DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
OFFICE OF LAW ENFORCEMENT

REPORT OF INVESTIGATION
REPORT#: 2020600359R001
APPROVED - CASE CLOSED

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CASE TITLE
WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING
SENSITIVE CASE

REPORT DATE
01/21/2020

CASE NUMBER
2020600359

REPORTING OFFICER

CASE STATUS
PENDING

APPROVED BY
03/10/2020
03/18/2020
01/21/2020
03/09/2020

SUBJECTS OF REPORT
(b)(6), (b)(7)(C)
TROPHY MOUNTAIN OUTFITTERS INC.
(b)(6), (b)(7)(C)
CHILD RANCH, LLC
(b)(6), (b)(7)(C)
LINCOLN COUNTY PREDATOR MANAGEMENT DISTRICT
(b)(6), (b)(7)(C)
WYOMING HELICOPTERS
(b)(6), (b)(7)(C)
UINTA COUNTY PREDATORY ANIMAL BOARD
(b)(6), (b)(7)(C)
PREDATOR CONTROL CORPORATION
(b)(6), (b)(7)(C)
SWEETWATER COUNTY PREDATORY ANIMAL BOARD

SYNOPSIS
This report documents allegations that four County Predator Boards in Wyoming are authorizing the unlawful aerial hunting for predators on Federal lands.

DISTRIBUTION
Internal List
(b)(6), (b)(7)(C)
REPORT OF INVESTIGATION
Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

DETAILS OF INVESTIGATION

Background - Predator Control in the State of Wyoming

The State of Wyoming Animal Damage Management Board (ADMB) was created in 1999 by the Wyoming Legislature and is administered by a fifteen member board whose mission is to: coordinate and implement an integrated animal damage management program, based on the best available science, for the benefit of humans and natural resources throughout the state. In Wyoming the ADMB states that without their oversight, predators would overrun the state.

There are nineteen County Predator Boards operating under the ADMB across Wyoming. The County Boards submit grant applications that will fund integrated predator management within their respective counties and throughout the State.

The ADMB’s goal is to mitigate damage caused to livestock, wildlife and crops by predatory animals for the protection of livestock, human health and safety. To participate in the program, Counties can assess a predator fee on livestock that are already being tallied during a brand inspection or change of ownership. Counties set the level of predator fee and the funds collected are then sent to the Wyoming Livestock Board, which is then redistributed to the predator management boards based upon where those cattle were designated. County Predator Boards are typically made up of cattle ranchers and sheep producers. Each County’s volunteer-based predator management board is eligible for State funding as well, on the condition that they also have three sportsmen, hunters or outfitters on the board to create wildlife interest. After the legislature sets the budget, the ADMB looks at grant applications and distributes the funds accordingly to each of the nineteen Counties.

Predator control activities are carried out by U.S. Department of Agriculture – Wildlife Services (WS) and through private contractors. WS is the only entity authorized to carry out the airborne hunting of predators on or over Federal lands through coordination with the Federal land management agencies, such as U.S. Forest Service (FS), Bureau of Land Management (BLM), Bureau of Reclamation (BOR) and the Fish Wildlife Service (FWS). Private contractors are not authorized to aerial hunt Federal lands.

This investigation focuses on the unauthorized aerial hunting of animals on Federal lands by private contractors hired by County Predator Boards in violation of 16 USC § 742 – The Airborne Hunting Act.
REPORT OF INVESTIGATION

Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

INV #: 2020600359
Report #: 001

Complaint of Airborne Hunting Act Violations

On December 2, 2019, U.S. Fish and Wildlife Service (FWS) Special Agent (SA) [redacted] received a phone call from a Source (SI-1) that chose to remain anonymous. This person provided information that alleges the ranking members of several County Predator Control Boards in Wyoming were authorizing the aerial killing of predatory wildlife on or over Federal lands in violation of the Airborne Hunting Act. SI-1 alleged that illegal aerial hunting had occurred in Lincoln County, Sweetwater County, Uinta County and Sublette County.

SI-1 provided the following information to support the allegations:

- SI-1 said the aerial hunting of animals over private lands by contractors was authorized by the State of Wyoming, but the aerial hunting of animals over Federal lands was being done in violation of the Airborne Hunting Act. SI-1 alleged the contractors were not authorized to use aircraft over Federal lands.
- SI-1 said aerial hunting over Federal lands could only be performed by USDA Wildlife Services.
- SI-1 alleged the presidents of the County Predator Boards were also private ranchers in their respective counties and they were the ones hiring private contractors to aerial hunt Federal lands.
- The County Predator Boards did not want to use USDA on Federal lands because “they weren’t doing a good enough job removing all predators.” SI-1 alleged the private contractors would kill every predator they saw regardless if they were depredating on livestock. The predators included: coyotes, wolves, bobcats and mountain lions.
- SI-1 alleged that during the last week of November 2019, a private contractor from Sublette County was using a helicopter to fly aerial hunting missions in Sweetwater County near Rock Springs, Wyoming. The aerial hunting was exclusively being done on and over Federal lands.
- SI-1 alleged another aircraft was brought into the Rock Springs area. This unknown aircraft is licensed out of Idaho and is being used to illegally aerial hunt for animals on Federal lands.
- The private aerial hunting contractors that are killing predators on Federal lands are being hired and paid by the Lincoln County, Sweetwater County, and Sublette County and Uinta County Predator Boards. SI-1 alleged this is all in violation of Federal law.
- One of the private contractors was identified as [redacted] doing business as WYOMING HELICOPTERS in Sublette County, Wyoming. [redacted] is allegedly flying in Lincoln and Sweetwater counties.
REPORT OF INVESTIGATION

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- SI-1 said is not the only person being contracted to aerial hunt on Federal lands. The Uinta County predator board contracted with an aerial hunter from Nevada.
- SI-1 said the U.S. Department of Agriculture-Wildlife Services is the only entity authorized to aerial hunt over Federal lands. SI-1 said Wildlife Services is in a “tough spot and have kept their mouths shut” about this illegal activity. SI-1 explained that Wildlife Services has a close working relationship with the County Predator Boards. WS used to be contracted by the County Predator Boards to aerial hunt Federal lands, but now WS is losing contracts to the private aerial hunters. SI-1 said WS is aware these private contractors are illegally hunting on Federal lands, but they are not reporting it.
- SI-1 alleged that several of the County Predator Board members and their relatives are actively participating in the aerial hunting from a helicopter. SI-1 said “everybody wants to shoot a wolf from a helicopter!” (OFFICER NOTE: Operation X - INV # 2016604543, documented that was contracted by the family in Lincoln County, Wyoming, to aerial hunt predators. is the sitting president of the Lincoln County Predator Board and his sons are guides that were also the subjects of the Operation X, which focused on illegal hunting for wolves and other wildlife by the family.)

Coordination with the Bureau of Land Management (BLM)

On December 2, 2019, contacted BLM SA to request a records check for aerial hunting permits issued by the BLM to private contractors in the State of Wyoming. SA reported that no aerial hunting permits had been issued by the BLM.

Coordination with the U.S. Forest Service (USFS)

On December 2, 2019, contacted USFS SA to request a records check for aerial hunting permits issued by the USFS to private contractors in the State of Wyoming. SA reported that no aerial hunting permits had been issued by the USFS.

Interview with a Second Source

On December 3, 2019, spoke with a second Source (SI-2). SI-2 provided similar complaints and allegations about the County Predator Boards and provided the following information about the County Predator Board’s use of private contractors to aerial hunt predators on or over Federal lands:
SI-2 knew that aerial flights conducted by private aerial hunting contractors to hunt predators on Federal lands was taking place in 2019 and 2020. SI-2 did not know how much wildlife was being killed and said the flights were being done frequently.

SI-2 did not know all of the names of the individuals conducting the aerial hunts.

SI-2 knew the locations of the aerial hunts in Lincoln County, Sweetwater County, Uinta County and Sublette County.

SI-2 knew that only Wildlife Services could conduct aerial hunting operations on Federal lands and private contractors were not authorized to aerial hunt for predators over Federal land.

SI-2 said the Wyoming Animal Damage Board and the Woolgrowers Association asked the BLM and USFS about permits for private contractors because they were authorized in the 1980's to let private contractors aerial hunt Federal land.

SI-2 said [redacted] is a private contractor out of Elko, Nevada, doing business as PREDATOR CONTROL CORPORATION. [redacted] secured a contract with Sweetwater County and Uinta County to aerial hunt Federal lands. Carbon County told they were not interested in hiring him. [redacted] has openly stated he has a permit to aerial hunt on BLM lands in Wyoming. [redacted] also claimed he was authorized to use a restricted use pesticide called DRC-1339, which is only authorized for use by Federal agents.

Lincoln County hired a helicopter pilot to aerial hunt Federal lands and the pilot may have also been contracted to hunt Sweetwater County too.

SI-2 alleged the County Predator Boards did not hire Wildlife Services because they are the Federal government and they follow the rules when it comes to aerial hunting. SI-2 said Wildlife Services won't shoot wolves or coyotes when they see them if they cannot show the wolves or coyotes were depredating on livestock. Whereas private contractors will shoot every predator they see regardless of circumstances.

SI-2 said the private contractors are taking certain livestock owners and County Board members up in aircraft to do the shooting, especially for wolves, “because it is a lot of fun.” SI-2 said he knew for a fact that members of the Lincoln County Predator Board including the president, [redacted] has been in the helicopter to shoot animals on Forest Service land. [redacted] has let his family members shoot predators from the helicopter.

SI-2 emphasized that private contractors will go anywhere to kill predators and do not follow the laws or rules and that is why the County Predator Boards hire them over Wildlife Services.
REPORT OF INVESTIGATION

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- SI-2 said the private contractors charge $1500.00 an hour to fly a helicopter compared to the lower prices charged by Wildlife Services. Private contractors are more available to hunt too.
- SI-2 said the private contractors need written authorization to aerial hunt Federal and State lands and they are not getting authorization from the State or Federal government. Absent authorization, SI-2 believed the County Predator Boards and their private contractors are violating the State law and the Airborne Hunting Act.
- SI-2 said the aerial hunting season will be very active in January and February of 2020.
- SI-2 said he knew the private contractors’ aerial hunted Federal lands in 2019 and did not have the required government authorization to do so. SI-2 said the illegal aerial hunting of Federal lands has been going on for several years now.

Consultation with the U.S. Attorney’s Office in Lander, Wyoming

On December 16, 2019, SA[●] briefed Assistant U.S. Attorney Kerry Jacobsen about these complaints and the pending investigation. AUSA Jacobsen said the U.S. Attorney Office was prepared to provide support for this investigation.

Consultation with the Wyoming Game and Fish Department

On or about January 6, 2020, SA[●] spoke with Wyoming Game and Fish (WYGF) Investigative Supervisor[●] to seek investigative assistance in this case. At the time of this report, Supervisor[●] said the WYGF Chief[●] would not participate in the Federal investigation due to the fact wolves and coyotes were involved.

DESCRIPTION OF SUBJECTS

LINCOLN COUNTY PREDATOR MANAGEMENT DISTRICT
LINCOLN COUNTY, WY
925 Sage Avenue
Kemmerer, WY 83101
Telephone: (●)

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Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

SWEETWATER COUNTY PREDATORY ANIMAL BOARD
- President - Treasurer runs the program
- Treasurer filed complaints against the Federal government

Uinta County Complex
225 9th Street
Evanston, WY 82930
Telephone: (307) 747-8294
10-member board

DBA: WYOMING HELICOPTERS
91 Bridger Lane
Cora, WY 82925
DOB: (b)(6), (b)(7)(C)
REPORT OF INVESTIGATION

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DBA: PREDATOR CONTROL CORPORATION
439 Elburz Rd Unit 9
PO Box 634
Elko, NV 89803-0634
DOB: (b)(6), (b)(7)(C)
Telephone: and Cell: (b)(6), (b)(7)(C) http://predatorcontroLpro/

DOB: (b)(6), (b)(7)(C)
Telephone: Cell: (b)(6), (b)(7)(C)

DBA: TROPHY MOUNTAIN OUTFITTERS, INC.
PO Box 1306
Afton, WY 83110-9709 (Lincoln County)
DOB: (b)(6), (b)(7)(C)
Telephone: (b)(6), (b)(7)(C)
Email: larry@wyoming.com

DOB: (b)(6), (b)(7)(C)

CHILD RANCH, LLC.
3501 State Hwy 89, Cokeville, WY 83114 (Lincoln County)
DOB: (b)(6), (b)(7)(C)
REPORT OF INVESTIGATION
Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

PRIOR VIOLATIONS

No violations to document at this time.

