

WYOMING GAME AND FISH COMMISSION

CHAPTER 21

GRAY WOLVES DESIGNATED AS TROPHY GAME ANIMALS

EMERGENCY RULE

(For the 120 days the emergency rules are in effect, the following rules shall apply. Emergency rules are no longer in effect 120 days after filing with the Secretary of State.)

Section 1. Authority. This regulation is promulgated by authority of W.S. §23-1-102, §23-1-108, §23-1-302, §23-1-304, §23-3-115.

Section 2. Regulation. The Wyoming Game and Fish Commission adopts the following regulation for gray wolves designated as trophy game animals. This regulation will go into effect from and after the date gray wolves are removed from the list of experimental nonessential population, endangered species or threatened species in Wyoming. This regulation shall remain in effect until modified or repealed by the Commission.

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

(a) "Chronic wolf predation area" means a geographic area limited to a specific parcel of private land or a specific grazing allotment described on the permit within the Wolf Trophy Game Management Area where gray wolves have repeatedly (twice or more within a two (2) month period immediately preceding the date on which the owner applies for a lethal take permit) harassed, injured, maimed or killed livestock or domesticated animals.

(b) "Doing damage to private property" means the actual biting, wounding, grasping, or killing of livestock or domesticated animals, or chasing, molesting, or harassing by gray wolves that would indicate to a reasonable person that such biting, wounding, grasping, or killing of livestock or domesticated animals is likely to occur at any moment.

(c) "Domesticated animals" means those individual animals which have been made tractable (easily managed or controlled) or tame. For the purpose of this regulation, only the following animals are considered domesticated:

Domesticated alpaca (*Lama pacos*), domesticated camel (*Camelus bactrianus* and *Camelus dromedarius*), domesticated emu (*Dromaius novaehollandiae*), domesticated

ostrich (*Struthio camelus*), domesticated peafowl (*Pavo cristatus*), domesticated rhea (*Rhea americana* and *Rhea pennata*), domesticated vicuna (*Vicugna vicugna*), domesticated yak (*Bos grunniens*) and domesticated dogs (*Canis familiaris*) not used in the protection of livestock.

(d) "Immediate family" means the owner's spouse, parents, grandparents or lineal descendants and their spouses.

(e) "Lethal Take Permit" means a permit issued by the Department to an owner to shoot not more than two (2) gray wolves on individual parcels of private land or grazing allotments as designated on the permit for a period not to exceed December 31 of the year the permit was issued.

(f) "National Parks" means Yellowstone National Park, Grand Teton National Park and the John D. Rockefeller, Jr. Memorial Parkway.

(g) "Owner" means the owner, lessee, immediate family, employee, or other person who is charged by the owner with the care or management of livestock or domesticated animals.

(h) "Unacceptable impact on a wild ungulate population or herd" means any decline in a wild ungulate population or herd that results in the population or herd not meeting the State population management goals or recruitment levels established for the population or herd. The Department shall determine whether a decline in a wild ungulate population or herd constitutes an "unacceptable impact" based upon the best scientific data and information available.

(i) "Wild ungulate population or herd" means an assemblage of wild ungulates living in a given area.

(j) "Wolf Trophy Game Management Area" (WTGMA) means all lands where gray wolves shall be considered trophy game animals described as northwest Wyoming beginning at the junction of Wyoming Highway 120 and the Wyoming-Montana state line; southerly along said highway 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.

Section 4. Gray Wolves Designated as Trophy Game Animals. Gray wolves found in that portion of Wyoming described as the WTGMA are hereby designated as trophy game animals and managed under the authority of the Wyoming Game and Fish Commission.

(a) The Commission shall manage for at least fifteen (15) breeding pairs (comprising of at least 150 gray wolves) within the WTGMA, with at least seven (7) of those breeding pairs in the WTGMA located primarily outside of the National Parks.

(b) If the Commission determines that there are less than eight (8) breeding pairs located inside of the National Parks for two (2) consecutive years, then the Department shall manage for a sufficient number of breeding pairs and wolves in the area of the WTGMA located outside of the National Parks to achieve the management objectives described in Section 4(a).

(c) The Commission shall not diminish the area of the WTGMA as defined in Section 3(h) unless, based upon the best scientific data and information available, the Commission determines that diminishing the area for the WTGMA will not prevent the Commission from achieving the management objectives described in Section 4(a).

Section 5. Gray Wolves Designated as Predatory Animals. Gray wolves in Wyoming, excluding gray wolves located inside the WTGMA as set forth in this regulation, are hereby designated as predatory animals. Gray wolves taken within the area where gray wolves are classified as predatory animals shall be reported by the person taking any gray wolf to a district game warden, district wildlife biologist or Department personnel at a Game and Fish Regional Office within ten (10) days of take. The person taking a gray wolf shall provide the sex, the location of the site of kill (identified by the section, township, range or UTM coordinates), the name and address of the person taking the gray wolf, and date of kill.

Section 6. Monitoring Gray Wolves. To the extent practicable, the Commission is committed to managing gray wolves in Wyoming so that genetic diversity and connectivity issues do not threaten the gray wolf population. This will be accomplished by encouraging the incorporation of effective migrants into the gray wolf population. Conservation measures will include, but are not limited to, working with other States to promote natural dispersal into and within the WTGMA and, if necessary, by relocation or translocation.

