

## CHAPTER 60

### REGULATION GOVERNING GREATER SAGE-GROUSE RAISED ON PRIVATE GAME BIRD FARMS

**Section 1. Authority.** This regulation is promulgated under authority of Wyoming Statutes § 23-1-101, § 23-1-103, § 23-1-302, § 23-3-108, § 23-3-116, §§ 23-5-101 through 23-5-111 and § 23-6-111.

**Section 2. Regulation.** The Wyoming Game and Fish Commission hereby adopts the following regulation governing Greater Sage-grouse raised on licensed and certified game bird farms. This regulation shall remain in effect until modified or repealed by the Commission and all certifications issued under this regulation shall expire on December 31, 2027. The purpose of this regulation is to certify game bird farm licensees to possess, propagate, breed, raise, sell, release and take Greater Sage-grouse within the boundaries of a game bird farm, and to collect Greater Sage-grouse eggs from the wild for the purpose of establishing a captive breeding population. Game bird farms certified under this regulation are also governed by Commission regulation Chapter 40, Regulation Governing Commercial Game Bird Farms.

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

(a) “Captive Breeding Population” means live captive sage grouse in the possession of a licensee with the proper certification, where the licensee has documented captive reproductive success through natural breeding or artificial insemination practices and has successfully raised sage grouse chicks from captive sage grouse hens living entirely within an enclosure, that are self-sustaining and do not require any additional wild sage grouse to be added to or supplemented into the flock for any purpose.

(b) “Certificate of Compliance” or “Certification” means a written approval by the Department to a game bird farm licensee that authorizes the licensee to possess, propagate, breed, raise, sell, gather eggs from the wild and release live greater sage grouse and to take greater sage grouse within the boundaries of their game bird farm.

(c) “Collection Area” means a geographic area as determined by the Department and specified on a Certificate of Compliance, where sage grouse nest sites in the wild may be disturbed by a licensee for the sole purpose of collecting sage grouse eggs.

(d) “Coordination with the Department” means the game bird licensee shall contact the Department representative listed on their Certificate of Compliance to receive authorization at least ten (10) business days prior to any release of sage grouse within the state and outside of the boundaries of a game bird farm, or to release sage grouse where wild sage grouse exist within the boundaries of an existing game bird farm, or collection of any sage grouse eggs from the wild. A Department representative may observe and direct any release of sage grouse or collection of any sage grouse eggs from the wild.

(e) “Enclosure” means a holding facility designed to confine and physically separate captive sage grouse from other game birds, domestic animals, domesticated animals and livestock, and to handle live greater sage grouse. The holding facility shall be defined by legal description to the quarter/quarter (1/4-1/4) section where live sage grouse shall be possessed or confined.

(f) “Hatching Facility” means a commercially produced incubator and hatcher capable of monitoring and maintaining environmental conditions necessary to successfully hatch sage grouse eggs.

(g) “Professional Wildlife Biologist” means an individual named by an applicant on their certification application who has a professional wildlife background in the management of Greater-Sage grouse and is knowledgeable of the species’ habitats, who has been approved by the Department and is listed on a licensee’s Certificate of Compliance.

(h) “Sage Grouse” means live birds and viable eggs of all Greater-Sage grouse (*Centrocercus urophasianus*).

(i) “Successfully Raised” means documented evidence, as required by the Department, that a licensee has demonstrated an ability to hatch game bird eggs or brood chicks, raise juvenile game birds to breeding age and achieve reproduction of game birds through either natural or artificial insemination.

(j) “Vegetation Consistent with the Needs of Sage Grouse” means the presence of one (1) or more species/subspecies of appropriate sage brush, forbs and grasses suitable to sage grouse and in sufficient quantity to meet the needs of captive sage grouse and any offspring. Sage brush, forbs and grasses shall be maintained and replaced as necessary to provide food, cover and suitable dust control.

#### **Section 4. Application for Game Bird Farm Licensee Sage Grouse Certification.**

(a) Any game bird farm licensee desiring certification to operate a sage grouse private game bird farm shall make application on forms provided by the Department. A Certificate of Compliance shall be received prior to taking possession of any sage grouse.

