



# 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		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison	f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address	h. Adoption Date	
i. Program		

## 2. Legislative Enactment

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

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

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

## 3. Rule Type and Information

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

Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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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 Repealed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 Repealed
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 Repealed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:
- 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: July 24, 2018	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: September 20, 2018
- b. Date on which final rules were approved as to form by the Secretary of State and sent to the Legislative Service Office: September 20, 2018
- 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	Mark Anselmi
Signatory Title	President
Date of Signature	September 18, 2018

### 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 28

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

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

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

Language has been added to various Sections to include “gray wolf in accordance with W. S. § 23-1-901 (g) and (h)”. This reference allows a claimant to request damage compensation for gray wolf damage to livestock on land adjacent to the area described in W.S. § 23-1-101 (a) (xii) (B) (I) or (II) in accordance with statutory and regulatory provisions.

Section 2, Definitions. The definitions of “Claimant” and “Damage” are being modified for clarity with new statutory provisions. The term “Improvements” is being modified for clarity.

Section 4, Permitted Hunting During Authorized Hunting Seasons. Clarification is provided regarding a claimant not being eligible to receive an award for damage compensation unless hunting has been permitted during the authorized hunting season for the species for which the claim has been filed.

Section 8, Arbitration. A new subsection (g) is provided that addresses arbitration hearings being conducted by the Office of Administrative Hearings.

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

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September 20, 2018

### 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:** Regulation Changes Subsequent to Public Comment - Chapter 28, Regulation Governing Big or Trophy Game Animal or Game Bird or (Gray Wolf) Damage Claims

The Wyoming Game and Fish Department (Department) conducted one public meeting to address draft regulation proposals for Chapter 28. A draft regulation proposal was also available for viewing and public comment through the Department website from July 6 through August 20, 2018.

The Department received 49 total comments (46 online and 3 written) for Chapter 28. The vast majority of comments received did not address specific edits proposed for Chapter 28. Two comments specifically asked for more clarification about “permitted hunting” or “claimants allowing hunting access” in order for a claimant to be eligible for damage compensation. As a result of these comments, the Department re-structured and further clarified language in Section 4, Permitted Hunting During Authorized Hunting Seasons.

The Commission made no additional changes to the draft Chapter 28 regulation subsequent to public comments.

# WGFD Web Survey System

## Survey Comment Report

### Chapter 28, Damage Claims

1 I just want to add my comments to the other 50,000 Wy hunters you pissed off when you held the grizzly draw without notification. It seems NO ONE knew about it except the greens. Where was it posted so I don't miss it next time? A crappy use of my taxes.

**Final Comment**                      **Schroeder, Christopher**                      **Jackson, WY**                      7/23/2018 4:53:00 PM

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2 Thank you for the opportunity to comment. My concern deals with the requirement for the claimant to allow access to their land or adjoining state or federal lands in order to receive compensation for damages done by wildlife. I agree with the requirement but would like clarification as to what allow access means. If a claimant allows access to hunters to hunt elk on his property, if they pay a \$100.00/day trespass fee, does that constitute allowing access? I would suggest that the wording be amended to say the claimant cannot charge any type of fee to access their property. I respect private property rights but also recognize how landowners will use means to restrict access and then file a claim for damages. Thank you, Gary Horton

**Final Comment**                      **Horton, Gary**                      **Riverton, WY**                      8/1/2018 2:26:00 PM

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3 I would hope that you would not use this approach just to kill more bears. Baiting would surely have this effect as any rancher or other landowner who had a bear in the area could just bait it to bring it in, and then kill it, citing fear of a problem bear. Anyone who lives near any wildlife knows that it is part of living where they live, even if it is as simple as deer or rabbits getting in your garden or greenhouse. Should I be able to shoot a deer for eating the blooms of my tomato plants, of which I sell tomatoes at my local farmers market? A bear for getting into my totally unprotected beehives? A bear responding to the smell of bait? The State agencies should all respond to the serious amount of cash flow from ecotourism, in and around bear country. It is much more valuable to this state and it's citizens than any hunt would ever provide. Take note of the eco part of that word. That's who these people are, certainly they are not "trophy" hunters, unless a beautiful PHOTO constitutes a trophy.

**Final Comment**                      **Heidepriem, Fred**                      **Gillette, WY**                      8/14/2018 9:48:00 AM

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4 These regulations allow under certain circumstances killing of grizzly bears. I am completely opposed to the killing of grizzly bears. Other solutions for problem bears should be sought, such as relocation. Grizzly bears are at risk of extinction in the continental United States. The bears deserve protection.

**Final Comment**                      **Bartlett , Heather**                      **Bonnors Ferry , ID**                      8/15/2018 7:53:00 AM

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5 I am opposed to the hunting and baiting of grizzly bears. My family visits Yellowstone and the Tetons about every two years. We spend our tourist dollars in WY to see living, wild grizzlies and wolves. Thank you.

**Final Comment**                      **Duncan, Teresa**                      **Bargersville, IN**                      8/15/2018 8:24:00 AM

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6 The hunting of Grizzly Bears is premature and more time should be permitted for the population to truly grow to a sustainable level. Please allow the men and woman who study and understand these iconic creatures to lead the way on policy, rather than special interest groups. Grizzlies are essential to a healthy and functioning ecosystem. Thank you!

**Final Comment**                      **Putney, Troy**                      **North Hills, CA**                      8/15/2018 12:01:00 PM

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7 Please make NO changes to any regulations that will allow the killing of grizzly bears. Why, when they are at the brink of recovery, would we open a hunt on them? They are at historic low numbers, occupy a tiny fraction of their original habitat and play a vital role in the health of our ecosystem? Please consider. Thank you.

**Final Comment**                      **Dietrich, Daniel**                      **Point Reyes Station, CA**                      8/15/2018 12:47:00 PM

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# WGFD Web Survey System

## Survey Comment Report

### Chapter 28, Damage Claims

**8** Chapter 68 Grizzly Bear Hunting Seasons, which the Governor signed into law in recent months. In Chapter 68, the Grizzly Bear Hunting Regulations, there is a section authorizing the baiting of the Grizzly Bear for Management Objectives or due to conflict. The section does not define conflict bear or management objectives. We (my husband & I) do not feel it is humane to all the hunting of the Grizzly Bear. The bears are necessary to balance the ecosystem. Please do NOT allow the hunting of these majestic animals. They have just now recovered (sort of) off the endangered specie list. Thank you for your consideration in this important matter.

**Final Comment**                      **Rabe, Linda**                      **Toppenish, WA**                      8/15/2018 3:53:00 PM

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**9** Why do people want to murder bears?? I'm against it. Much rather live in the world knowing they're safe all mammals around the world need our protection. ... not more murdering

**Final Comment**                      **Dickinson, Jain**                      **Spanaway, WA**                      8/15/2018 6:52:00 PM

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**10** I hope you will reconsider the trophy hunting of grizzlies. Let me say that again TROPHY HUNTING OF GRIZZLIES! There is no good reason to hunt these grizzlies it is not necessary for feeding humans. Each year there are multiple human grizzly conflict that leave these bears lives taken. So their numbers are already being decreased from human conflicts. Hunting is not necessary. The financial benefit of ecotourism far exceeds trophy hunting. I believe your efforts should be spent on encouraging ecotourism. Trophy hunting is a very negative stain for WY and has the potential to have adverse effects on your ecotourism leaving the state with out those funding sources. The majority of people oppose trophy hunting of grizzlies you can let the minority override the majority. These bears need to be protected for future generations to enjoy in viewing. Please, please do not let this barbaric practice to go forward, please. 2017 WY Travel Generated Impacts Domestic and international visitors in Wyoming spent \$3.5 billion. Wyoming welcomed 8.7 million overnight visitors. Visitor spending directly affected Wyoming's economy by generating \$188 million in local and state tax revenues. The state's tourism industry supported 32,120 full and part-time jobs. Each Wyoming household would pay \$804 more in taxes without the tax revenue generated by the travel and tourism industry. Please I beg you to do the right thing and abolish trophy hunting of grizzlies! Karen Hart

**Final Comment**                      **Hart, Karen**                      **Melbourne, FL**                      8/15/2018 7:14:00 PM

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**11** Bears should never be "trophies." They are magnificent wild animals who should be protected by the Game and Fish Department. Aren't you charged with protecting wildlife? It appears you are catering to hunters rather than protecting wildlife. I hope you aren't taking money to sell out our wild animals. They are on federal land and we the taxpayers should have final say. Also, I find the practice of baiting bears to be the most despicable and disgusting cowardly practice. People who do this are NOT hunters, they are poachers without a conscience. I hope that you stand up to these people and protect the wildlife. Do the right thing. Robyn Jennings

**Final Comment**                      **Jennings, Robyn**                      **Saint Helena, CA**                      8/15/2018 7:43:00 PM

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**12** Being able to bait predatory animals is absolutely ridiculous, especially for many of the reasons stated in the regulations governing this proposition. It talks about being able to bait them for getting into honey, tearing up land, stored crops, etc. Baiting these animals is something that should NOT be allowed. They should not have been delisted in the first place, should not be hunted and definitely should not be baited. If they have to be hunted it should be done fairly where hunters have to go into the wild and hunt them fairly, not bait them and wait for them to show up and then shoot them. This should not be allowed.

