

STATEMENT OF REASONS

WYOMING GAME AND FISH COMMISSION

CHAPTER 10

REGULATION FOR IMPORTATION, POSSESSION, CONFINEMENT, TRANSPORTATION, SALE AND DISPOSITION OF LIVE WILDLIFE

W.S. §23-1-302 (a)(vi) directs and empowers the commission to capture, propagate, transport, buy, sell or exchange any species of game animal, bird, fish, fish eggs or furbearing animal needed for propagation or stocking purposes, and to exercise control over undesirable species and protected species.

W.S. §23-1-302 (a)(xxvi) directs and empowers the commission to regulate or prohibit the importation of exotic species, small game animals, furbearing animals, protected animals, game birds, migratory birds, protected birds and fish into Wyoming, and to regulate and permit the importation of big or trophy game animals into Wyoming only for exhibition purposes or for zoos.

The title has been shortened to IMPORTATION AND POSSESSION OF LIVE WARM-BLOODED WILDLIFE to address the warm-blooded aspect of the revised regulation and for simplicity.

All sections and references to cold-blooded wildlife have been deleted from this regulation and will be incorporated into a new Commission regulation Chapter 69, Importation and Possession of Cold-Blooded Wildlife. This change facilitated a major reorganization of remaining language which now addresses the importation and possession of only warm-blooded wildlife.

Section 1 addresses the statutory authority for promulgation of this rule. All statutes pertaining to the importation and possession of cold-blooded wildlife have been deleted from this regulation and shall be referred to in a new Commission regulation, Chapter 69, Importation and Possession of Cold-Blooded Wildlife.

Section 2 incorporates definitions for specific terms used within this regulation. Definitions of terms specific to cold-blooded wildlife have been removed from this regulation. Additional definitions of terms have been added which correlate to numerous updates throughout this regulation. Definitions that had prescriptive language were modified to reflect only the meaning of the terms being defined while the prescriptive language was moved to appropriate sections within this regulation. Definitions of species designations have been updated to reflect concerns for protecting wildlife resources and alignment with federal regulations. The certificate of veterinary inspection requirements from the previous definition in Section 2, and from language incorporated in Section 2 of old Appendix II has been moved to the new Section 7. The European rabbit has been removed from the definition of domesticated animals as it is currently on the list of injurious wildlife in 18 U.S.C. 42. The definition for endangered and threatened wildlife

has been removed from this section and is now addressed within specified regulatory language. The term Falconry was deleted due to it already being defined in Commission Regulation Chapter 25. Game Bird Certificate of Origin was added to the definitions and is referenced in the sections governing importation of game birds. The National Poultry Improvement Plan Form VS 9-3 was added to the definitions and is a standard form used in poultry and game bird importation. Quarantine was more clearly defined to include separation by space and time while also defining a quarantine facility. Raptor was further defined to include other raptor families listed in federal regulations. Wolf-hybrid was deleted as Hybrid is already defined in this regulation.

Section 3 incorporates the new “warm-blooded” wildlife clarification. Old subsections from this section have been modified and reorganized into new sections. New sections 11 through 16 all include language from the old Section 3.

Old Section 7 has been reorganized into the new Section 4. The term “possession” was added for consistency with the new regulation title.

Old Section 6 has been reorganized into the new Section 5. The term “pathogen” has been included to address causes of diseases. The 24 hour notification of when disease has been discovered was changed to 48 hours as sufficient response time for disease exposure notification. Language was also added clarifying the 48 hour recovery time of escaped wildlife does not apply to escaped wildlife that may pose a threat to public safety or pose a threat to the Wyoming’s wildlife resources.

Old Section 18 has been reorganized into the new Section 6. Edits to this section clarify that illegally possessed live wildlife may be quarantined at the owners risk and expense, and may be destroyed by order of the Department. Several of these regulatory provisions previously were located in the old Section 17.

Old Section 17 has been reorganized into the new Section 7. Language has been updated to address requirements of a Certificate of Veterinary Inspection or a National Poultry Improvement Program Form VS 9-3 for live warm-blooded wildlife imported into or transported through Wyoming.

The new Section 8 incorporates the term “accredited college or university” replacing “institutions of higher education” when used throughout this regulation. This is meant to clarify that only qualified educational entities shall acquire permits under this regulation or other permits as authorized by Commission Regulation Chapter 33, Scientific Research, Educational or Special Purpose Permits. This new section allows importation of wildlife under a Chapter 33 permit, and effectively removes the requirement of obtaining both a Chapter 33 permit for educational purposes and a Chapter 10 permit for wildlife possession and importation. This will simplify permitting requirements for several applicants.

Provisions from old Section 3 (c) have been incorporated into the new Section 9 requiring a permit from the Department to take live warm-blooded nongame wildlife from within Wyoming for commercial use. Creating a separate section governing “commercial

use” of warm-blooded nongame wildlife will make it easier to reference and find this information within this regulation.

New Section 10 addresses allowances for interstate transportation of live wildlife and contains regulatory provisions from the old Section 3. Additional language has been added to further clarify requirements for interstate transportation permits.

Old Section 11 has been deleted since it only contained provisions for possession of live cold-blooded wildlife. All of these provisions are now being addressed in Commission Regulation Chapter 69, Importation and Possession of Cold-Blooded Wildlife. New Section 11 includes provisions from the old Section 3 (d) and indicates that a permit for importation and possession of certain species shall not be issued, unless otherwise specified in regulation. Nonhuman primates and red deer have been added to the list of prohibited species in this section. Primates are extremely hard to care for and reflects the general consensus of the nonhuman primate experts in the scientific community. The prohibition of red deer is necessary to protect the wildlife resources of this state from competition, hybridization and disease.

