

# Wyoming State Statutes

## 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.

The statutes can be found on the ADMB website:

<http://www.wyadmb.com/Predator%20Regs%20I.htm>

### 1) Aerial hunting act

#### Fish and Wildlife Services

#### 16 USC 742j1

#### Chapter 9

#### § 742j–1. Airborne hunting

- (a) Prohibition; penalty

Any person who—

(1) while airborne in an aircraft shoots or attempts to shoot for the purpose of capturing or killing any bird, fish, or other animal; or

(2) uses an aircraft to harass any bird, fish, or other animal; or

(3) knowingly participates in using an aircraft for any purpose referred to in paragraph (1) or (2); shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

- (b) Exception; report of State to Secretary:

(1) This section shall not apply to any person if such person is employed by, or is an authorized agent of or is operating under a license or permit of, any 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, and each such person so operating under a license or permit shall report to the applicable issuing authority each calendar quarter the number and type of animals so taken.

**(2)** In any case in which a State, or any agency thereof, issues a permit referred to in paragraph (1) of this subsection, it shall file with the Secretary of the Interior an annual report containing such information as the Secretary shall prescribe, including but not limited to—

- (A)** the name and address of each person to whom a permit was issued;
- (B)** a description of the animals authorized to be taken thereunder, the number of animals authorized to be taken, and a description of the area from which the animals are authorized to be taken;
- (C)** the number and type of animals taken by such person to whom a permit was issued; and
- (D)** the reason for issuing the permit.

**(c)** "Aircraft" defined:

As used in this section, the term "aircraft" means any contrivance used for flight in the air.

**(d)** Enforcement; regulations; arrest; search; issuance and execution of warrants and process; cooperative Agreements:

The Secretary of the Interior shall enforce the provisions of this section and shall promulgate such regulations as he deems necessary and appropriate to carry out such enforcement. Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this section may, without warrant, arrest any person committing in his presence or view a violation of this section or of any regulation issued hereunder and take such person immediately for examination or trial before an officer or court of competent jurisdiction; may execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this section; and may, with or without a warrant, as authorized by law, search any place. The Secretary of the Interior is authorized to enter into cooperative agreements with State fish and wildlife agencies or other appropriate State authorities to facilitate enforcement of this section, and by such agreements to delegate such enforcement authority to State law enforcement personnel as he deems appropriate for effective enforcement of this section. Any judge of any court established under the laws of the United States, and any United States magistrate judge may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

**(e)** Forfeiture:

All birds, fish, or other animals shot or captured contrary to the provisions of this section, or of any regulation issued hereunder, and all guns, aircraft, and other equipment used to aid in the shooting, attempting to shoot, capturing, or harassing of any bird, fish, or other animal in violation of this section or of any regulation issued hereunder shall be subject to forfeiture to the United States.

**(f)** Certain customs laws applied:

All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with the provisions of this section; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Treasury Department shall, for the purposes of this section, be exercised or performed by the Secretary of the Interior or by such persons as he may designate.

## 2) Code of federal regulations.

### Title 50 - Wildlife and Fisheries

Volume: 6

Date: 2005-10-01 Original Date: 2005-10-01 Title:

PART 19 - AIRBORNE HUNTING Context:

Title 50 - Wildlife and Fisheries.

CHAPTER I - UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR- (Continued). SUBCHAPTER B - TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE AND PLANTS (CONTINUED).

#### PART 19—AIRBORNE HUNTING

**Authority:** Fish and Wildlife Act of 1956, 85 Stat. 480, as amended, 86 Stat. 905 (16 U.S.C. 742a—j-1). **Source:** 39 FR 1177, Jan. 4, 1974, unless otherwise noted.

#### Subpart A—Introduction

**§ 19.1 Purpose of regulations.** The regulations contained in this part provide rules relative to the prohibition against shooting or harassing of wildlife from any aircraft, provide the requirements for the contents and filing of annual reports by the States regarding permits issued for such shooting or harassing, and provide regulations necessary for effective enforcement of the Fish and Wildlife Act of 1956 as amended (16 U.S.C. 742a—j-1).

**§ 19.2 Scope of regulations.** The regulations contained in this part apply to all persons within the territorial jurisdiction of the United States, to all United States citizens whether within the territorial jurisdiction of the United States or on the high seas or on board aircraft in flight over the high seas, and to all persons on board aircraft belonging in whole or in part to any United States citizen, firm, or partnership, or corporation created by or under the laws of the United States, or any State, territory or possession thereof.