**Final Comment**                      **Fox, Carolyn**                      **West Yellowstone, MT**                      8/16/2018 11:18:00 AM

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# WGFD Web Survey System

## Survey Comment Report

### Chapter 28, Damage Claims

**13** PLEASE DO NOT ALLOW THIS!! SAVE THE BEARS!! The bears and wildlife bring revenue to your state and PLEASE PLEASE don't do this and put a target on 399 & others!! please let them live in peace

**Final Comment**                      **Lefevers, LaGlna**                      **Williamsport, TN**                      8/16/2018 11:25:00 AM

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**14** I wish Game and Fish would actually do its job and protect species like bears and wolves. I am against the losing of ANY regulations and believe we should have stricter rules on trophy hunting. Baiting and trapping are cruel and should be illegal.

**Final Comment**                      **Keedy, jason**                      **Juneau, AK**                      8/16/2018 1:49:00 PM

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**15** To Whom It May Concern: I am writing on your changes in your damage claims for big game, trophy game. I am glad to see cultivated crops included in the damage claims. I have lost 3 to 6 acres of corn for the last 8-10 years. I am so glad to see I can put in a claim in the future. I agree with hunting being allowed to put in a claim,, but do not agree with the state and federal land being tied to private land to whether you can file a claim to livestock on state or federal lands because the public is allowed to hunt there at any time during the season.

**Final Comment**                      **Bales, Tom**                      **Cody, WY**                      8/16/2018 6:08:00 PM

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**16** As a person who's frequented the great state of Wyoming as a vacation destination, I feel compelled to voice my concern over the proposed hunts of grizzly bears and gray wolves in the State. I specifically vacation in Wyoming to observe the unique wildlife that was once widespread across the North American continent; wildlife which was hunted to near extinction, or pushed out of it's habitat, by frightened or angry settlers that were too impatient or greedy to coexist with their natural surroundings. While the complaints of farmers and ranchers are understandable, I can not justify bringing my money or support to a state that would eliminate a part of American identity to satisfy big game hunters and special interests. Please reconsider these hunts; biologists and conservationists from varied backgrounds continue to find there are more effective means of limiting depredation events from large animals than the knee-jerk reaction of 'kill em all' hunting strategy. If expanding the habitats of endangered animals, and bringing back a part of America that was lost to fear and stupidity, is the goal of those managing Wyoming's wild places, I know that they will find another option. Thank you for your time, and again, show the rest of the country that Wyoming is willing to work with wildlife, instead of destroying them the second a problem arises.

**Final Comment**                      **Stodola, Eric**                      **Hillside, IL**                      8/17/2018 10:05:00 AM

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**17** I Opposed and do not approve the CHAPTER 28 REGULATION IN TOTAL FOR THE FOLLOWING REASONS: 1. The regulation extends the Chapter 68 Grizzly Bear Hunting Seasons without adequate or appropriate public notice to participate and comment. I oppose that it is promulgated just weeks before the Grizzly Bear Trophy Hunt Commences on September 1 and it extends and expands the scope of the hunt, which was signed into law by the Governor just weeks ago. 2. I object to this extension of the hunting season to hunt aka slaughter the Grizzly Bear as "Predator" and for many reasons which include and are not limited to: a. Dan Thompson, WGFD Large Carnivore Director promised the public at a full house in the Virginian Hotel in 2016 when discussing the "Grizzly Bear Management Plan" that the grizzly bear would never be hunted as "Predator". b. This new regulation expanding the hunt aka slaughter of the Grizzly Bear is too much too late. The lawsuits opposing de-listing the Grizzly Bear from ESA protections were on a briefing deadline which did not allow for a thorough examination of this newly proposed regulation published on July 9, 2018, the briefs due August 8, 2018. This was difficult if not impossible for the lawyers to address. 3. I object to this new regulation because item (k)- Damage is not clearly defined and vague on any legal meaning. And in particular as it related to Bee Hives. How, are the Bee Hives ordered to be maintained, to prevent depredation by a Grizzly Bear? I see no required electric fencing. This allows Bee Hives to serve as bait for a depredation hunt or special kill permit. I object to this proposed regulation in total an in particular Item (s)- "Want to kill a grizzly bear get a bee hive". No. 4. I object to (q) and the definitions of improvements. The definition of structure is vague and it allows for a "kill permit" or "depredation hunt" of a Grizzly Bear and now with BAIT, with no real loss of any value to property! "Erect a shack, store grain carelessly and kill a grizzly bear". No. 5. I further object to item (s)- I object to any kill permits for the Grizzly Bear. Chapter 68 has been passed and signed by the Governor into regulation to

# WGFD Web Survey System

## Survey Comment Report

### Chapter 28, Damage Claims

hunt the Grizzly Bear. This extension of the hunt is now illegal and in violation of your own Grizzly Bear Management Plan, the Wyoming Public Records Act, and your promises to the Public. 6. I object that this Kill Permit include baiting a grizzly bear to be shot does not comport with the North American Model of Wildlife Management which Dan Thompson told us all at the Virginian guides is management. The North American Model requires "Fair Chase" as do most "hunters". Montana does not allow bear baiting because it defies the requirement of "fair chase" in hunting practice. The Kill Permit is slaughter of the Grizzly Bear and for little cause. I object to this regulation. 7. I object to item (z) for the reason stated above in terms of bees and beehives and "stored crops". What are the regulations for maintenance and storage so no bear is chummed to human contact and food rewards? 8. I object to item (dd) – "Accepted Agricultural Practices" is a meaningless term in Wyoming. Agricultural and ranchers can do whatever they choose and with the blessing of the WGFD. You admitted at the late spring public meeting on the increased wolf quota regulation than ranchers can bait wolves to be shot with dead cattle, even when adjacent to neighborhoods and with little regard what food reward that attracts the grizzly bear to eat. I object to item (dd). 9. I object to item (ff) because it makes the Grizzly Bear a predator subject to depredation and "kill permits" separate and in addition to the kill quotas in the hunting seasons. Section 4 (a): I object to this section. This is a very vague and nebulous change from landowner to claimant. Define "Claimant". If claimant and not landowner is only required for a depredation hunt on private land what business is that of the WGFD to make deals behind a land owners back or without the knowing consent of the land-owner. I object to this tactic as illegal and it expands the hunt of the Grizzly Bear by an unknown! Who is the "Claimant"? Section 4 (b): Same objection, I know of at least two ranches at issue in this regard for different reasons. The landowner approval for hunting on his/her land is legally responsible as they are liable for the actions and potential injuries on their land. You WGFD cannot be complicit with back dooring the landowner for your own gain or purpose. Section 5: Item (11)- Again Beehives are an issue as raised above and I object to this regulation Section 7: I object that a landowner must consent to a depredation hunt on his/her land in order to be compensated for legitimate loss due to depredation. This extends hunts illegally and manipulates the landowner unfairly. The public trust in management of our Natural Resources requires a fund which we the public shall fund and finance to reimburse landowners and not the forced agreement to hunting on their land. There is no requirement in this regulation for deterrence first before a "kill permit" or Depredation hunt this is unconscionable for an agency first endowed with the privileged of managing the iconic grizzly bear and effective deterrence first is required in the Public Trust. For all of this reasons I object to regulation 28 and I require the management of our natural resources in the Public Trust. Manage

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**Final Comment**                      **Fox, Carolyn**                      **West Yellowstone, MT**                      8/17/2018 2:34:00 PM

**18** I write to oppose Chapter 28 regulation for the reasons set forth below: 1) There are not been adequate public notice nor ability to comment on this regulation. 2) Permitting the baiting of grizzly bears is inconsistent with the North American Model of Wildlife Management which requires "fair chase". Baiting is unethical and immoral and should not be allowed. It is also dangerous as it can create fights around bait sites between animals and could endanger humans who unknowingly happen upon a bait site. 3) With regard to item (z), there should be requirements for the maintenance and storage of "stored crops" as well as beehives to prevent bears from becoming habituated to human food. 4) With regard to item (ff), I object because it makes the grizzly a "predator" subject to depredation. Dan Thompson previously represented that the grizzly would never be considered a "predator" in 2016 when discussing the "Grizzly Bear Management Plan." Labeling the grizzly as a predator would all kill permits to be issued separate and in addition to the hunting quota. 5) There should be a requirement for landowners to show efforts to deter conflicts with grizzly bears prior to the issuance of a kill permit. It is essential to promote non-lethal deterrence efforts and co-existence. For the reasons listed above, I object to Chapter 28 regulation and ask that the issues raised above be addressed and that an appropriate period for public comment be issued.