WITNESSES

Special Agent
Office of Law Enforcement
U.S. Fish & Wildlife Service
Office of Law Enforcement
200 North 1st Street
Lander, WY 82520

LAWS VIOLATED

No violation of U.S. or state laws have been substantiated.

EVIDENCE

No new evidence has been identified at this time.
REPORT OF INVESTIGATION

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Audio/video recordings created by Law Enforcement

1. Digital Audio recording of the meeting with, no assigned Seizure Tag, recorded by FWS SA [redacted] stored on CD in 1-A envelope at the Office of Law Enforcement, Lander, WY.

ATTACHMENTS

No attachments for this report.
This report documents allegations that the LINCOLN COUNTY PREDATOR BOARD was going to conduct aerial hunting activity on the National Forest in western Wyoming. The U.S. Forest Service responded to the area and found aerial hunting was taking place on Forest Service land. U.S. Forest Service Rangers contacted four suspects and documented that illegal aerial hunting with a helicopter was taking place on U.S. Forest Service land under the direction of the LINCOLN COUNTY PREDATOR BOARD.
REPORT OF INVESTIGATION

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DETAILS OF INVESTIGATION

Bureau of Land Management Investigative Activity

Bureau of Land Management (BLM) Special Agent (SA) provided copies of two investigative reports documenting his contacts with BLM and U.S. Department of Agriculture officials regarding aerial hunting over BLM lands (See Attachment 1, BLM reports from SA)

Complaint of Airborne Hunting Act Violations in Lincoln County, Wyoming

On February 18, 2020, U.S. Fish and Wildlife Service (FWS) SA received a phone call from a Source (SI-2) and alleged that the LINCOLN COUNTY PREDATOR BOARD was going to conduct illegal aerial predator hunting activities in the closed area of the Grey’s River on U.S. Forest Service (USFS) lands on February 19, 2020. SI-2 said doing business as WYOMING HELICOPTERS, was allegedly going to be doing the flying for the LINCOLN COUNTY PREDATOR BOARD. SA called U.S. Forest Service (FS) SA for investigative assistance in the Grey’s River area located in western Wyoming.

LINCOLN COUNTY PREDATOR BOARD Personnel Found Aerial Hunting

On February 19, 2020, FS Ranger and BLM Ranger responded to the Grey’s River drainage and conducted a ground surveillance with the use of their snowmobiles. The two officers travelled on USFS lands and to listen and watch for hunting activity in Grey’s River Drainage. The two officers heard and saw a blue helicopter flying in the area. Officer heard what he thought was a gunshot coming from the direction of the flying helicopter. The officers rode their snowmobiles closer to the helicopter and were able to photograph the helicopter. The photographs document a blue helicopter bearing aircraft tail number N7086R over the National Forest lands. SA checked the Federal Aviation Administration (FAA) records and found the helicopter is a Robinson R-66 registered to WYOMING HELICOPTERS INC. owned by (See Attachment 2, FAA Registry for helicopter). The officers watched the helicopter flying low over the ground and saw it circle over an area that is designated closed winter range north of Deadman Ranch. The helicopter then travelled west and the officers lost sight of it from their position. Officer used his GPS to document the location of the helicopter’s activity and the coordinates: 42.94418° North and 110.719° West.
REPORT OF INVESTIGATION

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The officers heard and saw four individuals riding snowmobiles in the same area of the flying helicopter and the gunshot report. The officers contacted the four snowmobilers and documented the following:

- The persons operating the snowmobiles were (Name unknown).
- All four snowmobiles had firearm scabbards strapped to the front hood of their respective snowmobiles.
- had a coyote strapped to the back of the snowmobile he was operating.
- said he was in the area working for the predator board (LINCOLN COUNTY PREDATOR BOARD).
- received a call on a handheld radio device from a person who was not immediately present with the group. Ranger told SA he believed he heard an unidentified male talking to and could hear the rotors of a helicopter over the radio.
- Ranger said he did not remember exactly what the conversation was over the handheld radio device.
- Ranger said he didn’t recall the men making any statements that they were hunting with the aid of the helicopter.
- The officers documented several snowmobile registration violations.

Officer provided a copy of his report and photographs of the helicopter (See Attachment 3, Forest Service report and photos of helicopter).

On February 20, 2020, SA contacted Nevada Game Warden and he provided the following information about private pilot and aerial hunting:

- has had a history of hunting violations in the State of Nevada.
- does not have authorization to aerial hunt predators in Nevada and it was unlikely he obtained a permit in Wyoming.
- uses a fixed wing aircraft. The description was unknown by Warden.
- has a father who is an attorney in Nevada and has defended WALCH in past criminal investigations.
- Warden provided links to articles documenting hunting activities (Attachment 4, Article on)
REPORT OF INVESTIGATION
Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

SI-1 Information

On February 21, 2020, SI-1 called SA and provided the following information:

- **[redacted]** doing business as WYOMING HELICOPTERS, was being paid to aerial hunt for predators in LINCOLN COUNTY. SI-1 alleged was supposed to be out flying to kill predators on Federal lands in the near future.
- SI-1 said was a private pilot hired by the SWEETWATER COUNTY PREDATOR BOARD to aerial hunt predators on Federal lands. allegedly was paid for killing predators near the Broadbent Ranch south of Green River, Wyoming. uses a GPS tracker to document on a map the location of all his kills to collect his money from the SWEETWATER COUNTY PREDATOR BOARD.
- SI-1 said HELICOPTER ROUND UP SERVICES in Utah was also contracted by the SWEETWATER COUNTY PREDATOR BOARD to control predators. The going rate the private contractors were being paid to kill predators was $25,000.00.
- SI-1 said the County Predator Boards would likely tell investigating agents that the private aerial contractors were only hunting over private lands and not over Federal lands.
- The County Predator Boards would falsely claim they were authorized to kill predators anywhere in their counties including Federal lands because they have a State permit to aerial hunt.
- SI-1 said the ranchers sitting on the predator boards would be concerned about losing their Federal grazing permits if they got caught.
- SI-1 believed the State Predator Board may be aware the counties are illegally authorizing private contractors to hunt over Federal lands, but the State is ignoring the illegacies.

WYGFD Information

On February 21, 2020, SA and BLM SA spoke with Wyoming Game and Fish Department (WYGFD) game wardens assigned to Lincoln, Sweetwater and Uinta Counties. During a conference call, the following information about aerial hunting activities was provided:

- Warden said he had heard that other private citizens had been authorized by the State to hunt from aircraft. may have hunted Federal lands from an aircraft.
REPORT OF INVESTIGATION

Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

INV #: 2020600359 Report #: 002

- Warden said the State permits should be reviewed by the respective Federal agencies.
- Warden said is leading the LINCOLN COUNTY PREDATOR BOARD and has openly said he can do a better job killing predators than U.S. Wildlife Services.
- Warden said uses a parachute plane to aerial hunt Sweetwater County and has a contract with the SWEETWATER COUNTY PREDATOR BOARD. He hunts the Carter lease near Cedar Mountain.
- Warden said is contracted with the UINTA COUNTY PREDATOR BOARD to hunt predators. has his own airplane. Several landowners have complained to Deru about the aerial hunting activities of .
- Warden said UINTA COUNTY PREDATOR BOARD members that may be cooperative were (police officer), (Evanston police officer), and .
- Warden said is the president of the SWEETWATER COUNTY PREDATOR BOARD and he would likely be uncooperative with investigators.
- Warden said she did not have any information about aerial hunting in her district.
- Warden said the UINTA COUNTY PREDATOR BOARD contracted with to aerial hunt predators. He also heard Brandon may be contracted by the board.

On March 2, 2020, Warden said he received a complaint on their poaching hotline with the following information about illegal aerial hunting (See Attachment 5, Email from WFGD):

- is a pilot that aerial hunts for the SWEETWATER COUNTY PREDATOR BOARD, is from Kayce, Wyoming.
- assisted in the aircraft as the aircraft gunner.
- The men were aerial hunting on the afternoon of February 25 or 26, 2020. They were hunting in the SWEETWATER COUNTY PREDATOR BOARD area and shot a bobcat from the plane.
- sent the coordinates of the bobcat to a trapper on the ground, who was helping with hunting coyotes. The trapper was identified as from...
REPORT OF INVESTIGATION

Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

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Riverton, Wyoming, also flies for SWEETWATER COUNTY PREDATOR BOARD.

and may be working for the Johnson County Predator Board.

On April 14, 2020, WYGFD Biologist contacted SA and provided the following information:

- said, for the past ten years, the WYGFD had been providing an average of $10,000.00 - $15,000.00 a year to the LINCOLN COUNTY PREDATOR BOARD and $10,000.00 - $15,000.00 a year to the UINTA COUNTY PREDATOR BOARD for predator control to try and improve mule deer survival in those areas.
- WYGFD generally views predator control as having limited success but provides the money to maintain good relations with the politically powerful county predator boards.
- said he knew the county predator boards did not want to use USDA-APHIS Wildlife Services for predator control because they were more expensive to use than private contractors.
- did not know the predator boards and their contractors were not permitted by the Federal government for aerial hunting activities.
- was unaware of the money they provided to UINTA and LINCOLN COUNTIES was being used to unlawfully aerial hunt over Federal lands.
- said the WYGFD was not hiring the counties to kill predators. He said the WYGFD provided grant money to help with predator management as the counties saw fit.
- said the WYGFD was considering withholding grant money to the counties predator boards, especially if the grant money was being used for illegal activities.
- said he had maps illustrating the areas where predators were targeted for mule deer management.

SA advised PX to tell his managers that he had relayed the aforementioned to the FWS.

DESCRIPTION OF SUBJECTS

LINCOLN COUNTY PREDATOR MANAGEMENT DISTRICT
Lincoln County, WY
925 Sage Avenue
Kemmerer, WY 83101
REPORT OF INVESTIGATION
Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

Telephone: (b)(6), (b)(7)(C) - sitting President

SWEETWATER COUNTY PREDATORY ANIMAL BOARD
President - Treasurer runs the program
Treasurer filed complaints against the Federal government

Telephone: (b)(6), (b)(7)(C)

UINTA COUNTY PREDATORY ANIMAL BOARD
Uinta County Complex
225 9th Street
Evanston, WY 82930
Telephone: (b)(6), (b)(7)(C)
10-member board

President
(County)
(County)
(County)

DBA: WYOMING HELICOPTERS
REPORT OF INVESTIGATION
Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

91 Bridger Lane
Cora, WY 82925
DOB: (b)(6), (b)(7)(C)
LID: (b)(6), (b)(7)(C)

DBA: PREDATOR CONTROL CORPORATION
439 Elburz Rd Unit 9
PO Box 634
Elko, NV 89803-0634
DOB: (b)(6), (b)(7)(C)
Telephone: (b)(6), (b)(7)(C) and Cell: (b)(6), (b)(7)(C)
http://predatorcontrol.pro/

DBA: TROPHY MOUNTAIN OUTFITTERS, INC.
PO Box 1306
Afton, WY 83110-9709 (Lincoln County)
DOB: (b)(6), (b)(7)(C)
SSN: (b)(6), (b)(7)(C)
Telephone: (b)(6), (b)(7)(C)

CHILD RANCH, LLC.
PO Box 266

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Form 3-300B
(Rev. 01/25/2012)
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PRIOR VIOLATIONS
- Lemis provided negative results.
- Lemis provided negative results.
- Lemis provided negative results.
- Lemis provided negative results.
- Lemis provided negative results.
- Lemis provided negative results.

WITNESSES
Special Agent
Office of Law Enforcement
U.S. Fish & Wildlife Service
Office of Law Enforcement
REPORT OF INVESTIGATION
Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

200 North 1st Street
Lander, WY 82520

Special Agent
Bureau of Land Management
1335 W Main Street
Lander, WY 82520
Phone: (b)(6), (b)(7)(C)

Ranger
U.S. Forest Service
R4 Bridger-Teton NF
Pinedale, WY 82941
Phone: (b)(6), (b)(7)(C)

Ranger Andrew
Bureau of Land Management
1625 Pine Street
Pinedale, WY 82941
Phone: (b)(6), (b)(7)(C)

Game Wardens and
White, Wildlife Biologist
Wyoming Game and Fish Department
351 W Astle Avenue
Green River, WY 82935
Phone: (b)(6), (b)(7)(C)

LAWS VIOLATED

To be determined by case agent.

