

ORIGINAL SENATE  
FILE NO. 0041

ENROLLED ACT NO. 26, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

AN ACT relating to game and fish; providing for designation of wolves in specified areas and within specified dates as trophy game animals; providing for management for a minimum number of breeding pairs and individual gray wolves; repealing commission authority to enlarge or diminish areas where wolves are managed as trophy game animals; repealing governor's authority to change areas where wolves are managed as trophy game animals; limiting commission authority to establish areas where wolves designated as trophy game animals may be taken as predatory animals; amending authorized management techniques for controlling wolf populations; providing for use of animal damage management boards funds; specifying legislative intent; and providing for an effective date.

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

**Section 1.** W.S. 11-6-302(a)(ix)(B)(intro), (I) and (x)(B)(I), 11-6-309, 23-1-101(a)(viii)(B)(intro), (I), (xii)(B)(I) and (II), 23-1-302(a)(ii) and (xxix), 23-1-304(a), (d), (g), (h), (j), (m) and (n), 23-1-901 by creating a new subsection (g) and 23-3-115(c) are amended to read:

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

(a) As used in this article:

(ix) "Predatory animal" means:

(B) Until the date gray wolves are removed from the list of experimental nonessential population, endangered species or threatened species in Wyoming as provided by W.S. 23-1-108, "predatory animal" includes wolves. After that date, "predatory animal" shall include

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any gray wolf within areas of the state where the state of Wyoming has jurisdiction for wildlife management, but not within an area of the state in which the gray wolf is:

(I) Designated as a trophy game animal under subdivision (x) (B) (I) of this subsection, or W.S. 23-1-101(a) (xii) (B) (I) or (II).

(x) "Trophy game animal" means:

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

(I) "Trophy game animal" shall include any gray wolf within those ~~tracts of land within the following described area, subject to modification as authorized in this subdivision: northwest Wyoming beginning at the east boundary of the Shoshone National Forest and the Wyoming Montana state line; southerly along said forest boundary to the common boundary between the Shoshone National Forest and the Wind River Indian Reservation; westerly and then southeasterly along the Shoshone National Forest boundary to the Union Pass Road (USFS Road 263); southerly along said road until it intersects the north boundary of the Upper Green River Cattle Association's grazing allotment on forest service lands; following the eastern boundary of said allotment southerly and westerly to the point it intersects the Bridger Teton National Forest boundary; westerly along said forest boundary to U.S. Highway 189 191; northwesterly along said highway to U.S. Highway 26 89 191 at Hoback Junction; northerly along said highway to Wyoming Highway 22; westerly along said highway to the Wyoming Idaho state line; north along said state line to the Wyoming Montana state line; north and~~

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~~then east along said state line to the east boundary of the Shoshone National Forest. This described area may be diminished by rule of the game and fish commission if the game and fish commission determines the diminution does not impede the delisting of gray wolves and will facilitate Wyoming's management of wolves; and~~ areas where gray wolves are designated as trophy game animals as provided in W.S 23-1-101(a)(xii)(B)(I) or (II).

**11-6-309. Predator management district participation with the ADMB.**

(a) Except as provided in subsection (b) of this section, if the predator management district has elected to participate in providing funding or upon approval of the ADMB, other in-kind resources, to the animal damage management account, the district may solicit funds or receive services from the ADMB under separate negotiated agreement.

(b) Whether or not a predator management district has elected to participate in providing funding to the animal damage management account, the district may solicit funds or receive services from the ADMB for control of gray wolves designated as predatory animals.

(c) In any area of the state not under the jurisdiction of a county predatory animal board, eligible applicants for funds appropriated to the animal damage management board for the purpose of controlling wolves designated as predatory animals include state or county agencies.

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

(a) As used in this act:

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(viii) "Predatory animal" means:

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

(I) Designated as a trophy game animal under subdivision (xii) (B) (I) or (II) of this subsection.†

(xii) "Trophy game animal" means:

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

(I) "Trophy game animal" shall include any gray wolf within those tracts of land within the following described area: ~~subject to modification as authorized in this subdivision: northwest Wyoming beginning at the east boundary of the Shoshone National Forest and the Wyoming Montana state line; southerly along said forest boundary to the common boundary between the Shoshone National Forest and the Wind River Indian Reservation; westerly and then southeasterly along the Shoshone National Forest boundary to the Union Pass Road (USFS Road 263); southerly along said road until it intersects the north boundary of the Upper Green River Cattle Association's grazing allotment on forest service lands; following the eastern boundary of said allotment southerly and westerly~~