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**Final Comment**                      **MacKenzie, Michelle**                      **Menlo Park, CA**                      8/17/2018 4:56:00 PM

**19** Oppose Grizzly hunt! Grizzlies are not trophies!!

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**Final Comment**                      **Wells, Tammi**                      **Troy, OH**                      8/18/2018 1:39:00 AM

**20** I Oppose and do not approve the CHAPTER 28 REGULATION IN TOTAL FOR THE FOLLOWING REASONS: 1. The regulation extends the Chapter 68 Grizzly Bear Hunting Seasons without adequate or



# WGFD Web Survey System

## Survey Comment Report

### Chapter 28, Damage Claims

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This was difficult if not impossible for the lawyers to address. 3. I object to this new regulation because item (k)- Damage is not clearly defined and vague of any legal meaning. And in particular as it relates to Bee Hives. How, are the Bee Hives ordered to be maintained, to prevent depredation by a Grizzly Bear? I see no required electric fencing. This allows Bee Hives to serve as bait for a depredation hunt or special kill permit. I object to this proposed regulation in total an in particular Item (s)- "Want to kill a grizzly bear get a bee hive". No. 4. I object to (q) and the definitions of improvements. The definition of structure is vague and it allows for a "kill permit" or "depredation hunt" of a Grizzly Bear and now with BAIT, with no real loss of any value to property! "Erect a shack, store grain carelessly and kill a grizzly bear". No. 2 5. I further object to item (s)- I object to any kill permits for the Grizzly Bear. Chapter 68 has been passed and signed by the Governor into regulation to hunt the Grizzly Bear. This extension of the hunt is now illegal and in violation of your own Grizzly Bear Management Plan, the Wyoming Public Records Act, and your promises to the Public. 6. I object that this Kill Permit can include baiting a grizzly bear to be shot does not comport with the North American Model of Wildlife Management which Dan Thompson told us all at the Virginian guides his management plans. The North American Model requires "Fair Chase" as do most "hunters". Montana does not allow bear baiting because it defies the requirement of "fair chase" in hunting practice. The Kill Permit is slaughter of the Grizzly Bear and for little cause. I object to this regulation. 7. I object to item (z) for the reason stated above in terms of bees and beehives and "stored crops". What are the regulations for maintenance and storage so no bear is chummed to human contact and food rewards? 8. 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There is no requirement in this regulation for deterrence first before a "kill permit" or Depredation hunt. This is unconscionable for an agency first endowed with the privilege of managing the iconic grizzly bear and effective deterrence first is required in the Public Trust. For all of this reasons I object to regulation 28 and I require the management of our natural resources in the Public Trust.

Final Comment

Wells, Tammi

Troy, OH

8/18/2018 1:44:00 AM

**21** MY OBJECTIONS AND MANY OF MY FRIEND'S OBJECTIONS: 1. To extend Chapter 68 Grizzly Bear Hunting Season when scientific research documents that Grizzly Bear's food source is jeopardized with climate change, and therefore, the need for the grizzly bears to go outside the set human boundaries for survival. The present boundaries need to be extended. Most importantly, we, the people, were without adequate/appropriate PUBLIC notice for comment. 2. To extend the hunting season when Dan Thompson,

# WGFD Web Survey System

## Survey Comment Report

### Chapter 28, Damage Claims

WGFD Large Carnivore Director PROMISED the public in 2016 that the Grizzly would never be hunted as "Predator". 3. To object to the new regulation that the Grizzly Bear can be bated for a depredation hunt or special kill permit. This is inhuman! 4. To object as a mother of three children to the killing of any family member of the Grizzly Bear. Grizzly Bear's morn their kin as we do. It is unconscionable to think of killing a Grizzly Bear, whose soul is like our soul. It is illegal for us to kill other humans. It should be the same if a human kills a Grizzly Bear. 5. To object as we know that the Grizzly Bear was here on Earth before HUMANS. We need to learn from Grizzly Bears and R E S P E C T THE GRIZZLY BEAR!!!!

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**Final Comment**                      **Dean, AVirginia**                      **Jackson, WY**                      8/18/2018 11:48:00 AM

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**22** MY OBJECTIONS: 1. To extend Chapter 68 Grizzly Bear Hunting Season when scientific research documents that Grizzly Bear's food source is jeopardized with climate change, and therefore, the need for the grizzly bears to go outside the set human boundaries for survival. The present boundaries need to be extended. Most importantly, we, the people, were without adequate/appropriate PUBLIC notice for comment. 2. To extend the hunting season when Dan Thompson, WGFD Large Carnivore Director PROMISED the public in 2016 that the Grizzly would never be hunted as "Predator". 3. To object to the new regulation that the Grizzly Bear can be bated for a depredation hunt or special kill permit. This is inhuman! 4. To object as a mother of three children to the killing of any family member of the Grizzly Bear. Grizzly Bear's morn their kin as we do. It is unconscionable to think of killing a Grizzly Bear, whose soul is like our soul. It is illegal for us to kill other humans. It should be the same if a human kills a Grizzly Bear. 5. To object as we know that the Grizzly Bear was here on Earth before HUMANS. We need to learn from Grizzly Bears and R E S P E C T THE GRIZZLY BEAR!!!! Virginia Lynch Dean 450 East Buckwheat Circle Jackson WY 83001

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**Final Comment**                      **Dean, Virginia**                      **Jackson, WY**                      8/18/2018 11:50:00 AM

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**23** I am appalled that the state in which I was born and raised would issue licenses to hunt grizzly bears. They are part of our great state's heritage, identity and future. On a moral basis such hunting of bears is abhorrent. On an economic basis, live bears -- living freely and unmolested -- bring in far more tourist dollars than the proceeds of any hunting license sale could begin to cover. Stop this outrage!

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**Final Comment**                      **Morgan, Michelle**                      **Sheridan, WY**                      8/18/2018 12:17:00 PM

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**24** I write to oppose Chapter 28 regulation for the reasons set forth below: 1) There are not been adequate public notice nor ability to comment on this regulation. 2) Permitting the baiting of grizzly bears is inconsistent with the North American Model of Wildlife Management which requires "fair chase". Baiting is unethical and immoral and should not be allowed. It is also dangerous as it can create fights around bait sites between animals and could endanger humans who unknowingly happen upon a bait site. 3) With regard to item (z), there should be requirements for the maintenance and storage of "stored crops" as well as beehives to prevent bears from becoming habituated to human food. 4) With regard to item (ff), I object because it makes the grizzly a "predator" subject to depredation. Dan Thompson previously represented that the grizzly would never be considered a "predator" in 2016 when discussing the "Grizzly Bear Management Plan." Labeling the grizzly as a predator would all kill permits to be issued separate and in addition to the hunting quota. 5) There should be a requirement for landowners to show efforts to deter conflicts with grizzly bears prior to the issuance of a kill permit. It is essential to promote non-lethal deterrence efforts and co-existence. For the reasons listed above, I object to Chapter 28 regulation and ask that the issues raised above be addressed and that an appropriate period for public comment be issued.

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**Final Comment**                      **Shabbott, Mary**                      **Punta Gorda , FL**                      8/18/2018 7:10:00 PM

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**25** In Chapter 68, the Grizzly Bear Hunting Regulations, there is a section authorizing the baiting of the Grizzly Bear for Management Objectives or due to conflict. The section does not define conflict bear or management objectives. Do our two hunters with a camera allow an increase in their grizzly bear harvest? Now with this new regulation a bear can be baited and killed for getting into bee hives, as just one example of how the harvest of the Grizzly Bear is being expanded at this pivotal time. This requires attention and comment. [wgfd.wyo.gov/.../content/September\\_CH-28\\_Draft-6-27-18-4.pdf](http://wgfd.wyo.gov/.../content/September_CH-28_Draft-6-27-18-4.pdf). We should not be giving out permits to kill grizzlies just because they are predators. We are predators, too. Stop the trophy hunting.

# WGFD Web Survey System

## Survey Comment Report

### Chapter 28, Damage Claims

Stop the mismanagement of our lands and wildlife. If wild lands are better preserved and managed then those predators could live out a long , healthy, and productive life without any interference from humans. Stop the excuses to kill. Stop the mismanagement.

**Final Comment**                      **Gelbart, Susannah**                      **Las Vegas, NV**                      8/18/2018 10:32:00 PM

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**26** I think Wyoming G&F needs to put more consideration into their proposed bear management for non-hunters. Hunting alone is no longer sufficient for conservation funding. There will be a time that serious impacts come to wildlife management departments and changes to the conservation model will be necessary. Representing non-hunters should be part of your job now, it may be required in the future. I still support hunting overall but hunters have increased abhorrent behavior over the past years. They are further polarizing themselves. If the overall goal is to retain hunting as an acceptable practice, these behaviors are counter productive. Wolves were delisted and hunting allowed...did that increase tolerance of wolves? Or did it allow hunters an avenue to open season on YNP wolves in order to demean wildlife watchers? It seems the more popular wildlife watching has become the more hunters are fighting back on it. Now it can be open season on grizzly bears. Will YNP bears also be targeted? You should be considering this. If hunters cannot self-mitigate this behavior wouldn't it be in your interest to step in and give that consideration to wildlife watchers? You are excluding us, you are excluding the tribes. Possibly for short term gains. What does the long term look like?

