

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 (a)(iii).

Section 2. Purpose. It is the purpose of this regulation to allow the Department to manage and conserve wildlife, wildlife habitat and public access on lands and waters acquired or administered by the Commission and to regulate public use and special use of such lands and waters.

Section 3. Definitions. Definitions shall be as set forth in Title 23, Wyoming Statutes, W. S. § 31-1-101, Commission regulations 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) “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.

(c) “Conservation easement” means a voluntary legal agreement between a landowner and the Commission to conserve wildlife habitat and traditional farm and ranch uses where conserving those uses supports wildlife habitat.

(d) “Department publication” means any document publicly circulated by the Wyoming Game and Fish Department in the form of a magazine, pamphlet, poster, brochure, letter or broadcast online by website, E-mail or other electronic media.

(e) “Designated road” means an established road marked with a white arrow sign.

(f) “Established road” means any road or trail that has been graded or constructed to carry motor vehicles or on which repeated legal motor vehicle traffic has created well-defined tracks.

(g) “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.

(h) “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 acquired by the Commission by purchase, deed, lease, agreement, gift or devise for the management, restoration, propagation or protection of wildlife or for public hunting, fishing or trapping or for the conservation of wildlife habitat or traditional farm and ranch uses where conserving those uses supports wildlife habitat or traditional farm and ranch uses.

(k) “Lands enrolled in the Department’s Access Yes Program” means lands and waters in any of the Department’s access programs, including but not limited to Walk-In Areas, Hunter Management Areas or Hunter Management Access Programs. The Commission administers these lands through written agreements of up to five (5) years to provide managed public access for hunting or fishing.

(l) "Limited range weapons" means muzzle-loading firearms, shotguns, archery equipment, handguns or air rifles.

(m) "Motor vehicle" means any motor vehicle as defined in Wyoming Statute Title 31-1-101 (a)(xv) including but not limited to a motor home, motorcycle, passenger car, truck, off-road recreational vehicle and multipurpose vehicle.

(n) "Open fire" means any outdoor fire including wood stoves and charcoal fires used for warmth, cooking, pleasure or for any other purpose.

(o) "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, wildlife habitat or access and shall not conflict with the purpose for which lands and waters were acquired or are administered.

(p) "Recreational livestock" means animals used for recreational purposes such as for riding, pulling wagons or sleighs, or packing of gear and harvested animals.

(q) "Recreational shooting" means shooting firearms that does not involve the taking of wildlife.

(r) "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.

(s) "Trapping" means the taking of a furbearing animal or a predatory animal by the use of a trap or snare.

(t) "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 4. Management of Lands and Waters Acquired or Administered by the Commission.

Lands and waters acquired or administered by the Commission shall be managed consistent with the purpose for which the land or water was acquired by the Commission. The Commission delegates responsibility to the Department to develop and implement management plans, to administer public use and special use on such lands and waters in order to maintain or enhance the purpose(s) for their acquisition.

(a) The Department shall manage lands and waters acquired or administered by the Commission in accordance with deeds, written agreements, strategic plans, terrestrial and aquatic priorities, site-specific management plans and regulations governing uses of these areas.

(b) Projects, public uses and special uses on lands and waters acquired by the Commission with U.S. Fish and Wildlife Service federal assistance funds (e.g. Pittman Robertson, Dingell-Johnson, Wallop-Breaux) shall be in compliance with applicable federal requirements and procedures.

(c) Conservation easements acquired by the Commission shall be administered by the Department in accordance with Section 4(a) as a wildlife habitat conservation program and may include a farmland protection program where protecting agricultural uses supports wildlife habitat.

(d) Special use activities on lands and waters acquired or administered by the Commission that are short term (do not exceed one (1) year) require a special use permit issued by the Department. When short term livestock grazing is considered by the Department, the Department shall notify the Commission member in whose district the proposed action would occur. If, after being fully informed of the intended action by the Department on the short term livestock grazing special use, the Commission member believes the proposed recommendation should be considered by the full Commission, it should be brought to the

Commission in open session for their consideration and action before implementation. Requests for short term special use activities shall be sent to the Department's Habitat and Access Branch (Services Division) at least sixty (60) days prior to the commencement of the requested activity.

(e) Special use activities on lands and waters acquired or administered by the Commission that are long term (more than one (1) year) require an appropriate agreement (permit, license, memorandum of agreement, lease, easement) approved by the Commission. Requests for long term special use activities shall be sent to the Department's Habitat and Access Branch (Services Division) at least six (6) months prior to the commencement of the requested activity.