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~~to the point it intersects the Bridger Teton National Forest boundary; westerly along said forest boundary to U.S. Highway 189-191; northwesterly along said highway to U.S. Highway 26-89-191 at Hoback Junction; northerly along said highway to Wyoming Highway 22; westerly along said highway to the Wyoming-Idaho state line; north along said state line to the Wyoming-Montana state line; north and then east along said state line to the east boundary of the Shoshone National Forest. This described area may be diminished by rule of the commission if the commission determines the diminution does not impede the delisting of gray wolves and will facilitate Wyoming's management of~~  
wolves northwest Wyoming beginning at the junction of Wyoming Highway 120 and the Wyoming-Montana state line; southerly along Wyoming Highway 120 to the Greybull River; southwesterly up said river to the Wood River; southwesterly up said river to the Shoshone National Forest boundary; southerly along said boundary to the Wind River Indian Reservation boundary; westerly, then southerly along said boundary to the Continental Divide; southeasterly along said divide to the Middle Fork of Boulder Creek; westerly down said creek to Boulder Creek; westerly down said creek to the Bridger-Teton National Forest boundary; northwesterly along said boundary to its intersection with U.S. Highway 189-191; northwesterly along said highway to the intersection with U.S. Highway 26-89-191; northerly along said highway to Wyoming Highway 22 in the town of Jackson; westerly along said highway to the Wyoming-Idaho state line; north along said state line to the southern boundary of Yellowstone National Park; east and north along said boundary to the Wyoming-Montana state line; then east along said state line to Wyoming Highway 120;~~and~~

(II) "Trophy game animal" shall include any gray wolf ~~within any area of the state where gray wolves are classified as trophy game animals by the~~

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commission pursuant to W.S. 23-1-304(a) located, from October 15 through the last day of February in the subsequent year, within the following described area: beginning at the boundary described in subdivision (B)(I) of this paragraph, where the Bridger-Teton National Forest boundary intersects U.S. Highway 189-191 at Hoback Rim; westerly and then southerly along said forest boundary to its intersection with USFS Road 10125 (McDougal Gap Road); westerly along said road to USFS Road 10138 (Grey's River Road); southerly along said road to Sheep Creek; westerly down said creek to Grey's River; southwesterly up said river to Bear Creek; southwesterly up said creek to the hydrographic divide between Bear Creek and Willow Creek; west from said divide to USFS Road 10080 (Willow Creek Road); northwesterly along said road to Lincoln County Road 123; southerly along said road to USFS Road 10081 (Grover Park Road); southerly then westerly along said road to Lincoln County Road 172; westerly along said road to the junction with Wyoming Highway 237; westerly along said highway to Wyoming Highway 238; southerly along said highway to Lincoln County Road 134; westerly along said road to the Wyoming-Idaho state line; north along said state line to Wyoming Highway 22 where the boundary described in this subdivision will rejoin the boundary described in subdivision (B)(I) of this paragraph.

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

(a) The commission is directed and empowered:

(ii) To establish zones and areas in which trophy game animals may be taken as game animals with a license or, with the exception of gray wolves, in the same manner as predatory animals without a license, giving proper regard to the livestock and game industries in those particular areas;

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(xxix) After the date gray wolves are removed from the list of experimental nonessential population, endangered species or threatened species in Wyoming as provided by W.S. 23-1-108, to ~~classify set seasons and bag limits for~~ gray wolves ~~as predatory or designated as~~ trophy game animals ~~in accordance with~~ pursuant to W.S. ~~23-1-304~~ 23-1-101(a)(xii)(B)(I) and (II), and to regulate the number of gray wolves which may be taken under a license issued under this act or as necessary to carry out the commission's duties under this act;

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

(a) The commission shall by rule and regulation ~~establish areas within the state where gray wolves are classified as trophy game animals and~~ set seasons and bag limits within those areas where gray wolves are designated as trophy game animals pursuant to W.S. 23-1-101(a)(xii)(B)(I) and (II). The ~~areas designated,~~ seasons and bag limits shall be set annually in a manner the commission determines, through rule and regulation, ~~only~~ as necessary to reasonably ensure at least ~~seven (7)~~ ten (10) breeding pairs of gray wolves and a total of at least one hundred (100) individual gray wolves are located in this state ~~and primarily~~ outside of Yellowstone National Park, ~~Grand Teton National Park and John D. Rockefeller, Jr. Memorial Parkway~~ and the Wind River Indian Reservation at the end of the current calendar year.

(d) The department shall institute and maintain an active program of population monitoring statewide. subject to the following:

(i) Population monitoring shall include ~~the use of global positioning systems and radio collaring of gray~~

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~~wolves, including use of aerial tracking, necessary to techniques that~~ accurately determine the population and movement of gray wolves in areas of the state where gray wolves are designated as trophy game animals;

(ii) The commission is authorized to enter into memoranda of understanding with the United States fish and wildlife service or other federal agencies to ~~fund the purchase of the necessary technology and to~~ ensure accurate and adequate monitoring of wolf population levels and movements; ~~through global positioning systems and radio collar tracking.~~

(iii) In all areas of the state, except where otherwise provided, any person who ~~harvests~~ takes a wolf shall notify the department where the ~~harvest~~ take occurred within ten (10) days; ~~i-~~