(b) Applications for a Certificate of Compliance shall be submitted annually on a form provided by the Department to the permitting officer during regular business hours from November 1 through December 31 for the following calendar year. If the deadline date occurs on a date when the Department has been closed to mail delivery (weekends, holiday, etc.), applications shall be accepted until 5:00 p.m. mountain time zone on the next business day.

(c) Only complete applications received by the permitting officer during the application period shall be accepted. Applicants shall be notified by the Department by January 15 of Certification approval or denial, and by March 15 of specific egg collection allocation limits and the geographic areas where sage grouse eggs may be collected.

(d) The Department shall issue no more than one (1) Certification to raise Greater Sage-grouse pursuant to W.S. § 23-5-111. The single game bird farm existing on or before July 1, 2022, conducting operations under Permit ID: 60-1 Certificate of Compliance to Raise Greater Sage Grouse on a Private Game Bird Farm, shall be the only private game bird farm authorized to raise greater sage grouse pursuant to W.S. § 23-5-111.

**Section 5. Identification Requirements.** Before release of any sage grouse, the Department and licensee shall determine a specific method to identify individual birds. The type of identification shall depend upon the age of the sage grouse. The Department shall make the final determination as to the suitability of the identification method.

**Section 6. Disease Free Certification.**

(a) All sage grouse possessed under a Certification of Compliance shall be maintained disease free in accordance with Department requirements and applicable Commission regulations. All facilities utilized in the game bird farm shall be maintained so as to prohibit the acquisition, spread or transmittal of diseases and parasites. Upon the discovery or exposure of any captive sage grouse to any contagious disease, the licensee shall immediately place such affected sage grouse under the professional care of a veterinarian licensed in the State of Wyoming and such incident shall be reported within twenty-four (24) hours to a Department representative listed on the licensee's Certificate of Compliance, their local game warden or regional office by the game bird farm licensee or their designee.

(b) All sage grouse enclosures and hatching facilities shall be cleaned and sanitized prior to placing any sage grouse in these facilities.

(i) The licensee shall provide written documentation to the Department that the enclosure and hatching facilities have been cleaned and sanitized annually, including a description of the methods used to clean and sanitize the facilities, prior to the issuance of a Certificate of Compliance.

(ii) The licensee shall designate and utilize a Department approved method of sanitization and decontamination for all persons entering or exiting a sage grouse enclosure or hatching facility to reduce the transmission of disease.

(c) The licensee shall submit an annual National Poultry Improvement Plan (NPIP) certificate to the Department prior to renewal of their certification.

(d) The licensee shall provide to the Department an annual avian influenza free certification from a veterinarian licensed in the state of Wyoming for their sage grouse enclosure and hatching facility prior to renewal of their certification.

(e) All sage grouse scheduled for release shall test negative within thirty (30) days prior to release for *Mycoplasma gallisepticum*, *M. synoviae*, *M. meleagridis*, avian influenza, *Salmonella pullorum* (Pullorum Disease) and *S. gallinarum* (Fowl Typhoid).

(f) The licensee shall maintain an active parasite monitoring program as approved by the Department and manage or treat sage grouse as needed to maintain low parasite burdens.

(g) A Department veterinarian shall inspect a licensee's enclosure, hatching facility and sage grouse a minimum of one (1) time per year to insure they are disease free.

(h) If facilities or sage grouse are found not to be disease free, or if diseased sage grouse present a threat to the wildlife of the state as determined by the Department, the Department may require additional disease or parasite testing or order such action as necessary, including quarantine or destruction of sage grouse, sterilization of enclosures and facilities, cessation of activities and disposal of the diseased sage grouse in a manner satisfactory to the Department. The Department may refuse to lift the quarantine or refuse to allow the operation of the game bird farm until such time as the facilities and sage grouse meet disease free requirements. When it is shown the facilities and sage grouse meet disease free requirements, the Department may lift the quarantine.

