

## CHAPTER 56

### GRAY WOLF DEPREDATION COMPENSATION PROGRAM REGULATIONS

**Section 1. Authority.** Pursuant to authority vested in the Department of Agriculture by the 2016 Session Laws, Chapter 112, the following regulations are hereby promulgated and adopted.

**Section 2. Purpose.** The Department of Agriculture adopts the following regulations governing the distribution of funding appropriated by the Wyoming Legislature for the purpose of administering and funding damage payments to compensate landowners, lessees or their agents whose livestock as defined in W.S. §23-1-102(a) (xvi) is damaged by a gray wolf in Wyoming, in areas where the gray wolf is designated as a predatory animal. The gray wolf is designated as a predatory animal as defined in W.S. §11-6-302(a)(ix)(B) and W.S. §23-1-101(a)(viii)(B) except in:

- (a) Those areas where gray wolves are designated as trophy game animals by W.S. §23-1-101 (a)(xii)(B)(I) and (II), and
- (b) Yellowstone National Park; and,
- (c) The Wind River Reservation, except on non-Indian owned fee titled lands.

### **Section 3. Definitions.**

(a) “Award” means compensation for damage offered to a claimant by the Department.

(b) “Claim” means a Gray Wolf Animal Damage Claim Affidavit that has been signed by the claimant and notarized that has been filed with the Department and contains all information required in Section 5 of this regulation.

(c) “Claimant” means any landowner, lessee or agent whose livestock have been damaged or killed by a gray wolf.

(d) “Consequential damages” means damage, loss, or injury that does not flow directly and immediately from the act of the gray wolf, but only from some of the consequences or results of such act. Consequential damages include, but are not necessarily limited to, future or anticipated production (except as otherwise provided in this regulation for young of the year livestock), sentimental value, and labor or equipment costs to remove damaged property.

(e) “Damage” means actual damage to livestock that is caused by a gray wolf and sworn by the claimant on the claim to have occurred. Damage shall include death to livestock due to a gray wolf, severe injury by a gray wolf that the livestock will not recover from and the livestock must be put down, and severe injury by a gray wolf that

requires veterinary expense that shall not exceed the value of the livestock. Damage shall not include damage to other real or personal property including, but not necessarily limited to: other vegetation or animals; motor vehicles; structures; damages caused by animals other than a gray wolf; diseases; lost profits; consequential damages; or, any other damages whatsoever that are not specified in this regulation.

(f) “Department” means the Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, WY 82002.

(g) “Director” means the Director of the Wyoming Department of Agriculture or his designated representative.

(h) “Lessee” means a person who leases fee title land or State land for agricultural purposes.

(i) “Value of livestock” means the monetary value of individual livestock on the date the verified claim was filed with the Office of the Department based upon the fair market value on that date for like livestock at a rate substantiated by a livestock sales barn or other credible written valuation of the livestock provided by the claimant. However, the monetary value of young of the year livestock on the date the verified claim was filed with the Office of the Department shall be based upon the fair market value on that date for like livestock at the weaning weight substantiated by a livestock sales barn or other credible written valuation of the livestock provided by the claimant.

(j) “WS” means the federal agency, USDA/APHIS/Wildlife Services that provides gray wolf control in Wyoming, as authorized by the U.S. Fish and Wildlife Service.

**Section 4. Qualifications for Consideration.** The Department shall only consider complete applications. A complete application consists of the following documents:

(a) A completed claim form, and supporting documentation, no later than sixty (60) consecutive days after the damage ended or last livestock damage was discovered.

(b) Proof that claimant contacted WS to verify that the livestock loss or injury was due to wolf depredation within 24 hours of discovering the livestock loss or injury.

(c) Copy of the WS Depredation Investigative Report on Wolves WY for each gray wolf depredation incident. The report must confirm that the livestock loss or injury was due to wolf depredation.