(iv) In areas of the state where gray wolves are designated as trophy game animals, any person who takes a wolf shall notify the department of the take and where the take occurred within a time period set by rule and regulation, which shall not exceed seventy-two (72) hours;

(v) In areas of the state where gray wolves are designated as trophy game animals, any person who takes a wolf shall submit the wolf or parts thereof, as defined by rule and regulation, to the department for inspection within a time period established by rule and regulation which will not exceed ten (10) days;

(vi) Any information regarding the number or nature of wolves legally ~~harvested~~ taken within the state of Wyoming shall only be released in its aggregate form and no information of a private or confidential nature shall be released without the written consent of the person to whom



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the information may refer. Information identifying any person legally ~~harvesting~~taking a wolf within this state is solely for the use of the department or appropriate law enforcement offices and is not a public record for purposes of W.S. 16-4-201 through 16-4-205.

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

(h) Within forty-eight (48) hours of receiving notification from a landowner or his designee that any gray wolf in those areas of the state where gray wolves are designated as trophy game animals has harassed, injured, maimed or killed livestock or any domesticated animal, the department shall respond and initiate appropriate management actions. The department may use the ~~aggressive~~ management techniques authorized under subsection (g) of this section or any other management methods necessary, to minimize the harassing, injuring, maiming or killing of livestock and other domesticated animals in those areas of the state where gray wolves are designated as trophy game animals.

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

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in areas of the state experiencing unacceptable impacts from gray wolf predation.

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

(n) The commission shall promulgate rules and regulations providing for issuance of ~~annual~~ permits to landowners or livestock owners for removing wolves which are harassing, injuring, maiming or killing livestock or other domesticated animals and for wolves occupying geographic areas where chronic wolf predation occurs. Permits issued or renewed under this subsection shall be valid for not more than forty-five (45) days from issuance or renewal. The permits shall be issued as long as ~~there are seven (7)~~ the removals authorized by such permits could not reduce the numbers of gray wolves below ten (10) breeding pairs or a total of one hundred (100) individual gray wolves within the state and outside of Yellowstone National Park, ~~Grand Teton National Park and John D. Rockefeller, Jr. Memorial Parkway~~ and the Wind River Indian Reservation. The rules shall provide for suspending the issuance of permits or cancelling existing permits if further lethal control could cause ~~relisting of wolves under the endangered species act~~ the numbers of gray wolves to be reduced below ten (10) breeding pairs or a total of one hundred (100) individuals in the state outside of Yellowstone National Park and the Wind River Indian Reservation.

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**23-1-901. Owner of damaged property to report damage; claims for damages; time for filing; determination; appeal; arbitration.**

(g) For purposes of this section, "trophy game animals" shall include gray wolves located in the area described in W.S. 23-1-101(a)(xii)(B)(II) regardless of the date on which the damage occurs.

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

(c) The provisions of subsection (a) of this section relating to the taking of animals doing damage to private property shall apply to gray wolves from and after the date gray wolves are removed from the list of experimental nonessential population, endangered species or threatened species in Wyoming as provided by W.S. 23-1-108. For purposes of this section as it applies to gray wolves, "doing damage to private property" means actual biting, wounding, grasping or killing of livestock or a dog, or chasing, molesting or harassing of livestock or a dog by a wolf that would indicate to a reasonable person that actual biting, wounding, grasping or killing of the livestock or dog is likely to occur at any moment. The owner, employee or lessee acting under authority of this section shall notify the department of the killing of a gray wolf within an area of the state in which the gray wolf is classified designated as a trophy game animal. The notification shall be made within ~~ten (10) days of the kill unless the gray wolf was taken in an area where wolves have been classified as trophy game animals pursuant to W.S. 23-1-304(a) in which case the notification shall be made within~~ seventy-two (72) hours of the kill.

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**Section 2.** W.S. 11-6-302(a)(ix)(B)(II), (x)(B)(II) and (b), 23-1-101(a)(viii)(B)(II) and (b), 23-1-109, 2003 Wyoming Session Laws, Chapter 115, Section 4(c) and 2007 Wyoming Session Laws, Chapter 168, Section 1 are repealed.

**Section 3.**

(a) The legislature finds that the contingencies required by 2007 Wyoming Session Laws, Chapter 168, Section 1 occurred and the provisions of 2007 Wyoming Session Laws, Chapter 168 became effective, and shall be effective, subject to amendment or repeal as provided in this act.

(b) It is the intent of the legislature that the management of gray wolves to ensure populations as provided in W.S. 23-1-304(a) shall be in addition to the number of gray wolves within Yellowstone National Park and the Wind River Indian Reservation, and shall contribute toward the requirements for delisting of gray wolves of at least fifteen (15) breeding pairs and at least one hundred fifty (150) individual animals throughout the state.

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**Section 4.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

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

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

\_\_\_\_\_  
Governor

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

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

I hereby certify that this act originated in the Senate.

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