**Final Comment**                      **Gilbert, Sharona**                      **Helena, MT**                      8/19/2018 7:56:00 AM

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**27** August 19, 2018 Wyoming Game and Fish Department Wildlife Division 3030 Energy Land Casper WY 82604 Attn: Regulations – Chapter 28, Regulation Governing Bird or Trophy Game Animal or Game Bird or Gray Wolf Damage Claims Submitted electronically at WGFD site Dear Commissioners, Thank you for the opportunity to submit the following comments regarding the Draft Chapter 28, Regulation Governing Big or Trophy Game Animal Or Game Bird Or Gray Wolf Damage Claims (Plan). I oppose the Chapter 28, Regulation Governing Bird or Trophy Game Animal or Game Bird or Gray Wolf Damage Claims. 1) There has not been adequate public notice for comment on this regulation. 2) Permitting of the baiting of grizzly bears is not consistent with the North American Model of Wildlife Management which requires “fair chase”. Trapping and baiting have led to the death of a trapped grizzly due to predation from another grizzly (IGBST report). Baiting is by every reasonable standard amoral and demonstrates a complete disregard for the principle of “Fair Chase” and the ethical treatment of wildlife. 3) In regard to item (z), there should be requirements for the maintenance of storage of “stored crops” as well as beehives to prevent bears from becoming habituated to human food. 4) In regard to item (ff), I take exception to the premises put forth by Department staff to designate the grizzly a “predator” subject to depredation. Labeling the grizzly as a predator would allow kill permits to be issued separately and in addition to the hunting quota. Dan Thompson is credited as saying during a public meeting in 2016 when discussing the “Grizzly Bear Management Plan” that the grizzly would never be labeled a “predator”. 5) There should be a requirement for landowners to show efforts to deter conflicts with grizzly bears and wolves prior to the issuance of a kill permit. Any agency removal should only occur after all reasonable non-lethal methods have been employed. 6) All wildlife Native to the United States is held in public trust by designated public agencies as described in The Public Trust Doctrine (PTD). In all cases, the public trust means managing for the benefit of the resource and the public (Wildlife Society, 2010). For the reasons listed above, I object to the Chapter 28 regulation and ask that the questions raised to be addressed and that the public comment period is appropriately extended for additional comment. Respectfully, Lisa Robertson P.O. Box 8160 Jackson, WY 83002 From the most respected scientist and biologist on the planet: “You can do the best science in the world but unless emotion is involved it’s not really very relevant. Conservation is based on emotion. It comes from the heart and one should never forget that” George Schaller

**Final Comment**                      **Robertson, Lisa**                      **Jackson, WY**                      8/19/2018 9:35:00 AM

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**28** I write to oppose Chapter 28 regulation for the reasons set forth below: 1. The regulation extends the Chapter 68 Grizzly Bear Hunting Seasons without adequate or appropriate public notice to participate and comment. I oppose that it is promulgated just weeks before the Grizzly Bear Trophy Hunt Commences on September 1 and it extends and expands the scope of the hunt, which was signed into law by the Governor just weeks ago. 2. I object to this extension of the hunting season to hunt aka slaughter the Grizzly Bear as “Predator” and for many reasons which include and are not limited to: a. Dan Thompson, WGFD Large

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## Survey Comment Report

### Chapter 28, Damage Claims

Carnivore Director promised the public at a full house in the Virginian Hotel in 2016 when discussing the "Grizzly Bear Management Plan" that the grizzly bear would never be hunted as "Predator". b. This new regulation expanding the hunt aka slaughter of the Grizzly Bear is too much too late. The lawsuits opposing de-listing the Grizzly Bear from ESA protections were on a briefing deadline which did not allow for a thorough examination of this newly proposed regulation published on July 9, 2018, the briefs due August 8, 2018. This was difficult if not impossible for the lawyers to address. 3. I object to this new regulation because item (k)- Damage is not clearly defined and vague on any legal meaning. And in particular as it related to Bee Hives. How, are the Bee Hives ordered to be maintained, to prevent depredation by a Grizzly Bear? I see no required electric fencing. This allows Bee Hives to serve as bait for a depredation hunt or special kill permit. I object to this proposed regulation in total an in particular Item (s)- "Want to kill a grizzly bear get a bee hive". No. 4. I object to (q) and the definitions of improvements. The definition of structure is vague and it allows for a "kill permit" or "depredation hunt" of a Grizzly Bear and now with BAIT, with no real loss of any value to property! "Erect a shack, store grain carelessly and kill a grizzly bear". No. 5. I further object to item (s)- I object to any kill permits for the Grizzly Bear. Chapter 68 has been passed and signed by the Governor into regulation to hunt the Grizzly Bear. This extension of the hunt is now illegal and in violation of your own Grizzly Bear Management Plan, the Wyoming Public Records Act, and your promises to the Public. 6. I object that this Kill Permit an include baiting a grizzly bear to be shot does not comport with the North American Model of Wildlife Management which Dan Thompson told us all at the Virginian guides is management. The North American Model requires "Fair Chase" as do most "hunters". Montana does not allow bear baiting because it defies the requirement of "fair chase" in hunting practice. The Kill Permit is slaughter of the Grizzly Bear and for little cause. I object to this regulation. 7. I object to item (z) for the reason stated above in terms of bees and beehives and "stored crops". What are the regulations for maintenance and storage so no bear is chummed to human contact and food rewards? 8. I object to item (dd) – "Accepted Agricultural Practices" is a meaningless term in Wyoming. Agricultural and ranchers can do whatever they choose and with the blessing of the WGFD. You admitted at the late spring public meeting on the increased wolf quota regulation than ranchers can bait wolves to be shot with dead cattle, even when adjacent to neighborhoods and with little regard what food reward that attracts the grizzly bear to eat. I object to item (dd). 9. I object to item (ff) because it makes the Grizzly Bear a predator subject to depredation and "kill permits" separate and in addition to the kill quotas in the hunting seasons. 10. Section 4 (a): I object to this section. This is a very vague and nebulous change from landowner to claimant. Define "Claimant". If claimant and not landowner is only required for a depredation hunt an private land what business is that of the WGFD to make deals behind a land owners back or without the knowing consent of the land-owner. I object to this tactic as illegal and it expands the hunt of the Grizzly Bear by an unknown! Who is the "Claimant"? Section 4 (b): Same objection, I know of at least two ranches at issue in this regard for different reasons. The landowner approval for hunting on his/her land is legally responsible as they are liable for the actions and potential injuries on their land. You WGFD cannot be complicit with back dooring the landowner for your own gain or purpose. Section 5: Item (11)- Again Beehives are an issue as raised above and I object to this regulation Section 7: I object that a landowner must consent to a depredation hunt on his/her land in order to be compensated for legitimate loss due to depredation. This extends hunts illegally and manipulates the landowner unfairly. The public trust in management of our Natural Resources requires a fund which we the public shall fund and finance to reimburse landowners and not the forced agreement to hunting on their land. There is no requirement in this regulation for deterrence first before a "kill permit" or Depredation hunt this is unconscionable for an agency first endowed with the privileged of managing the iconic grizzly bear and effective deterrence first is required in the Public Trust. For all of this reasons I object to regulation 28 and I require the management of our natural resources in the Public Trust.

Final Comment

Sweeney, Kelly

Glencoe, CA

8/19/2018 10:41:00 AM

**29** I strongly oppose Regulation 28. Wyoming appears to continue to seek out different ways to kill grizzlies in the state. The pending hunt will result in the kill of 22 animals. Activating "Special Kill Permits" and "Depredation Hunts" is clearly another avenue just to kill more grizzlies and has no founding facts to back it up for cause to enlist these actions. There is no valid reasoning to "bait" grizzlies for "Management Objectives" which is essentially more kill permits. In these regulations "conflict" is not defined and could then be interpreted by officials as any action by grizzlies they don't like, which will cause an over excess of grizzly mortality as will all of these sections in the proposed regulations. The department has already increased wolf quotas which is also unethical and excessive. Now with this proposed Regulation on grizzly "management", which is also unethical and excessive and just an expansion of the upcoming regulated hunt. It becomes clear that the state is attempting to kill as much wildlife, grizzlies and wolves as they

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## Survey Comment Report

### Chapter 28, Damage Claims

possibly can. This is not responsible or ethical management in the least. We need to sustain healthy populations of both of these species, whether your department likes it or not. The state of Wyoming is losing popularity and tourism due to your obsession with unethical and excessive killing of your wildlife. Again, as a tourist and a wildlife biologist I strongly oppose Regulation 28.

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**Final Comment**                      **Chriss, Robin**                      **Evergreen, CO**                      8/19/2018 10:45:00 AM

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**30** I am absolutely opposed to any baiting or killing of grizzly bears. Bears should be protected.

