

STATEMENT OF REASONS

WYOMING GAME AND FISH COMMISSION

CHAPTER 33

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

W.S. §23-1-302(a)(xiii) directs and empowers the commission to grant licenses for scientific or educational purposes to capture, take or ship out of Wyoming under the supervision of the commission, such wildlife or nests or eggs of non-predacious birds as the commission may deem proper. The commission shall limit the number of any species so taken and establish proper compensation.

W.S. §23-1-302(a)(xxii) provides the commission the authority to promulgate such orders as the commission considers necessary to carry out the intent of this act.

The title of this regulation has been shortened for simplicity to: SCIENTIFIC RESEARCH, EDUCATIONAL OR SPECIAL PURPOSE PERMITS

Section 2 Definitions: the term “drug” is now defined for clarity and meaning regarding its use within this regulation. The term “Governmental entities” has been deleted to provide ample flexibility in determining which entities may apply for and receive a permit under this regulation. The previous definition did not include non-wildlife related agencies. The term “Take” has been added and is already defined in state statute.

Old Section 3 collectively addressed application requirements, permit conditions and reporting. This information has been reorganized to address each of these categories in their own separate sections. New section 3 now only addresses application requirements and has language added to clarify that a permit is required for take of wildlife for research, education or special purpose. Additional application requirements have been added to address specific locations of wildlife being taken, methods of take to be used and a description of any proposed invasive procedures to allow for proper review by Department personnel. Language has also been modified to allow permit issuance before required copies of federal permits are submitted, but before conducting permit activities. This addresses a concern of the federal government not issuing a federal permit until a state permit is issued (and conversely, the state not issuing a permit until a federal permit has been issued). The time period to submit an application has been amended from 20 working days to 30 consecutive days prior to the expected initiation of permit activities thereby reducing any confusion on the meaning of a working day. Language regarding actions required by the Department when an application for a permit has been denied has been reorganized from the old Section 4 to the new Section 3 (d).

New Section 4 contains permit conditions that previously were located in old Section 3 (d,

e, f and g). Language has been included which allows permit issuance in accordance with the health requirements of Commission regulation Chapter 10 Importation and Possession of Live Warm-Blooded Wildlife, and effectively removes the current requirement of needing a Chapter 10 permit in addition to a Chapter 33 permit for certain situations. An additional requirement has been clarified which places responsibility on the permittee to have only authorized individuals conducting activities as described in their permit.

New Section 5 contains permit reporting requirements previously located in old Section 3 (h). Clarifying language has been included which indicates that failure to comply with reporting requirements is a violation of this regulation. Additional reporting requirements are included in this draft regulation to allow for appropriate Department review and analysis.

Old Section 4 has been reorganized into the new Section 6. This language has been modified for consistency with other Commission Regulations and outlines an applicant's process for appealing a Department decision regarding a permit.

Old Section 6 has been reorganized into new Section 7. Minor edits have been included and are meant to provide additional clarity.

Old Section 5 has been reorganized into the new Section 8. Updated language was added to clarify the controlling regulation for warm-blooded live wildlife is Commission Regulation Chapter 10, and the controlling regulation for cold-blooded live wildlife will be the new Commission Regulation Chapter 69.

Minor grammatical and formatting edits have been incorporated to provide additional clarity but do not change the intent of the rules and regulations.