The Department shall institute and maintain a gray wolf population-monitoring program. Global Positioning System or VHF radio tracking collars may be placed on gray wolves handled by the Department during population monitoring, conflict resolution or nuisance management activities or any non-lethal control actions where gray wolves are captured or handled by the Department. The Department may enter into memoranda of understanding with other state or federal agencies to monitor gray wolf population levels and movements. Any person taking a gray wolf in the state of Wyoming wearing a radio

tracking device (including, but not limited to an electronic collar or ear tag) shall surrender the device to the Department within reporting dates for taking gray wolves as set forth in this regulation.

Section 7. Lethal Control of Gray Wolves in the Wolf Trophy Game Management Area. The Department may utilize aggressive management techniques to protect private property, including livestock and domesticated animals within the WTGMA.

(a) Any gray wolf doing damage to private property may be taken and killed by the owner as provided in Wyoming Statute §23-3-115(c). The carcass of a gray wolf shall not be removed from the site of kill and the area around the carcass shall not be disturbed until investigated by the Department. The owner shall notify a district game warden, district wildlife biologist or Department personnel at a Game and Fish Department Regional Office within seventy-two (72) hours of the take. The owner shall provide the location of the site of kill (identified by the section, township and range, or UTM coordinates), the name and address of the person taking the gray wolf, and the date of kill.

(b) Upon discovery that a gray wolf or wolves are harassing, injuring, maiming or killing livestock or domesticated animals, or occupying a chronic wolf predation area, the owner may notify the Department. Upon verification by the Department or personnel from other agencies operating under the authority of a signed memorandum of understanding with the Commission and upon request of the owner, the Department shall:

(i) issue a gray wolf lethal take permit to the owner;

(ii) authorize USDA-APHIS-Wildlife Services personnel in accordance with the provisions of a signed memorandum of understanding with the Commission to remove the offending gray wolf or wolves; or,

(iii) authorize Department personnel to lethally remove the offending gray wolf or wolves.

(c) Gray wolves may be lethally removed when the Department determines that gray wolf predation is having an unacceptable impact on a wild ungulate population or herd or when wolf-wild ungulate conflict is occurring at any State operated feedground.

(d) The provisions of subsection (b) and (c) of this section shall not apply if the lethal removal of gray wolves:

(i) may prevent the Department from achieving the management objectives described in Section 4(a); or

(ii) may result in the re-listing of gray wolves under the Endangered Species Act.

Section 8. Issuance of a Lethal Take Permit.

(a) A Lethal Take Permit shall only be issued when there are:

(i) At least fifteen (15) breeding pairs (comprising of at least 150 gray wolves) in the WTGMA; and

(ii) At least seven (7) breeding pairs of gray wolves inside the WTGMA located primarily outside of the National Parks.

If the requirements of Section 8(a) are satisfied, the Department shall issue Lethal Take Permits when requested by an owner in the WTGMA and upon verification by Department personnel, or personnel from USDA-APHIS-Wildlife Services operating under authority of an approved memorandum of understanding, when gray wolf predation upon livestock or domesticated animals has occurred, or for the take of gray wolves in a chronic wolf predation area.

(b) Lethal Take Permits shall only allow for the take of gray wolves by the use of legal firearms. Lethal Take Permits shall not allow the take of gray wolves from aircraft.

(c) Lethal Take Permits shall be issued for not more than two (2) gray wolves for the specific private land parcel or specific grazing allotment as designated on the permit, and shall state the name, address and phone number of the permittee, other authorized persons, and be signed by the permittee and a Department representative.

(d) Lethal Take Permits shall be immediately suspended or cancelled if the Department determines that further lethal control:

(i) may prevent the Department from achieving the management objectives described in Section 4(a); or

(ii) may result in the re-listing of gray wolves under the Endangered Species Act.

Notification of suspension or cancellation of Lethal Take Permits shall be provided via personal notification, first class mail or by telephone or facsimile to all current permittees.

(e) The permittee, or other authorized persons listed on the permit shall notify a Department representative named on the Lethal Take Permit as soon as practicably possible (not to exceed 24 hours) by personal contact, or phone contact of the take of a gray wolf under the authority of a Lethal Take Permit.

(f) Failure by the permittee, or other authorized persons listed on the permit to abide by all provisions and conditions stipulated in this section shall be cause for the Department to cancel the permit.

(g) Lethal Take Permits shall expire on December 31 of the year issued, unless the permit is canceled in accordance with the other provisions of this section.

(h) Lethal Take Permits shall not be issued outside the geographic area defined as the WTGMA. Gray wolves, which are classified as predatory animals can be taken without a license in any legal manner and at any time as provided by W.S. §23-2-303(d), §23-3-103 (a), §23-3-112, §23-3-304 (b), §23-3-305 and §23-3-307.

Section 9. Non-lethal Control of Gray Wolves in the Wolf Trophy Game Management Area.

(a) Non-lethal control shall be initiated when deemed appropriate by the Department or when requested by the owner, but may be discontinued at the discretion of, and upon determination by the Department that lethal control is necessary to mitigate continued harassment, injury, maiming or killing of livestock or domesticated animals.

(b) Non-lethal control actions shall be initiated if further lethal control:

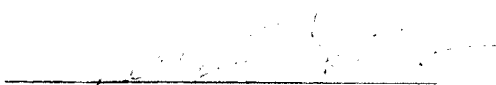
(i) may prevent the Department from achieving the management objectives described in Section 4(a); or

(ii) may result in the re-listing of gray wolves under the Endangered Species Act.

Section 10. Savings Clause. If any provision of this regulation is held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation that can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of this regulation are severable.

WYOMING GAME AND FISH COMMISSION

By



Jerry Galles, President

Dated: October 27, 2008