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

Wyoming Game and Fish Commission
Draft Chapter 28
2022
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.
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.
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 one of the following methods:

1. Online at WGFD 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