(i) Sage grouse scheduled for release shall be held in a separate holding pen for a minimum of thirty (30) consecutive days prior to their release. Any sage grouse mortality from those held for release during this thirty (30) day period shall immediately be reported to the Department and sent for necropsy to the Wyoming State Veterinary Laboratory at the expense of the licensee. Copies of the necropsy results from the Wyoming State Veterinary Laboratory shall be provided to the Department by the licensee within five (5) calendar days from the date of the report. In such cases, written permission from the Department shall be required prior to release of any remaining sage grouse.

#### **Section 7. Sage Grouse Enclosure.**

(a) Before a certification is issued to a licensee, Department personnel shall review the applicant's proposed enclosure taking into consideration the number of sage grouse requested, the welfare of the sage grouse to be possessed, the purpose(s) for which the sage grouse shall be held and to insure adequate protection for Wyoming's wildlife resources. Sage grouse enclosures shall be constructed to meet Department approval prior to possession of live sage grouse.

(b) A sage grouse enclosure shall be physically separate from holding facilities utilized for other species of game birds, domestic animals, domesticated animals or livestock. Sage grouse holding facilities shall be constructed to include a minimum one hundred (100) foot unoccupied buffer zone around the enclosure to avoid physical contact between other species of game birds, domestic birds or livestock to diminish the transmission of aerosolized pathogens.

(c) Enclosures shall include vegetation consistent with the needs of sage grouse, sources of visual obstruction, small shelters, cover and sub-pens that enable complete separation of the sexes during certain times of year.

#### **Section 8. Acquiring Sage Grouse for Captive Rearing.**

- (a) Sage grouse shall not be imported into Wyoming for the purpose of propagation on game bird farms.
- (b) A maximum of two hundred fifty (250) sage grouse eggs may be collected during a calendar year by a licensee as annually determined and authorized by the Department.
- (c) The Department may supervise the collection of sage grouse eggs to assure minimal impact to nesting sage grouse. If the Department determines there is an unacceptable impact to nesting sage grouse, the Department shall not allow the licensee to collect additional sage grouse eggs.
- (d) No person shall collect sage grouse eggs on private land without first obtaining written permission from the landowner, lessee or person in charge of the property.
- (e) Additional limitations may be imposed upon sage grouse egg collection as stipulated on the certification, or a complete suspension of sage grouse egg collection may be mandated immediately upon notification as determined by the Department.
- (f) A licensee desiring to collect sage grouse eggs shall annually obtain a Certification from the Department which shall, at a minimum, identify:
- (i) Designated sage grouse egg collection areas;
  - (ii) Authorized methods of egg collection;
  - (iii) Techniques that shall be used to minimize disturbance to nesting and breeding sage grouse;
  - (iv) The maximum number of nests where a licensee may collect sage grouse eggs in each authorized egg collection area;
  - (v) Sage grouse egg collection shall only take place for up to twenty (20) days from April through May as determined by the Department;
  - (vi) A licensee shall spend no more than one (1) day collecting sage grouse eggs in each assigned collection area;
  - (vii) The time of day for sage grouse egg collection shall be determined by the Department in conjunction with the approved methods of egg collection;
  - (viii) The use of pointing breed dogs shall be permitted for locating sage grouse nest sites and egg collection;
  - (ix) A licensee shall collect all sage grouse eggs from each individual sage grouse nest utilized for egg collection;

(x) All sage grouse eggs that are damaged or destroyed during the collection process, including eggs damaged in a nest due to a fleeing hen, shall count toward a licensee's maximum authorized egg collection total for the year; and,

(xi) Measures that shall be followed to provide necessary protection to the viability of sage grouse eggs collected.

**Section 9. Hatching Sage Grouse Eggs.** Hatching sage grouse eggs shall be done in a hatching facility. Surrogate hatching of sage grouse eggs using domestic or domesticated animals shall not be permitted.

**Section 10. Release of Sage Grouse.** Release of sage grouse and release methods shall only be permitted through coordination with the Department. The Commission may restrict areas of the state from sage grouse release to protect wild populations of sage grouse.

