

**WYOMING GAME AND FISH COMMISSION**

**CHAPTER 33**

**~~REGULATION GOVERNING ISSUANCE OF~~ SCIENTIFIC RESEARCH,  
EDUCATIONAL OR SPECIAL PURPOSE PERMITS**

**Section 1. Authority.** These rules are promulgated by authority of Wyoming Statutes W.S. § 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.

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

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

~~(c) “Governmental entities” means any state or federal wildlife, natural resource or agricultural agency.~~

(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).

(fg) “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. ~~Scientific Research, Educational, or Special Purpose Permits- Application Requirements.~~** Unless otherwise exempted, a permit is required for the take of wildlife for educational, scientific research, educational, or special purpose use. Permits- Applications may be issued-considered from by the Director of the Wyoming Game and Fish-

~~Department or his designee to~~ duly authorized agents of educational institutions, governmental entities, non-governmental scientific research entities, accredited colleges or universities, and other or qualified persons as determined by the Wyoming Game and Fish Department (Department), of science or education for scientific research or educational purposes, or special purpose activities to take wildlife under the following conditions:

(a) ~~To receive consideration, the applicant~~ An application for a permit shall be submitted an application for a permit on a Department provided form, ~~provided by the Department. 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 be submitted to the Wyoming Game and Fish Department at the address specified on the application form and shall~~ state the name of the educational institution, governmental entity, or non-governmental ~~or~~ scientific research entity for which the applicant is an agent and the title or position said applicant holds, ~~which would qualify the applicant for a permit.~~ 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 permittee shall be responsible for ensuring all authorized individuals conduct activities as described in the permit.~~ The application shall include in detail:

- (i) A list of the species to be taken;
- (ii) The numbers to be ~~collected or possessed~~ taken;
- (iii) The specific ~~Game and Fish~~ Department administrative region(s) where species are to be ~~possessed or collections are to be made~~ 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) ~~Specific locations by legal description or UTM coordinates and~~ Approximate ~~collection~~ dates when species will be taken ~~and methods of collection to be used;~~
- (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 ~~possession or collections~~ taking will be made;
- (viii) The expected benefits to science, research, education or Department management goals;
- (~~vix~~) A complete description of wildlife holding facilities to be used (if any);
- (~~viii~~) The method of euthanasia to be used (if any); and,

(ixi) A detailed study plan ~~which~~ that contains:

(A) A statement of the need for the study, expected management application and benefit to the Sstate of Wyoming or the general knowledge of wildlife;

(B) A description of study area(s), data collection and analytical methodologies ~~which~~ that demonstrate ability to meet study objectives;

(C) A description of financial and other resources ~~which~~ 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 ~~as a condition of the permit~~. Copies of any required federal permit(s) for the take ~~or possession~~ 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 ~~Wyoming Game and Fish~~ Department at least ~~twenty (20)~~ thirty (30) consecutive working days prior to the ~~issuance-~~ expected initiation of the permit activity. ~~in order to allow time for the Department to review and provide consideration to the application.~~

(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.

~~—(d)—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, the issuance of the permit is not detrimental to the wildlife resource or it has been determined a special purpose permit is required.~~

~~—(e)—The permit shall bear the name(s) of the individual(s) authorized to take wildlife or make collections, and will offer no protection to anyone other than those named or designated on the permit to carry out any activity authorized by the permit. Permits issued under this regulation are not transferable.~~

~~(f)—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 making any collection, possessing any wildlife or conducting any activity which results in the take of wildlife.~~

~~(g)—As a condition of the permit, the Department may limit the length of time, location, holding facilities or any other stipulations by which wildlife may be captured, relocated,~~

~~possessed or euthanized. The Department may specify appropriate best management practices for housing, care and handling of captive held wildlife to include acceptable methods of euthanasia. Any person desiring to import live wildlife shall comply with Commission Regulation Chapter 10, Regulation for Importation, Possession, Confinement, Transportation, Sale and Disposition of Live Wildlife.~~

~~(h) — The person designated as the permittee on the permit, regardless of any other names listed on the permit, shall submit a written annual report to the Department as specified in the permit. This report may be required to be submitted electronically as per permit stipulation.~~