**§ 19.3 Relation to other laws.** The exemptions to general prohibitions of the Fish and Wildlife Act of 1956, that permit airborne hunting in certain circumstances (See subpart B of this part) do not supersede, or authorize the violation of, other laws designed for the conservation or protection of wildlife, including those laws prohibiting the shooting or harassing of bald and golden eagles, polar bears and other marine mammals, migratory birds, and other wildlife, *except* to the extent that airborne hunting is authorized by regulations or permits issued under authority of those laws. (See e.g., § 21.41 of this subchapter.)

**§ 19.4 Definitions.** In addition to definitions contained in part 10 of this subchapter, and unless the context otherwise requires, in this part 19: *Harass* means to disturb, worry, molest, rally, concentrate, harry, chase, drive, herd or torment.

#### Subpart B—Prohibitions

**§ 19.11 General prohibitions.** (a) Except as otherwise authorized by the Fish and Wildlife Act of 1956 as amended, no person shall: (1) While airborne in any aircraft shoot or attempt to shoot for the purpose of capturing or killing any wildlife; (2) Use an aircraft to harass any wildlife; or (3) Knowingly participate in using an aircraft whether in the aircraft or on the ground for any purpose referred to in paragraph (a) (1) or (2) of this section. (b) The acts prohibited in this section include, but are not limited to, any person who: (1) Pilots or assists in the operation of an aircraft from which another person shoots or shoots at

wildlife while airborne, or(2) While on the ground takes or attempts to take any wildlife by means, aid, or use of an aircraft

**§ 19.12 Exceptions to general prohibitions.** The prohibitions of the preceding section shall not apply to any person who:(1) Is acting within the scope of his 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; or(2) Is acting within the limitations of a permit referred to in § 19.21 or § 19.31 of this part.

### **Subpart C—Federal Permits**

**§ 19.21 Limitation on Federal permits.** No Federal permits will be issued to authorize any person to hunt, shoot, or harass any wildlife from an aircraft, except for Federal permits to scare or herd migratory birds referred to in § 21.41 of this subchapter.

### **Subpart D—State Permits and Annual Report Requirements**

**§ 19.31 State permits.**(a) Except as provided in § 19.3, 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. States may not issue permits for the purpose of sport hunting.(b) Upon issuance of a permit by a State to a person pursuant to this section, the issuing authority will provide immediate notification to the Special Agent in Charge having jurisdiction according to § 10.22.

- a. § 19.32 Annual reporting requirements.**(a) Any State issuing permits to persons to engage in airborne hunting or harassing of wildlife or any State whose employees or agents participate in airborne hunting or harassing of wildlife for purposes of administering or protecting land, water, wildlife, livestock, domestic animals, human life or crops, shall file with the Director, an annual report on or before July 1 for the preceding calendar year ending December 31.(b) The annual report required by this section shall contain the following information as to each such permit issued:(1) The name and address of each person to whom a permit was issued.(2) Permit number and inclusive dates during which permit was valid.(3) The aircraft number of the aircraft used and the location where such aircraft was based.(4) Common name and number of the wildlife for which authorization to take was given and a description of the area from which the wildlife were authorized to be taken.(5) The purpose for which the permit was issued, specifically identifying whether the permit was issued to protect land, water, wildlife, livestock, domestic animals, crops, or human life.(6) The common name and number of wildlife taken by permittees and State employees or agents.(c) A compilation of all annual reports required by this section shall be made by the Director and furnished to any State filing such annual report.

### 3) Licensing and Insurance

- a. Commercial license required for aircraft, pilots and gunners.
- b. Commercial insurance required
  - i. Any pilot flying by the hour must have a commercial license and carry commercial insurance.
- c. All pilots and gunners must have a current license issued by the State Of Wyoming.
- d. Must have a signed affidavit from the approved County Animal Damage Board members from all counties to be flown.
- e. Only allowed to fly over private and State lands
  - i. Permits have not been issued for any Federal lands
    - 1. BLM
    - 2. Forest
    - 3. Bureau of Rec
    - 4. Reservation Lands
      - a. Tribes can fly their own lands
      - b. USDA can fly
      - c. NO private individuals can fly

### 4) Sport hunting

- a. Pilots are NOT allowed to have a “gunner” or a rancher’s hunter pay him for hunting animals (coyotes).
  - i. Can’t have him pay for gas etc.