EVIDENCE

No new evidence has been identified at this time.
REPORT OF INVESTIGATION
Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

INV #: 2020600359
Report #: 002

ATTACHMENTS

1. Copy of BLM reports from SA (3 pages).
2. Copy of FAA Registry for helicopter (3 pages).
3. Copy of Forest Service report and photos of helicopter (28 pages).
4. A copy of article on (11 pages).
United States District Court Violation Notice

Violation Number: F4930045

You are charged with the following violation:

DEFENDANT INFORMATION:

Last Name:
First Name:
Address:
City:
State:
Zip:
Phone:

VEHICLE DESCRIPTION:

Vehicle:
Tag Number:
State:
Make:
Model:
Color:

PAY THIS AMOUNT:

Forfeiture Amount: $75
Processing Fee: $30
Total Collateral Due: $105

YOUR COURT DATE:

If no court appearance date is shown, you will be notified of your appearance date by mail.

PAY THIS AMOUNT: $105

My signature signifies the promise to appear for defense.

Defendant Signature:

Defendant Information:

Last Name:
First Name:
Address:
City:
State:
Zip:
Phone:

VEHICLE DESCRIPTION:

Vehicle:
Tag Number:
State:
Make:
Model:
Color:

PAY THIS AMOUNT:

Forfeiture Amount: $75
Processing Fee: $30
Total Collateral Due: $105

YOUR COURT DATE:

If no court appearance date is shown, you will be notified of your appearance date by mail.

PAY THIS AMOUNT: $105

My signature signifies the promise to appear for defense.

Defendant Signature:

Defendant Information:

Last Name:
First Name:
Address:
City:
State:
Zip:
Phone:

VEHICLE DESCRIPTION:

Vehicle:
Tag Number:
State:
Make:
Model:
Color:

PAY THIS AMOUNT:

Forfeiture Amount: $75
Processing Fee: $30
Total Collateral Due: $105

YOUR COURT DATE:

If no court appearance date is shown, you will be notified of your appearance date by mail.

PAY THIS AMOUNT: $105

My signature signifies the promise to appear for defense.

Defendant Signature:

Defendant Information:

Last Name:
First Name:
Address:
City:
State:
Zip:
Phone:

VEHICLE DESCRIPTION:

Vehicle:
Tag Number:
State:
Make:
Model:
Color:

PAY THIS AMOUNT:

Forfeiture Amount: $75
Processing Fee: $30
Total Collateral Due: $105

YOUR COURT DATE:

If no court appearance date is shown, you will be notified of your appearance date by mail.

PAY THIS AMOUNT: $105

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Defendant Signature:

Defendant Information:

Last Name:
First Name:
Address:
City:
State:
Zip:
Phone:

VEHICLE DESCRIPTION:

Vehicle:
Tag Number:
State:
Make:
Model:
Color:

PAY THIS AMOUNT:

Forfeiture Amount: $75
Processing Fee: $30
Total Collateral Due: $105

YOUR COURT DATE:

If no court appearance date is shown, you will be notified of your appearance date by mail.

PAY THIS AMOUNT: $105

My signature signifies the promise to appear for defense.

Defendant Signature:

Defendant Information:

Last Name:
First Name:
Address:
City:
State:
Zip:
Phone:

VEHICLE DESCRIPTION:

Vehicle:
Tag Number:
State:
Make:
Model:
Color:

PAY THIS AMOUNT:

Forfeiture Amount: $75
Processing Fee: $30
Total Collateral Due: $105

YOUR COURT DATE:

If no court appearance date is shown, you will be notified of your appearance date by mail.

PAY THIS AMOUNT: $105

My signature signifies the promise to appear for defense.

Defendant Signature:

Defendant Information:

Last Name:
First Name:
Address:
City:
State:
Zip:
Phone:

VEHICLE DESCRIPTION:

Vehicle:
Tag Number:
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Make:
Model:
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PAY THIS AMOUNT:

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Processing Fee: $30
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State:
Make:
Model:
Color:

PAY THIS AMOUNT:

Forfeiture Amount: $75
Processing Fee: $30
Total Collateral Due: $105

YOUR COURT DATE:

If no court appearance date is shown, you will be notified of your appearance date by mail.

PAY THIS AMOUNT: $105

My signature signifies the promise to appear for defense.

Defendant Signature:

Defendant Information:

Last Name:
First Name:
Address:
City:
State:
Zip:
Phone:
STATEMENT OF PROBABLE CAUSE
(for issuance of an arrest warrant or summons)

I state that on February 19th, 2020, while exercising my duties as a law enforcement officer on the Greys River Ranger District, in the Bridger-Teton National Forest, in the Judicial District of Wyoming, I was patrolling on snowmobile with BLM office. I was driving down the “A” snowmobile trail when I saw two snowmobiles pass me. I did not see a current Wyoming OSV registration decal on the snowmobiles. I turned around and again did not see a registration on the rear sled as I passed it. I caught up to and contacted both of whom were operating snowmobiles without current Wyoming snowmobile registrations on a ridge line east of the Greys River. I told them I would meet them back at the snowmobile trail. I followed them back to the A trail. As I was talking with beside the A snowmobile trail, two more snowmobilers arrived. The group of four were all riding red Polaris snowmobiles. An additional person did not have Wyoming registration on his snowmobile. The fourth person in the group did have a current Wyoming snowmobile registration. The persons were aware that they needed to have a current Wyoming snowmobile registration. They had passed multiple vendors in Star Valley between Cokeville and Alpine.

An orange sign is posted where the parking lot meets the A snowmobile trail stating, “ATTENTION: ALL Snowmobiles Must Display a WYOMING Registration or Non-Resident USER FEE Decal”.

I issued Cornia a violation notice for 36 CFR 261.15(i), operating a snowmobile in Wyoming without a current Wyoming snowmobile registration. and were both warned for operating a snowmobile in Wyoming without current Wyoming snowmobile registration.

The foregoing statement is based upon:

( ) my personal observation
( ) my personal investigation
( ) information supplied to me from fellow officer’s observation
( ) other (explain above)

I declare under penalty of perjury that the information, which I have set forth above and on the face of the violation notice, is true and correct to the best of my knowledge.

Executed this 20th day of February, 2020.

Signature
Print Name and Title

Probable cause has been stated for the issuance of a warrant or for the arrest of the violator named or identified herein.
Elko man fined for illegal trapping, keeps license

Jun 12, 2015

Elko – An Elko man who has a predator control business serving ranchers in northeastern Nevada has been fined more than $6,000 for illegal trapping.

Trevor Walch, 29, also received a suspended 15-day jail sentence in the case, which resulted from a multi-month investigation in Lander and Elko counties, according to the Nevada Department of Wildlife.
"The investigation uncovered the illegal use of exposed bait and trap visitation times far outside the legal limit, causing the death of many animals, including a mule deer fawn and an elk calf," NDOW reported in a news release.

Walch pleaded guilty to three counts of unlawful trapping on June 4 in Elko Justice Court, and was ordered to pay $1,065 in court fines and fees plus a $5,000 civil penalty. He originally faced 14 charges.

Walch owns Predator Control Corp. The company's efforts in controlling coyote populations was featured in a December 2013 article in the Elko Daily Free Press.

"There is no excuse for the blatant illegal behavior we saw in this case that resulted in several animals dying in traps because the trapper didn't check the traps on time," said Chief Game Warden Tyler Turnipseed.

As a result of the trapper's negligence, game wardens discovered a dead elk calf, a dead yearling deer and three dead coyotes, all of which appeared to have died in the traps.

Game Wardens observed the dead deer and one of the coyotes in two separate traps for a period of at least 13 days in Lander County. Because traps are legally required to be checked within 96 hours, the 13 days was far outside the bounds of law, NDOW noted.

"Despite the egregious misdemeanor charges in this case, Mr. Walch will not lose his license privileges as a result of the case, having incurred only nine demerit points on a scale that mandates license revocation does not occur until reaching 12 demerits," said Turnipseed.
Coyote Control

Local business vies for predator hunting contracts

Dec 14, 2013

A photo of a coyote, taken from the U.S. Fish and Wildlife Service website. Coyotes are prevalent predators in Elko County.

U.S. Fish and Wildlife Service file
LKO — Trevor Walch cuts off the bottom jaw of every coyote he kills. Last spring, this amounted to more than 235 adults.

It's a receipt, he says. Walch is in the predator control business, working primarily for local ranchers who've lost calves or lambs to coyotes. He turns in the bones to prove he's doing what he's paid to do — kill the things that kill livestock.

Last June, Walch took 97 coyotes himself, he said, and together his company — Predator Control Corp., which employs four hunters — killed about 178 in Elko County. It also gassed about 57 dens that month. That's nearly six per day, and potentially many more unaccounted dogs in the den.

“A lot of fragile government egos whine and complain my personal coyote numbers are fake,” he said recently at an N-1 Grazing Board meeting.

So long as he can produce individual jaws, his claims are accounted for.

Who's shooting coyotes

Predator control is a unique business catered to a narrow clientele. The average person likely will never need to hire a pro to shoot a coyote, even if one is slinking into the yard looking for food.

However, Nevada Department of Wildlife Conservation Educator Joe Doucette said in many cases, it's great-horned owls preying on small dogs and cats in Spring Creek.

But for ranchers, every lost lamb or calf directly impacts the bottom line. And although there are numerous species that would feast on a lamb, coyote are the most prevalent predator in this area, according to Doucette.
Coyotes are omnivorous and open to eating just about anything, including grasses, lizards and mule deer, Doucette said, but sustain themselves primarily on rodents.

The species is extremely adaptable. And while some animals struggle to cope with human development, coyotes have had no trouble surviving. They are found throughout North America, in both urban areas and remote rangeland.

In part because of their abundance and ubiquity, coyote are unprotected. So long as local laws are followed, anyone can shoot all the coyotes they desire — and plenty of residents do.

Statewide you need a license to trap coyotes or sell their fur, and in Elko County, it’s illegal to shoot at night — although commissioners recently said they’d like to discuss whether improvements in night-vision technology has made that ordinance antiquated.

Besides ranchers, there’s another major entity in the state that contracts predator control services: the state.

The Nevada Department of Wildlife sets aside $3 on all hunting tags to be used for predator control projects, research and habitat restoration. Recently, a faction of outdoorsmen have protested, arguing the money should only be used for on-the-ground predator control projects.

Even though anyone can hunt coyotes, much of the predator control carried out in the state is done by the government.
Wildlife Services is an Animal and Plant Health Inspection Service program, under the U.S. Department of Agriculture. It has contracted with grazing boards for the protection of livestock and with NDOW for the protection of wildlife.

Doucette said NDOW has used Wildlife Services exclusively for predator control.

“There aren’t a lot of private companies out there,” he added.

**Private or public**

On Dec. 3, Walch, owner of one such small company, made a pitch for the N-1 Grazing Board’s business. He asked for a $30,000 contract — the same amount the board gave Wildlife Services the year before.

All ranchers who graze on public land pay a fee to the public land agency. The Bureau of Land Management collects the money, but gives half back to the grazing district for members to use on specific projects, according to N-1 Board Chairman Steve Boies.

The district’s funds are governed by an elected board, he said.

The N-1 grazing district — one of six in the state — encompasses essentially the same area as the BLM Elko District, according to BLM staff.

In his presentation, Walch contrasted his company to Wildlife Services.

In about 18 percent of the coyotes Walch kills, he said, he’s found shot lodged in their backs. With a magnet, he’s removed the shot, confirming they’re steel. Because Wildlife Services shoots from the air and uses that shot, Walch said he believes a noticeable number of coyotes the agency shoots aren’t being killed.
Predator Control Corp. also shoots from the air, but always follows up on the ground to find the coyote.

"Until I get my hands on it," he said, "it's not a dead coyote."

He said his retrieval rate is at around 96 percent.

Secondly, he said, because Wildlife Services doesn't retrieve coyote carcasses, it allows ravens to dine on the carrion.

Ted Koch, Nevada director for the U.S. Fish and Wildlife Service, has identified artificial food sources as a major reason for the proliferation of ravens. County leaders believe ravens are an enormous problem in sage-grouse conservation.

Wildlife Service's Elko airplane pilot hasn't been able to fly because of a medical issue, either, and pilots from other areas have had to fill in. Walch argued the board should take that into consideration when it decided where to allocate funds.

With his business, he states, their losses would be minimal — lower than what the government agency could offer.

In summation, he made a familiar argument: A private operation can do the job more efficiently than a federal one.

About 25 minutes of presentation and questions, Mark Jensen, director of Nevada Wildlife Services, asked the board to renew its contract for $30,000 — or more, he said, to make up for a deficit last year.
Jensen didn't directly address Walch's claims. Instead, he outlined a report that showed the board what work had been done the year prior.

A few of the board members took the opportunity to jump to Jensen's defense, saying they appreciated him and the program.

In an email, Jensen gave responses to Walch's criticisms.

Anyone can shoot coyotes, he wrote, and therefore, "attributing prior wounding to any source would be unfeasible."