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**Final Comment**                      **Bartlett , Heather**                      **Bonnors Ferry , ID**                      8/19/2018 10:58:00 AM

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**31** This whole ruling is geared toward killing bears and wolves. You have a duty to protect the wildlife in Wyoming. Not encourage their killing. The following paragraph should be deleted:- "A landowner claimant shall not be eligible to receive an award for damage caused by big game animals, trophy game animals, or game birds unless the landowner hunting has been permitted hunting during authorized hunting seasons for the species for which the verified claim has been filed on his privately owned or leased land and adjoining Federal or State land within the herd unit in which the damage occurred in accordance with this section". You should not compensate anyone for damage to grass. Unless you charge cattle and sheep owners for damage of grass as well. Bears and wolves have a right to exist. Your duty is to protect them. ""Property" means livestock or bees, land, growing cultivated crops, stored crops including honey and hives, seed crops, improvements or grass that has been extraordinarily damaged." You should not provide compensation for damage to bees, hives and honey. Owners need to protect them properly. Bears and wolves have a right to exist. Your duty is to protect them, not encourage their killing. This whole ruling is geared toward killing bears and wolves. You have a duty to protect the wildlife in Wyoming. Not encourage their killing. Please provide additional rules to protect bears and wolves.

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**Final Comment**                      **Graham, Glenn**                      **Redwood City, CA**                      8/19/2018 12:06:00 PM

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**32** I write to oppose Chapter 28 regulation for the reasons set forth below: 1) There are not been adequate public notice nor ability to comment on this regulation. 2) Permitting the baiting of grizzly bears is inconsistent with the North American Model of Wildlife Management which requires "fair chase". Baiting is unethical and immoral and should not be allowed. It is also dangerous as it can create fights around bait sites between animals and could endanger humans who unknowingly happen upon a bait site. 3) With regard to item (z), there should be requirements for the maintenance and storage of "stored crops" as well as beehives to prevent bears from becoming habituated to human food. 4) With regard to item (ff), I object because it makes the grizzly a "predator" subject to depredation. Dan Thompson previously represented that the grizzly would never be considered a "predator" in 2016 when discussing the "Grizzly Bear Management Plan." Labeling the grizzly as a predator would all kill permits to be issued separate and in addition to the hunting quota. 5) There should be a requirement for landowners to show efforts to deter conflicts with grizzly bears prior to the issuance of a kill permit. It is essential to promote non-lethal deterrence efforts and co-existence. For the reasons listed above, I object to Chapter 28 regulation and ask that the issues raised above be addressed and that an appropriate period for public comment be issued.

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**Final Comment**                      **Dunn, Dr. Kelly**                      **Aliso, CA**                      8/19/2018 3:05:00 PM

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**33** I write to oppose Chapter 28 regulation for the reasons set forth below: 1) There are not been adequate public notice nor ability to comment on this regulation. 2) Permitting the baiting of grizzly bears is inconsistent with the North American Model of Wildlife Management which requires "fair chase". Baiting is unethical and immoral and should not be allowed. It is also dangerous as it can create fights around bait sites between animals and could endanger humans who unknowingly happen upon a bait site. 3) With regard to item (z), there should be requirements for the maintenance and storage of "stored crops" as well as beehives to prevent bears from becoming habituated to human food. 4) With regard to item (ff), I object because it makes the grizzly a "predator" subject to depredation. Dan Thompson previously represented that the grizzly would never be considered a "predator" in 2016 when discussing the "Grizzly Bear Management Plan." Labeling the grizzly as a predator would all kill permits to be issued separate and in addition to the hunting quota. 5) There should be a requirement for landowners to show efforts to deter conflicts with grizzly bears prior to the issuance of a kill permit. It is essential to promote non-lethal

# WGFD Web Survey System

## Survey Comment Report

### Chapter 28, Damage Claims

deterrence efforts and co-existence. For the reasons listed above, I object to Chapter 28 regulation and ask that the issues raised above be addressed and that an appropriate period for public comment be issued.

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**Final Comment**                      **Duon, Nicolas**                      **Manhattan beach , CA**                      8/19/2018 3:06:00 PM

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**34** I write to oppose Chapter 28 regulation for the reasons set forth below: 1) There are not been adequate public notice nor ability to comment on this regulation. 2) Permitting the baiting of grizzly bears is inconsistent with the North American Model of Wildlife Management which requires "fair chase". Baiting is unethical and immoral and should not be allowed. It is also dangerous as it can create fights around bait sites between animals and could endanger humans who unknowingly happen upon a bait site. 3) With regard to item (z), there should be requirements for the maintenance and storage of "stored crops" as well as beehives to prevent bears from becoming habituated to human food. 4) With regard to item (ff), I object because it makes the grizzly a "predator" subject to depredation. Dan Thompson previously represented that the grizzly would never be considered a "predator" in 2016 when discussing the "Grizzly Bear Management Plan." Labeling the grizzly as a predator would all kill permits to be issued separate and in addition to the hunting quota. 5) There should be a requirement for landowners to show efforts to deter conflicts with grizzly bears prior to the issuance of a kill permit. It is essential to promote non-lethal deterrence efforts and co-existence. For the reasons listed above, I object to Chapter 28 regulation and ask that the issues raised above be addressed and that an appropriate period for public comment be issued.

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**Final Comment**                      **Knut, Jesper**                      **Manhattan beach , CA**                      8/19/2018 3:07:00 PM

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**35** Dear Game & Fish: The Wyoming Stock Growers Association (WSGA) appreciates this opportunity to provide comments on the Draft Chapter 28 Regulation regarding Damage Claims. WSGA fully supports the proposed changes intended to incorporate statutory changes regarding wolf damage compensation. We also support proposed changes related to the definition of "improvements" and changes providing for the conduct of arbitration hearings as contested cases. WSGA has concern with the somewhat confusing language in Section 4 regarding permitted hunting. Under the existing language, the landowner is responsible for granting hunting access. As we read the proposed change, the "claimant" is responsible for permitting hunting "on his privately owned or leased land and adjoining Federal or State land within the herd unit". This requirement is appropriate as applied to lands owned by the claimant. However, a lessee of grazing lands would most often lack the legal authority to permit hunting on those lands. Furthermore, a claimant clearly lacks legal authority to permit hunting on Federal and State lands if such hunting were to be restricted by the applicable land agency. WSGA suggests for your consideration the following language in the first sentence of Section 4 (a): "A claimant shall not be eligible to receive an award for damage caused by big game animals, trophy game animals, or game birds unless the claimant has permitted hunting on his private property and has in no manner restricted hunting on his leased private land nor on adjoining Federal or State land within the herd unit in which the damage occurred in accordance with this section." Thank you for your consideration of our comments. A hard copy of these comments has been placed in the U.S. Mail.

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**Final Comment**                      **Magagna, Jim**                      **Cheyenne, WY**                      8/19/2018 4:53:00 PM

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**36** I oppose these grizzly regulations, and I am incredulous that you are proposing that it's okay to bait these bears. Game "management" agencies insist that a bear habituated to human scent or food is a very dangerous bear and must be destroyed. You can't know what bears will be attracted to bait and what kind of havoc you will create with non-target bears. If ranchers and farmers cannot demonstrate repeated use and failure of non-lethal deterrents, they should not be eligible for kill permits. If "producers" can't take proper care of their "crops," then they can live with the losses. A bear should not be harmed for consuming what an omnivore consumes. I do not want a sanitized landscape on behalf of lazy "producers."

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**Final Comment**                      **Williams, Pamela**                      **Boise, ID**                      8/19/2018 7:07:00 PM

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**37** I write to oppose Chapter 28 regulation for the reasons set forth below: 1) There are not been adequate public notice nor ability to comment on this regulation. Adequate public notice is required by statute and we are being denied our rights of due process, which is a 6th Amendment constitutional right and can be

# WGFD Web Survey System

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### Chapter 28, Damage Claims

brought to federal court if denied. 2) Permitting the baiting of grizzly bears is inconsistent with the North American Model of Wildlife Management which requires "fair chase". Baiting is unethical and immoral and should not be allowed. It is also dangerous as it can create fights around bait sites between animals and could endanger humans who unknowingly happen upon a bait site. 3) With regard to item (z), there should be requirements for the maintenance and storage of "stored crops" as well as beehives to prevent bears from becoming habituated to human food. Lack of regulation paves the way for rulebreakers. 4) With regard to item (ff), I object because it makes the grizzly a "predator" subject to depredation. Dan Thompson previously represented that the grizzly would never be considered a "predator" in 2016 when discussing the "Grizzly Bear Management Plan." This misrepresentation of fact is massive. Labeling the grizzly as a predator would all kill permits to be issued separate and in addition to the hunting quota. 5) There should be a requirement for landowners to show efforts to deter conflicts with grizzly bears prior to the issuance of a kill permit. It is essential to promote non-lethal deterrence efforts and co-existence, especially since those methods have gone on for decades. It is only recently with the upswing in California folks buying land in Wyoming to develop that suddenly we need to shoot grizzlies. For the reasons listed above, I object to Chapter 28 regulation and ask that the issues raised above be addressed and that an appropriate period for public comment be issued. Thank you!

