



## WYOMING GAME AND FISH DEPARTMENT

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**Legislative Interim Committee:** Joint Travel, Recreation, Wildlife and Cultural Resources Committee, June 27, 2019

**Topic:** Wyoming's Wildlife Harassment Statutes

**Presented by:** Wyoming Game and Fish Department Deputy Chief Game Warden Scott Edberg

The following provides an overview on Wyoming's wildlife harassment statutes found in Title 23 (Game and Fish) and Wyoming Game and Fish Commission (Commission) regulations.

### **Wildlife Harassment Statutes**

#### **Title 23 (Game and Fish) Wildlife Harassment Statutes**

#### **23-1-302. Wyoming Game and Fish Commission powers and duties.**

##### **Shed Antler and Horns**

(a) The commission is directed and empowered:

(xxxii) To regulate and control the collection of shed antlers and horns of big game animals for the purpose of minimizing the harassment or disturbance of big game populations on public lands west of the Continental Divide any time between January 1 and May 1 of each year.

##### ***Effective July 1, 2019***

(xxxii) To regulate and control the collection of shed antlers and horns of big game animals for the purpose of minimizing the harassment or disturbance of big game populations on public lands west of Interstate 90 from the Wyoming-Montana state line to Buffalo and west of Interstate 25 from Buffalo to the Wyoming-Colorado state line any time during the year, subject to the provisions for bighorn sheep horns in W.S. 23-3-117.\*

#### **23-3-109. Use of dogs; dogs injuring big or trophy game animals may be killed; citation of owners of dogs harassing game animals; penalties.**

(a) No person shall use any dog to hunt, run or harass any big or trophy game animal, protected animal or furbearing animal except as otherwise provided by this act. The commission shall regulate the use of dogs to take mountain lions and bobcats by residents and nonresidents during hunting or trapping seasons.\*

(b) In cases where big game animals have been injured or are being threatened with immediate injury by dogs, a peace officer may kill such dog or dogs where the vicious character of the dog or dogs is manifest. A peace officer killing a dog pursuant to this subsection shall make reasonable efforts to ascertain the ownership of the dog and inform the owner of the dog's death and the circumstances surrounding the death. Any peace

officer who kills a dog pursuant to this subsection or has received a report that a dog has been killed shall file a report with his employing agency within twenty-four (24) hours of his action or of receiving a report.

- (c) It is unlawful for any person to recklessly allow or direct a dog which he owns or is under his control to injure or threaten a big game animal with injury, whether or not the big game animal is actually injured by the dog, unless the dog was attempting to protect livestock or other property. A conviction under this subsection is punishable by a fine imposed for a low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).\*

*\*Low misdemeanor – Up to \$1,000 fine, 6 months imprisonment and up to 3 years license privilege suspension. Additionally, an officer has discretion to “Must Appear” a defendant to court based on violation circumstances and seize any unlawfully taken wildlife or parts.*

### **23-3-306. Use of aircraft, automobiles, motorized and snow vehicles and artificial light for hunting or fishing prohibited; exceptions; penalties.**

- (a) No person shall harass, pursue, hunt, shoot, or kill any Wyoming wildlife except predatory animals with, from, or by use of any aircraft, automotive vehicle, trailer, motor-propelled wheeled vehicle, or vehicle designed for travel over snow. No person shall use any aircraft, to aid in the taking of any Wyoming wildlife, except predatory animals, whether by spotting or locating the wildlife, communicating with any person attempting to take the wildlife, or by providing other aid to any person taking the wildlife. Nothing in this subsection shall apply to the use of any aircraft by governmental agencies, their employees, contractors or designees performing any lawful duties. The commission may exempt handicapped hunters from any provision of this subsection.
- (e) (e) Violation of this section constitutes a high misdemeanor punishable as provided in W.S. 23-6-202(a)(ii).\*\*

*\*\*High misdemeanor - Up to \$10,000.00 fine, and up to 1 imprisonment and 6 years license privilege suspension. Additionally, an officer has discretion to “Must Appear” a defendant to court based on violation circumstances and seize any unlawfully taken wildlife.*

### **Commission Chapter 2 General Hunting Regulation Associated with Wildlife Harassment**

“**Aircraft**” means any machine or device (including but not limited to airplane, helicopter, glider, dirigible or unmanned aerial vehicle (UAV)) capable of atmospheric flight.

### **Game and Fish Violations Summary**

Violations of the above statutes pertaining to harassment, Commission regulations governing lands administered by the Commission and collection of shed antlers and horns for 2014-2018 are summarized below. The majority of violations involving vehicles are individuals shooting wildlife from a vehicle and are not considered harassment but include instances of people using vehicles or aircraft (including unmanned aerial vehicles) to pursue or harass wildlife. Violations related to dogs are primarily incidents of dogs at large chasing big game animals, but there have also been a few documented cases of people intentionally using dogs to hunt big or trophy game animals illegally.

Regulatory violations pertaining to Commission administered lands cover all types of violations, including closed/off-road violations, camping violations, illegal use of fireworks, failing to obey regulatory signs and other violations. The lands covered by this regulation include private lands enrolled in the Access Yes program. All of these violations have the potential to negatively impact wildlife and/or habitats, but the most serious are the human presence closures violations on Commission owned wildlife habitat management areas, which may result in harassment of wildlife based on the person activities. These closures are typically in effect from November-April/May and are in place to protect wintering big game animals and are in addition to federal land management agency closures. The purpose of closing federal and state lands to shed antler hunting is to minimize disturbance and stress to wintering big game.

<b>Violation</b>	<b>Citations</b>	<b>Warnings</b>
Take big game/trophy game/wild bison with or from vehicle	63	19
Take game bird with or from motor vehicle	5	4
Take small game with or from motor vehicle	3	5
Take nongame animal with or from motor vehicle	9	39
<b>Total</b>	<b>80</b>	<b>67</b>
Use of dogs to hunt/run/harass big or trophy game	4	3
Dogs chasing big game	60	63
<b>Total</b>	<b>64</b>	<b>66</b>
Violation of regulations governing Commission administered lands	347	376
Violation of human presence closure on Commission lands	5	2
<b>Total</b>	<b>352</b>	<b>378</b>
Violation of antler collection statute/regulation	72	31

### **Game and Fish Wildlife Harassment Summary**

- Game and Fish harassment statutes are wildlife inclusive as well as specific to game animals depending on the requirements set in statutes. The majority of harassment violations are centered on big game animals.
- Harassment violations are not “black and white” when compared to many other wildlife violations.
- Wildlife harassment can occur in various forms.
- Totality of the circumstances and officer discretion are key in enforcing wildlife harassment statutes.
- “Harassment” is not defined in Title 23 (Game and Fish) statutes or Commission regulations. A common definition based on an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, movement, feeding, or sheltering is often used.
- In several instances, wildlife harassment violations are discussed and reviewed with local county prosecutors based on the facts of the case before a harassment charge is filed.