(f) All other proposals to alter the management of lands and waters acquired or administered by the Commission in a manner not clearly related to, or contrary to the established purpose(s) for the area, shall be advanced to the Commission for discussion and possible action.

Section 5. Regulation of Uses.

(a) General statewide rules. This section governs use of all lands and waters acquired or administered by the Commission, including lands and waters enrolled in the Department's Access Yes Program. Department publications or signs shall designate any exceptions to this regulation.

(i) Public hunting, fishing and trapping shall be allowed on areas as designated by Commission regulation, Department publication or sign.

(ii) No person shall drive a motor vehicle on lands acquired or administered by the Commission, except on designated or established roads and as designated by Commission regulation, Department publication or sign.

(iii) Camping shall only be allowed in areas designated by Department publication or sign. No person shall camp in excess of the posted camping limit, and in no case more than fourteen (14) consecutive days, or leave a camp unattended for more than forty-eight (48) hours. 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 at least seventy-two (72) hours.

(iv) Recreational livestock shall not be allowed to consume existing natural forage. While not in use, recreational livestock shall be high-lined or contained in corrals, if such corrals are provided by the Department.

(v) No person shall possess hay, straw, grain, seed or mulch that does not have weed free certification.

(vi) No person shall discharge fireworks or other pyrotechnic devices.

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

(viii) No person shall vandalize, deface, destroy or remove signs, fences, structures or facilities.

(ix) No person shall litter.

(x) Limited range weapons shall be required to take wildlife or for recreational shooting in areas designated by Commission regulation, Department publication or sign.

(xi) 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. No open fires or smoking materials shall be left unattended. All open fires and smoking materials shall be completely extinguished upon termination of use.

(xii) No person shall engage in any use that interferes with public safety or authorized uses including:

- (A) Uses authorized by Commission regulation(s);
- (B) Uses authorized by written agreements approved by the Department;
- (C) Uses for which the lands or waters were acquired or administered; or,
- (D) Uses allowed by Commission regulation, Department publication or sign.

(xiii) No person shall engage in a commercial or business use on lands and waters acquired or administered by the Commission unless authorized by a written agreement authorized by the Department.

Outfitting for hunting, angling or other wildlife related activities is permitted on the Commission's Wildlife Habitat Management Areas and Public Access Areas when that use does not conflict with public use or the purpose for which the lands or waters were acquired, except that there shall be no commercial or business use or outfitting of hunters or anglers on the Spence and Moriarity Wildlife Management Area or Osage Pond Public Access Area.

(xiv) No person shall place or construct a hunting blind, tree stand or similar structure on lands administered by the Commission unless otherwise allowed by Commission regulation, Department publication or sign. Any hunting blind, tree stand or similar structure permitted shall not be placed more than seven (7) days prior to the opening date or removed more than seven (7) days following the close of the hunting season for the species of wildlife for which the structure was placed. For Wildlife Habitat Management Areas, portable blinds that are placed and removed on the same day are allowed. All hunting blinds, tree stands or similar structures placed or constructed on Commission administered lands shall be marked with the name and address of the person who placed or constructed the structure. Hunting 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 hunting blind, 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) Additional restrictions on lands enrolled in the Department's Access Yes Program. Persons shall only hunt or fish for the species of wildlife and within the time period designated in the written agreement between the Commission and the individual landowner. Only the landowner or representative thereof may grant permission for any uses not expressly allowed by the written agreement. In addition, no person shall conduct the following activities or uses on lands enrolled in the Department's Access Yes Program, unless such activities or uses have been approved by the landowner or person in charge of the property:

- (i) Open fires or lighted smoking materials;
- (ii) Recreational livestock use;
- (iii) Recreational shooting;
- (iv) Trapping;

- (v) Use of blinds, pits, tree stands or similar structures;
- (vi) Other activities not directly related to the taking of the specified species of wildlife;
- (vii) Travel by motor vehicle except as designated by Department publication or sign;
- (viii) Wood cutting; or,
- (ix) Commercial outfitting of hunters or anglers.

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

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

Section 6. Exceptions.

(a) Department personnel and personnel of other government agencies 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 as those provisions relate to their official duties on said lands or waters.

(b) Any person acting under written agreement authorized by the Department may be exempted from certain provisions of this regulation if the exemption appears in the written agreement.

(c) Individual landowners and their agents are exempt from provisions of Section 5(b) on their own lands enrolled in the Department's Access Yes Program.

WYOMING GAME AND FISH COMMISSION

T. Carrie Little

By: _____
T. Carrie Little, President

Dated: September 7, 2016