"WS aircraft crews are highly trained and skilled aviators," he added. "WS uses ground crews and in the event of a coyote being wounded the ground crew is called in via radio to euthanize the coyote."

The agency does not retrieve dead coyotes because of time, cost and consideration for the landscape and it doesn't "consider these carcasses as a significant anthropogenic food source for ravens."

With the exception of urban rodent control, Congress authorized Wildlife Services to conduct predator control, he said.

"Our mission is to provide federal leadership and expertise to resolve human-wildlife conflicts. Our wildlife damage management actions and recommendations are based on practical, cost-effective and sound scientific principals. Our field specialists, biologists and researchers provide a comprehensive, cost-effective approach to fulfilling that mission," Jensen said.
"... We understand that some individuals may be frustrated when a rancher finds Wildlife Services to be more attuned to their needs. Some may choose damage management from others or to do it themselves. That decision should be made by the person or group requesting the service," he wrote.

"Wildlife is a public resource and Wildlife Services is responsible for assisting when wildlife causes conflict and help is requested."

Both Walch and Jensen agreed the number of dead coyotes isn’t a particularly useful metric for success; minimizing losses is.

Killing a pack of coyotes that doesn’t feed on sheep does the rancher no good if the one coyote who repeatedly attacks the flock is alive and on the prowl.

(Walch made that point at an Elko County Commission meeting, in which the board entertained the idea of starting a bounty program and paying so much for each killed coyote. It never took any action and hasn’t discussed it lately.)

The vote

The N-1 members mulled the decision over, but in the end voted to give $30,000 to Wildlife Services.

With a remaining $10,000 in it’s coffers, the board agreed to use it to help its members pay for privately contracted predator control.

Any N-1 rancher who decides to use private predator control services can request half of the cost reimbursed by the board until the $10,000 kitty is exhausted.
Walch seemed warm to the idea at the meeting, and said this would allow him to prove his value. There's no guarantee, however, he will be hired by an N-1 rancher.

“I went in there with hopes and no expectations,” he said a week after the meeting.

In spite of the vote, a few members seemed receptive to the idea of contracting with private industry.

“If this board does not attempt to do something different ... how are you going to know whether it's more effective, whether you get more bang for your buck, whether it's cheaper in the long run?” Board member Carl Slagowski asked.

Doucette said Friday that NDOW might also consider all predator control options in the future.

This fall, the Elko County Wildlife Advisory Board met to discuss NDOW's latest predator policy.

Walch was in attendance.

During public comment, he asked that the policy's wording be amended to allow for private companies to bid on predator control projects.

He wasn't alone.

Resident Sam Sanders asked the ECWAB members to allow for private business to bid on predator control projects and foster competition.

Sanders was also at the N-1 Grazing Board meeting.
“Protecting $343 million worth of resources,” he said, “it sounds like there’s some room there to support private industry.”

This article was update Saturday morning. Walch removed steel shot from coyotes. An earlier version had incorrect information.

Related to this story

County may pay cash for dead coyotes
Apr 6, 2013
Re: [EXTERNAL] Fwd: G2020001156

I'm not sure what information you have or need, but the Shay in the stop poaching call is also as well. He's one of the Johnson County Trappers.

On Sat, Mar 14, 2020 at 9:52 PM, wrote:

Thanks This ties into is our Federal investigation. I will keep the WYGFD updated on this complaint as we investigate further.

Sent from my iPhone

On Mar 14, 2020, at 6:23 PM, wrote:

Sorry for the delay, I thought my email had already sent. Stop poaching report is attached. FYI we identified as in Kaycee.

West Rawlins Game Warden
Wyoming Game and Fish Dept.
1600 Aberdeen Blvd
Rawlins, WY 82301
Phone:

-------- Forwarded message --------
From: Salesc Salesc1 <salesc.salesc1@wyo.gov>
Date: Thu, Feb 27, 2020, 12:38 PM
Subject: G2020001156
To: @wyo.gov>

the pilot, and the gunner, were out aerial hunting either tuesday or wednesday afternoon. They were hunting in the Sweetwater Predator Management area and and shot a bobcat from the plane. sent the coordinates of the bobcat and se

Attachment: 5
it to a trapper on the ground, who was hunting coyotes. Trapper from Riverton flies for Sweetwater Predator in Riverton and are from Kaycee.

SALECS Dispatch

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

Wyoming Game and Fish Dept.
Game Warden
243 Ritter Ave.
Kaycee, WY 82639

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.
### CASE TITLE

**WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING**  
**SENSITIVE CASE**

### REPORT DATE

**07/16/2020**

### CASE NUMBER

**2020600359**

### REPORTING OFFICER

(b)(6), (b)(7)(C)

### CASE STATUS

PENDING

### APPROVED BY

(b)(6), (b)(7)(C) - 08/18/2020  
(b)(6), (b)(7)(C) - 07/16/2020  
(b)(6), (b)(7)(C) - 08/14/2020

### SUBJECTS OF REPORT

- (b)(6), (b)(7)(C)  
- LINCOLN COUNTY PREDATOR MANAGEMENT DISTRICT  
- WYOMING HELICOPTERS

### SYNOPSIS

This report documents the collection of additional information related to the aerial hunting activities of Wyoming County Predator boards.

### DISTRIBUTION

**Internal List**

- (b)(6), (b)(7)(C)
REPORT OF INVESTIGATION

Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

DETAILS OF INVESTIGATION

Wyoming Game and Fish Department – Information

On April 22, 2020, U.S. Fish and Wildlife Service (FWS) Special Agent (SA) spoke with Wyoming Game and Fish Department (WYGFD) Game Wardens assigned to Lincoln, Sweetwater and Uinta Counties. Game Warden provided the following information in an email:

- On 1/15/20, I was called by who told me that the predator board would be flying the next day 1/16/20 south of US Highway 30 in the Bridger Basin and Collett Creek areas with a helicopter and ground crew. I asked him if Wildlife Services would be with them and he said no.
- On 1/16/20, I received a call from Wildlife Services employee ™ in the morning. He told me that Wildlife Services would be flying north of US Highway 30 in the Rock Creek winter range on that day (1/16/20). He told me that they were using a fixed wing airplane to shoot coyotes.
- On 1/30/20, I received a call from POPP advising me that the predator board would be gunning coyotes on 1/31/20 on the Rock Creek winter range with a helicopter. I requested that the gunning crew try not to displace elk on the winter range toward Highway 30 as we were having elk damage and commingling, and the G&F was hazing elk away from the ranches along Highway 30.
- On 1/31/20, Wildlife Services employee called me early in the morning to advise me that he was participating in the aerial hunting on the Rock Creek winter range with the predator board’s helicopter. He advised that there would be a ground crew entering the winter range on snowmobiles.
- On 3/11/20, I tagged 3 bobcats for. The bobcats had been taken north of Rock Springs. During the bobcat registration, told me that he had the contract for predator control from the Sweetwater County predator board. He stated that he wasn’t sure Wildlife Services would want to deal with him because he competed against their bid for predator control and received the contract.
- told me that he hired his brother to help because there was so much country. He also stated that the board hired an aircraft to aerial gun, and that he did not pay the aircraft, but coordinated with the flights so they were effective, and relayed the information to the board. I did not know the aircraft company, but it was out of central Wyoming.
- told me that he did not target bobcats, but had caught the bobcats in traps, and was hoping to get a good price for them. He also stated that they had killed over 300 coyotes in that area since November.
REPORT OF INVESTIGATION

Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

INV #: 2020600359
Report #: 003

On May 26, 2020, WYGFD Game Warden [redacted] called SA [redacted] and said he received a complaint from d.b.a. WYOMING HELICOPTERS [redacted] is the contracted pilot doing aerial hunts for the LINCOLN COUNTY PREDATOR BOARD and a subject of this investigation [redacted] alleged that Hammond Helicopters was aerial hunting in Nevada and posted a Facebook post claiming to have killed 56 coyotes and one bobcat in one morning (see Attachment 1, Facebook post for Hammond Helicopters).

On May 31 2020, SA [redacted] received wolf harvest records he requested from the WYGFD Assistant Chief [redacted] and Wolf Biologist [redacted] (see Attachment 2, WYGFD wolf harvest reports). The reports document the following agencies killed wolves with the aid of an aircraft between 2013 and 2020:

USDA Wildlife Services – 20 wolves
WYGFD – 4 wolves
LINCOLN COUNTY PREDATOR BOARD – 5 wolves

This investigation continues.

DESCRIPTION OF SUBJECTS

No new subjects have been identified in this report.

PRIOR VIOLATIONS

None to document as no new subjects have been identified in this report.

WITNESSES

Special Agent [redacted]
Office of Law Enforcement
U.S. Fish & Wildlife Service
Office of Law Enforcement
200 North 1st Street
Lander, WY 82520
REPORT OF INVESTIGATION

Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

INV #: 2020600359

Report #: 003

Game Wardens

Wildlife Biologist

Wyoming Game and Fish Department

351 W Astle Avenue

Green River, WY 82935

Phone:

LAWS VIOLATED

To be determined by case agent.

EVIDENCE

No new evidence has been identified at this time.

ATTACHMENTS

1. Copy of Facebook Post for Hammond Helicopters (1 page).

2. (b)(7)(D)
Hammond Helicopter 56 coyotes and 1 bobcat! Not a bad mornings work down in Nevada. #hammondhelicopter

March 1, 2019
DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
OFFICE OF LAW ENFORCEMENT

REPORT OF INVESTIGATION
REPORT#: 2020600359R004
APPROVED - CASE CLOSED

Note: This document contains neither recommendations nor conclusions of the Office of Law Enforcement, U.S. Fish and Wildlife Service. It is the property of this office and is loaned to your agency. It, and its contents are not to be distributed outside of your agency.

CASE TITLE
WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING
SENSITIVE CASE

REPORT DATE
10/14/2020

CASE NUMBER
2020600359

REPORTING OFFICER

CASE STATUS
PENDING

APPROVED BY
11/21/2020
10/14/2020
11/05/2020

SUBJECTS OF REPORT
- TROPHY MOUNTAIN OUTFITTERS INC.
- CHILD RANCH, LLC
- LINCOLN COUNTY PREDATOR MANAGEMENT
- UINTA COUNTY PREDATORY ANIMAL BOARD
- PREDATOR CONTROL CORPORATION
- SWEETWATER COUNTY PREDATORY

SYNOPSIS
There has been no investigative progress on this case due to other investigative priorities.
There is no narrative to this report.

DISTRIBUTION
Internal List
- (b)(6), (b)(7)(C)
This report documents new information received about the aerial hunting in Wyoming. Specifically the Bureau of Land Management issued a document that gives the appearance of authorizing aerial hunting on Bureau of Land Management lands. Additionally, the Wyoming Department of Agriculture has been giving educational lectures to county predator boards about the Airborne Hunting Act.

A decision was reached between the Forest Service, the Bureau of Land Management and the Fish and Wildlife Service investigating agents to address the aerial hunting on Federal lands by county predator boards and their contract pilots with a letter of warning.
Internal List

(b)(6), (b)(7)(C)
REPORT OF INVESTIGATION

Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

DETAILS OF INVESTIGATION

U.S. Fish and Wildlife Service – Wolf Kill Data in Lincoln, Sweetwater and Uinta Counties

On August 19, 2020, U.S. Fish and Wildlife Service (FWS) Wolf Biologist provided FWS Special Agent (SA) with a map he produced for the wolf kills in Lincoln, Sweetwater and Uinta Counties by using the wolf harvest records provided by the Wyoming Game and Fish Department (WYGFD) Wolf Biologist. The map documents the following agencies that had killed numerous wolves with the aid of an aircraft between 2013 and 2020:

- USDA Wildlife Services – 20 wolves
- WYGFD – 4 wolves
- LINCOLN COUNTY PREDATOR BOARD – 5 wolves

Complaint of Aerial Hunting Over Federal Lands in Sweetwater County

On October 23, 2020, WYGFD Game Warden contacted SA and said he was watching using a para-plane to hunt over Federal lands in Sweetwater County. Warden provided a photograph of flying his para-plane over Federal lands. In the email, Warden provided a narrative of his observations (See Attachment 2, Narrative) as follows:

Per our conversation this morning here is the follow up email.

