

CHAPTER 14
PREDATORY ANIMAL CONTROL REGULATIONS

Section 1. **Authority.**

(a.) Pursuant to authority vested in the Department of Agriculture by virtue of Sections 11-6-104 and 11-6-105 Wyoming Statutes 1977 as amended, pertaining to predatory animals, the following regulations implement procedures for the issuance, denial, and revocation of permits for aerial hunting; implements provisions of the Fish and Wildlife Act of 1956 as amended by Public Laws 92-159 and 92-502; establishes effective time periods for permits; establishes method for permit applicants to secure approvals from local predator control districts; identifies permit areas; and provides exemptions as provided for in the Federal Airborne Hunting Act. The following regulations are hereby promulgated and adopted.

Section 2. **Aerial Hunting, General.**

(a.) The use of aircraft to harass, hunt, pursue, or kill wildlife is prohibited by Part 19, sub-part B, Section 14.11 Code of Federal Regulations Title 50, with certain exceptions.

(b.) Exceptions

(i.) Section 19.12 of the Federal Airborne Hunting Regulations exempt any person who is acting within the scope of their official duties as an employee or authorized agent of a state or the United States to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops. The department recognizes the Federal Airborne Hunting Regulations and hereby exempts from state permit requirements, those persons meeting the conditions described in Section 19.12 of those regulations.

(ii.) Exemptions authorized to persons under Section 19.12, shall only be valid while said person is operating under USDA-APHIS-Animal Damage Control supervision. Persons engaged in aerial hunting for any other purpose shall be required to obtain a permit.

Section 3. **State Permits.**

(a.) Sub-part D of the Federal Regulations, Section 19.31, (a), provides that states may issue permits to persons, to engage in airborne hunting or harassing of wildlife for purposes of administering or protecting land, water, wildlife, livestock, domestic animals, human life, or crops. The department will not issue permits for the purpose of sport hunting.

(b.) The department will issue permits for aerial hunting to persons who meet the requirements of these regulations and who provide the information requested on the application forms.

(c.) Types of aerial hunting permits.

(i.) Aircraft permits. All aircraft that are used to hunt, pursue, or harass predators or other wildlife shall have attached, within the cabin of the aircraft, a predator control sticker obtained from the department indicating the aircraft identification number and the year for which the sticker is valid. Applications for predator aircraft stickers will be submitted to the department on forms provided for that purpose.

(ii.) Pilot permits. Any person except those exempted under Section 2B.2. who pilots an aircraft used to hunt, pursue, or harass predators or other wildlife, must have in their possession a current and valid predator pilot permit, obtained from the Department. Applications for predator permits will be submitted to the department on forms provided for that purpose.

(iii.) Gunner permits. Any person except those exempted under Section 2B.2. who assists a pilot of a predator control aircraft by shooting at wildlife while airborne, or while on the ground, takes or attempts to take any wildlife by means, aid, or use of an aircraft must have in their possession a current and valid gunner permit, obtained from the department. Applications for gunner permits will be submitted to the department on forms provided for that purpose.

(iv.) Any individual possessing a pilot and/or gunner permit, shall produce the permit upon the request of any authorized State or Federal law enforcement officer. Failure to produce the permit upon request may result in permit revocation.

(d.) Permit requirements and limitations.

(i.) Predator control district approval. Persons that desire state permits must secure the approval of individual county predator control districts where they wish to hunt, and obtain the required signature(s) from duly elected or authorized predator district board members within those counties. This approval will be submitted to the Department on forms provided for that purpose.

(ii.) Permit areas. Aerial hunting permits may be issued to an applicant by the department for all or any portion of a county, or the entire state, provided that the applicant has obtained respective Predator Board approval in each county.

(iii.) Landowner approvals.

(1.) No person shall aerial hunt over private property without written permission of the owner or person in charge of the property.

(2.) Persons desiring to aerial hunt Federal lands shall obtain written authorization from the appropriate agency prior to any aerial hunting.

(3.) Permittee shall produce written landowner permission upon request of any duly authorized State or Federal law enforcement officer. Failure to produce written permission may result in permit revocation.

(4.) State aerial hunting permits do not supersede or authorize the violation of any applicable trespass laws or regulations.

(iv.) Permits are valid for up to one (1) year, unless revoked, and must be renewed on or before the first Monday in May of each year.

Section 4. Denial of Permits.

(a.) The department will deny any permit request from an applicant who has been found guilty of violating Wyoming Game and Fish laws or any other laws involving trespass, while engaged in aerial hunting, and/or is convicted of violating the Airborne Hunting Act, 16 U.S.C. 742 j-1.

(b.) The Department may deny aerial hunting permits to any applicant who does not provide the required information on the application form.

(c.) Any permit denied under this Section will be for a period of one (1) year from date of conviction for a first offense and five (5) years from date of conviction for each subsequent offense as indicated in Section 4(a).

Section 5. Revocation of Permits.

(a.) The department may revoke any/all permits held by any person who is convicted of any provision of any law, rule, or regulation pertaining to predator control. Prior to revocation, written notice shall be given by certified mail to the applicant. Notice would allow for a hearing, as described in Section 6.

(b.) Any permit revoked under this Section will be for a period of one (1) year from date of conviction for a first offense and five (5) years from date of conviction for each subsequent offense.

Section 6. Right of Appeal.

(a.) Prior to any denial or revocation action being taken on a permit, the affected pilot and/or gunner shall be entitled to a hearing pursuant to the Wyoming Administrative Procedure Act.

(b.) Said hearing shall be at a mutually agreed upon time and place, and shall be held by the Board of Agriculture or their designee.

Section 7. Reports.

(a.) The pilot in command of any aircraft used in aerial hunting activities relating to predator control shall furnish a monthly report to the department in dictating the dates flown, the area (both the county and name of landowner) flown, and the number and species of predators taken.