

CHAPTER 33

SCIENTIFIC RESEARCH, EDUCATIONAL OR SPECIAL PURPOSE PERMITS

Section 1. Authority. These rules are promulgated by authority of Wyoming Statutes § 23-1-302(a)(vii), (x), (xiii), (xxii) and (xxvi).

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) “Drug” means a chemical treatment intended for use in handling/transportation, diagnosis, cure, mitigation, treatment, prevention of disease in animals or to euthanize.

(b) “Educational” means the act or process of imparting knowledge or skill when that is the primary purpose of obtaining a permit.

(c) “Educational institutions” means any accredited college, university, or recognized educational institution.

(d) “Scientific research” means the systematic investigative or experimental activities which are carried out for the purpose of acquiring new and relevant knowledge pertaining to wildlife biology, ecology or management, or the revision of accepted conclusions, theories, or laws in the light of newly discovered facts, and which are conducted in a humane fashion by qualified personnel.

(e) “Special purpose” means activities in which a permit is required in order to take or relocate wildlife, but is not considered scientific research or educational.

(f) “Take” means as defined in W.S. § 23-1-102 (a)(vii).

(g) “Wildlife” means every wild mammal, bird, fish, amphibian, reptile, mollusk, crustacean, their viable gametes (eggs and sperm), fertilized eggs, or any hybrid (including hybrids between wildlife and wildlife and hybrids between wildlife and domestic or domesticated animals) or any transgenic product thereof.

Section 3. Application Requirements. Unless otherwise exempted, a permit is required for the take of wildlife for educational, scientific research, or special purpose use. Applications may be considered from duly authorized agents of educational institutions, governmental entities, non-governmental scientific research entities, accredited colleges or universities, or qualified persons as determined by the Wyoming Game and Fish Department (Department).

(a) An application for a permit shall be submitted on a Department provided form. The application shall be completed in its entirety. Incomplete applications, or applications containing false statements or misrepresentations, shall be denied and may be revoked. When

applicable, the application shall state the name of the educational institution, governmental entity, or non-governmental scientific research entity for which the applicant is an agent and the title or position said applicant holds. The application shall designate the name of the individual responsible as the permittee and any other person(s) authorized for the activities conducted under the permit. The application shall include in detail:

- (i) A list of the species to be taken;
- (ii) The numbers to be taken;
- (iii) The specific Department administrative region(s) where species are to be taken. The applicant may be asked to provide specific locations by quarter (1/4) section, section, township and range or Universal Transverse Mercator (UTM) coordinates or to an equivalent level of precision;
- (iv) Approximate dates when species will be taken;
- (v) Method(s) of take to be used;
- (vi) A description of any invasive procedures proposed to be utilized, with or without instruments, that break the surface of the skin, mucosal barrier or that physically enter the body, including contact with an internal body cavity.
- (vii) The purpose for which such taking will be made;
- (viii) The expected benefits to science, research, education or Department management goals;
- (ix) A complete description of wildlife holding facilities to be used (if any);
- (x) The method of euthanasia to be used (if any); and,
- (xi) A detailed study plan that contains:
 - (A) A statement of the need for the study, expected management application and benefit to the state of Wyoming or the general knowledge of wildlife;
 - (B) A description of study area(s), data collection and analytical methodologies that demonstrate ability to meet study objectives;
 - (C) A description of financial and other resources that demonstrate ability to meet study objectives; and,
 - (D) A description of the final disposition of any wildlife or wildlife parts taken into possession while conducting activities described in the permit.

(b) The Department may require the applicant to provide certification demonstrating the applicant is proficient in the methods or techniques to be utilized while conducting activities authorized by the permit. Copies of any required federal permit(s) for the take of wildlife, if applicable, shall accompany the permit application, or be submitted to the Department prior to conducting permit activities.

(c) The application for a permit must be received by the Department at least thirty (30) consecutive days prior to the expected initiation of the permit activity.

(d) When an application for a permit has been denied, the Department Permitting Officer shall send a certified, registered letter with return receipt to the applicant indicating the Department's decision to deny the permit application and the reason(s) for the denial.

Section 4. Permit Conditions. Permits shall only be issued if the Department determines there is a need for the information collected from the proposed scientific research, there is a valid educational purpose, or it has been determined a special purpose permit is required. Permits shall be denied if the Department determines the proposed permit activities are detrimental to the wildlife resource or inconsistent with the Department wildlife management goals. Permits shall be issued in accordance with the health and inspection requirements of Commission Regulations Chapter 10, Importation and Possession of Live Warm-Blooded Wildlife and Chapter 69, Importation and Possession of Live Cold-Blooded Wildlife.

(a) The permittee shall be responsible for ensuring only authorized individuals conduct activities as described in the permit. The permit shall bear the name(s) of the individual(s) authorized to take wildlife, make collections or carry out any activity authorized by the permit. Permits issued under this regulation are not transferable.

(b) The Department may require permit holders to notify Department personnel as indicated on the permit prior to taking any wildlife. Notification shall include the dates and specific area of activities prior to the take of wildlife.

