

Document: Wyo. Stat. § 23-1-101

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Wyoming Statutes Annotated Title 23 Game and Fish Chapter 1
Administration Article 1. General Provisions

§ 23-1-101. Definitions of wildlife. [See Editor's notes below.]

(a) As used in this act:

- (i)** "Big game animal" means antelope, bighorn sheep, deer, elk, moose or mountain goat;
- (ii)** "Exotic species" means any wild animals, including amphibians, reptiles, mollusks, crustaceans or birds not found in a wild, free or unconfined status in Wyoming;
- (iii)** "Furbearing animal" means badger, beaver, bobcat, marten, mink, muskrat or weasel;
- (iv)** "Game bird" means grouse, partridge, pheasant, ptarmigan, quail, wild turkey and migratory game birds;
- (v)** "Game fish" means bass, catfish, crappie, grayling, burbot, northern pike, perch, salmon, sauger, sunfish, trout, walleye or whitefish unless the species is otherwise designated by the commission in specific waters through rule and regulation;
- (vi)** "Migratory game bird" means all migratory game birds defined and protected under federal law;
- (vii)** "Predacious bird" means English sparrow and starling;
- (viii)** "Predatory animal" means:
 - (A)** Coyote, jackrabbit, porcupine, raccoon, red fox, skunk or stray cat; and
 - (B)** Until the date gray wolves are removed from the list of experimental nonessential population,

endangered species or threatened species in Wyoming as provided by W.S. 23-1-108, "predatory animal" includes wolves. After that date, "predatory animal" shall include any gray wolf within areas of the state where the state of Wyoming has jurisdiction for wildlife management, but not within an area of the state in which the gray wolf is:

(I) Designated as a trophy game animal under subdivision (xii)(B)(I) or (II) of this subsection.

(II) Repealed by Laws 2012, ch. 25, § 2.

(ix) "Protected animal" means black-footed ferret, fisher, lynx, otter, pika or wolverine;

(x) "Protected bird" means migratory birds as defined and protected under federal law;

(xi) "Small game animal" means cottontail rabbit or snowshoe hare, and fox, grey and red squirrels;

(xii) "Trophy game animal" means:

(A) Black bear, grizzly bear or mountain lion; and

(B) From and after the date gray wolves are removed from the list of experimental nonessential population, endangered species or threatened species in Wyoming as provided by W.S. 23-1-108:

(I) "Trophy game animal" shall include any gray wolf within those tracts of land within the following described area: northwest Wyoming beginning at the junction of Wyoming Highway 120 and the Wyoming-Montana state line; southerly along Wyoming Highway 120 to the Greybull River; southwesterly up said river to the Wood River; southwesterly up said river to the Shoshone National Forest boundary; southerly along said boundary to the Wind River Indian Reservation boundary; westerly, then southerly along said boundary to the Continental Divide; southeasterly along said divide to the Middle Fork of Boulder Creek; westerly down said creek to Boulder Creek; westerly down said creek to the Bridger-Teton National Forest boundary; northwesterly along said boundary to its intersection with U.S. Highway 189-191; northwesterly along said highway to the intersection with U.S. Highway 26-89-191; northerly along said highway to Wyoming Highway 22 in the town of Jackson; westerly along said highway to the Wyoming-Idaho state line; north along said state line to the southern boundary of Yellowstone National Park; east and north along said boundary to the Wyoming-Montana state line; then east along said state line to Wyoming Highway 120;

(II) "Trophy game animal" shall include any gray wolf located, from October 15 through the last day of February in the subsequent year, within the following described area: beginning at the boundary described in subdivision (B)(I) of this paragraph, where the Bridger-Teton National Forest boundary intersects U.S. Highway 189-191 at Hoback Rim; westerly and then southerly along said forest boundary to its intersection with USFS Road 10125 (McDougal Gap Road); westerly along said road to USFS Road 10138 (Grey's River Road); southerly along said road to Sheep Creek; westerly down said creek to Grey's River; southwesterly up said river to Bear Creek; southwesterly up said creek to the hydrographic divide between Bear Creek and Willow Creek; west from said divide to USFS Road