**Final Comment**                      **Tenley, Naomi**                      **Casper, WY**                      8/19/2018 7:35:00 PM

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**38** Baiting is inconsistent with the North American Model of Wildlife Management which requires "fair chase". Baiting is unethical and immoral and should not be allowed. It is also dangerous as it can create fights around bait sites between animals and could endanger humans who unknowingly happen upon animal

**Final Comment**                      **White, Cindy**                      **Arabi, GA**                      8/20/2018 8:16:00 AM

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**39** I travel on a regular basis to Wyoming to watch and photograph wildlife. I am strongly opposed to the grizzly hunt and to the proposal of baiting Grizzlies. There is no reason that these animals should be trophy hunted and killed. It is asinine that this is being considered and baiting animals is barbaric as well. I will look to travel to other places and take my money elsewhere if this is allowed to happen. Many people I know will do the same. Sincerely, Luke Smith

**Final Comment**                      **Smith, Luke**                      **Colorado Springs, CO**                      8/20/2018 8:43:00 AM

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**40** Respect the planet and all it contains. Wildlife should never be considered collateral. Truth be told, we could find ourselves in the very same position as the Grizzlies and wolves: pushed to the fringes.

**Final Comment**                      **Smith, Chad**                      **Monroe, MI**                      8/20/2018 9:24:00 AM

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**41** Pls don't allow the killing of grizzly bears in Wyoming. These natural iconic animals of North America have been living here on this land long before we all got here. We need to respect them fully and not kill them for sport. The endangered species act protected these great Giants and since it was lifted, killing them for sport is the worst karma sin. As an animal activist, I condemn shooting of Grizzlies and their Cubs in any way whatsoever. Future generations need to see these iconic animals as well and I request you strongly to consider saving them over killing them. Thank you

**Final Comment**                      **Iyer , Rahul**                      **East hills , NY**                      8/20/2018 12:50:00 PM

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**42** Regarding changes to allow baiting of grizzlies, PLEASE do NOT allow this. I strongly oppose the hunt, but allowing baiting of these bears is NOT fair chase. These bears have never been hunted. If hunters want to hunt them, then they must HUNT them. Baiting is just plain wrong. Thank you for your consideration.  
Debbie Pierce

**Final Comment**                      **Pierce, Debbie**                      **Minneapolis, MN**                      8/20/2018 12:57:00 PM

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**43** Stop trying so hard to appease to the bloodlust of trophy hunters. Do your jobs properly and actually works towards preserving what has taken decades to rebuild. The 1% of hunters that want/support this do not

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## Survey Comment Report

### Chapter 28, Damage Claims

outweigh the millions of people that cherish these animals and wish for their wellbeing. Stop catering to a sadistic minority when so many more voices are trying to tell you to stop

<b>Final Comment</b>	<b>Oertli, Dylan</b>	<b>Rogers, MN</b>	<b>8/20/2018 1:30:00 PM</b>
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**44** The regulation extends the Chapter 68 Grizzly Bear Hunting Seasons without adequate or appropriate public notice to participate and comment. I oppose that it is promulgated just weeks before the Grizzly Bear Trophy Hunt Commences on September 1 and it extends and expands the scope of the hunt, which was signed into law by the Governor just weeks ago. I object to this extension of the hunting season to hunt aka slaughter the Grizzly Bear as "Predator" and for many reasons which include and are not limited to: Dan Thompson, WGFD Large Carnivore Director promised the public at a full house in the Virginian Hotel in 2016 when discussing the "Grizzly Bear Management Plan" that the grizzly bear would never be hunted as "Predator". This new regulation expanding the hunt aka slaughter of the Grizzly Bear is too much too late. The lawsuits opposing de-listing the Grizzly Bear from ESA protections were on a briefing deadline which did not allow for a thorough examination of this newly proposed regulation published on July 9, 2018, the briefs due August 8, 2018. This was difficult if not impossible for the lawyers to address. I object to this new regulation because item (k)- Damage is not clearly defined and vague of any legal meaning. And in particular as it related to Bee Hives. How, are the Bee Hives ordered to be maintained, to prevent depredation by a Grizzly Bear? I see no required electric fencing. This allows Bee Hives to serve as bait for a depredation hunt or special kill permit. I object to this proposed regulation in total and in particular Item (s)- "Want to kill a grizzly bear, get a bee hive". No. I object to (q) and the definitions of improvements. The definition of structure is vague and it allows for a "kill permit" or "depredation hunt" of a Grizzly Bear and now with BAIT, with no real loss of any value to property! "Erect a shack, store grain carelessly and kill a grizzly bear". No. I further object to item (s)- I object to any kill permits for the Grizzly Bear. Chapter 68 has been passed and signed by the Governor into regulation to hunt the Grizzly Bear. This extension of the hunt is now illegal and in violation of your own Grizzly Bear Management Plan, the Wyoming Public Records Act, and your promises to the Public. I object that this Kill Permit can include baiting a grizzly bear to be shot which does not comport with the North American Model of Wildlife Management, which Dan Thompson told us all at the Virginian guides is management. The North American Model requires "Fair Chase" as do most "hunters". Montana does not allow bear baiting because it defies the requirement of "fair chase" in hunting practice. The Kill Permit is slaughter of the Grizzly Bear and for little cause. I object to this regulation. I object to item (z) for the reason stated above in terms of bees and beehives and "stored crops". What are the regulations for maintenance and storage so no bear is chummed to human contact and food rewards? I object to item (dd) – "Accepted Agricultural Practices" is a meaningless term in Wyoming. Agricultural and ranchers can do whatever they choose and with the blessing of the WGFD. You admitted at the late spring public meeting on the increased wolf quota regulation than ranchers can bait wolves to be shot with dead cattle, even when adjacent to neighborhoods and with little regard to what food reward that attracts the grizzly bear. I object to item (dd). I object to item (ff) because it makes the Grizzly Bear a predator subject to depredation and "kill permits" separate and in addition to the kill quotas in the hunting seasons.

<b>Final Comment</b>	<b>davis, christina</b>	<b>Tucson, AZ</b>	<b>8/20/2018 2:40:00 PM</b>
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**45** Dear Wyoming Game and Fish Please do not allow any baiting of grizzly bears under any circumstances...this goes against any fair chase hunting of bears and is unethical and cruel. Leaving food baits out also attracts other wildlife and domestic animals...this is especially unhealthy and very unnatural for other animals to be eating left out food from bear baits. And is it also against the law to be feeding the wildlife? And would this be considered feeding wildlife? it sure seems that way to me that it is. Food baits to attract bears is a very bad and responsible thing to allow. Please do not allow bear baiting for grizzly bears. Thank you for you time and consideration of my concerns Anita Chittenden

<b>Final Comment</b>	<b>Chittenden, Anita</b>	<b>amador city, CA</b>	<b>8/20/2018 3:59:00 PM</b>
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**46** SAMPLE COMMENT: I write to oppose Chapter 28 regulation for the reasons set forth below: 1) There are not been adequate public notice nor ability to comment on this regulation. 2) Permitting the baiting of grizzly bears is inconsistent with the North American Model of Wildlife Management which requires "fair chase". Baiting is unethical and immoral and should not be allowed. It is also dangerous as it can create fights around bait sites between animals and could endanger humans who unknowingly happen upon a



**WGFD Web Survey System**  
**Survey Comment Report**  
**Chapter 28, Damage Claims**

bait site. 3) With regard to item (z), there should be requirements for the maintenance and storage of "stored crops" as well as beehives to prevent bears from becoming habituated to human food. 4) With regard to item (ff), I object because it makes the grizzly a "predator" subject to depredation. Dan Thompson previously represented that the grizzly would never be considered a "predator" in 2016 when discussing the "Grizzly Bear Management Plan." Labeling the grizzly as a predator would all kill permits to be issued separate and in addition to the hunting quota. 5) There should be a requirement for landowners to show efforts to deter conflicts with grizzly bears prior to the issuance of a kill permit. It is essential to promote non-lethal deterrence efforts and co-existence.

**Final Comment**

**Burris , Connie**

**Springfield , IL**

**8/20/2018 4:38:00 PM**

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Wyoming Game and Fish Department  
Comment Form



The Department welcomes comment regarding proposed changes to regulations. Questions about the proposed regulation changes should be directed to Department Regional Offices for clarification. No individual Department response will be generated from questions submitted through this comment form. Written comments shall be accepted at all Department sponsored 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 submitted via email, fax or telephone. All written comments must be received at the below address no later than 5:00 p.m., August 20, 2018.

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

Chapter 28, Regulation Governing Big or Trophy Game Animal or Game Bird or Gray Wolf Damage Claims

Comments:

Bears necessary to environment

Bears are majestic creatures - Leave them be

Limit Human population is best for environment

mail

(Please use reverse for additional comments.)



