

STATEMENT OF REASONS

CHAPTER 28

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

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.

W.S. § 23-1-901 stipulates the process for owners of damaged property to report damages caused by big or trophy game or game birds or gray wolves.

Section 2. The definitions of “Accepted Agricultural Practices”, “Calf”, “Number of Big Game Animals Recruited in the Preceding Twelve (12) Months”, “Open Range Setting”, “Pasture Setting”, “Sufficient Numbers of Hunters”, “Yearling” and “Young of the Year Livestock” are added for clarity in the regulation. The definitions of “Authorized Hunting Seasons”, “Claimant”, “Consequential Damages”, “Damage”, “Extraordinary Damage to Grass”, “Lessee”, “Property” and “Value of Livestock” are being modified for additional clarity. The term “Kill Permit” is being modified to “Lethal Take Permit” for proper reference to the Commission regulation which governs these permits.

Section 3. 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”. A multiplier of 1.25 has been added for compensation of damage occurring to “yearlings” from bears and mountain lions in grizzly bear occupied areas, and for damage caused by wolves. The remainder of subsection (a) has been modified and reformatted for clarity.

Section 4. 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 per this regulation, to receive an award for damages.

Section 5. 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. Subsections (a)(iii), (iv), (v), (vii), (x), (xii) and (xiii) all further clarify reasons for denial of a verified claim. Such 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.

Section 9. Subsections (j), (k), (m) and (n) each provide further clarification for verified claim requirements. Such requirements include providing information in a verified claim to the Department to determine if the claimant allowed hunting access to a sufficient number of hunters during authorized hunting seasons, information about any access fee charged to authorized hunters, the number of yearlings missing as a result of verified trophy game or gray wolf damage, the total number of yearlings missing for the grazing season and whether or not any state subsidy program compensated the claimant for property damage.

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