**Section 11. Escape of Captive Sage Grouse.**

(a) As a condition of receiving a certification, the licensee shall agree to be solely responsible for all costs, expenses and damages suffered as a result of possessing sage grouse, but not limited to quarantine or total or partial depopulation on account of contagious diseases or parasites; or costs and expenses associated with the capture of or destruction of escaped sage grouse.

(b) The licensee or an authorized agent of the licensee shall notify the Department within twenty-four (24) hours of discovery that captive sage grouse have escaped. If the Department discovers the escape, it shall notify the licensee or their authorized agent within twenty-four (24) hours. If escaped sage grouse are not recovered by the licensee or their agent within forty-eight (48) hours following discovery of the escape or notification by the Department, the Department may at its discretion take the escaped sage grouse.

(c) It is a violation of this regulation to release, abandon or to allow escape of any captive sage grouse without prior written authorization from the Department, except as may be provided by Wyoming Statutes. All captive sage grouse released or abandoned without written authorization from the Department may be taken by Department personnel.

**Section 12. Records.**

(a) A licensee shall maintain on the premises of the game bird farm or at his residence legible, current, accurate and complete records on forms provided by the Department of the number of sage grouse received, shipped, purchased, reared, released, disposed of, killed or sold. Records shall include names and addresses of all recipients, purchasers, suppliers and hunters, the license number of all hunters, the date of each transaction and the number of sage grouse reared and released on the sage grouse private game bird farm. Records shall include disease testing results by date and individual bird tested. Records shall be produced upon demand by any Department law enforcement officer during reasonable hours. The licensee shall

submit all records to the regional wildlife supervisor in their respective region by April 15 of each year for activities that occurred during the term of the certification.

(b) A licensee shall also report the number of nest sites where sage grouse eggs were collected, GPS coordinates of all individual nest sites located, the number of eggs in each nest used for collection, the number of eggs collected, number of eggs damaged or destroyed during the collection process, dates of egg collection, records of all sage grouse hatched or produced in captivity, dates and locations of all released sage grouse and all sage grouse deaths.

(c) Every game bird licensee raising Greater Sage-grouse shall report to the regional wildlife supervisor by April 15 of each year the number of Greater Sage-grouse successfully raised in the preceding twelve (12) months.

**Section 13. Inspection by Department Personnel.** Any person issued a certification under this regulation shall, during the term of the certification and for a period of sixty (60) days after expiration of the certification, allow inspection of sage grouse records, enclosures, hatching facilities, sage grouse and sage grouse eggs by Department personnel during reasonable hours.

**Section 14. Variation from Specified Rules.** Any game bird farm licensee certified to raise live sage grouse may submit to the Department for consideration a detailed written request to experiment with alternate measures in sage grouse egg collection or raising captive sage grouse. The Department shall provide a written response within twenty (20) days to the licensee approving or denying the request and outlining any approved variations from the standard rules prior to the licensee adopting any alternate measures.

**Section 15. Suspension, Revocation or Non-Renewal of Certification.** Failure to comply with provisions of this Chapter or Wyoming Statutes governing game bird farms or to maintain a captive breeding population is just cause for the suspension, revocation or non-renewal of a certification. The suspension, revocation or non-renewal of a certification by the Department shall be carried out in compliance with Chapter 27, Rules of Practice Governing Contested Cases before the Wyoming Game and Fish Commission.

**Section 16. Disposal of Sage Grouse if Certification is not Renewed or has been Suspended or Revoked.** Should a licensee fail to renew their sage grouse certification or their certification is suspended or revoked, all sage grouse held in captivity on the premises shall be disposed of within sixty (60) days after expiration, suspension or revocation of the game bird farm certification. Disposal shall be in accordance with this Chapter. After this sixty (60) day period, all sage grouse on the premises shall become property of the Department and shall be disposed of by the Department in the best interest of the Department.

**Section 17. Department Expenditures.** The Department shall report to the Commission on an annual basis any expenditures incurred in relation to management of Greater Sage-grouse bird farms authorized pursuant to W.S. §§ 23-5-101 through 23-5-111.

WYOMING GAME AND FISH COMMISSION

By: \_\_\_\_\_

Kenneth Roberts, President

Dated: November 14, 2022