10080 (Willow Creek Road); northwesterly along said road to Lincoln County Road 123; southerly along said road to USFS Road 10081 (Grover Park Road); southerly then westerly along said road to Lincoln County Road 172; westerly along said road to the junction with Wyoming Highway 237; westerly along said highway to Wyoming Highway 238; southerly along said highway to Lincoln County Road 134; westerly along said road to the Wyoming-Idaho state line; north along said state line to Wyoming Highway 22 where the boundary described in this subdivision will rejoin the boundary described in subdivision (B)(I) of this paragraph.

(xiii) "Wildlife" means all wild mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks, and wild bison designated by the Wyoming game and fish commission and the Wyoming livestock board within Wyoming.

(b) Repealed by Laws 2012, ch. 25, § 2.

History

Laws 1939, ch. 65, § 2; 1943, ch. 112, § 1; C.S. 1945, § 47-102; Laws 1957, ch. 45, §§ 1, 2; ch. 178, §§ 2, 3; W.S. 1957, § 23-1; Laws 1959, ch. 89, § 1; 1965, ch. 45, §§ 1, 2; ch. 184, §§ 4, 5; 1973, ch. 249, § 1; Rev. W.S. 1957, § 23.1-1; Laws 1979, ch. 63, § 2; ch. 140, § 1; 1989, ch. 23, § 2; 2003, ch. 115, § 2; 2007 ch. 168, § 3; 2009, ch. 169, § 1; 2012, ch. 25, §§ 1, 2; 2013, ch. 80, § 1.

▼ Annotations

Notes

The 2007 amendment, updated internal references in (viii)(B)(II) and (xii)(B)(II) of a, rewrote (a)(xiii)(B)(I), and added (b).

The 2009 amendment, effective July 1, 2009, in (b), substituted "(a)(xii)(B)(I)" for "(a)(x)(B)(I)."

The 2012 amendment, in (a)(viii), added "within areas of the state where the state of Wyoming has jurisdiction for wildlife management, but" in the introductory language of (a)(viii)(B), added "or (II)" in (a)(viii)(B)(I), repealed former (a)(viii)(B)(II) which read: "Classified as a

trophy game animal by the commission pursuant to W.S. 23-1-304(a)"; and in (a)(xii), changed the description of the areas within which "trophy game animal" shall include any gray wolf in (a)(xii)(B)(I) and (II); repealed former (b) which authorized the governor to direct the game and fish commission to adopt boundaries between the area in which the wolf is treated as a trophy game animal and where it is treated as a predator in order to achieve federal government delisting of the gray wolf; and made stylistic changes.

Laws 2012, ch. 25, § 4, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved March 7, 2012.

The 2013 amendment, substituted "burbot" for "ling" preceding "northern pike"; and added "unless the species is otherwise designated by the commission inspecific waters through rule and regulation" following "whitefish" in (a)(v).

Laws 2013, ch. 80, § 2, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by Art. 4, § 8, Wyo Const. Approved February 27, 2013.

Editor's notes. —

Laws 2007, ch. 168, § 1, effective July 1, 2007, provides: "This act shall be effective only if W.S. 23-1-109 as created by this act is in effect in accordance with the provisions of that section. The legislative service office is authorized and directed to publish the provisions of this act in the manner which most effectively displays the contingencies provided in this act."

Subdivisions (a)(viii)(B)(II) and (xii)(B)(I) and (II) of this section were amended and subsection (b) was added by 2007 Wyoming Session Laws, Chapter 168, which provided the act was effective on and after July 1, 2007 only upon certification by the Governor to the Secretary of State of the occurrence of specified acts. On February 27, 2008, in accordance with W.S. 23-1-109(f), the Governor filed with the Secretary of State his certification that all act necessary for House Enrolled Act 123 (2007 Wyoming Session Laws, Chapter 168) to become effective had occurred. 2012 Wyoming Session Laws, Chapter 25, Section 3, provided that the legislature found that the contingencies required by 2007 Wyoming Session Laws, Chapter 168, occurred and that the provisions became effective. 2012 Wyoming Session Laws, Chapter 25, further repealed subdivision (a)(viii)(B)(II) and subsection (b) and amended subdivisions (a)(xii)(B)(I) and (II).

