

HOUSE BILL NO. HB0029

Designation of migration corridors.

Sponsored by: Select Federal Natural Resource Management Committee

A BILL

for

1 AN ACT relating to game and fish; providing procedures for
2 the designation of migration corridors; requiring a report;
3 and providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 23-1-1101 through 23-1-1103 are
8 created to read:

9

10 ARTICLE 11

11 DESIGNATION OF MIGRATION CORRIDORS

12

13 **23-1-1101. Definitions.**

14

15 (a) As used in this article:

1

2 (i) "Identified migration corridor" means an
3 area of the landscape that the department has identified,
4 using science-based criteria and information, as an area
5 where migration movement is known or suspected to occur;

6

7 (ii) "Migration corridor" means an area of the
8 landscape that a substantial portion of a native ungulate
9 herd uses consistently to move between seasonal habitats
10 and that has been designated pursuant to this article.
11 "Migration corridor" includes ungulate stopover areas,
12 ungulate movement routes and ungulate migration
13 bottlenecks;

14

15 (iii) "Ungulate migration bottleneck" means any
16 portion of a migration corridor in which migrating
17 ungulates are physically or behaviorally constrained.
18 "Ungulate migration bottleneck" includes habitat leading to
19 a highway underpass or overpass, a gap between fences or
20 other developments or a geographically restrictive route;

21

1 (iv) "Ungulate movement route" means a specific
2 path used by an individual ungulate to make seasonal
3 movements between summer and winter ranges;

4

5 (v) "Ungulate stopover area" means an area
6 consistently used by ungulates to rest and feed during
7 spring and fall migration.

8

9 **23-1-1102. Identification of migration corridors.**

10

11 (a) The department shall submit identified migration
12 corridors based on scientific data and information for
13 potential designation as a migration corridor under this
14 article. Subject to subsection (b) of this section, the
15 department shall forward any identified migration corridors
16 and their boundaries to the board of county commissioners
17 of every county where the identified migration corridor is
18 located.

19

20 (b) No identified migration corridor shall be
21 identified and forwarded as provided in subsection (a) of
22 this section until the department completes an impact
23 assessment for the identified migration corridor. The

1 department, in consultation with the office of state lands
2 and investments, the department of revenue, the department
3 of transportation, the department of environmental quality
4 and the oil and gas conservation commission, shall complete
5 the impact assessment which shall, at a minimum, include:

6

7 (i) An analysis of existing threats and risks to
8 ungulate populations within the identified migration
9 corridor;

10

11 (ii) A review of existing protections and
12 management actions within the identified migration
13 corridor;

14

15 (iii) An analysis of the potential for threats
16 to ungulates and ungulate habitat within the identified
17 migration corridor;

18

19 (iv) Opportunities for conservation actions
20 within the identified migration corridor;

21

22 (v) A review of impacts on land use in the
23 identified migration corridor, including subdivisions and

1 impacts on recreational, oil and gas, transportation,
2 mining, alternative energy, infrastructure, residential and
3 agricultural uses;

4

5 (vi) An analysis on impacts on tax and severance
6 tax revenues if the identified migration corridor is
7 designated;

8

9 (vii) A review of impacts as a result of lease
10 or permit use restrictions or stipulations that are
11 recommended for development within the identified migration
12 corridor.

13

14 (c) The department shall forward the completed impact
15 assessment to the board of county commissioners of every
16 county where the identified migration corridor is located
17 and to the working group established under W.S. 23-1-1103.

18

19 (d) Except as provided in W.S. 23-1-1103(k),
20 recommendations for deferral of land use permits and
21 mineral lease sales within migration corridors designated
22 pursuant to this article shall not be made to any federal
23 agency responsible for issuing permits or leases.

1

2 (e) Notice of an identified migration corridor shall
3 be provided:

4

5 (i) By the governor to any federal agency
6 responsible for managing federal lands within the
7 identified migration corridor or responsible for issuing
8 permits and leases within the identified migration
9 corridor;

10

11 (ii) By the department to:

12

13 (A) The office of state lands and
14 investments for the purposes of providing notice of the
15 identified migration corridor for leases the office issues
16 under chapters 5 and 6 of title 36 of the Wyoming statutes;

17

18 (B) Each private landowner who owns land
19 within the identified migration corridor.

20

21 **23-1-1103. Migration corridor working group;**
22 **recommendations; implementation; report.**

23

1 (a) For each identified migration corridor forwarded
2 under W.S. 23-1-1102, the boards of the county
3 commissioners receiving the information shall create a
4 working group to study the identified migration corridor
5 and make recommendations for designation. The working group
6 shall consist of:

7

8 (i) One (1) county commissioner from each county
9 in which the identified migration corridor is located; and

10

11 (ii) Except as provided in subsection (c) of
12 this section, not more than seven (7) additional members
13 with not more than one (1) member representing each of the
14 following interests:

15

16 (A) Agriculture;

17

18 (B) Mining;

19

20 (C) Oil and gas industry;

21

22 (D) Conservation groups;

23

1 (E) Outdoor recreation and sportsmen's
2 groups;

3

4 (F) Wind energy or other impacted
5 industries;

6

7 (G) Municipal government within the
8 counties where the identified migration corridor is
9 located.

