

STATEMENT OF REASONS

CHAPTER 44

REGULATION FOR ISSUANCE OF LICENSES, PERMITS, STAMPS, TAGS,

PREFERENCE POINTS AND COMPETITIVE RAFFLE CHANCES

W.S. § 23-1-302 empowers the Wyoming Game and Fish Commission (Commission) to prescribe the requirements and form, including electronic licensing format, for hunting licenses, stamps and tags. The Commission is also granted the authority to promulgate such orders as the Commission considers necessary to carry out the intent of this act.

Section 2. The definitions of “Immediate Family Member” and “Landowner Applicant” have been modified and a new definition for “Significant Interest” has been added for additional clarity as used in Section 8, Landowner Licenses. The definition of “Leftover Licenses” is being amended to also include reference to nonresident general elk licenses which were recently incorporated into this regulation. A section reference within the definition of “Transfer” has been updated to due to section number changes within this regulation.

Section 4 (e)(i)(B). Language has been added to this subsection to clarify that antelope licenses issued under W.S. § 23-1-705(h) shall not be sold, traded, auctioned or offered for any monetary value to the recipient.

Section 8, Landowner Licenses. The Wyoming Wildlife Task Force (WWTF) of 2021-2022 was established by Governor Gordon to address some of the most complex topics concerning Wyoming’s wildlife. One of these topics was that of landowner licenses, the qualification criteria for such licenses and limiting landowner licenses in certain hunt areas with relatively low numbers of limited quota licenses. In November 2022 the WWTF provided a recommendation to the Wyoming Game and Fish Commission (Commission) with five recommendations related to landowner licenses. These five recommendations included:

- Define “Landowner Applicant” to include those who have a “significant interest” of at least 20% ownership in real property.
- Bolster language which prohibits subdivision of land for the purpose of obtaining landowner licenses.
- Incorporate a cap on the number of landowner licenses to not exceed 20% of available licenses, except in areas over their wildlife management objectives.
- Require landowners to provide their own documentation of animal use days to qualify for licenses.
- Require the Department to investigate landowner license eligibility at least once every five years for applicants.

The Commission addressed these topics in a series of public meetings (March 2023, July 2023, September 2023, November 2023, January 2024, April 2024 and November 2024) during which they received informational presentations on the issuance of landowner licenses and took public

comments at each of their meetings. During the April 2024 Commission meeting, the Department was directed to consider recommendations to implement a 10% significant interest requirement to qualify as a landowner applicant, institute a 30% cap on landowner license issuance by hunt area to include providing preference to unsuccessful landowner applicants the following year and to change the minimum qualifying acreage to 160 contiguous acres of cultivated land or 320 contiguous acres of rangeland. After further Commission discussion at their November 2024 meeting, the Department was directed to develop a draft regulation to include a 20% significant interest for a qualifying landowner applicant, change the 320 contiguous acres of rangeland to 640 contiguous acres, modify the required animal days use for a parcel of land from 2000 days of use to 3000 days of use. The Commission also requested that the entire Section 8 of Chapter 44 governing landowner licenses be open and available for public comment during the time period required by the Administrative Procedures Act. The edits to Section 8 of this Chapter are the result of this entire public process. However, the entire Section 8, Landowner Licenses, is open for public comment and may be modified through this rule making process.

Section 10. An edit has been made in this section to clarify that a Governor's Complimentary bighorn sheep license shall not be valid in any bighorn sheep hunt area that has a total quota of ten (10) or fewer Type 1, any ram bighorn sheep licenses. This language will clarify that bighorn sheep Type 2, Type 6 or Type 7 licenses are not to be included in the limitation of ten (10) or fewer licenses for a hunt area.

Section 12. Edits have been made in this section regarding wild turkey Commissioner Complimentary Licenses for Persons with Life Threatening Illnesses. Wildlife managers recently modified the number of wild turkey hunt areas in the state from five (5) to just one (1), so there is no longer a need to include regulatory language limiting a single hunt area to ten (10) or fewer complimentary wild turkey licenses. There has been no reduction to the total number of Commissioner Complimentary licenses in this section.

Section 14. Edits have been incorporated into this Section for clarification and consistency within this rule. New regulatory language has been added in subsection (b)(v) and (vi) to clarify that a donated license which is reissued under this section shall be eligible for a license reservation in accordance with Section 21. An application for a donated license to be reissued to a qualified person, along with all required documentation, must be received by the Department at least three (3) business days prior to any license issuance. This time period will allow Department personnel time to process necessary paperwork and continue to issue these licenses in a timely manner.

Section 19. Regulatory language has been clarified in subsection (b)(i) so that no person shall apply for or receive a preference point during any "time period" in which the person's privilege to obtain a full price bighorn sheep or moose license or nonresident antelope, deer or elk license has been revoked or suspended by a court or the Wildlife Violator Compact. The previous regulatory language was tied to the "calendar year" rather than the "time period" in which a person was under revocation or suspension.

Section 21. Edits have been made in subsections (a)(iii), (iv) and (v) for consistency and do not change the original intent of this regulation. Subsection (i) has been amended to require applicants requesting a reservation to submit an administrative fee no later than March 15 in the

succeeding year prior to reissuance of the license. Subsection (l) has been removed since it was duplicated in Section 24. The provisions in Section 21 (l) have been incorporated into Section 24 (c)(i). Additionally, any Governor's Complimentary licenses that have been reserved for the next season shall not be made available for resale or use during the current year.

Section 24. Several formatting edits have been incorporated to allow for simplification of locating information pertaining to Withdrawal or Modification of an Application, Refund of License Fees and Reissuance of Certain Licenses. In subsection (b), edits have been made to clarify that all license refund requests shall be reviewed and addressed by the Fiscal Division Chief and, if required, brought before the License Review Board for consideration. In subsection (b)(ii)(F), edits have been made for consistency within this regulation. In subsection (b)(ii)(F)(I), language has been added to indicate that the closing of hunt areas due to mortality limits being met does not qualify a licensee for a license fee refund. In subsection (b)(iii), new language indicates that a licensee who received a donated license is not eligible for a license fee refund. Old subsection (h) regarding the reissuance of a wild bison or mountain goat license to an immediate family member of a deceased licensee has been removed. This regulatory provision has not been exercised since its existence and the issuance of these licenses is governed under W.S. § 23-1-703. In subsections (c)(i) and (ii), edits have been incorporated to indicate that antelope, deer or elk licenses that have been reserved for the immediately succeeding season due to the licensee being unable to use the license for good cause or returned to the Department may be made available for purchase by residents and nonresidents on a first-come first-served basis if the Department determines that a reasonable hunting opportunity still exists. The Department may consider factors such as, but not limited to, the length of hunting season remaining and the availability for hunters to access a hunt area for the remainder of the hunting season. The Department does not want to be required to reissue returned hunting licenses unless a reasonable hunting opportunity still exists for the licensee. Also, language has been added to subsection (c)(iii), (iv) and (v) that lays out a process to reissue bighorn sheep, moose, mountain goat or wild bison licenses that have been reserved for the next succeeding season or returned to the Department through other processes.

Section 26. In subsection (b), edits have been incorporated to allow for fall wild turkey licenses that are issued in one calendar year to be valid through the closing date established in January of the next succeeding year when the hunting season opens during one calendar year and closes in January of the next succeeding year.

The name of the current Commission President and the date the Commission is expected to take action on this regulation have been updated.

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