Meaning of "this act." —

For the definition of "this act," referred to in the introductory language of subsection (a), see § 23-1-102 (a)(xiii).

Quoted in

O'Brien v. State, 711 P.2d 1144, 1986 Wyo. LEXIS 443 (Wyo. 1986); Wyoming Coalition v. Wyoming Game & Fish Comm'n, 875 P.2d 729, 1994 Wyo. LEXIS 74 (Wyo. 1994).

Stated in

Steil v. Smith, 901 P.2d 395, 1995 Wyo. LEXIS 149 (Wyo. 1995).

Cited in

Dorrance v. McCarthy, 957 F.2d 761, 1992 U.S. App. LEXIS 2129 (10th Cir. 1992).

Research References & Practice Aids

Cross references. —

As to hunting and trapping licenses generally, see §§ 23-2-101 to 23-2-418.

For regulatory provisions concerning birds and animals, see §§ 23-3-101 to 23-3-117.

For regulatory provisions concerning fish, see §§ 23-3-201 to 23-3-205.

For regulatory provision concerning wildlife, see §§ 23-3-301 to 23-3-308.

For provisions concerning protection and propagation of fish, see §§ 23-4-101 to 23-4-104.

As to game bird farms, see §§ 23-5-101 to 23-5-110.

As to fishing preserves, see §§ 23-5-201 to 23-5-204.

As to agriculture, livestock and other animals generally, see §§ 11-1-101 to 11-39-104.

As to keeping fish out of irrigation systems, see § 41-5-106.

As to use of water for conservation of fish and wildlife under Snake River Compact, see § 41-12-501.

Law reviews. —

For comment, "State Participation in Federal Policy Making for the Yellowstone Ecosystem: A Meaningful Solution or Business as Usual?" see XXI Land & Water L. Rev. 397 (1986).

For article, "Bison, Brucellosis, and Law in the Greater Yellowstone Ecosystem," see XXVIII Land & Water L. Rev. 1 (1993).

For comments, "Are Ranchers Legitimately Trying to Save Their Hides or Are They Just Crying Wolf—What Issues Must Be Resolved Before Wolf Reintroduction to Yellowstone National Park Proceeds?," see XXIX Land & Water L. Rev. 417 (1994).

For comment, "The Grizzly State of the Endangered Species Act: An Analysis of the ESA's Effectiveness in Conserving the Yellowstone Grizzly Bear Population," see XXIX Land & Water L. Rev. 467 (1994).

For comment, "Reserving Wildlife for Resident Consumption: Is the Dormant Commerce Clause the Outfitters' White Knight?," see XXXII Land & Water L. Rev. 125 (1997).

For article, "Cooperative Ecosystem Management: Can an Ecosystem Approach Succeed in Wyoming?" see XXXII Land & Water L. Rev. 629 (1997).

Am. Jur. 2d, ALR and C.J.S. references. —

Right of public to fish in stream notwithstanding objection by riparian owner, 47 ALR2d 381.

Right created by private grant or reservation to hunt on another's land, 49 ALR2d 1395.

Rights of fishing, etc., in inland lakes, 57 ALR2d 569.

Injunction against repeated or continuing trespasses by fishing, 60 ALR2d 310.

Criminal prosecution under Endangered Species Act of 1973 (16 USC §§ 1531— 1543).

Hierarchy Notes:

Wyo. Stat. Title 23

Wyo. Stat. Title 23, Ch. 1

Wyo. Stat. Title 23, Ch. 1, Art. 1

Wyoming Statutes Annotated

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