Today, 10/23/20, at 0848 I received a call from a pronghorn hunter in Hunt Area 99 near Reed Reservoir stating a paraplane had flown over his head while he was stalking an antelope and had scared the animals away. I told the complainant I would respond to the area and try to determine who was flying. I did come across near Reed Reservoir with his trailer he uses to haul his para plane. There was also a herd of sheep in the area along Highway 414. I did get some video of the paraplane, but never heard any shots indicating he killed a coyote. I have attached a picture of the paraplane to the email and have observed his paraplane hunting coyotes on BLM lands multiple times. If you need the videos I can sure get those loaded on Google Drive, but the videos never show him shooting from the plane. I did not speak with today, but know he was trying to remove coyotes from the vicinity of the sheep herd. Let me know if you need anything else. Let me know if you need anything else.
REPORT OF INVESTIGATION
Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

Special Agents Attend County Predator Board Meeting in Fremont County, Wyoming

On November 30, 2020, SA received a phone call from Cooperating Individual Two (CI-2), that “an expert on the Airborne Hunting Act (AHA)” would be attending the Fremont County Predator Board meeting in Riverton, Wyoming, on December 1, 2020. CI-2 asked if SA was “the expert” attending the meeting and said he was not asked to attend this meeting. CI-2 said he had reason to believe the pilots illegally aerial hunting in Lincoln, Sweetwater and Uinta Counties may be coming to the meeting in Fremont County to generate more business to aerial hunt in Fremont County.

On December 1, 2020, Bureau of Land Management (BLM) SA and SA attending the public meeting of the Fremont County Predator Board at the fairgrounds in Riverton, Wyoming. In an effort to learn who the expert presenter of the AHA would be, the agents attended the meeting without identifying themselves as officers. The officers learned that with the Wyoming Department of Agriculture gave a power point presentation about the AHA. He accurately described the AHA and he emphasized that it was unlawful for County Predator Boards and their contracted pilots use aircraft to aerial hunt predators on or over Federal lands in Wyoming without authorization from the respective Federal land agencies such as BLM, U.S. Forest Service (FS) and the FWS. said the Boards and their pilots could aerial hunt on State land and private property only. said he was planning to attend as many County Predator Board meetings throughout Wyoming to educate others on the AHA.

Interview with Wyoming Department Agriculture -

On December 10, 2020, SA called at the Wyoming Department of Agriculture to discuss his AHA presentation at the Fremont County Predator Board meeting. In recorded phone calls, SA identified himself as an agent with FWS and told he had attended the recent meeting in Fremont County and complimented presentation of the AHA. was cooperative and provided the following information:

- When asked why the Wyoming Department Agriculture was giving the presentation about the AHA, said several ranchers called asking if they could allow guides from Texas to provide aerial guided hunts for predators. The Wyoming Department Agriculture said that they could not sport hunt from an aircraft without violating the AHA. said has he began researching the AHA. He started getting calls from county predator boards about the killing of predatory animals on lands throughout Wyoming. The Wyoming Department Agriculture decided to provide training to the
REPORT OF INVESTIGATION

Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

INV #: 2020600359
Report #: 005

Predator boards about the AHA. developed his power point to educate the public on the AHA.

- said he got a call from a county predator board member that signed off on aerial hunting activities and the member stated he would never turn in for violations because he was killing predators. did not provide the name of the county predator board member but did say this member was on the border of Fremont, Sweetwater and Sublette counties. This call prompted to step up his AHA education efforts.

- said he heard that two Federal agents had attended the meeting. When asked how he knew agents went to the meeting, said one of the board members told him.

- said he had received numerous phone calls from county predator boards around the State after his presentation in Fremont County. said people were concerned that they may be in violation of AHA after hearing what was saying about the AHA and that two agents were showing up at meetings.

- said he would be making a presentation on the AHA to the Sublette County Predator Board this week.

- said he thought some of the predator boards believed they were authorized to aerial hunt Federal lands under the authority of U.S.D.A. Wildlife Services (WS), which said WS Wyoming Director said they could not authorize the counties to aerial hunt.

- said the BLM office in Rock Springs, Wyoming, issued a 2019 aerial hunting permit to the SWEETWATER COUNTY PREDATOR BOARD, the Cattlemen's Association and Anadarko Energy. sent a text picture of what he described as the BLM permit (See Attachment 3, Text Picture). (AGENT NOTE: This document only describes predator hunting in Sweetwater County. It is not a permit.)

- said the BLM office in Johnson County, Wyoming, issued an aerial hunting permit to the Johnson County Predator Board.

- said that many of the people calling him about aerial hunting on Federal lands were “pissed off” to learn about the prohibitions said his director and the WYGD Director were board members for the Animal Damage Management Board and were involved in the issues surrounding the AHA. (AGENT NOTE: was briefed about this Federal investigation, it is unknown if he disclosed any details about this investigation to third parties.)

- said the livestock industry in Wyoming was hurting this year because they couldn’t hire to tend sheep because of COVID-19.
REPORT OF INVESTIGATION

Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

INV #: 2020600359
Report #: 005

- said WS did not have enough planes to help address the demands of County Predator Boards and that is why the boards started hiring private aerial contractors to kill predators within their counties.
- said he was asked about agents attending predator board meetings. Specifically, SWEETWATER COUNTY PREDATOR BOARD member asked about agents attending the meetings. Lincoln County Board member asking for clarification about aerial hunting over Federal lands and about agents attending predator board meetings. (AGENT NOTE: was the president of the LINCOLN COUNTY PREDATOR BOARD and his is currently a sitting member on the board.) said he told he could not aerial hunt over private lands.
- said he spoke with and when they called to ask him about agents attending the meetings. said after the Fremont County meeting he was “inundated with calls and everybody was saying Federal agents were at the meetings.” said with WS did not tell him the agents were at the meetings.
- said he is telling people at the meetings that the agents were at the meetings to make sure the county predator boards were not being “hoodwinked” by law breaking predator hunters and pilots.
- was told which counties were being investigated so he would not be blindsided at his public meeting presentations. He agreed not to disclose any information about the investigation.

The interview ended.

BLM Aerial Hunting Permits

On December 11, 2020, asked to verify if BLM had issued aerial hunting permits in and Sweetwater Counties. found a similar copy of the document that sent . spoke with BLM Field Manager who signed a document that generally describes predator hunting in Sweetwater County from the ground and the air. The document asks for signatures from Rock Springs Grazing Association, and if they approve of such predator hunting. The BLM did not issue any type of document for aerial hunting in Buffalo County, Wyoming (See Attachment 4, Document). said the BLM State Director was currently investigating why Rock Springs issued a document for aerial hunting.
REPORT OF INVESTIGATION

Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

INV #: 2020600359
Report #: 005

Letters of Notice Sent to Lincoln, Sweetwater and Uinta County Predator Boards

On December 23, 2020, SA's and coordinated the issuance of a certified letter to the Lincoln, Sweetwater and Uinta County Predator Boards and their contracted pilots cautioning them that aerial hunting over Federal lands without a permit is a violation of the AHA and Federal land agency regulations. The letter states a Federal investigation documented illegally aerial hunting on Federal lands that was sanctioned by the boards and carried out by contracted pilots. The letter requests that aerial hunting of Federal lands be discontinued (See Attachment 5, Letter).

Case Closure

The Wyoming Department of Agriculture is conducting a statewide educational effort about the Airborne Hunting Act with the Wyoming county predator boards to include Lincoln, Sweetwater and Uinta County Predator Boards. The BLM issued and signed a questionable document in 2019 that gives the appearance that BLM is allowing aerial hunting in Sweetwater County. The document was issued while agents were investigating violations of the AHA. These two circumstances make it unlikely the U.S. Attorney’s Office would support a Federal prosecution at this time. The investigating agents issued letters of warning to the respective boards and pilots in an effort to deter future non-compliance with the AHA and the Federal permit requirements for Federal lands in Wyoming.

The 1A Envelope for this case was sent to the USFWS-OLE in Billings, Montana.

This case is recommended for closure.

DESCRIPTION OF SUBJECTS

LINCOLN COUNTY PREDATOR MANAGEMENT DISTRICT
LINCOLN COUNTY, WY
925 Sage Avenue
Kemmerer, WY 83101
Telephone: sitting President
REPORT OF INVESTIGATION
Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

SWEETWATER COUNTY PREDATORY ANIMAL BOARD
President - Treasurer runs the program
Treasurer filed complaints against the Federal government
Telephone:

UINTA COUNTY PREDATORY ANIMAL BOARD
Uinta County Complex
225 9th Street
Evanston, WY 82930
Telephone:
10-member board
President
(County)
(County)
(County)
DBA: WYOMING HELICOPTERS
91 Bridger Lane
Cora, WY 82925
DOB: 
REPORT OF INVESTIGATION
Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

DBA: PREDATOR CONTROL CORPORATION
439 Elburz Rd Unit 9
PO Box 634
Elko, NV 89803-0634
DOB: [Redacted]
Telephone: [Redacted] and Cell: [Redacted]
http://predatorcontrol.pro/

DBA: TROPHY MOUNTAIN OUTFITTERS, INC.
PO Box 1306
Afton, WY 83110-9709 (Lincoln County)
DOB: [Redacted]
SSN: [Redacted]
Telephone: [Redacted]
Email: [Redacted]
LID: [Redacted]

CHILD RANCH, LLC.
PO Box 266, Cokeville, WY 83144 (Lincoln County)
DOB: [Redacted]
SSN: [Redacted]
REPORT OF INVESTIGATION
Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

PRIOR VIOLATIONS
Described in previous reports.

WITNESSES
Special Agent Office of Law Enforcement
U.S. Fish & Wildlife Service
Office of Law Enforcement
200 North 1st Street
Lander, WY 82520
Phone

Special Agent Bureau of Land Management
1335 W Main Street
Lander, WY 82520
Phone

Special Agent Forest Service Law Enforcement and Investigations
Intermountain Region - Idaho/ Wyoming Zone
1405 Hollipark Drive
Idaho Falls, ID 83401
Phone
REPORT OF INVESTIGATION
Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

Game Warden
Wyoming Game and Fish Department
441 7th Street
Mountain View, WY 82939
Phone

Program Coordinator
Wyoming Department of Agriculture
2219 Carey Ave.
Cheyenne, WY 82002
PH

INV #: 2020600359
Report #: 005

LAWS VIOLATED

Documented in previous reports.

EVIDENCE

No new evidence has been identified at this time.

ATTACHMENTS

1. Copy of Biologist map, dated 8/19/2020 (2 pages).
3. Copy of email, dated 12/10/2020 (2 pages).
4. Copy of the BLM emails regarding Sweetwater and Buffalo counties, dated 12/11/2020 (3 pages).
5. Copy of the letters to the counties and the pilots, dated 12/22/2020 (12 pages).
been playing around a bit and created a very rough and large map to give you an idea of where things occurred (see attached). I've also attached the *.csv file that I used to create the locations in the map and have a field labelled 'land_owner' based on the map so you know where the coordinates placed things. I may need to see the original files to see if I can get the entirety of the coordinates because some did not match up (tried making notes of them in the file).

I am going to take some time off the next few days, then plan to head to CO/WY border on Monday, but will be around the rest of the week so we can catch up then (would like to chat with you before I move forward). Thanks and have a good one.

NRM Wolf Coordinator
USFWS
170 North 1st St
Lander, WY 82520

Phone: 
Email: @fws.gov
Per our conversation this morning here is the follow up email.

Today, 10/23/20, at 0848 I received a call from a pronghorn hunter in Hunt Area 99 near Reed Reservoir stating a paraplane had flown over his head while he was stalking an antelope and had scared the animals away. I told the complainant I would respond to the area and try to determine who was flying. I did come across a man near Reed Reservoir with his trailer he uses to haul his paraplane. There was also a herd of sheep in the area along Highway 414. I did get some video of the paraplane, but never heard any shots indicating he killed a coyote. I have attached a picture of the paraplane to the email and have observed him in his paraplane hunting coyotes on BLM lands multiple times. If you need the videos I can sure get those loaded on Google Drive, but the videos never show him shooting from the plane. I did not speak with him today, but know he was trying to remove coyotes from the vicinity of the sheep herd.

Let me know if you need anything else.

Thanks,
Sorry I hit send to quick. I have another meeting right now but I will call you back when I am done. I am attaching the picture I have of the sweetwater agreement. The Board did not have a copy machine at the time so he sent me a picture with his phone.

Predator Management Coordinator
Wyoming Department of Agriculture
Technical Services
6607 Campstool Road, Cheyenne, WY 82002
Phone @wyo.gov

On Thu, Dec 10, 2020 at 1:17 PM @wyo.gov> wrote:

Special Agent
U.S. Fish and Wildlife Service
Office of Law Enforcement
200 North 1st Street
Lander, Wyoming 82520
Aerial Predator Management in Sweetwater County, Wyoming

Pursuant to the Federal Airborne Hunting Act and Wyoming Predatory Animal Control Regulations, Chapter 14, Section 3;

For many years, the Sweetwater County Predator Management District (PMD), along with its employees and duly authorized/permitted agents, has been conducting various predator management activities for the protection of livestock in Sweetwater County.