10

11 (b) The county commissioner from the county
12 containing the most total acres of the identified migration
13 corridor shall serve as the chairman of the working group.

14

15 (c) The chairman may appoint other representatives to
16 the working group as a replacement of members who otherwise
17 would be appointed under paragraph (a)(ii) of this section
18 if the chairman finds that the identified migration
19 corridor will have no effect on an interest listed in
20 paragraph (a)(ii) of this section.

21

22 (d) The chairman shall solicit applications for
23 members of the working group specified under paragraph

1 (a)(ii) of this section. The county commissioners who are
2 members of the working group shall select the remaining
3 members from among the applicants within sixty (60) days of
4 receiving a report of an identified migration corridor from
5 the department.

6

7 (e) The governor shall select from among the
8 applicants the members specified in paragraph (a)(ii) of
9 this section if the members of the working group are not
10 selected by the county commissioner members within the
11 sixty (60) day period.

12

13 (f) The members of the working group shall not
14 receive any fees, salary or other compensation for services
15 rendered but are entitled to receive per diem and mileage
16 on the same basis and at the same rate as state employees
17 and reimbursement for any other actual and necessary
18 expenses incurred in the performance of the duties of the
19 advisory group.

20

21 (g) No working group for studying the designation of
22 a migration corridor shall be established under this
23 section if any of the counties in the identified migration

1 corridor are currently participating in another working
2 group previously established under this section.

3

4 (h) The working group may meet as often as deemed
5 necessary by a majority of the working group or at the
6 request of the chairman or the governor. The working group
7 may request assistance from any state agency, county or
8 federal entity to carry out its duties under this section.
9 State agencies shall cooperate with any request for
10 assistance.

11

12 (j) The working group shall review data and make
13 recommendations to the governor regarding whether the
14 identified migration corridor should be designated as a
15 migration corridor to be managed by the state of Wyoming.
16 Only those recommendations that receive an affirmative vote
17 of not less than two-thirds (2/3) of the members of the
18 working group shall be forwarded to the governor. The
19 working group shall at a minimum consider recommendations
20 for:

21

22 (i) Whether the identified migration corridor
23 should be designated as a migration corridor;

1

2 (ii) If the working group recommends a migration
3 corridor designation for the identified migration corridor:

4

5 (A) Mitigation strategies designed to
6 balance economic development and activity with conservation
7 of wildlife and habitat within the migration corridor;

8

9 (B) Whether the boundaries of the
10 identified migration corridor should be adopted as
11 identified or amended.

12

13 (iii) Whether there will be any impacts to local
14 land use decisions as a result of a designation of a
15 migration corridor;

16

17 (iv) Whether the working group agrees or
18 disagrees with any recommendations contained in the impact
19 assessment developed pursuant to this article. The working
20 group may supplement the impact assessment with any data or
21 information it deems necessary for consideration by the
22 governor.

23

1 (k) The working group shall submit its
2 recommendations to the governor not later than one hundred
3 eighty (180) days after the receipt of a report of an
4 identified migration corridor from the department. The
5 working group shall include all recommendations proposed
6 under subsection (j) of this section and shall state
7 whether the working group failed to agree on an official
8 recommendation by the vote required under subsection (j) of
9 this section.

10

11 (m) The working group shall cease to exist upon
12 submission of recommendations to the governor under this
13 section but may be reconvened by the governor or a board of
14 county commissioners of a county where the migration
15 corridor is located. Vacancies on the working group shall
16 be filled by:

17

18 (i) The board of county commissioners of the
19 county whose member can no longer serve on the working
20 group, if the vacancy is of a member appointed under
21 paragraph (a)(i) of this section;

22

1 (ii) The governor, if the vacancy is of a member
2 appointed under paragraph (a)(ii) of this section. The
3 governor shall fill the vacancy by appointing a member with
4 the same interest under subparagraphs (a)(ii)(A) through
5 (G) of this section as the member who can no longer serve
6 on the working group.

7

8 (n) The governor may take any action within his
9 powers that he deems necessary to act upon the
10 recommendations of a working group, including designating a
11 migration corridor as provided under this article.

12

13 (o) The governor shall oversee overall management of
14 a migration corridor designated under this article. The
15 governor may direct any state agency to take any action
16 necessary to protect a migration corridor while ensuring
17 the potential for multiple uses of land within the
18 migration corridor. The governor may enter into agreements
19 and memoranda of understanding with any federal agency
20 responsible for the management of or the issuance of
21 permits and leases on federal land within the migration
22 corridor. The governor may recommend deferral of land use
23 permits and mineral lease sales within migration corridors

1 designated pursuant to this article to any federal agency
2 responsible for issuing permits or leases.

3

4 (p) Not later than October 1 of each year, the
5 department shall report to the joint travel, recreation,
6 wildlife and cultural resources interim committee and the
7 joint minerals, business and economic development interim
8 committee on the status of existing migration corridors,
9 identified migration corridors and the work of any current
10 working group created under this section.

11

12 **Section 2.** This act is effective July 1, 2020.

13

14 (END)