Irene McCallister  
Printed Name

Aug 16, 2018  
Date

TO: Wyoming Game and Fish Department & WGFC

DRAFT 6-27-18 - CHAPTER 28

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

**Deidre J. Bainbridge**  
**P.O. Box 747**  
**Jackson, WY 83001**  
**(307) 739-0748**



**I Oppose and do not approve the CHAPTER 28 REGULATION IN TOTAL  
FOR THE FOLLOWING REASONS:**

1. The regulation extends the Chapter 68 Grizzly Bear Hunting Seasons without adequate or appropriate public notice to participate and comment. I oppose that it is promulgated just weeks before the Grizzly Bear Trophy Hunt commences on September 1 and it extends and expands the scope of the hunt, which was signed into law by the Governor just weeks ago.
2. I object to this extension of the hunting season to hunt aka slaughter the Grizzly Bear as "Predator" and for many reasons which include and are not limited to:
  - a. Dan Thompson, WGFD Large Carnivore Director promised the public at a full house in the Virginian Hotel in 2016 when discussing the "Grizzly Bear Management Plan" that the grizzly bear would never be hunted as "Predator".
  - b. This new regulation expanding the hunt aka slaughter of the Grizzly Bear is too much too late. The lawsuits opposing de-listing the Grizzly Bear from ESA protections were on a briefing deadline which did not allow for a thorough examination of this newly proposed regulation published on July 9, 2018, the briefs due August 8, 2018. This was difficult if not impossible for the lawyers to address.
3. I object to this new regulation because item (k)- **Damage** is not clearly defined and vague of any legal meaning. And in particular as it relates to Bee Hives. How, are the Bee Hives ordered to be maintained, to prevent depredation by a Grizzly Bear? I see no required electric fencing. This allows Bee Hives to serve as bait for a depredation hunt or special kill permit. I object to this proposed regulation in total and in particular Item (s)- "Want to kill a grizzly bear get a bee hive". No.
4. I object to (q) and the definitions of improvements. The definition of structure is vague and it allows for a "kill permit" or "depredation

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hunt” of a Grizzly Bear and now with **BAIT**, with no real loss of any value to property! “Erect a shack, store grain carelessly and kill a grizzly bear”. No.

5. I further object to item (s)- I object to any kill permits for the Grizzly Bear. Chapter 68 has been passed and signed by the Governor into regulation to hunt the Grizzly Bear. This extension of the hunt is now illegal and in violation of your own Grizzly Bear Management Plan, the Wyoming Public Records Act, and your promises to the Public.
6. I object that this Kill Permit can include baiting a grizzly bear to be shot does not comport with the North American Model of Wildlife Management which Dan Thompson told us all at the Virginian guides his management plans. The North American Model requires “Fair Chase” as do most “hunters”. Montana does not allow bear baiting because it defies the requirement of “fair chase” in hunting practice. The Kill Permit is slaughter of the Grizzly Bear and for little cause. I object to this regulation.
7. I object to item (z) for the reason stated above in terms of bees and beehives and “stored crops”. What are the regulations for maintenance and storage so no bear is chummed to human contact and food rewards?
8. I object to item (dd) – “Accepted Agricultural Practices” is a meaningless term in Wyoming. Agricultural and ranchers can do whatever they choose and with the blessing of the WGFD. You admitted at the late spring public meeting on the increased wolf quota regulation than ranchers can bait wolves to be shot with dead cattle, even when adjacent to neighborhoods and with little regard to what food reward that attracts the grizzly bear. I object to item (dd).
9. I object to item (ff) because it makes the Grizzly Bear a predator subject to depredation and “kill permits” separate and in addition to the kill quotas in the hunting seasons.
- 10.

Section 4 (a):

I object to this section. This is a very vague and nebulous change from landowner to claimant. Define “Claimant”. If claimant and not landowner is only required for a depredation hunt on private land what business is that of the WGFD to make deals behind a land owners back or without the knowing consent of the land-owner. I object to this tactic as illegal and it expands the hunt of the Grizzly Bear by an unknown! Who is the “Claimant”?

Section 4 (b):

Same objection, I know of at least two ranches at issue in this regard for different reasons. The landowner approval for hunting on his/her land is required because the land-owner is legally responsible for the actions and potential injuries on their land. You WGFDD cannot be complicit with back dooring the landowner for your own gain or purpose.

Section 5:

Item (11)- Again Beehives are an issue as raised above and I object to this regulation

Section 7:

I object that a landowner must consent to a depredation hunt on his/her land in order to be compensated for legitimate loss due to depredation. This extends hunts illegally and manipulates the landowner unfairly. The public trust in management of our Natural Resources requires a fund which we the public shall fund and finance to reimburse landowners and not the forced agreement to hunting on their land.

**There is no requirement in this regulation for deterrence first before a "kill permit" or Depredation hunt. This is unconscionable for an agency first endowed with the privilege of managing the iconic grizzly bear and effective deterrence first is required in the Public Trust.**

For all of this reasons I object to regulation 28 and I require the management of our natural resources in the Public Trust.

Deidre J. Bainbridge  
P.O. Box 747  
Jackson, WY 83001

Dated this 17<sup>th</sup> day of August  
Deidre J. Bainbridge



TO: Wyoming Game and Fish Department & WGFC

TALKING POINTS FOR DRAFT 6-27-18 - CHAPTER 28

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

Timothy Tennyson  
P.O. Box 747  
Jackson, WY 83001  
(307) 733-1508



**I Oppose and do not approve the CHAPTER 28 REGULATION IN  
TOTAL FOR THE FOLLOWING REASONS:**

1. The regulation extends the Chapter 68 Grizzly Bear Hunting Seasons without adequate or appropriate public notice to participate and comment. I oppose that it is promulgated just weeks before the Grizzly Bear Trophy Hunt commences on September 1 and it extends and expands the scope of the hunt, which was signed into law by the Governor just weeks ago.
2. I object to this extension of the hunting season to hunt aka slaughter the Grizzly Bear as "Predator" and for many reasons which include and are not limited to:
  - a. Dan Thompson, WGFD Large Carnivore Director promised the public at a full house in the Virginian Hotel in 2016 when discussing the "Grizzly Bear Management Plan" that the grizzly bear would never be hunted as "Predator".
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3. I object to this new regulation because item (k)- **Damage** is not clearly defined and vague of any legal meaning. And in particular as it relates to Bee Hives. How, are the Bee Hives ordered to be maintained, to prevent depredation by a Grizzly Bear? I see no required electric fencing. This allows Bee Hives to serve as bait for a depredation hunt or special kill permit. I object to this proposed regulation in total

*fedex*

- an in particular Item (s)- "Want to kill a grizzly bear get a bee hive". No.
4. I object to (q) and the definitions of improvements. The definition of structure is vague and it allows for a "kill permit" or "depredation hunt" of a Grizzly Bear and now with **BAIT**, with no real loss of any value to property! "Erect a shack, store grain carelessly and kill a grizzly bear". No.
  5. I further object to item (s)- I object to any kill permits for the Grizzly Bear. Chapter 68 has been passed and signed by the Governor into regulation to hunt the Grizzly Bear. This extension of the hunt is now illegal and in violation of your own Grizzly Bear Management Plan, the Wyoming Public Records Act, and your promises to the Public.
  6. I object that this Kill Permit can include baiting a grizzly bear to be shot does not comport with the North American Model of Wildlife Management which Dan Thompson told us all at the Virginian guides his management plans. The North American Model requires "Fair Chase" as do most "hunters". Montana does not allow bear baiting because it defies the requirement of "fair chase" in hunting practice. The Kill Permit is slaughter of the Grizzly Bear and for little cause. I object to this regulation.
  7. I object to item (z) for the reason stated above in terms of bees and beehives and "stored crops". What are the regulations for maintenance and storage so no bear is chummed to human contact and food rewards?
  8. I object to item (dd) - "Accepted Agricultural Practices" is a meaningless term in Wyoming. Agricultural and ranchers can do whatever they choose and with the blessing of the WGFD. You admitted at the late spring public meeting on the increased wolf quota regulation than ranchers can bait wolves to be shot with dead cattle, even when adjacent to neighborhoods and with little regard to what food reward that attracts the grizzly bear. I object to item (dd).
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business is that of the WGFD to make deals behind a land owners back or without the knowing consent of the land-owner. I object to this tactic as illegal and it expands the hunt of the Grizzly Bear by an unknown! Who is the "Claimant"?

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Section 7:

I object that a landowner must consent to a depredation hunt on his/her land in order to be compensated for legitimate loss due to depredation. This extends hunts illegally and manipulates the landowner unfairly. The public trust in management of our Natural Resources requires a fund which we the public shall fund and finance to reimburse landowners and not the forced agreement to hunting on their land.

**There is no requirement in this regulation for deterrence first before a "kill permit" or Depredation hunt. This is unconscionable for an agency first endowed with the privilege of managing the iconic grizzly bear and effective deterrence first is required in the Public Trust.**

For all of this reasons I object to regulation 28 and I require the management of our natural resources in the Public Trust.