Such activities have included ground-based methods (e.g. shooting, trapping, etc.) as well as aerial hunting methods (e.g. helicopter and fixed-wing aircraft). It is the intention of Sweetwater County PMD to continue such activities, and properly document them consistent with State and Federal law.

These activities are generally conducted annually from approximately November 1 thru March 31. Predator management activities/results associated with this program will be compiled by Sweetwater County PMD, and made available to the associated land owners/managers upon request.

The bulk of the lands affected by these activities are administered by the Bureau of Land Management and the Rock Springs Grazing Association. However, Anadarko and Chilton Land and Livestock have lands checker boarded through the target area.

The parties below are aware of the above mentioned predator management activities and have no objection to these programs continuing. Concerns or objections will be communicated to each of the other affected parties in writing.

Sweetwater County Predator Management District

Date

__________________________

Rock Springs Grazing Association

Date

__________________________

Childs Company

Date

__________________________

Bureau of Land Management

Date

__________________________

Anadarko Land Corp.

Date

__(6)(b)(7)(C)__(6)(b)(7)(C)

Attachment: 3
Page: 2 of 2
Here is what Sweetwater County is referring to. I spoke with the AFM who signed it. I'll call you in a few. Also, I spoke with the Field Manager in the Buffalo Field Office who is looking into an MOU that may have been signed a couple of years ago.

Bureau of Land Management
Special Agent
1335 Main Street
Lander, WY 82520
Office
Cell

From: blm.gov>
Sent: Friday, December 11, 2020 3:04 PM
To: fws.gov>
Subject: Re: [EXTERNAL] RE: AHA issues

Thanks. It will help justify why we're handling this the way we are.

Special Agent
U.S. Fish and Wildlife Service
Office of Law Enforcement
200 North 1st Street
Lander, Wyoming 82520
Office
Cell

From: fws.gov>
Sent: Friday, December 11, 2020 11:31
To: blm.gov>
Subject: Re: [EXTERNAL] RE: AHA issues

You bet. It may take a little to track me down but I'll get on it.

Get Outlook for iOS

From: fws.gov>
Sent: Friday, December 11, 2020 11:06 AM
To: blm.gov>
Subject: Re: [EXTERNAL] RE: AHA issues

You bet. It may take a little to track me down but I'll get on it.

Get Outlook for iOS
Aerial Predator Management in Sweetwater County, Wyoming

Pursuant to the Federal Airborne Hunting Act and Wyoming Predatory Animal Control Regulations, Chapter 14, Section 3:

For many years, the Sweetwater County Predator Management District (PMD), along with its employees and duly authorized/permitted agents, has been conducting various predator management activities for the protection of livestock in Sweetwater County.

Such activities have included ground-based methods (e.g. shooting, trapping, etc.) as well as aerial hunting methods (e.g. helicopter and fixed-wing aircraft). It is the intention of Sweetwater County PMD to continue such activities, and properly document them consistent with State and Federal law.

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The bulk of the lands affected by these activities are administered by the Bureau of Land Management and the Rock Springs Grazing Association. However, Anadarko and Chilton Land and Livestock have lands checker boarded through the target area.

The parties below are aware of the above mentioned predator management activities and have no objection to these programs continuing. Concerns or objections will be communicated to each of the other affected parties in writing.

Sweetwater County Predator Management District

Date

Rock Springs Grazing Association

Date

Chilton Land and Livestock

Date

Bureau of Land Management, Sweetwater District ESFO

Date

Anadarko Land Corp.

Date
Fw: Johnson County MOU

Hill, D @blm.gov>
Mon 12/14/2020 8:55 AM
To: @fws.gov>
FYI... There may be more to come....

Bureau of Land Management
Special Agent @blm.gov>
1335 Main Street
Lander, WY 82520
Office @blm.gov>
Cell @blm.gov>

From @blm.gov>
Sent: Monday, December 14, 2020 08:22
To: @blm.gov>
Subject: RE: Johnson County MOU

We do not have a signed copy of the MOU. The Predator Board says they have one that is signed and I have requested that they provide a copy to us, who is the current AFM for Resources in Buffalo, did work on the MOU with Johnson County and the State. He was the Acting Field Manager at the time and doesn't recollect if a copy was signed; however there were at least 2 more Acting Field Managers following him and before I started. So someone may have signed a document. I attached what provided for email traffic relating to the MOU. Take Care.

From @blm.gov>
Sent: Friday, December 11, 2020 3:00 PM
To: @blm.gov>
Subject: Johnson County MOU

Good talking to you this afternoon. Will you please send me a copy of any documentation Johnson County may be referring to as authorization to hunt predators on public lands from aircrafts?
Lincoln County Predator Management District
C/O Current Board Officers
925 Sage Avenue
Kemmerer, WY 83101
Telephone: (307) 877-9056

Lincoln County Predator Management District,

The purpose of this letter is to provide written notification that the U.S. Fish and Wildlife Service, the U.S. Forest Service and the Bureau of Land Management have conducted an investigation into violations of the Airborne Hunting Act 16 USC 742j-1 and violations of federal regulations related to aerial hunting on federal lands in Wyoming.

The Airborne Hunting Act prohibits:

(1) while airborne in an aircraft, any person who, 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.

The investigation documents that the Lincoln County Predator Management District authorized contract pilots to commercially use aircraft to take animals on or about federal lands in Lincoln County. Specifically, the evidence collected during the investigation documents individuals that identified themselves as employees of Lincoln County Predator Management District killing predatory animals on federal lands with the aid of an aircraft.

The Federal laws and regulations prohibit the use of aircraft to take any animal on or over federal lands without authorization from the federal land management agency. Aerial hunting for certain predatory animals is authorized by the State of Wyoming on or over state lands and private lands. The U.S. Department of Agriculture’s Wildlife Services is the only entity authorized to conduct aerial hunting activities on federal lands.

Conducting commercial services or work activities on National Forest System lands requires a Special-Use authorization (permit.) Utilizing commercial aircraft on a for-hire basis to conduct...
aerial predator hunts, or related services on lands administered by the U.S. Forest Service is prohibited without a Special-Use authorization pursuant to Title 36 C.F.R. § 261.10(c) and 261.10(k). Failure to procure a permit may result in the prosecution of aviation vendors and involved parties.

Additionally, the use of an aircraft for predator control over public lands administered by the Bureau of Land Management without authorization or a permit is unlawful and a violation of 43 CFR 2920.1-2 (a). Violation of this title may result in fines up to $1,000 or imprisonment for no more than 12 months or both.

This letter of warning is issued on behalf of the U.S. Fish and Wildlife Service, U.S. Forest Service Law Enforcement and Investigations and BLM Office of Law Enforcement and Security to notify the Lincoln County Predator Management District that they have not been authorized to conduct aerial hunting over and on federal lands and that any future actions will be investigated and violations will be referred to the U.S. Attorney’s office for prosecutorial consideration. The federal land management agencies listed herein wish to work with our private landowner partners, county predator management officials and stakeholders in the effective management of predator populations effecting private lands and livestock operations. Efforts to that end must take place within the confines of existing federal laws, rules and regulations.

If you have any questions or concerns about the laws and regulations regarding aerial hunting, please contact the Law Enforcement offices of the federal land agencies listed below:

Thank you in advance for your cooperation.

U.S. Fish and Wildlife Service - Office of Law Enforcement
200 North 1st Street
Lander, Wyoming 82520
PH: 307-332-7607

Bureau of Land Management - Office of Law Enforcement and Security
1335 Main Street
Lander, WY 82520
PH: 307-332-8493

Forest Service - Law Enforcement and Investigations
Intermountain Region - Idaho/ Wyoming Zone
1405 Holliolpark Drive
Idaho Falls, ID 83401
PH: 208-557-5900
In Reply Refer to:
FWS/R6

Sweetwater County Predatory Animal Board
C/O Current Board Officers
106 Cedar Street
Rock Springs, WY 82901
Telephone: (307) 362-3471 or (307) 350-4345

Sweetwater County Predatory Animal Board,

The purpose of this letter is to provide written notification that the U.S. Fish and Wildlife Service, the U.S. Forest Service and the Bureau of Land Management have conducted an investigation into violations of the Airborne Hunting Act 16 USC 742j-1 and violations of federal regulations related to aerial hunting on federal lands in Wyoming.

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(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.

The investigation documents that the Sweetwater County Predatory Animal Board authorized contract pilots to commercially use aircraft to take animals on or about federal lands in Sweetwater County. Specifically, the evidence collected during the investigation documents individuals identified as employees or contractors of Sweetwater County Predatory Animal Board killing predatory animals on federal lands with the aid of an aircraft. The investigation includes a document dated 11/13/2019, that was issued by the BLM Rock Springs office to the Sweetwater County Predatory Animal Board related to aerial hunting on certain lands. This document is not an aerial hunting permit for BLM lands.

The Federal laws and regulations prohibit the use of aircraft to take any animal on or over federal lands without authorization from the federal land management agency. Aerial hunting for certain predatory animals is authorized by the State of Wyoming on or over state lands and private...
lands. The U.S. Department of Agriculture's Wildlife Services is the only entity authorized to conduct aerial hunting activities on federal lands.

Conducting commercial services or work activities on National Forest System lands requires a Special-Use authorization (permit.) Utilizing commercial aircraft on a for-hire basis to conduct aerial predator hunts, or related services on lands administered by the U.S. Forest Service is prohibited without a Special-Use authorization pursuant to Title 36 C.F.R. § 261.10(c) and 261.10(k). Failure to procure a permit may result in the prosecution of aviation vendors and involved parties.

Additionally, the use of an aircraft for predator control over public lands administered by the Bureau of Land Management without authorization or a permit is unlawful and a violation of 43 CFR 2920.1-2 (a). Violation of this title may result in fines up to $1,000 or imprisonment for no more than 12 months or both.

This letter of warning is issued on behalf of the U.S. Fish and Wildlife Service, U.S. Forest Service Law Enforcement and Investigations and BLM Office of Law Enforcement and Security to notify the Sweetwater County Predatory Animal Board that they have not been authorized to conduct aerial hunting over and on federal lands and that any future actions will be investigated and violations will be referred to the U.S. Attorney's office for prosecutorial consideration. The federal land management agencies listed herein wish to work with our private landowner partners, county predator management officials and stakeholders in the effective management of predator populations effecting private lands and livestock operations. Efforts to that end must take place within the confines of existing federal laws, rules and regulations.

If you have any questions or concerns about the laws and regulations regarding aerial hunting, please contact the Law Enforcement offices of the federal land agencies listed below:

Thank you in advance for your cooperation.

U.S. Fish and Wildlife Service - Office of Law Enforcement
200 North 1st Street
Lander, Wyoming 82520
PH: 307-332-7607

Bureau of Land Management - Office of Law Enforcement and Security
1335 Main Street
Lander, WY 82520
PH: 307-332-8493

Forest Service - Law Enforcement and Investigations
Intermountain Region - Idaho/ Wyoming Zone
1405 Hollipark Drive
Idaho Falls, ID 83401
PH: 208-557-5900
Uinta County Predatory Animal Board, December 22, 2020
C/O Current Board Officers
Uinta County Complex
225 9th Street
Evanston, WY 82930
Telephone: (307) 747-8294

The purpose of this letter is to provide written notification that the U.S. Fish and Wildlife Service, the U.S. Forest Service and the Bureau of Land Management have conducted an investigation into violations of the Airborne Hunting Act 16 USC 742j-1 and violations of federal regulations related to aerial hunting on federal lands in Wyoming.

The Airborne Hunting Act prohibits:

(1) while airborne in an aircraft, any person who, 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.

The investigation documents that the Uinta County Predatory Animal Board authorized contract pilots to commercially use aircraft to take animals on or about federal lands in Uinta County. Specifically, the evidence collected during the investigation documents individuals that identified as employees or contractors of Uinta County Predatory Animal Board were killing predatory animals on federal lands with the aid of an aircraft.

The Federal laws and regulations prohibit the use of aircraft to take any animal on or over federal lands without authorization from the federal land management agency. Aerial hunting for certain predatory animals is authorized by the State of Wyoming on or over state lands and private lands. The U.S. Department of Agriculture’s Wildlife Services is the only entity authorized to conduct aerial hunting activities on federal lands.
Conducting commercial services or work activities on National Forest System lands requires a Special-Use authorization (permit.) Utilizing commercial aircraft on a for-hire basis to conduct aerial predator hunts, or related services on lands administered by the U.S. Forest Service is prohibited without a Special-Use authorization pursuant to Title 36 C.F.R. § 261.10(c) and 261.10(k). Failure to procure a permit may result in the prosecution of aviation vendors and involved parties.