~~————— (i) — For scientific research permits, the annual report shall contain a record of the number of each species of wildlife taken, the locality where taken by UTM coordinates or to the nearest township, range, section and ¼ section, a description of the habitat where taken, individual animal geographic location data points and any other information as required by the Department. The annual report shall also contain the disposition of the animal(s) to include such information as to whether the animal was euthanized, marked or released. The age and sex of wildlife taken shall be provided to the Department when practical.~~

~~————— (ii) — For a special purpose permit, the annual report shall describe what activity was accomplished under the permit. The Department shall require that all data and records be submitted in an approved format. The annual report shall also include any final reports or papers written as a result of collections made under the permit.~~

~~————— (iii) — For an educational permit, the annual report shall provide a detailed explanation of the presentation(s), a list of dates and locations the presentation(s) were conducted and the total number of audience in attendance.~~

~~————— (iv) — The Department may require any additional information in the annual report it deems necessary to evaluate the value to wildlife management of having issued the permit.~~

~~————— (v) — The annual report shall be due on or before January 31 following the year for which the permit was valid.~~

~~(i) — If the individual(s) designated as 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 requirement is met.~~

**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 46. Permit Application Denial Review Process for Appealing a Department Decision.** ~~The following permit denial review process shall be used when~~

~~considering a Chapter 33 Scientific Research, Educational or Special Purpose Permit application that has been denied:~~

~~(a) — When an application for a Chapter 33 Scientific Research, Educational or Special Purpose 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.~~

~~(b)~~ (a) The applicant may appeal a permit denial or other ~~the decision of the~~ Department decision made under the authority of this regulation ~~to deny a permit application~~ by submitting a written request to the Department Permitting Officer at Department headquarters ~~Review Board (Board)~~ 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 ~~from the date they received the Department’s denial letter~~, the applicant shall waive their ability to make any future appeal request regarding the Department’s decision ~~denied permit application.~~

~~(b)~~ (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. ~~(i) The Board shall consist of~~ The Chief of the Wildlife Division (or his designee), Chief of the Fish Division (or his designee), 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. Supervisor of Biological Services, an appointed regional wildlife or fisheries supervisor (not affiliated with the original permit application) and an appointed senior game warden with commercial operations responsibility or regional fisheries biologist (not affiliated with the original permit application).

(i) The Board shall review the Department’s decision ~~to deny the permit application~~ and may consider any additional information provided by the applicant.

(ii) The Board shall either uphold the Department’s decision ~~to deny the permit application~~ or approve the permit application 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 ~~applicant’s~~ written request for appeal.

(c) The applicant may appeal the decision of the Board ~~to deny a permit application~~ by submitting a written request to the Director of the ~~Wyoming Game and Fish~~ 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 denial decision letter, the applicant shall waive their ability to make any future ~~appeal~~ request for reconsideration of the Department’s decision ~~regarding the denied permit application.~~

(i) The Director, or ~~his~~ designee, shall conduct a review of the Department's and the Board's decisions, 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 ~~earlier denials of the permit application or approve the permit application~~. 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 ~~Director receiving the~~ applicant's written request for reconsideration appeal.

(d) ~~The~~ An applicant may appeal ~~a~~ the decision of the Director ~~to deny a permit application~~ 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 for consideration. If ~~an~~ the applicant fails to submit a request for reconsideration request an appeal within thirty (30) consecutive days from the date they received the Director's denial decision letter, the applicant shall waive their ability to make any future appeal request for reconsideration of the Department's decision ~~regarding the denied permit application~~.

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

(ii) The Commission shall either uphold the Director's decision ~~earlier denials of the permit~~ or approve the appeal and issue a new decision ~~permit application~~. 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 ~~to deny a permit application~~ by filing with the appropriate Wyoming District Court.

**Section 67. Permit Revocation of Scientific Research, Educational or Special Purpose Permits.** 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 58. Controlling Regulations.** In the event ~~that Chapter 33 might 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. ~~Commission Regulation Chapter 10, Regulation for Importation, Possession, Confinement, Transportation, Sale and Disposition of Live Wildlife, Chapter 10 will control the importation and possession of wildlife.~~

WYOMING GAME AND FISH COMMISSION

By: \_\_\_\_\_  
Kenneth Roberts ~~Mike Healy~~, President

Dated: ~~January 22, 2014~~ July 18, 2022