Timothy J. Tennyson  
P.O. Box 747  
Jackson, WY 83001



Dated this 17<sup>th</sup> day of August  
Timothy J. Tennyson

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8/14/10

## CHAPTER 28

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ee) “Supervisor” means Regional Wildlife Supervisor.

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

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

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

**Section 3. Damage to Livestock by Trophy Game Animals or Gray Wolf (in Accordance with W.S. § 23-1-901 (g) and (h)).** Except as specified in subsection (a) of this section, the Department shall only offer payment for damage to individual livestock confirmed

by the Department or its representative as having been injured or killed by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h).

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

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

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

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

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

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

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

(iii) Sheep in areas set forth by Commission regulation where gray wolves are designated as trophy game animals, or gray wolves in accordance with W.S. § 23-1-901 (g) and

(h). To determine the amount of compensation due to a claimant for sheep believed to be missing as a result of being damaged by gray wolves, in areas occupied by gray wolves, the Department shall utilize the following formula:

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

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

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

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

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

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

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

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

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

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

#### **Section 4. Permitted Hunting During Authorized Hunting Seasons.**

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

(i) For a claimant to be eligible to receive an award for damage compensation on leased private land, the landowner of the leased private land shall not, in any manner, restrict hunting access for the species for which damage compensation is claimed on the land for which the verified claim has been filed, or any adjoining Federal or State land.

(ii) The claimant shall not, in any manner, restrict hunting access to their privately owned land, leased private land or any adjoining Federal or State land within the hunt area for which the damage occurred in accordance with this section.

(iii) Authorized hunting seasons include:

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

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

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

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



animals, trophy game animals or game birds recruited in the preceding twelve (12) months into the segment of the population responsible for doing damage. An award may be allowed if the Department determines a reduction in big game animals, trophy game animals or game birds affects the Department's ability to sustain the population at the objective the Commission has established for the herd unit.

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

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

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

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

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

(iii) For verified claims of damage to land, growing cultivated crops, seed crops, stored crops, improvements, or extraordinary damage to grass by big game animals, trophy game animals or gray wolves in accordance with W.S. § 23-1-901 (g) and (h) or game birds, the sixty (60) day period shall commence from the last date the growing cultivated crop or seed crop was harvested or the land, stored crops, or improvements were damaged or the extraordinary damage to grass occurred.

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

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

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

### **Section 6. Investigation and Payment of Verified Claims.**

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

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

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

### **Section 7. Reasons for Denial of a Verified Claim.**

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

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

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

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

(iv) The big or trophy game animals or game birds causing damage were not on the claimant's privately owned or leased land and adjoining Federal or State land during authorized hunting seasons as specified in Section 4 (a) (iii) (A), and the claimant would not agree to the Department's implementation of a depredation prevention hunting season as specified in Section 4 (a) (iii) (B) or insisted on charging an access fee to hunters to participate in a depredation prevention hunting season as specified in Section 4.

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

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

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

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

(ix) The verified claim was for consequential damages.

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

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

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

## **Section 8. Arbitration.**

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

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

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

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

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

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

(g) Arbitration hearings shall be conducted as contested cases by the Office of Administrative Hearings. The Department shall transmit to the Office of Administrative Hearings a referral transmittal sheet and copies of the appropriate agency documents reflecting the disputed claim and the basis thereof. Upon referral from the Department, the Office of Administrative Hearings shall have the authority, pursuant to W.S. § 9-2-2202, to conduct the arbitration hearing in an impartial manner pursuant to the Wyoming Administrative Procedure Act, applicable provisions of the Wyoming Rules of Civil Procedure, and Chapters 1 and 2 of the Uniform Contested Case Rules adopted by the Office of Administrative Hearings effective October 17, 2014 and found at <http://rules.wyo.gov> hereby incorporated by reference but not including any later amendments or editions, to the extent those statutes and rules do not conflict with W.S. § 23-1-901 or the Uniform Arbitration Act.

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

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

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

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

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

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

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

(d) A description of the land, growing cultivated crops, stored crops, seed crops, or improvements damaged by a big game animal, trophy game animal or gray wolf in accordance with W.S. § 23-1-901 (g) and (h) or game bird; or a description of the grass extraordinarily damaged by a big game animal or game bird;

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

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

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

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

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

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

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

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

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

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

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

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

WYOMING GAME AND FISH COMMISSION

Mark Anselmi, President

Dated: September 18, 2018

## CHAPTER 28

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ee) “Supervisor” means Regional Wildlife Supervisor.

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

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

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

**Section 3. Damage to Livestock by Trophy Game Animals or Gray Wolf (in Accordance with W.S. § 23-1-901 (g) and (h)).** Except as specified in subsection (a) of this section, the Department shall only offer payment for damage to individual livestock confirmed

by the Department or its representative as having been injured or killed by a trophy game animal, or gray wolf in accordance with W.S. § 23-1-901 (g) and (h).

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

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

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

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

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

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

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

(iii) Sheep in areas set forth by Commission regulation where gray wolves are designated as trophy game animals, or gray wolves in accordance with W.S. § 23-1-901 (g) and

(h). To determine the amount of compensation due to a claimant for sheep believed to be missing as a result of being damaged by gray wolves, in areas occupied by gray wolves, the Department shall utilize the following formula:

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

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

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

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

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

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

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

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

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

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

#### Section 4. Permitted Hunting During Authorized Hunting Seasons.

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

(i) For a claimant to be eligible to receive an award for damage compensation on leased private land, the landowner of the leased private land shall not, in any manner, restrict hunting access for the species for which damage compensation is claimed on the land for which the verified claim has been filed, or any adjoining Federal or State land.

(ii) The claimant shall not, in any manner, restrict hunting access to their privately owned land, leased private land or any adjoining Federal or State land within the hunt area for which the damage occurred in accordance with this section.

~~(i)~~(iii) Authorized hunting seasons include:

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

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

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

(b) The Department shall determine if ~~the landowner permitted~~ hunting was permitted during authorized hunting seasons for the species of big game animals, trophy game animals, or game birds for which the verified claim has been filed. For an award to be allowed, the Department shall have to determine the ~~landowner~~ claimant allowed sufficient numbers of hunters to access his privately owned or leased land and adjoining Federal or State land to

harvest more than the number of big game animals, trophy game animals or game birds recruited in the preceding twelve (12) months into the segment of the population responsible for doing damage. The ~~landowner~~claimant shall contact the game warden to whom he reported the damage to determine how many big game animals, trophy game animals, or game birds meets the requirement of more than the number of big game animals, trophy game animals or game birds recruited in the preceding twelve (12) months into the segment of the population responsible for doing damage. An award may be allowed if the Department determines a reduction in big game animals, trophy game animals or game birds affects the Department's ability to sustain the population at the objective the Commission has established for the herd unit.

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

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

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

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

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

(iii) For verified claims of damage to land, growing cultivated crops, seed crops, stored crops, improvements, or extraordinary damage to grass by big game animals, trophy game animals or gray wolves in accordance with W.S. § 23-1-901 (g) and (h) or game birds, the sixty (60) day period shall commence from the last date the growing cultivated crop or seed crop was harvested or the land, stored crops, or improvements were damaged or the extraordinary damage to grass occurred.

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

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

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

#### **Section 6. Investigation and Payment of Verified Claims.**

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

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

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

#### **Section 7. Reasons for Denial of a Verified Claim.**

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

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

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



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

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

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

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

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

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

(ix) The verified claim was for consequential damages.

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

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

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

## **Section 8. Arbitration.**

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

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

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

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

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

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

(g) Arbitration hearings shall be conducted as contested cases by the Office of Administrative Hearings. The Department shall transmit to the Office of Administrative Hearings a referral transmittal sheet and copies of the appropriate agency documents reflecting the disputed claim and the basis thereof. Upon referral from the Department, the Office of Administrative Hearings shall have the authority, pursuant to W.S. § 9-2-2202, to conduct the arbitration hearing in an impartial manner pursuant to the Wyoming Administrative Procedure Act, applicable provisions of the Wyoming Rules of Civil Procedure, and Chapters 1 and 2 of the Uniform Contested Case Rules adopted by the Office of Administrative Hearings effective October 17, 2014 and found at <http://rules.wyo.gov> hereby incorporated by reference but not including any later amendments or editions, to the extent those statutes and rules do not conflict with W.S. § 23-1-901 or the Uniform Arbitration Act.

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

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

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

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

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

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

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

(d) A description of the land, growing cultivated crops, stored crops, seed crops, or improvements damaged by a big game animal, trophy game animal or gray wolf in accordance with W.S. § 23-1-901 (g) and (h) or game bird; or a description of the grass extraordinarily damaged by a big game animal or game bird;

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

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

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

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

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

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

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

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

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

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

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

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

WYOMING GAME AND FISH COMMISSION

~~Keith Culver~~Mark Anselmi, President

Dated: ~~July 20, 2017~~September 18, 2018