Additionally, the use of an aircraft for predator control over public lands administered by the Bureau of Land Management without authorization or a permit is unlawful and a violation of 43 CFR 2920.1-2 (a). Violation of this title may result in fines up to $1,000 or imprisonment for no more than 12 months or both.

This letter of warning is issued on behalf of the U.S. Fish and Wildlife Service, U.S. Forest Service Law Enforcement and Investigations and BLM Office of Law Enforcement and Security to notify the Uinta County Predatory Animal Board that they have not been authorized to conduct aerial hunting over and on federal lands and that any future actions will be investigated and violations will be referred to the U.S. Attorney’s office for prosecutorial consideration. The federal land management agencies listed herein wish to work with our private landowner partners, county predator management officials and stakeholders in the effective management of predator populations effecting private lands and livestock operations. Efforts to that end must take place within the confines of existing federal laws, rules and regulations.

If you have any questions or concerns about the laws and regulations regarding aerial hunting, please contact the Law Enforcement offices of the federal land agencies listed below:

Thank you in advance for your cooperation.

U.S. Fish and Wildlife Service - Office of Law Enforcement
200 North 1st Street
Lander, Wyoming 82520
PH: 307-332-7607

Bureau of Land Management - Office of Law Enforcement and Security
1335 Main Street
Lander, WY 82520
PH: 307-332-8493

Forest Service - Law Enforcement and Investigations
Intermountain Region - Idaho/ Wyoming Zone
1405 Hollipark Drive
Idaho Falls, ID 83401
PH: 208-557-5900
December 22, 2020

In Reply Refer to:
FWS/R6

DBA: WYOMING HELICOPTERS
91 Bridger Lane
Cora, WY 82925

Mr.

The purpose of this letter is to provide written notification that the U.S. Fish and Wildlife Service, the U.S. Forest Service and the Bureau of Land Management have conducted an investigation into violations of the Airborne Hunting Act 16 USC 742j-1 and violations of federal regulations related to aerial hunting on federal lands in Wyoming.

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(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.

The investigation includes videos and photographs documenting your helicopter hunting over federal lands without authorization and that you were contracted by the Lincoln County Predator Board to commercially use aircraft to take animals on or about federal lands in Wyoming.

The Federal laws and regulations prohibit the use of aircraft to take any animal on or over federal lands without authorization from the federal land management agency. Aerial hunting for certain predatory animals is authorized by the State of Wyoming on or over state lands and private lands. The U.S. Department of Agriculture’s Wildlife Services is the only entity authorized to conduct aerial hunting activities on federal lands.

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This letter of warning is issued on behalf of the U.S. Fish and Wildlife Service, U.S. Forest Service Law Enforcement and Investigations and BLM Office of Law Enforcement and Security to notify you that you have not been authorized to conduct aerial hunting over and on federal lands and that any future actions will be investigated and violations will be referred to the U.S. Attorney’s office for prosecutorial consideration. The federal land management agencies listed herein wish to work with our private landowner partners, county predator management officials and stakeholders in the effective management of predator populations effecting private lands and livestock operations. Efforts to that end must take place within the confines of existing federal laws, rules and regulations.

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PH: 307-332-7607

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1335 Main Street
Lander, WY 82520
PH: 307-332-8493

Forest Service - Law Enforcement and Investigations
Intermountain Region - Idaho/ Wyoming Zone
1405 Hollipark Drive
Idaho Falls, ID 83401
PII: 208-557-5900
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(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.

The investigation documents that you were contracted by Wyoming Predatory Animal Board(s) to commercially use aircraft to take animals on or about federal lands in Wyoming.

The Federal laws and regulations prohibit the use of aircraft to take any animal on or over federal lands without authorization from the federal land management agency. Aerial hunting for certain predatory animals is authorized by the State of Wyoming on or over state lands and private lands. The U.S. Department of Agriculture’s Wildlife Services is the only entity authorized to conduct aerial hunting activities on federal lands.

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This letter of warning is issued on behalf of the U.S. Fish and Wildlife Service, U.S. Forest Service Law Enforcement and Investigations and BLM Office of Law Enforcement and Security to notify you that you have not been authorized to conduct aerial hunting over and on federal lands and that any future actions will be investigated and violations will be referred to the U.S. Attorney’s office for prosecutorial consideration. The federal land management agencies listed herein wish to work with our private landowner partners, county predator management officials and stakeholders in the effective management of predator populations effecting private lands and livestock operations. Efforts to that end must take place within the confines of existing federal laws, rules and regulations.

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200 North 1st Street
Lander, Wyoming 82520
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1405 Hollipark Drive
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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.

The investigation documents that you were contracted by Wyoming Predatory Animal Board(s) to commercially use aircraft to take animals on or about federal lands in Wyoming.

The Federal laws and regulations prohibit the use of aircraft to take any animal on or over federal lands without authorization from the federal land management agency. Aerial hunting for certain predatory animals is authorized by the State of Wyoming on or over state lands and private lands. The U.S. Department of Agriculture's Wildlife Services is the only entity authorized to conduct aerial hunting activities on federal lands.

Conducting commercial services or work activities on National Forest System lands requires a Special-Use authorization (permit.) Utilizing commercial aircraft on a for-hire basis to conduct aerial predator hunts, or related services on lands administered by the U.S. Forest Service is
prohibited without a Special-Use authorization pursuant to Title 36 C.F.R. § 261.10(c) and 261.10(k). Failure to procure a permit may result in the prosecution of aviation vendors and involved parties.

Additionally, the use of an aircraft for predator control over public lands administered by the Bureau of Land Management without authorization or a permit is unlawful and a violation of 43 CFR 2920.1-2 (a). Violation of this title may result in fines up to $1,000 or imprisonment for no more than 12 months or both.

This letter of warning is issued on behalf of the U.S. Fish and Wildlife Service, U.S. Forest Service Law Enforcement and Investigations and BLM Office of Law Enforcement and Security to notify you that you have not been authorized to conduct aerial hunting over and on federal lands and that any future actions will be investigated and violations will be referred to the U.S. Attorney’s office for prosecutorial consideration. The federal land management agencies listed herein wish to work with our private landowner partners, county predator management officials and stakeholders in the effective management of predator populations effecting private lands and livestock operations. Efforts to that end must take place within the confines of existing federal laws, rules and regulations.

If you have any questions or concerns about the laws and regulations regarding aerial hunting, please contact the Law Enforcement offices of the federal land agencies listed below:

Thank you in advance for your cooperation.

U.S. Fish and Wildlife Service - Office of Law Enforcement
200 North 1st Street
Lander, Wyoming 82520
PH: 307-332-7607

Bureau of Land Management - Office of Law Enforcement and Security
1335 Main Street
Lander, WY 82520
PH: 307-332-8493

Forest Service - Law Enforcement and Investigations
Intermountain Region - Idaho/ Wyoming Zone
1405 Hollipark Drive
Idaho Falls, ID 83401
PH: 208-557-5900
This report documents a letter of receipt, dated February 17, 2021, by the Wyoming County Predatory Animal Board for the investigative letter sent by the U.S. Fish and Wildlife Service on December 22, 2020, and then the response letters sent by the Bureau of Land Management on March 22, 2021 and by the U.S. Fish and Wildlife Service/Office of Law Enforcement on May 18, 2021.

No further investigative actions are needed by the U.S. Fish and Wildlife Service; therefore this investigation is recommended for closure.
REPORT OF INVESTIGATION

Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

DETAILS OF INVESTIGATION

Receipt of Response Letter from the Lincoln, Sweetwater and Uinta County Predator Boards

On February 17, 2021, U.S. Fish and Wildlife Service (USFWS) Office of Law Enforcement (OLE) office in Lander, Wyoming, received a response letter from the Lincoln, Sweetwater and Uinta County Predator Boards (CPB) in response to the December 2020 letter (See ROI 005, Attachment 5). In this letter, CPB states in part, “(b) Exception; report of State of Secretary. As per the noted exception, the Wyoming Department of Agriculture has structured and administers an airborne hunting permit system for the protection of land, water, wildlife, livestock, domesticated animals, human life, and/or crops...If the State of Wyoming, or we as Counties, have inadvertently fallen out of compliance with subsection “(b) exception; report of State to Secretary”, please let us know the specific place of compliance, so we can quickly remedy the issue... As stated earlier, we believe that we are in compliance with the applicable laws and that the national MOUs between BLM and USDA also support the legality of the program in Wyoming.” (See Attachment 1, CPB Letter).

Bureau of Land Management Response Letter

On March 22, 2021, Bureau of Land Management (BLM) sent a letter in response to CPB stating in part, “As you know, the BLM policy guides the Bureau's implementation of laws enacted by Congress and related BLM regulations. The Federal Land Policy and Management Act (FLPMA) directs the BLM to manage the public lands in a manner that "will protect the quality of... environmental ... values" and "will provide... habitat for ... wildlife," as well as "a manner which recognizes the Nation's need for domestic sources of ... food ... and fiber." (43 U.S.C. § 1701(a)(8), (12).) The policies pertaining to BLM's activities under FLPMA include its national ADC policy, which is contained in Manual 6830. The manual states, "Only APHIS or the State or local organization with which APHIS has a contractual agreement is authorized to conduct or • approve ADC activities on BLM-administered lands." (BLM Manual 6830.06 F.) Therefore, BLM consents to ADC activities on public lands only if they are performed by APHIS or a State or local organization with which APHIS has a contractual agreement.....You have noted that the counties and their agents carrying out ADC activities were acting in accordance with Wyoming state statutes. Wyoming state statutes cannot, of themselves, authorize ADC activities on public lands. While the Airborne Hunting Act, 16 U.S.C. § 742j-1, allows for a State licensing process, that provision does not convey independent authority for the State of Wyoming to authorize airborne hunting activities on Federal public lands.” (See Attachment 2, BLM Letter).
REPORT OF INVESTIGATION

Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

U.S. Fish and Wildlife Service Response Letter

On May 18, 2021, USFWS sent a letter in response to the CPB letter stating in part, “Your letter raised a question about the AHA (16 USC § 742j-1) in relation to aerial predator control activities in your respective counties and in the state of Wyoming. This letter addresses only the AHA. Activities on property owned and controlled by the United States Forest Service (USFS) and the Bureau of Land Management (BLM) are under the purview of those agencies and must be addressed by them according to their statues and regulations….However, 50 CFR § 19.3 states that the exemptions for airborne hunting when state permitted do not supersede, or authorize the violation of, other laws designed for the conservation of wildlife, except to the extent that airborne hunting is authorized by regulations or permits issued under authority of those laws. Because your question concerned hunting on BLM and USFS land, any hunting - whether airborne or ground-based — on those lands must comply with regulations or permits issued under authority of those agencies’ laws….Therefore, the state issued permit referred to in 16 USC § 742j-1(b)(1) and in 50 CFR § 19.3 does not automatically allow for aerial predator control activities on federal land. The specific land managers of those public lands must approve permitted activities under their governing statutes and regulations. Please consult with them and obtain necessary permits before conducting any airborne hunting on BLM or USFS lands.”

(Attachment 3, USFWS letter).

Case Closure

No further investigative actions are needed by the USFWS. Therefore this investigation is recommended for closure.

DESCRIPTION OF SUBJECTS

LINCOLN COUNTY PREDATOR MANAGEMENT DISTRICT
LINCOLN COUNTY, WY

sitting President

925 Sage Avenue
Kemmerer, WY 83101
Telephone: sitting President

SWEETWATER COUNTY PREDATORY ANIMAL BOARD

President - Treasurer runs the program

106 Cedar Street
REPORT OF INVESTIGATION
Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

Rock Springs, WY 82901
Telephone: 

UINTA COUNTY PREDATORY ANIMAL BOARD
President
Uinta County Complex
225 9th Street
Evanston, WY 82930
Telephone:
10-member board

CHILD RANCH, LLC.
(Lincoln County)
83114 (Lincoln County)

Prior Violations
Described in previous reports.

WITNESSES
Resident Agent in Charge
U.S. Fish & Wildlife Service
Office of Law Enforcement
5275 Leesburg Pike
Falls Church, VA 22041

Special Agent in Charge
U.S. Fish and Wildlife Service
Office of Law Enforcement
REPORT OF INVESTIGATION
Title: WYOMING COUNTY PREDATOR BOARDS - AERIAL HUNTING

134 Union Blvd.
Lakewood, CO 80228

INV #: 2020600359
Report #: 006

LAWS VIOLATED
No laws violated during this reporting period.

EVIDENCE
No new evidence has been identified at this time.

