

WYOMING GAME AND FISH COMMISSION

CHAPTER 33

ISSUANCE OF SCIENTIFIC RESEARCH, EDUCATIONAL, OR SPECIAL PURPOSE PERMITS

Section 1. Authority. These rules are promulgated by authority of W.S. 23-1-302(a)(vii), (x), (xiii) and (xxii).

Section 2. Purpose. It shall be the purpose of this regulation to govern and regulate the issuance of permits to take, capture, handle, and transport Wyoming wildlife. Such permits may be issued to persons, educational institutions, or governmental entities when it is determined that the scientific research, educational, or special purposes are beneficial to wildlife, the department or the public.

Section 3. Regulation. The Wyoming Game and Fish Commission hereby adopts the following regulation concerning the issuance of scientific research, educational or special purpose permits. The Commission authorizes the Department to develop and maintain policies, processes and procedures necessary to carry out the provisions of this Chapter. This regulation shall remain in effect until modified or rescinded by the Commission.

Section 4. Definitions. For the purpose of this regulation, definitions shall be as set forth in Title 23, Wyoming Statutes, and the Commission also adopts the following definitions:

(a) "Education" means the act or process of imparting knowledge or skill when that is the primary purpose of obtaining a permit.

(b) "Educational institutions" means any accredited college, university, or recognized educational institution.

(c) "Governmental entities" means any state or federal wildlife, natural resource or agricultural agency.

(d) "Scientific research" means the systematic investigative or experimental activities which are carried out for the purpose of acquiring new and relevant knowledge pertaining to wildlife biology, ecology or management, or the revision of accepted conclusions, theories, or laws in the light of newly discovered facts, and which are conducted in a humane fashion by qualified personnel, and the results of which would meet the accepted standards for publication in a peer reviewed scientific journal.

(e) "Special purpose" means activities in which a permit is required in order to take or relocate wildlife, but is not considered scientific research or educational.

(f) "Wildlife" means every wild mammal, bird, fish, amphibian, reptile, mollusk, crustacean, their viable gametes (eggs and sperm), fertilized eggs, or any hybrid (including hybrids between wildlife and wildlife and hybrids between wildlife and domestic or domesticated animals) or any transgenic product thereof.

Section 5. Scientific Research, Educational, or Special Purpose Permits. Scientific research, educational, or special purpose permits may be issued by the director of the Wyoming Game and Fish Department or his designee to duly authorized agents of educational institutions, governmental entities, and other persons of science or education for scientific research or educational purposes, or special purpose activities to take wildlife under the following conditions:

(a) To receive consideration, the applicant shall submit an application for a permit on a form provided by the Department. Incomplete applications or applications containing false statements or misrepresentations shall be denied. The application shall be submitted to the Wyoming Game and Fish Department, 5400 Bishop Blvd., Cheyenne, Wyoming 82006, Attention: Permitting Officer and shall state the name of the institution or entity for which the applicant is an agent and the title or position said applicant holds, which would qualify the applicant for a permit. The application shall designate the name of the individual responsible as the permittee and any other person(s) authorized for the activities conducted under the permit and for the submission of the annual report. The application shall present, in detail, a list of the species to be taken, the numbers to be collected and/or possessed, the specific Game and Fish Department administrative region(s) where species are to be possessed and/or collections are to be made, specific locations and approximate collection dates and the methods of collection to be used. The Department may require the applicant to provide certification demonstrating the applicant is proficient in the methods or techniques to be utilized while conducting activities authorized by the permit. The application shall state the purpose for which such possession and/or collections will be made and the expected benefits to science, research, education or department wildlife management goals. The application shall also provide detailed information, including a detailed study plan which contains the following elements: a statement of the need for the study and expected management application and benefit to the State of Wyoming and/or the general knowledge of wildlife; a description of study area(s), data collection and analytical methodologies which demonstrate ability to meet study objectives; and a description of financial and other resources which demonstrate ability to meet study objectives. Copies of any required federal permits for the take or possession of wildlife, if applicable, shall accompany the permit application.

(b) The application for a permit must be received by the Wyoming Game and Fish Department at least twenty (20) working days prior to the issuance of the permit in order to allow time for the Department to review and provide consideration to the application.

(c) Permits shall only be issued if the Department determines there is a need for the information collected from the proposed scientific research, there is a valid educational purpose and the issuance of the permit is not detrimental to the wildlife resource, or it has been determined a special purpose permit is required.

(d) The permit shall bear the name(s) of the individual(s) authorized to take wildlife and/or make collections, and will offer no protection to anyone other than those named or designated on the permit to carry out any activity authorized by the permit. Permits issued under this regulation are not transferable.

(e) The Department may require that permit holders notify the regional wildlife supervisor, or regional wildlife management coordinator, or other Department personnel as indicated on the permit prior to taking any terrestrial wildlife or reptiles, or regional fisheries supervisor, or other Department personnel as indicated on the permit prior to taking any fish or amphibians in the region where collections are to be made. Notification shall include the inclusive dates and specific area of activities prior to making any collection, or possessing any wildlife or conducting any activity which results in the take of wildlife.

(f) As a condition of the permit, the Department may limit the length of time, location, facilities and any other stipulations in which wildlife may be captured, imported and possessed. Any person

desiring to import live wildlife under this regulation shall comply with all other Commission regulations governing the possession and/or importation of live wildlife.

(g) The person designated as the permittee on the permit, regardless of any other names listed on the permit, shall submit a written report to Headquarters of the Wyoming Game and Fish Department, Attention Permitting Officer. This report may be required to be submitted electronically as per permit stipulation. For scientific research permits, the report shall contain a record of the number of each species of wildlife taken, the locality where taken by UTM coordinates or to the nearest township, range, section and ¼ section, the age and sex of animals taken when practical, a description of the habitat where taken, any other information as required by the Department and the disposition of the animal(s) to include such information as to whether the animal was euthanized, marked and/or released. The report for the special purpose permit shall describe what activity was accomplished under the permit. The Department shall require that all data and records be submitted in an approved format. It shall also include any reports or papers written as a result of collections made under the permit. In the case of the permit being issued for educational purposes, the report shall provide a detailed explanation of the presentation(s) and a list of dates and locations the presentation(s) were conducted and the total number of audience in attendance. The Department may require any additional information in the report it deems necessary to evaluate the value to wildlife management of having issued the permit. Reports shall be due on or before January 31 following the year for which the permit was valid.

(h) If the individual(s) designated as the permittee fails to submit the required written report and/or data and records in an approved format, no future permit shall be issued to that institution, entity, or individual until the permit report requirement is met.

Section 6. Controlling Regulation. In the event that Chapter 33 might conflict with Wyoming Game and Fish Department Regulation, Chapter 10 Regulation for Importation, Possession, Confinement, Transportation, Sale and Disposition of Live Wildlife, Chapter 10 will control the importation and possession of wildlife.

Section 7. Violation of Regulation. Failure to abide by the provisions of this regulation shall be punishable as provided by Wyoming statutes for violations of Commission regulations. Conviction for violation of this regulation or failure on the part of the permit applicant or holder to comply fully with this regulation may result in immediate revocation of said permit and refusal to issue any future permits.

Section 8. Savings Clause. If any provision of this regulation shall be held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of this regulation shall be severable.

WYOMING GAME AND FISH COMMISSION

By:

M. Hale Kreycik, President

Dated: January 27, 2005