The new Section 12 addresses the importation of warm-blooded wildlife declared as pests, predatory animals, predacious birds, Eurasian Collared-doves and Mute Swans. Currently, Wyoming Livestock Board rules prohibit the importation of predatory animals. Pests, predacious birds, Eurasian Collared-doves and Mute Swans have been added to the list of species prohibited from importation in this section. Prohibiting importation will help protect the wildlife resources of this state from competition, hybridization and disease.

Provisions from old Section 9 regarding furbearing animals has been incorporated into the new Section 13. Reformatting this section will allow for a clearer understanding of permit requirements for importation, possession and transportation of furbearing animals, pen-raised game birds, captive-reared mallard ducks, nongame wildlife used for commercial use and other warm-blooded wildlife

New Section 14 indicates wildlife species which may be captured within the state and possessed without a permit and further clarifies these same species are prohibited from importation into the state. This information has been restructured from the existing regulation and formatted for better clarification.

New Section 15 addresses wildlife species which may be possessed without a permit if captured in the state, but would also require a permit prior to importation into the state. Structuring this new section will make this frequently requested information readily available to the public and Department personnel.

New Section 16 has been structured to easily identify which species may be imported and possessed in the state without the need for an importation/possession permit from the Department. This information was previously located in Section 3 (a). A new requirement for this section adds raptors used for falconry purposes to those species requiring a certificate of veterinary inspection prior to importation into the state. This provision is meant to help protect Wyoming wildlife from potential disease concerns.

Old Section 8 provisions governing game birds have been incorporated into new Sections 17 and 20. Some new language and terms have been added to reflect federal regulations regarding migratory waterfowl. Language has been added requiring captive-reared mallard ducks to be rendered flightless if released in areas inhabited by wild mallard ducks. This requirement is due to the potential negative impacts on wild mallard ducks from disease transmission and genetic introgression from captive-reared mallard duck releases.

New Section 17 incorporates all requirements for importation and possession of pen-raised game birds, captive-raised mallard ducks and captive-bred migratory waterfowl used for dog training, dog field trials or falconry purposes. These provisions were previously located within other sections in this regulation, and have been organized collectively for simplicity of locating this information.

Old Section 4 regulations governing application requirements for importation/possession permits is now located in the new Section 18. The taxonomy for elk has been updated and the subspecies of elk that occur in North America have been included. Permit conditions were removed from the application requirements and moved to the new Section 19 where permit conditions are specified. The requirement for maintaining records has been changed to “may be required” as not all permits require reporting (e.g., dog training with game birds).

Old Section 19 taxonomic reference information is being deleted from this regulation. These reference documents are continually updated with genus and species name changes which doesn't always allow for the most current scientifically accepted references to be utilized in this regulation. Scientific names of species are provided on permit applications which allows Department personnel to consult with applicants to identify exactly which species are being requested.

New Section 19 has been structured to include information governing permit conditions previously located in the old Section 4. This information was previously difficult to locate as it was tied into a section heading that addressed “applications”. Updated language has also been included to clarify requirements for a Certificate of Veterinary Inspection or a National Poultry Improvement Plan VS Form 9-3 for imported live wildlife.

Old Section 5 requirements have been restructured into the new Section 20. The language referencing observance of dog training or field trial events by Department personnel has been included to this section from language in the old Section 8.

Old Section 14 information concerning permit renewal has been moved to the new Section 21; the permit renewal deadline is now 60 days as 90 days was overly burdensome for permit holders.

Old Section 12 information regarding the permit denial review process is now located in the new Section 22, allows for the assignment of the most appropriate personnel on the review board and is a consistent process among other Commission Regulations that permit the possession of live wildlife.

Old Section 13 language addressing the revocation of a permit has been moved to the new Section 23 and will now include language allowing a permit revocation when wildlife held pose a threat to human safety.

Old Section 15 information which addressed the disposition of live wildlife if a permit expired has been moved to new Section 24. Edits to this section have been included for clarity, but did not change the original intent of this section.

Old Section 16 information has been reorganized into the new Section 25. Edits to this section have been included for clarity, but did not change the original intent of this section.

Old Section 10 regulations governing game farms has been moved to the new Section 26 and identifies the current business name of the existing game farm. Language has been modified for clarity since wildlife is not “publicly owned”, and changed to “property of the state”. Consequences of incomplete applications, or false statements on an application have been added to match language for other permit applications within this regulation. Disease testing requirements for imported elk are being referenced in Appendix I due to restructuring and removal of the old Appendix I which addressed testing requirements for cold-blooded wildlife. The requirement to report births of live elk has been deleted since it is exceedingly difficult to accurately record the hundreds of calves born on such a large acreage.

Old Appendix I has been deleted as it only pertains to cold-blooded wildlife. Appendix II has been renamed to Appendix I and has been significantly changed regarding testing and sampling due to updates within the scientific community and the risk of disease prevalence and distribution to Wyoming’s free-ranging populations. Testing requirements have been categorized by species, or animal type, for better understanding and logical ordering.

Minor grammatical and formatting edits have been incorporated to provide additional clarity and to address the restructuring of this regulation. The overall intent of the rules and regulations pertaining to live warm-blooded wildlife has not changed.