**Section 5. Claim Form Requirements.** The claim shall be submitted on the form prescribed by the Department. The claim form shall contain the following information:

- (a) A description of the land on which the damage occurred, including the legal description (section, range, township), the county in which the land is located, and whether the land is privately owned, leased, or federally owned;
- (b) Whether the claimant is the landowner, lessee, or agent of the landowner or lessee;
- (c) A description of individual livestock, including the number, age class and sex if known;
- (d) Competent, relevant and material evidence provided by the claimant that a gray wolf caused the damage;
- (e) The dates during which damage took place, to include the specific date the damage was discovered by the claimant and the specific date the damage ended;
- (f) The amount and value of livestock, including all calculations and evidence supporting the value determination;
- (g) Information by which the Department can recognize the claimant signed and swore before a person authorized to administer oaths (notary) the claim to be accurate;
- (h) Certification that the claimant did not receive any compensation by livestock insurance or a Federal subsidy program for the damage claimed; and,
- (i) The claimant may submit additional supporting information, which shall be considered as part of the complete application.

**Section 6. Available Funding and Distribution.** The Department shall collect complete applications during three designated time periods: July 1, 2016 through December 31, 2016 (Period One), January 1, 2017 through December 31, 2017 (Period Two), and January 1, 2018 through June 30, 2018 (Period Three).

- (a) If the Department employs or contracts personnel to assist in administering and investigating claims for damages, the costs for personnel fees shall be deducted from the total funds available, prior to any payment of damage awards.
- (b) Within ten (10) days after the end of each designated time period, the Department will review each complete application and determine if the complete application is complete and accurate. If the complete application is deemed complete and accurate by the Department, it shall be considered to be a verified claim and eligible for a damage award.

(c) Within ninety (90) days after the end of Period One and Period Two all verified claims shall be totaled and the Department shall process verified claims for damage award payment.

(i) If the total verified claims and Department personnel fees in Period One, are less than or equal to \$15,000, then all verified claims shall be paid in full. If there are funds left over in the \$15,000 allocation then those funds shall rollover into Period Two. If the total verified claims and Department personnel fees in Period One exceed \$15,000, then the Department personnel fees shall be deducted and the remaining funds shall be prorated to the total verified claims in Period One.

(ii) If the total verified claims and Department personnel fees in Period Two, are less than or equal to \$30,000 and any rollover funds from Period One, then all verified claims shall be paid in full. If there are funds leftover in the \$30,000 allocation than those funds will rollover into Period Three. If the total verified claims and Department personnel fees in Period Two exceed \$30,000 and any rollover funds from Period One, then the funds used for Department personnel fees shall be deducted and the remaining funds shall be prorated to the total verified claims in Period Two.

(iii) If the total verified claims and any funds used for Department personnel fees in Period Three, are less than or equal to \$15,000 and any rollover funds from Period Two, then all verified claims shall be paid in full. If the total verified claims and any funds used for Department personnel fees in Period Three, exceed \$15,000 and any rollover funds from Period Two, then the funds used for Department personnel fees shall be deducted and remaining funds shall be prorated to the total verified claims in Period Three.

**Section 7. Denial of Claims.** The Department shall deny all, or any part, of a claim for any one of the following reasons:

(a) The claimant did not report the damage to WS within 24 hours of the date the damage was discovered. Any damage that was reported more than 24 hours after the date it was discovered by the claimant shall not be considered by the Department as damage under this regulation.

(b) The damage was caused by animals or wildlife other than a gray wolf as verified by the copy of the WS Depredation Investigative Report on Wolves WY.

(c) The claim was not on property where a gray wolf is defined a predatory animal in Section 2 of this regulation.

(d) The claimant received compensation by livestock insurance or a Federal subsidy program for the property damaged, as certified on the completed claim form.

(e) The claimant did not present a completed claim form with all required information specified in Section 5 of this regulation to the Office of the Department

within sixty (60) days after the damage or last item of damage was discovered by the claimant.

- (f) The claim was for consequential damages.
- (g) Due to actions of the claimant, the damage was not investigated by WS.