ATTACHMENTS
2. Copy of Response letter from BLM, dated 03/22/2021 (2 pages).
3. Copy of Response letter from USFWS/OLE, dated 05/18/2021 (2 pages).
Dear Sir/Ma'am

We are in receipt of your investigative letters dated December 22, 2020, regarding aerial predator control on federal lands. As you are likely aware, aerial activities are (and have been for many decades) a critical component of livestock and wildlife protection in Wyoming and many other western states.

We greatly appreciate the interest that you and the other federal law enforcement agencies have in ensuring our collective Counties' compliance with all applicable laws and regulations in regard to properly implementing our aerial predator control activities.

Your letter asserts that the Counties are in violation of the Airborne Hunting Act of 1971 (copy enclosed), as well as “federal regulations related to aerial hunting on federal lands in Wyoming.”

Although aerial predator control predates the Airborne Hunting Act by at least 20 years, many western states (including Wyoming) have since adopted laws, regulations and procedures to comply with subsection (b) Exception; report of State to Secretary. As per the noted exception, the Wyoming Department of Agriculture has structured and administers an airborne hunting permit system for the protection of land, water, wildlife, livestock, domesticated animals, human life, and/or crops.

While we as County governments do not control what the State of Wyoming implements, to our knowledge, we are (and have been for many years) in full compliance with the aerial permit and reporting requirements implemented by the State of Wyoming. Our compliance includes, but is not limited to, the following:

1. All County aerial hunting participants who are employed by, or are authorized agents of, or are operating under our program are licensed/permitted as gunners and/or pilots by the State of Wyoming's Department of Agriculture.
2. All Counties report their activities back to the State. This reporting includes areas of operation, species taken, total number of species taken, and the permitted participants involved.
3. It is our understanding that the State then compiles the information collected and submits an annual report to Department of the Interior as required in the Airborne Hunting Act, 742j-1. Airborne hunting Section (b) (2) (A-D).

If the State of Wyoming, or we as Counties, have inadvertently fallen out of compliance with subsection "(b) Exception; report of State to Secretary", please let us know the specific lack of compliance, so we can quickly remedy the issue. Perhaps you could share a copy of your investigative report to help provide us some guidance. As mentioned earlier, aerial hunting is a critical component of livestock and wildlife protection (and thus production) in Wyoming. The temporary loss of this tool has already caused harm to our affected livestock producers, and over time may cause irreparable harm to their livelihoods.
As for the assertions of County violations of “federal regulations related to aerial hunting on federal lands in Wyoming”, we could definitely benefit from some specific clarification from the affected land management agencies.

For example, your letter to Sweetwater County mentioned that the “document dated 11/13/2019, that was issued by the BLM Rock Springs office to the Sweetwater County Predatory Animal Board related to aerial hunting on certain lands ... is not an aerial hunting permit for BLM lands.”

Additionally, your letters to all three Counties state that “the Federal laws and regulations prohibit the use of aircraft to take any animal on or over federal lands without authorization from the federal land management agency.” As stated earlier, we believe that we are in compliance with the applicable laws and that the national MOUs between BLM and USDA also support the legality of the program in Wyoming.

While our County Predatory Animal Boards have conducted predator management activities for the protection of livestock and wildlife on our federal grazing leases for several decades, until very recently, we have never heard of the need for an “aerial hunting permit” specific to federal lands. To date, we have never seen a copy, example, or application form for such a permit. While it is not specifically addressed within our federal grazing permits, our predator management activities have been common knowledge within the local land management agencies for many decades.

In good faith, we have always interpreted that the knowledge, implicit endorsement and/or cooperation of our local federal land managers, coupled with our State-issued aerial hunting permits, was sufficient compliance with the applicable laws and regulations.

In fact, for many years, Lincoln County operated under a policy for notification that was to be followed prior to conducting aerial operations on BLM lands. These procedures were developed about 15 years ago in a meeting at the Kemmerer BLM office. At the meeting, the policy was mutually developed and agreed upon by Lincoln County Predatory Animal Board, the Kemmerer BLM Office, Wildlife Services, and the Wyoming Game and Fish Department (WGFD). It is our understanding that the WGFD still operates under similar guidelines when conducting aerial game capture on BLM administered lands.

When the Sweetwater County Predatory Animal Board heard mention of the potential need for something more than their long term mutual understanding, and they were not aware of an example or a template of a specific BLM aerial hunting permit, they took the initiative to document the two agencies’ long term cooperative understanding of the predator management activities traditionally conducted on BLM grazing leases and adjacent private lands. The 11/13/2019 document was a good faith effort to address and memorialize this mutual understanding.

Your warning letters also mentioned that the U.S. Department of Agriculture’s Wildlife Services Program is “the only entity authorized to conduct aerial hunting activities on federal lands.” While we are aware of several iterations (1987, 1995, 2012, and 2020) of national MOUs between BLM and Wildlife Services (formerly Animal Damage Control) to conduct Wildlife Damage Management activities on BLM lands, we are yet to find a mention, let alone an exclusive permission, of aerial hunting anywhere within these documents.

Further, USDA Wildlife Services’ (WS) only authorization to conduct wildlife damage management activities, on specific resident Wyoming wildlife (anywhere in Wyoming), resides in the permission granted by the State of Wyoming in their Memorandum of Understanding with WS. However, this MOU
makes no mention of federal lands or aerial hunting on those lands. Since your investigation letter did not mention this agreement, we are enclosing a copy.

While this notion has been stated publicly on several occasions, we are yet to see a copy of any such exclusive permission/authorization. Perhaps your office would be willing to provide us a copy of Wildlife Services’ authorization/permit. This would help us better understand the nature of your assertion.

Your letters also assert that County-sponsored aerial hunting contracts are in violation of USFS Special-Use Permit requirements, as well as of 43 CFR 2920.1-2 Unauthorized use. We will ask for greater clarification from the Forest Service regarding the requirements for our Counties’ vendors to maintain a Special Use Permit to provide service to an existing grazing lease-holders’ operation.

Since “43 CFR 2920.1-2 Unauthorized use” specifically deals with trespass on federally administered lands, are we correct in assuming that the letter asserts that the County Predator Boards and their contracted agents are trespassers on federal lands? This regulation refers to the use, occupancy or development of federal land, rather than the air above, and this regulation makes no mention of airborne hunting. Your investigation letter does not address the fact that the affected federal lands are under grazing permits which have traditionally allowed for the protection of livestock and wildlife on those grazing permits.

In closing, again let us express our sincerest appreciation for your interest in ensuring that we are in full compliance with federal laws and regulations. Since the receipt of your warning letters, we have suspended all County-sponsored aerial activities on federal lands, until we can resolve this issue with the affected land managers. While we are very disappointed that this delay is placing a significant hardship on our livestock producers and our contracted vendors, we certainly want to comply fully with the law and avoid misunderstandings in the future.

We plan to meet with several of the land managers within the very near future to clarify the status of the State’s program and its authorization by state law and federal delegation. We will keep your office posted as that process moves forward.

Additionally, we look forward to any further guidance your office can provide regarding our many questions. Your expeditious response is greatly appreciated!

Sincerely,

(b)(6), (o)(7)(C)         

Uinta County Predatory Animal Board 

ATTACHMENT: __| 
PAGE_2 OF
Cc:
Bureau of Land Management – Office of Law Enforcement and Security – Lander, WY
Bureau of Land Management – State Office – Cheyenne, WY
US Forest Service – Law Enforcement and Investigations – Idaho Falls, ID
USFWS – Ecological Services – Cheyenne, WY
In Reply Refer To:
1000 (930)

MAR 22 2021

Executive Vice President
Wyoming Stock Growers Association

Executive Director
Wyoming Wool Growers Association

Dear Mr. and Ms. ,

I am writing in response to your letter dated February 19, 2021, regarding animal damage control (ADC) on Bureau of Land Management (BLM)-administered public lands, and the roles of the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS) and local Governments in those activities.

As you know, the BLM policy guides the Bureau’s implementation of laws enacted by Congress and related BLM regulations. The Federal Land Policy and Management Act (FLPMA) directs the BLM to manage the public lands in a manner that “will protect the quality of . . . environmental . . . values” and “will provide . . . habitat for . . . wildlife,” as well as “a manner which recognizes the Nation’s need for domestic sources of . . . food . . . and fiber.” (43 U.S.C. § 1701(a)(8), (12).) The policies pertaining to BLM’s activities under FLPMA include its national ADC policy, which is contained in Manual 6830. The manual states, “Only APHIS or the State or local organization with which APHIS has a contractual agreement is authorized to conduct or approve ADC activities on BLM-administered lands.” (BLM Manual 6830.06 F.) Therefore, BLM consents to ADC activities on public lands only if they are performed by APHIS or a State or local organization with which APHIS has a contractual agreement.

We recognize that in subsequent years, some BLM Wyoming communications, including policies and agreements, have purported to condone ADC activities performed on public lands by entities other than APHIS. However, the 1988 national policy described in Manual 6830 has
never been revoked. (APHIS's 1993 Draft Environmental Impact Statement and subsequent finalized APHIS documents do not represent a decision by BLM nor modify BLM policy.)

Local BLM policies must be consistent with national policy, and therefore, BLM Wyoming must adhere to the policy set out in Manual 6830. We are reviewing our files to identify existing documents that should be corrected to alleviate further confusion and ensure ADC activities are coordinated with the appropriate Federal agencies.

You have noted that the counties and their agents carrying out ADC activities were acting in accordance with Wyoming state statutes. Wyoming state statutes cannot, of themselves, authorize ADC activities on public lands. While the Airborne Hunting Act, 16 U.S.C. § 742j-1, allows for a State licensing process, that provision does not convey independent authority for the State of Wyoming to authorize airborne hunting activities on Federal public lands.

For any follow-up questions you may have, please feel free to contact me at...

Thank you.

Sincerely,

Deputy State Director, Resource Policy and Management

cc: USDA-APHIS-WS, Wyoming
May 18, 2021

Wyoming Department of Agriculture
2219 Carey Avenue
Cheyenne, WY 82002-0100

Re: Airborne Hunting Act Clarification

To Whom it May Concern:

We are in receipt of your February 17, 2021, letter from the three county predatory animal board presidents. We appreciate your desire and willingness to follow federal statutes and regulations and to seek clarification on the Airborne Hunting Act (AHA) and its associated regulations. We applaud the Wyoming Department of Agriculture for the AHA presentations they gave in 2020 to increase awareness of the purpose and provisions of the AHA.

Your letter raised a question about the AHA (16 USC § 742j-1) in relation to aerial predator control activities in your respective counties and in the state of Wyoming. This letter addresses only the AHA. Activities on property owned and controlled by the United States Forest Service (USFS) and the Bureau of Land Management (BLM) are under the purview of those agencies and must be addressed by them according to their statutes and regulations.

The AHA prohibits the shooting of wildlife while the hunter is airborne. 16 USC § 742j-1(a). However, your specific question dealt with § (b)(1) of the statute which provides an exemption for persons acting under state license or permit to protect things such as land, water, wildlife, livestock, and domesticated animals. 16 U.S.C. § 742j-1(b)(1). The implementing regulations at 50 CFR Part 19 recognize the same exemption. See 50 CFR § 19.12. Therefore aerial predator control activities are exempt from the prohibitions of the AHA and associated regulations when the persons engaging in airborne hunting for purposes of protecting land, water, wildlife, livestock, domestic animals, human life or crops have been issued a permit for airborne hunting by the state in which they are conducting these activities.

However, 50 CFR § 19.3 states that the exemptions for airborne hunting when state permitted do not supersede, or authorize the violation of, other laws designed for the conservation of wildlife, except to the extent that airborne hunting is authorized by regulations or permits issued under authority of those laws. Because your question concerned hunting on BLM and USFS land, any hunting - whether airborne or ground-based – on those lands must comply with regulations or permits issued under authority of
those agencies’ laws. For example, the BLM issued a letter dated March 22, 2021, by Lori Armstrong, Deputy State Director, Resource Policy and Management, which stated the agency’s understanding that animal damage control activities fall under FLPMA.

Therefore, the state issued permit referred to in 16 USC § 742j-1(b)(1) and in 50 CFR § 19.3 does not automatically allow for aerial predator control activities on federal land. The specific land managers of those public lands must approve permitted activities under their governing statutes and regulations. Please consult with them and obtain necessary permits before conducting any airborne hunting on BLM or USFS lands.

Per your letter, you “plan to meet with several of the land managers within the very near future.” I hope this clarification of the AHA helps further those meetings with meaningful discussions.

Thank you again for your interest in ensuring you are complying with the associated federal statutes and regulations.

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. For more information on our work, visit our website, or connect with us through any of these social media channels: Facebook, Twitter, Flickr, YouTube, and Instagram.

Sincerely,

(b)(6), (b)(7)(C)

Special Agent in Charge
U.S. Fish and Wildlife Service