

## **National Elk Refuge Hunting Permit Review (Redline Process) Standard Operating Procedure**

### **Purpose:**

To ensure proper and consistent criteria are used to disqualify individuals from the National Elk Refuge Hunting Permit (NERHP) program.

### **Definition of National Elk Refuge Hunting Permit:**

A NERHP specifically grants the holder access to the Refuge for the purpose of hunting a specified species of game animal during a prescribed time period in accordance with federal and state regulations. NERHPs are issued through a drawing process managed in cooperation with Wyoming Game and Fish Department. NERHPs are used in concert with state issued hunting licenses and game permits to legally hunt on the Refuge.

### **Scope:**

The NERHP Review is used to withdraw NERHP eligibility from individuals who violated regulations, caused damage to resources or property, or created unsafe conditions while hunting on the National Elk Refuge (NER). The specific circumstances of each violation or incident are thoroughly considered when determining if an individual is disqualified from applying for a NERHP. Multiple violations in the same or consecutive hunt permit years can result in an extended or permanent disqualification of NERHP eligibility.

The NER Refuge Manager has designated the NER Federal Wildlife Officer (RFWO) as administrator of the NER Hunting Permit Review process, referred to as the redline list, as established in this standard operating procedure.

### **Authority:**

Per Title 50 Code of Federal Regulations §25.43, “The refuge manager may terminate or revoke a permit at any time for noncompliance with the terms of the permit or of the regulations in this subchapter C; for nonuse; for violation of any law, regulation, or order applicable to the refuge; or to protect public health or safety or the resources of a national wildlife refuge [67 R 58943, Sept. 18, 2002].” This authority may also be used to immediately revoke an NERHP for egregious violation(s) of federal, state, or NER special regulations by a NER hunt participant.

### **Procedures:**

At the end of NER’s annual hunt program, the RFWO will compile a list of hunting violations committed on the NER that year. This list will be evaluated to identify individuals recommended for inclusion on the redline list. The RFWO will submit the proposed redline list to NER’s

assigned Patrol Captain for a second review of violations, associated case incident reports, and (if applicable) court dispositions. Once the Patrol Captain concurs with the RFWO's redline list, it will be sent to the NER Refuge Manager for final review and approval.

When the redline list is approved by the NER Refuge Manager, hunters disqualified from applying for a NER Hunting Permit will be notified of the decision, and length of disqualification, by certified mail.

Length of disqualification will be determined by the type and circumstances of each violation(s). In general, violations endangering public or employee safety and/or demonstrate intent to illegally take or harm wildlife will result in longer periods of ineligibility. Lesser violations, or those with a lack of intent or not posing a significant safety risk to wildlife or people, will result in shorter disqualification.

Redline list appeals will be sent to the NER Refuge Manager. To determine if a change in disqualification determination is warranted, the Refuge Manager will work with the RFWO and Patrol Captain to review the violation(s), associated circumstances, and other relevant information pursuant to the permit appeals process in 50 CFR §25.45. Hunters will be notified of their appeal decision via certified mail.

The following criteria will be used as a guideline to evaluate and determine the length of redline disqualifications. This list is not all-inclusive and other violations may result in the loss of eligibility for a NER Hunting Permit. Changes in the length of a disqualification can be made on a case-by-case basis by the NER Refuge Manager in consultation with the RFWO.

### **One-Year or Two-Year Disqualification**

- Violation of any NER special hunting regulation or condition of the NER Hunting Permit
- Take the wrong sex of a big game animal in a legal hunt area (*unintentional*)
- Take a big game animal that results in exceeding the number of permits legally possessed by a hunter in a legal hunt area (*overlimit - unintentional*)
- Discharge of a weapon in a closed area
- Failure to wear visible hunter safety orange clothing as required by state law
- Hunt or take a big game animal using the wrong or a non-permitted weapon and/or ammunition
- Motorized travel off an authorized roadway or hunt retrieval road that causes significant road or resource damage
- Spotlighting or using artificial light to locate or harass wildlife
- Failure to properly tag harvested game before or during transport (*unintentional*)
- Hunt in a closed area (*unintentional*)
- Shooting from, along, across, or on a roadway
- Shooting from a vehicle
- Hazing, teasing, frightening, or intentionally disturbing wildlife

- Failure to retain sufficient evidence of a harvested animal's sex as required by state regulation
- Repeat violations of NER Hunting Permit conditions, federal regulations, or state regulations in the same or consecutive years
- Any violation or action that endangers other hunters, NER visitors, or NER employees (*unintentional*)
- Any violation of NER public use rules and regulations while hunting on NER (*unintentional*)

### **Three Year Disqualification to Lifetime Revocation**

- Illegal hunting or trapping of any species of wildlife
- Take of a big game animal that results in exceeding the number of legal hunting permits possessed by an individual in a legal hunt area (*overlimit - intentional*)
- Waste or abandonment of a big game animal according to federal and state regulations
- Hunting by aircraft, automobile, trailer, motor-propelled wheeled vehicle, or vehicle designed for travel over snow
- Hunting while under the influence of alcohol and/or drugs
- Spotlighting or use of artificial light while in possession of a loaded firearm or taking wildlife with the use of artificial light
- Providing false information or making a false report to a federal or state law enforcement officer
- Failure to properly tag harvested game before or during transport (*intentional*)
- Prior revocation of NER Hunting Permit or prior NER Hunting Permit disqualification
- Any violation or action that endangers other hunters, NER visitors, or NER employees (*intentional*)
- Any violation of NER public use rules and regulations while hunting on NER (*intentional*)

Reviewed by: \_\_\_\_\_  
Patrol Captain

\_\_\_\_\_ Date

Approved By: \_\_\_\_\_  
NER Refuge Manager

\_\_\_\_\_ Date