(c) As a condition of the permit, the Department may specify the length of time, location, any other stipulations by which wildlife may be taken including drug use and methods of euthanasia. The Department may require practices be followed for care, housing and handling of wildlife.

(d) It shall be a violation of this regulation to fail to comply with any conditions of the permit.

Section 5. Reporting. The permittee shall submit a written annual report to the Department Permitting Officer at Department Headquarters on or before January 31 following the year for which the permit was valid as per permit stipulation. The report may be required to be submitted electronically. Final reports or papers written as a result of permit activities shall be submitted upon completion. If the permittee fails to submit the required written annual report, data or records in an approved format, no future permit shall be issued to that institution, entity

or individual until the permit report requirements are met. Failure to meet the reporting requirements stipulated in the permit shall be a violation of this regulation.

(a) Permit reporting requirements as specified in the conditions of the permit may include, but are not limited to:

(i) The age, sex and number of each species of wildlife taken, the locality where taken by quarter (1/4) section, section, township, and range (or UTM coordinates to an equivalent level of precision) and individual animal geographic location data points.

(ii) The disposition of the animal(s), to include such information as to whether the animal was euthanized, marked, immobilized, administered drugs or released.

(iii) A detailed explanation of any educational presentation(s), a list of dates and locations the presentation(s) were conducted and the total number of people in attendance.

(iv) Activities accomplished under the permit.

(v) Any additional information the Department deems necessary.

Section 6. Process for Appealing a Department Decision.

(a) The applicant may appeal a permit denial or other Department decision made under the authority of this regulation by submitting a written request to the Department Permitting Officer at Department headquarters for reconsideration within thirty (30) consecutive days from the date of receipt of written notification of the decision being contested. If an applicant fails to request an appeal within thirty (30) consecutive days, the applicant shall waive their ability to make any future appeal request regarding the Department's decision.

(b) Upon receipt of a written request for reconsideration, the Permitting Officer shall notify the Chief of the Wildlife Division or Chief of the Fish Division as appropriate. The Chief shall establish a Department Decision Review Board (Board) consisting of five (5) Department employees, no more than two (2) of whom were directly involved in the initial decision.

(i) The Board shall review the Department's decision and may consider any additional information provided by the applicant.

(ii) The Board shall either uphold the Department's decision or approve the appeal request, in full or in part. The Board's decision shall be sent to the applicant as a certified, registered letter with return receipt within fifteen (15) consecutive days of the Board receiving the written request for appeal.

(c) The applicant may appeal the decision of the Board by submitting a written request to the Director of the Department at Department headquarters for reconsideration. This request shall be received at Department headquarters no later than thirty (30) consecutive days after the applicant receives the Board's decision letter. If an applicant fails to request an appeal

within thirty (30) consecutive days from the date they received the Board's decision letter, the applicant shall waive their ability to make any future request for reconsideration of the Department's decision.

(i) The Director, or designee, shall conduct a review of the Department's and the Board's decision and may consider any additional information provided by the applicant.

(ii) The Director shall either uphold the Department's decision or approve the appeal request in full or in part. The Director's decision shall be sent to the applicant as a certified, registered letter with return receipt within fifteen (15) consecutive days of the applicant's written request for reconsideration.

(d) An applicant may appeal the decision of the Director by submitting a written request to the President of the Commission at Department headquarters no later than thirty (30) consecutive days after the applicant received the Director's decision letter. If the applicant fails to submit a request for reconsideration within thirty (30) consecutive days from the date they received the Director's decision letter, the applicant shall waive their ability to make any future request for reconsideration of the Department's decision.

(i) The Commission shall hold a contested case hearing under Commission Regulation Chapter 27, Rules of Practice Governing Contested Cases before the Wyoming Game and Fish Commission to review the Director's decision.

(ii) The Commission shall either uphold the Director's decision or approve the appeal and issue a new decision. The Commission shall provide its final decision on the matter to the applicant at their next regularly scheduled Commission meeting.

(e) An applicant may appeal a decision of the Commission by filing with the appropriate Wyoming District Court.

Section 7. Permit Revocation. Conviction for violation of this regulation or failure on the part of the permittee or any other person authorized to conduct activities under the permit to comply fully with this regulation or the conditions of the permit, may result in immediate revocation of said permit and refusal to issue any future permits.

Section 8. Controlling Regulations. In the event of any conflict with this regulation involving warm-blooded wildlife, the controlling regulation shall be Commission Regulation Chapter 10, Importation and Possession of Live Warm-Blooded Wildlife. In the event of any conflict with this regulation involving cold-blooded wildlife, the controlling regulation shall be Commission Regulation Chapter 69, Importation and Possession of Live Cold-Blooded Wildlife.

Section 9. Effective Date. These regulations are effective January 1, 2023 and shall remain in effect until modified or rescinded by the Commission.

WYOMING GAME AND FISH COMMISSION

By: _____
Kenneth Roberts, President

Dated: July 19, 2022