In all areas of the state, except where otherwise provided, any person who harvests a wolf shall notify the department where the harvest occurred within ten (10) days. Any information regarding the number or nature of wolves legally harvested within the state of Wyoming shall only be released in its aggregate form and no information of a private or confidential nature shall be released without the written consent of the person to whom the information may refer. Information identifying any person legally harvesting a wolf within this state is solely for the use of the department or appropriate law enforcement offices and is not a public record for purposes of W.S. 16-4-201 through 16-4-205.

(e) The department shall actively monitor big game animal herd populations statewide to determine whether and to what extent the gray wolf is negatively impacting big game animal herds, and thereby hunting opportunities. To the extent permitted by this title, and notwithstanding other provisions of this title by those means authorized by the commission, the department shall manage the gray wolf population as necessary to ensure the long-term health and viability of any big game animal herd that is being threatened in this state.

(g) The commission is authorized, through rule and regulation, to use aggressive management techniques including the use of aerial hunting and hazing by the department and issuance of permits to private landowners to take wolves to protect private property including, but not limited to, livestock and other domesticated animals from wolf depredation.

(h) Within forty-eight (48) hours of receiving notification from a landowner or his designee that any gray

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wolf in the state has harassed, injured, maimed or killed livestock or any domesticated animal, the department shall respond. The department may use the aggressive management techniques authorized under subsection (g) of this section or any other management methods necessary, to minimize the harassing, injuring, maiming or killing of livestock and other domesticated animals.

(j) At any time that there exists the number of breeding pairs of gray wolves specified in subsection (a) of this section, the department is authorized to take any action necessary to protect big and trophy game populations in this state from predation by gray wolves. The department shall give priority to areas where the wild ungulate herd is experiencing unacceptable impacts from wolf predation.

(k) The commission is authorized to enter into memoranda of understanding with any federal agency or other state's wildlife agency to carry out any provision of this section and Wyoming's wolf management plan, including the use of aerial hunting.

(m) The commission shall promulgate rules and regulations requiring lethal control of wolves harassing, injuring, maiming or killing livestock or other domesticated animals and for wolves occupying geographic areas where chronic wolf predation occurs. The rules and regulations shall provide that nonlethal control actions will be used if lethal control could cause relisting of wolves under the endangered species act or if requested by the livestock or domesticated animal owner or agent.

(n) The commission shall promulgate rules and regulations providing for issuance of annual permits to landowners or livestock owners for removing wolves which are harassing, injuring, maiming or killing livestock or

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other domesticated animals and for wolves occupying geographic areas where chronic wolf predation occurs. The permits shall be issued as long as there are seven (7) breeding pairs within the state and outside of Yellowstone National Park, Grand Teton National Park and John D. Rockefeller, Jr. Memorial Parkway. The rules shall provide for suspending or cancelling permits if further lethal control could cause relisting of wolves under the endangered species act.

(o) The commission shall promulgate rules and regulations establishing a fair compensation program to compensate for wolf predation on livestock as provided in W.S. 23-1-901.

(p) The director shall report to the joint travel, recreation, wildlife and cultural resources interim committee and the joint agriculture, state and public lands and water resources interim committee regarding the rules provided for in this section not later than October 1, 2007.

**23-3-115. Taking black bear, mountain lion, gray wolf, bobcat, weasel, badger, squirrels or muskrat for damaging property.**

(c) The provisions of subsection (a) of this section relating to the taking of animals doing damage to private property shall apply to gray wolves from and after the date gray wolves are removed from the list of experimental nonessential population, endangered species or threatened species in Wyoming as provided by W.S. 23-1-108. The owner, employee or lessee acting under authority of this section shall notify the department of the killing of a gray wolf within an area of the state in which the gray wolf is classified as a trophy game animal. The notification shall

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be made within ten (10) days of the kill unless the gray wolf was taken in an area where wolves have been classified as trophy game animals pursuant to W.S. ~~23-1-304(b)(i)(A)~~ 23-1-304(a) in which case the notification shall be made within seventy-two (72) hours.

**Section 4.** 2003 Wyoming Session Laws, Chapter 115, Section 4(c) is amended to read:

**Section 4.**

(c) In order to accomplish the purposes of this act, the game and fish commission shall enter into a memorandum of understanding with appropriate federal agencies under which the commission and federal agencies shall endeavor to manage the prey base for gray wolves in a manner to maintain a sufficient prey base in Yellowstone National Park, Grand Teton National Park and John D. Rockefeller, Jr. Memorial Parkway within the state for at least eight (8) ~~packs-breeding pairs~~ of wolves. The game and fish commission shall endeavor to manage big game populations providing a prey base for seven (7) ~~packs-breeding pairs~~ of gray wolves in all other areas of the state in such a manner as to mitigate to the greatest extent possible, adverse effects on opportunities for licensed hunters to take big game.

**Section 5.** W.S. 23-1-304(b) is repealed.

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**Section 6.** Subject to sections 1 and 2 of this act,  
this act is effective July 1, 2007.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk