

WYOMING GAME AND FISH COMMISSION

CHAPTER 23

REGULATION GOVERNING USES OF LANDS AND WATERS ACQUIRED OR ADMINISTERED BY THE WYOMING GAME AND FISH COMMISSION

Section 1. Authority. This regulation is promulgated by authority of W.S. §23-1-302. W.S. §23-1-302 (a)(iii) authorizes the Commission to acquire lands and waters in the name of Wyoming by purchase, lease, agreement, gift or devise, not including powers of eminent domain, and to develop, improve, operate, and maintain the same for the following purposes:

- (a) Fish hatcheries, rearing ponds, game farms, and bird farms;
- (b) Management of game animals, protected animals and birds, furbearing animals, game birds, fish, and their restoration, propagation, or protection;
- (c) Public hunting, fishing, or trapping areas as places where the public may hunt, trap, or fish in accordance with the law.

Section 2. Regulation. The Wyoming Game and Fish Commission hereby adopts the following regulation governing uses of lands and waters acquired or administered by the Commission. This regulation shall remain in effect until modified or repealed by the Commission.

Section 3. Purpose. It is the purpose of this regulation to allow the Department to manage wildlife and habitat on lands and waters acquired or administered by the Commission and to regulate public use and special use of such lands and waters.

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) “Camp” means to establish temporary occupancy by means of motor vehicles, camp trailers, campers, horse trailers, tents, lean-tos, other man-made structures, or sleeping equipment.
- (b) “Camping limit” means a fourteen (14) day limit beyond which no person shall camp on the same lands acquired or administered by the Commission, unless a Department sign denotes a more limited time frame.
- (c) “Commercial or business use” means those activities that involve the direct sale of commodities or services on lands and waters acquired or administered by the Commission.

(d) “Designated noxious weeds” means the weeds, seeds, or other plant parts that are considered detrimental, destructive, injurious or poisonous, either by virtue of their direct effect or as carrier of disease or parasites that are within the State and are on the list designated by the Wyoming Board of Agriculture and the Wyoming Weed and Pest Council; and, any plant which the Wyoming Board of Agriculture and the Wyoming Weed and Pest Council have found either by virtue of its direct effect, or as a carrier of disease or parasites, to be detrimental to the general welfare of persons.

(e) “Designated road” means only established roads that are marked with a white arrow sign as open to motor vehicles. Unmarked roads not marked with a white arrow sign are closed to motor vehicles.

(f) “Established road” means any road or trail that has been graded or constructed to carry motor vehicles or on which repeated motor vehicle traffic has created well-defined tracks. Established roads on Department managed lands, excluding lands enrolled in the Private Lands/Public Wildlife Access Program, shall be marked with white arrow signs as open to motor vehicles. Established roads enrolled in the Department’s Private Lands/Public Wildlife Access Program are closed to motor vehicles unless designated as open to motor vehicles by Department sign.

(g) “Fireworks” means any article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation.

(h) “High-lined” means to tether recreational livestock in such a manner the livestock cannot forage for natural vegetation and the livestock are not tethered to a single tree.

(i) “Human presence” means a person physically occupying, entering upon or traveling upon lands or waters acquired or administered by the Commission.

(j) “Lands and waters acquired or administered” means lands and waters managed by the Department pursuant to a Memorandum of Understanding (MOU) entered into by the Commission and lands and waters acquired by purchase, lease, agreement, gift or devise for the management of wildlife and their restoration, propagation or protection or for public hunting, fishing or trapping.

(k) “Limited range weapons” means muzzle-loading firearms, shotguns, archery equipment, handguns or air rifles.

(l) “Litter” means places, throws, scatters, or deposits garbage, debris, refuse or waste material, objects, or substances, including but not necessarily limited to abandoned or junk vehicles or appliances, upon lands or waters acquired or administered by the Commission.

(m) “Motor vehicle” means any self-propelled vehicle, except vehicles moved by human power.

(n) “Off road travel” means traveling with a motor vehicle more than twenty-five (25) feet from either side of the shoulder of an established road.

(o) “Open fire” means any outdoor fire including wood stoves and charcoal fires for warmth, cooking, pleasure, or for any other purpose.

(p) “Public” means an individual, partnership, corporation, company, or other type of association, and any agent or officer of any partnership, corporation, company, or other type of association.

(q) “Public use” means any non-commercial use by the public on lands and waters acquired or administered by the Commission. Public use shall be determined by the Department and shall be consistent with the Commission’s goal to enhance or manage wildlife and wildlife habitat and shall not conflict with the purpose for which lands and waters were acquired or are administered.

(r) “Recreational livestock” means, but is not limited to, the following animals when such animals are used for recreational purposes: horses, mules, asses, goats, llamas, and alpacas.

(s) “Recreational shooting” means shooting firearms for marksmanship practice and/or recreation that does not involve the taking of wildlife.

(t) “Special use” means any activity that is not defined as public use or any use that could conflict with the purpose for which the land or water was acquired or is administered by the Commission.

(u) “Special use permit” means a permit issued by the Department to allow special use of lands or waters acquired or administered by the Commission.

(v) “Trapping” means the taking of a furbearing animal or a predatory animal by the use of traps or snares.

(w) “Weed free certification” means livestock feed shall comply with “North American Weed Free Forage Program Standards” revised August 8, 1999 which does not include any later amendments or editions of the incorporated matter. A copy of the North American Standards can be viewed at <http://www.nawma.org/documents/WFFStandards.html>.

(x) “Wood cutting” means the felling or removal of standing trees, shrubs, or woody plants on lands and waters acquired or administered by the Commission.

Section 5. Regulation of Uses of Lands and Waters acquired or administered by the Commission. All lands and waters acquired or administered by the Commission are open to public use in accordance with this regulation or in accordance with the terms of the document creating the Commission's interest in the land, whichever is most restrictive. Department signs shall designate any exceptions to this regulation.

(a) General statewide rules. This section governs use of all lands and waters acquired or administered by the Commission, excluding lands and waters enrolled in the Department's Private Lands/Public Wildlife Access Program or other lands or waters where agreements, or special use permits do not grant the Commission authority to regulate. Failure to comply with the provisions of this section, unless exempted by this Chapter is a violation of this regulation. Any use, other than public use, may be authorized under the terms of a special use permit in accordance with Section 8 of this regulation, a lease agreement, cooperative agreement, memorandum of understanding, or other written instrument approved by the Department.

(i) No person shall drive a motor vehicle, except on designated or established roads. No person shall utilize a motor vehicle for off road travel on lands acquired or administered by the Commission.

(ii) No person shall camp in excess of the camping limit. Once a person has camped for the camping limit, such person shall not camp on the same lands acquired or administered by the Commission without vacating such lands for seventy-two (72) hours. Camping shall only be allowed in areas designated by Department sign.

(iii) Unless otherwise designated by Department sign, special use permit or written agreement with the Department, recreational livestock shall be high-lined, tied, or contained in corrals, if such corrals are provided by the Department, and fed while not being ridden or trailed to prevent the consumption of native forage or cultivated crops or cratering in the ground at the base of trees. Recreational livestock shall not be tied to trees. Supplemental feed used for recreational livestock shall meet the weed free certification described in Section 4 of this regulation.

(iv) No person shall import hay, straw, grain, seed or mulch onto lands acquired or administered by the Commission that does not have weed free certification and that has not been certified as free of designated noxious weeds. Processed cubes and pellets are exempt from this subsection.

(v) No person shall possess and/or discharge fireworks or other pyrotechnic devices.

(vi) No person shall engage in wood cutting, except the cutting or gathering of naturally fallen trees or dead shrubs, for open fire use on site is allowed.

(vii) No person shall vandalize, deface, destroy or remove Department signs, structures or facilities.

(viii) No person shall litter.

(ix) When designated by Department sign, a person shall utilize only limited range weapons to take wildlife and/or for recreational shooting.

(x) No person shall light, maintain, use or attend an open fire or use smoking materials when prohibited or in a manner that threatens, causes damage to, or results in the burning of property, resources or creates a public safety hazard. All open fires and smoking materials shall be extinguished upon termination of use.

(xi) No person shall engage in any use that interferes with: authorized public use(s) or public safety; uses authorized by Commission regulation(s); uses authorized by statute(s); uses authorized by special use permits, leases, agreements, memorandum of understanding(s), or other written instruments approved by the Department; uses for which the lands or waters were acquired or administered; or, uses allowed by Department signs.

(xii) No person shall engage in a commercial or business use on lands and waters acquired or administered by the Commission unless authorized by a special use permit, contract, lease, agreement, memorandum of understanding, or other written instrument authorized by the Department. Outfitters licensed for the purpose of outfitting hunters and/or persons outfitting fishermen or other consumptive users of wildlife when that use does not conflict with public use or the purpose for which the lands or waters were acquired or are administered by the Commission may engage in such activities on lands or waters acquired or administered by the Commission, except that there shall be no commercial or business use or outfitting of hunters or fishermen on the Spence Moriarity Wildlife Management Area.

(xiii) No person shall place or construct a blind, tree stand, similar structures, or pits for the purpose of hunting or viewing wildlife on lands and water acquired or administered by the Commission more than seven (7) days prior to the opening date of the hunting season for the species of wildlife for which the structure shall be utilized. All blinds, tree stands, pits, or other similar structures constructed or placed on Commission administered lands shall be marked with the name and address of the person who constructed or placed the structure. Any person who places or constructs a blind, tree stand, similar structures, or pits shall remove the same within seven (7) days following the close of the hunting season for the species of wildlife for which the structure was placed. Blinds, tree stands, or similar structures that are placed and not removed in accordance with this subsection shall be considered litter. Placing or constructing a blind, pit, tree stand, or similar structure does not reserve or guarantee exclusive use of that structure or location for hunting or any other purpose for the person(s) placing said structure.

(b) Human presence and trapping are allowed, unless otherwise designated by Department sign.

(c) Where and when additional restrictions and/or authorized uses apply, the public shall be advised of such uses and/or restrictions by explanatory signs placed at the boundaries or points of access to said lands and waters. Signs shall specifically explain restrictions and/or authorized uses, shall be approved by Director of the Department or his designee, and shall be designated as an official regulation of the Commission.

(d) Failure to abide by restrictions indicated by Department sign is a violation of this regulation.

Section 6. Exceptions.

(a) Department personnel and/or personnel of other government agencies while conducting official duties and who are responsible for the management of wildlife or management of the lands and waters acquired or administered by the Commission, are exempt from provisions of Section 5. The public who is under written contract, lease, agreement, special use permit, or other written instrument authorized by the Department may be exempted from certain provisions of this regulation if the exemption appears in the special use permit, lease, contract agreement, or written instrument.

(b) There shall be no commercial or business use or outfitting of hunters or fishermen on the Spence Moriarity Wildlife Management Area.

Section 7. Lands and Waters Enrolled in the Department's Private Lands/Public Wildlife Access Program.

(a) The contracts between the Department and individual landowners for hunter and/or angler access through the Department's Private Lands/Public Wildlife Walk-in Area Program and the Department's Hunter Management Area Program only grant access to hunters and/or anglers to take one (1) or more specific species of wildlife and for specified time periods as designated in Department publications. No person shall enter upon lands enrolled in the Walk-in Area Program or the Hunter Management Area Program to hunt, fish or trap any species of wildlife or for any time period not specified without first obtaining permission from the landowner or the person in charge of the property.

(b) Travel by motor vehicle on lands and waters enrolled in the Department's Private Lands/Public Wildlife Access Program is prohibited except as otherwise designated by Department sign. Department signs shall advise if specific designated or established roads are open to travel to motor vehicles. Department signs shall serve as official regulations of the Commission and the signs may be used to advise of additional

restrictions on motor vehicle travel activities. The landowner or person in charge of the property may grant permission for motor vehicle travel contrary to Department signs.

(c) No person shall conduct the following activities or uses on lands and waters enrolled in the Department's Private Lands/Public Wildlife Access Program unless such uses have been approved by the landowner or person in charge of the property: camping; commercial or business use; acting as an outfitter or professional guide for hunters or fishermen; littering; utilizing open fires or lighted smoking materials; using recreational livestock; recreational shooting; trapping; wood cutting; possession or discharge of fireworks or other pyrotechnics; vandalizing, defacing, and/or destroying or removing private property or Department signs; constructing blinds, tree stands or similar structures or pits, possessing hay other than hay that has weed free certification and/or any other activity not directly related to the taking of the specified species of wildlife during the specific time periods as designated in Department publications.

(d) Contrary to this regulation, the landowner or person in charge of the property may grant permission for any use of his lands enrolled in the Department's Private Lands/Public Wildlife Walk-in Area Program and the Department's Hunter Management Area Program.

Section 8. Special Use Permits. The Department may issue special use permits to allow special use of lands and waters acquired or administered by the Commission when such use does not interfere with the purpose for which the lands and waters were acquired or are administered. The Department may issue special use permits containing such conditions and restrictions as deemed necessary to protect wildlife, wildlife habitat, public safety, and public use. A special use permit is required prior to any activity being conducted that is defined as a special use. Use of lands and waters acquired or administered by the Commission by a licensed outfitter for the purpose of outfitting hunters and/or a person outfitting fishermen or other consumptive users of wildlife when that use does not conflict with public use or the purpose for which the lands or waters were acquired or are administered by the Commission does not require a special use permit.

(a) Application for a special use permit. Applications for special use permits shall be applied for through the Land's Administration Section of the Department not less than sixty (60) days prior to the date of the requested special use. Applications for special use permits shall contain the name of the applicant and person responsible for assuring permit conditions are adhered to; the date, time, duration, nature and location of the proposed special use; a concise explanation and description of the proposed special use; a statement of equipment and facilities to be utilized in connection with the special use; and, any additional information requested by the Department deemed necessary to assess the potential impact of the special use on the Commission acquired or administered lands and waters.

(b) The Department may require applicants for special use permits to obtain liability insurance to cover participants in a special use. If so, the Commission shall be named as an additional insured party. If the Department determines that liability insurance shall be required, proof of liability insurance must be provided to the Department prior to any special permit being issued.

(c) The Department may require the filing of a bond with satisfactory surety payable to the Commission to cover costs, such as habitat restoration, rehabilitation, and clean up of the area or for any damages or costs that are incurred as a result of the special use.

(d) The Department may assess an application-processing fee to cover administrative costs.

(e) The State of Wyoming and the Commission do not waive sovereign immunity by issuance of a special use permit and specifically retain immunity and all defenses available to them as sovereigns pursuant to Wyo. Stat. §1-39-104(a) and all other State laws.

(f) Possession of a special use permit issued under this provision does not exempt the person(s) named in the special use permit from any requirement to obtain a special use permit from other responsible government agencies.

Section 9. Violation of Commission Regulations. Failure to abide by the provisions of this regulation shall be punishable as provided by Wyoming statutes for violations of Commission regulations.

Section 10. Savings Clause. If any provision of this regulation is 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 are severable.

WYOMING GAME AND FISH COMMISSION

By:
Linda Fleming, President

Dated: September 9, 2005