



REGULATION GOVERNING BIG OR TROPHY GAME ANIMAL OR GAME BIRD OR GRAY WOLF DAMAGE CLAIMS

Wyoming Game and Fish Commission
Draft Chapter 28
2022



CHAPTER 28

REGULATION GOVERNING BIG OR TROPHY GAME ANIMAL OR GAME BIRD OR GRAY WOLF DAMAGE CLAIMS

The following recommended changes intend to add and clarify definitions used throughout this regulation.

Several terms have been modified for additional clarity and a multiplier has been added to assist in compensating for damages to yearlings.

This Regulation has numerous edits designed to further clarify that a landowner needs to provide adequate hunting for the species that may be causing damages to their property.

Lastly, extraordinary damage to grass has been modified to include a damage award for certain drought conditions and is tied to non-cultivated grass (Poaceae or Gramineae is a large and nearly ubiquitous family of monocotyledonous flowering plants commonly known as grasses. It includes the grasses of natural grassland and species cultivated in pastures) consumption by big game animals.

This Regulation was last modified in 2018. In this version of Chapter 28, the Department is asking for public review for a variety of damage situations, clarity of the investigation process and approved methods for landowner compensation.

NEW DEFINITIONS

The Commission is asking for the public to review the language for new definitions in Section 2 :

- "Accepted Agricultural Practices"
- "Calf"
- "Number of Big Game Animals Recruited in the Preceding Twelve (12) Months"
- "Open Range Setting"
- "Pasture Setting"
- "Sufficient Number of Hunters"
- "Yearling"
- "Young of Year Livestock"

It is the intent of the new definitions to properly address complex damage situations with better clarity and consistent application of damage compensation governed by Chapter 28.



MODIFIED DEFINITIONS

The Commission is asking for the public to review the language for modified definitions in Section 2 :

- “Authorized Hunting Seasons”
- “Claimant”
- “Consequential Damages”
- “Damage”
- “Extraordinary Damage to Grass”
- “Lessee”
- “More Likely than Not”
- “Property”
- “Value of Livestock”

The following term is recommended for modification to properly reference Lethal Take permits governed by WGFD Regulation Chapter 56:

- “Lethal Take Permit” to replace “Kill Permit” throughout the regulation.





SECTION 3: DAMAGE TO LIVESTOCK BY TROPHY GAME ANIMALS OR GRAY WOLF (IN ACCORDANCE WITH W. S. 23-1-901 (G) AND (H))

- Clarification is provided which indicates that a claimant shall only be offered an award for livestock which are legally present on the land where damage occurred and at the time damage occurred.
- In subsection (a), clarification is provided for “open range settings” and the methods, factors and formulas for which a multiplier may be used to compensate a claimant for calves, yearlings and sheep.
- There shall be no damage compensation methods, factors or formulas applied as a multiplier in “pasture settings”.

Recommended Multiplier for Livestock compensation on Yearling:

- A multiplier of 1.25 has been approved for compensation of damage occurring to verified “yearlings” from bears and mountain lions in grizzly bear occupied areas, and for damage caused by wolves.

SECTION 4. PERMITTED HUNTING DURING AUTHORIZED HUNTING SEASONS - HIGHLIGHTS OF RECOMMENDED CHANGES



- In subsections (a) and (b), clarification has been made that a claimant shall not be eligible to receive an award for damage unless a sufficient number of hunters have been allowed access to hunt during the authorized hunting seasons for the species doing damage for which the claim has been filed.
- A claimant shall be required to provide documentation of a sufficient number of hunters, as outlined in this regulation, to receive compensation for damages.
- New Definition: “Sufficient Numbers of Hunters” means the number of hunters who are granted hunting access necessary to successfully harvest the number of big game animals, trophy game animals and game birds produced in the previous year surviving to one (1) year of age recruited in the preceding twelve (12) months into the segment of the population responsible for doing damage determined by the preceding three (3)-year average of recruitment for said species in the hunt area(s) in which the damage occurred.



WYOMING GAME AND FISH DEPARTMENT
Trophy Game Animal or Gray Wolf* Damage Claim Affidavit
(Black Bear, Gray Wolf, Grizzly Bear, Mountain Lion)

*In areas where Gray Wolves are not classified as Trophy Game Animals and damage compensation is allowed per W. S. 23-1-901 (g) and (h)

State of Wyoming, County of _____

I, _____ of _____
(Claimant's Name) (Business or Ranch Name)
(Claimant's mailing address) City State Zip Phone Number

Being of lawful age and being first duly sworn upon depose and say that I am the (Check one):
 Landowner _____
 Lessee _____
 Agent of the landowner (name of landowner): _____

of the following described livestock, bees honey or hives damaged by trophy game animal or gray wolf* of the State of Wyoming:
 Legal description of the property (Section, Range and Township) _____
 Private property (Circle One) Yes or No
 Leased State (Circle One) Yes or No
 Leased Private (Circle One) Yes or No
 Federal grazing permit (Circle One) Yes or No

For verified claims for calves or sheep missing as a result of damage by trophy game animal or gray wolf*, the total known death loss, including missing animals, for the sheep or calves for the grazing season together with the number of such losses known to be due to causes other than damage by trophy game animal or gray wolf*:

1. Number of calves or sheep **verified** (inspected and confirmed by the Wyoming Game and Fish Dept or Wildlife Services) as killed by black bear _____, gray wolf _____, grizzly bear _____ and/or mountain lion _____.
2. Number of calves or sheep **unaccounted** for at the end of the damage period that are believed to be missing as a result of trophy game or gray wolf* damage (missing animals): _____
3. Total number of calves or sheep killed by trophy game or gray wolf* species and unaccounted for at the end of the damage period (add lines 1 and 2): _____
4. Number of calves or sheep known dead from other causes (not as a result of trophy game species or gray wolf*): _____

Attach all Wyoming Game and Fish Department/USDA-APHIS-WILDLIFE SERVICES LIVESTOCK AFFIDAVIT(S) as documentation.

List the species of trophy game animal involved. Identify the type, sex, age and number of livestock or amount of bees (including damage to honey and hives) damaged by trophy game species or gray wolf*. Include all calculations and evidence to support the value determination. Please review the amounts with the local game warden or trophy game conflict specialist to determine if formulas for missing livestock apply.
All livestock losses claimed shall have sale reports/value determination documentation included with this claim.

- Black bear _____
- Gray wolf _____
- Grizzly bear _____
- Mountain lion _____

Total dollar amount of damage claimed: \$ _____

Insert the date of discovery of damage for each specific item of damage claimed. For trophy game or gray wolf*, each instance of damage discovered shall be reported, unless damage involves a series of depredations, then list the initial date damage was discovered.

- Specify date damage was **discovered** (mm/dd/yy): _____ / _____ / _____
- Specify date damage was **reported** (no later than fifteen (15) consecutive days) after the damage is discovered. (mm/dd/yy): _____ / _____ / _____
- Specify the **person the claimed damage was reported** to (Game warden, Wildlife Supervisor or WGF Commission member): _____
- Specify date damage **ended** or the **last item of damage discovered** (mm/dd/yy): _____ / _____ / _____

SECTION 5. NOTIFICATION OF DAMAGE AND FILING OF DAMAGE CLAIMS - DEADLINE CLARITY

- In subsection (b)(i), clarification is provided that a verified claim shall be submitted within sixty consecutive days from the last day livestock were legally present on the grazing allotment in which the damage to livestock occurred, and no later than sixty days following the last day of the calendar year.
- In subsection (b)(ii), clarification is provided that a verified claim for damage to bees, hives and honey shall be submitted no later than sixty days following the last day of the calendar year.
- In subsection (b)(iv) clarification is provided that verified claims for damage shall not exceed 365 consecutive days from when damage was first reported.

SECTION 7. REASONS FOR DENIAL OF A VERIFIED CLAIM - HIGHLIGHT OF RECOMMENDED CHANGES



- Subsections (a)(iii), (iv), (v), (vii), (x), (xii) and (xiii) all further clarify reasons for denial of a verified claim and adds language that a claimant may have to refund part or all of a damage award if the crop or livestock were compensated by insurance.
- Such denial reasons generally range from a claimant not allowing hunting access to a sufficient number of hunters during authorized hunting seasons, a claimant not agreeing to the Department's implementation of auxiliary management hunting seasons or a lethal take permit, preventing the Department's attempts to mitigate or alleviate damage or refusal to utilize fencing materials provided by the Department.

Modified Definition in Section 7(vii):

The claimant was compensated by crop or livestock insurance or a Federal subsidy program for the property damaged to the extent the claimant received compensation under that insurance or program. If the claimant is compensated by crop or livestock insurance or a Federal subsidy program for the property damaged and compensated by the damage claim affidavit within the twelve (12) consecutive months of when damage ended, the claimant shall refund the Department's damage claim compensation including interest based on local bank preferred rates to the Department.

CHAPTER 28, REGULATION GOVERNING BIG OR TROPHY GAME ANIMAL OR GAME BIRD OR GRAY WOLF DAMAGE CLAIMS PUBLIC COMMENTS FOR SEPTEMBER COMMISSION MEETING

Comments should be submitted by on of the following methods:

1. Online at WGFDD Get Involved/Public Meetings page Draft Chapter 28
2. Submitted at the in-person Public Meetings scheduled for each Region.
3. Written comments shall be mailed to:

Wyoming Game and Fish Department
Attn: Regulations
3030 Energy Lane
Casper, WY 82604

Deadline is 5:00 pm July 31, 2022

Jackson Region

June 21, 2022 6:00 PM Jackson Game and Fish Regional Office

Green River Region

June 22, 2022 6:00 PM Green River Game and Fish Regional Office

Pinedale Region

June 27, 2022 6:00 PM Pinedale Game and Fish Regional Office

Casper Region

June 29, 2022 5:00 PM Casper Game and Fish Regional Office

Laramie Region

July 6, 2022 6:00 PM Laramie Game and Fish Regional Office

Sheridan Region

July 12, 2022 5:30 PM Sheridan Game and Fish Regional Office

Lander Region

July 20, 2022 6:00 PM Lander Game and Fish Regional Office

Cody Region

July 21, 2022 6:00 PM Park County Library - Grizzly Room