

SENATE FILE NO. SF0118

Bighorn and domestic sheep relocation-federal action.

Sponsored by: Senator(s) Hicks and Representative(s)
Western

A BILL

for

1 AN ACT relating to wildlife and livestock; providing
2 legislative findings; requiring the game and fish
3 department to relocate or remove bighorn sheep from the
4 Sweetwater Rocks herd unit in response to specified federal
5 action; providing for the reimbursement of costs for
6 relocation or removal of bighorn sheep; requiring and
7 authorizing attorney general action as specified; amending
8 the duties of the wildlife/livestock research partnership
9 board; providing appropriations; and providing for an
10 effective date.

11

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

13

14 **Section 1.** W.S. 11-19-605 is created to read:

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1 **11-19-605. Wyoming bighorn/domestic sheep relocation**
2 **and removal; legislative findings; reimbursement; attorney**
3 **general action.**

4
5 (a) The legislature finds and declares that it is the
6 state's policy to vigorously defend its interests in
7 maintaining and enhancing viable livestock grazing
8 operations on public lands in conjunction with the
9 conservation, protection and expansion of the free ranging
10 bighorn sheep population throughout the state of Wyoming.
11 These two (2) policies are mutually compatible as
12 demonstrated since the adoption of the collaboratively
13 developed Wyoming bighorn/domestic sheep plan in 2004,
14 which was codified into law under W.S. 11-19-604 in 2015.
15 The legislature further finds and declares that:

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17 (i) Under the Wyoming bighorn/domestic sheep
18 plan, livestock grazing on public lands has continued and,
19 where adjustments have been made to classes of livestock,
20 the adjustments have been voluntary and compensated;

21
22 (ii) Reintroduction of bighorn sheep and
23 management action to protect existing populations of

1 bighorn sheep on federal public lands has been effectively
2 accomplished in conformance with the Wyoming
3 bighorn/domestic sheep plan;

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5 (iii) All wildlife in the state of Wyoming is
6 the property of the state, and it is the policy of the
7 state to provide an adequate and flexible system for
8 control, propagation, management, protection and regulation
9 of all Wyoming wildlife;

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11 (iv) The provisions of this section shall be
12 enforced by the state.

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14 (b) In conformance with the Wyoming bighorn/domestic
15 sheep plan in W.S. 11-19-604 and pursuant to W.S. 23-1-103,
16 the game and fish department shall relocate or remove
17 bighorn sheep from the Sweetwater Rocks herd unit to
18 another area of the state if any federal judicial action or
19 federal agency action requires or could require the
20 following:

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22 (i) The elimination or suspension of domestic
23 sheep grazing or trailing; or

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2 (ii) A reduction of any class of livestock
3 animal unit months of grazing directly attributable to
4 competition or interaction with bighorn sheep without the
5 consent of the permittee in any affected United States
6 bureau of land management grazing allotment.

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8 (c) Any relocation or removal of bighorn sheep from
9 the Sweetwater Rocks herd unit required by subsection (b)
10 of this section shall commence as soon as practicable but
11 not later than six (6) months after the game and fish
12 department determines that a condition specified in
13 subsection (b) of this section is met.

14

15 (d) The game and fish department shall be reimbursed
16 for the costs of relocation or removal of bighorn sheep
17 pursuant to subsection (b) of this section from any
18 available funds in the wildlife/livestock disease research
19 partnership account created by W.S. 11-19-603.

20

21 (e) With the approval of the governor, the attorney
22 general shall seek to intervene or file an amicus curiae
23 brief in any lawsuit filed in any state or federal court in

1 Wyoming, or filed against any Wyoming citizen, federal
2 grazing permittee, company or business that could
3 negatively impact the state's policy regarding Wyoming
4 bighorn/domestic sheep set forth in subsection (a) of this
5 section or that is inconsistent with the Wyoming
6 bighorn/domestic sheep plan.

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8 (f) With the approval of the governor, the attorney
9 general may file an action against any federal agency in
10 any state or federal court to stop the enforcement,
11 administration or implementation of any federal agency
12 rule, instructional memo, handbook or other action taken by
13 a federal agency if, in the attorney general's judgment,
14 the rule, instructional memo, handbook or other action is
15 contrary to the Wyoming bighorn/domestic sheep plan or is
16 inconsistent with any United States bureau of land
17 management policy requiring the bureau to provide early and
18 timely communication, cooperation and coordination with the
19 state and its agencies, local governments and permittees.

20

21 **Section 2.** W.S. 11-19-602(b) by creating a new
22 paragraph (vii) and 11-19-603 are amended to read:

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1 **11-19-602. Wyoming wildlife/livestock disease**
2 **research partnership board created; membership; duties;**
3 **purposes.**

4
5 (b) The board shall:

6
7 (vii) Allocate funds for monitoring, tracking
8 and conducting disease surveillance of bighorn sheep in the
9 Sweetwater Rocks herd unit.

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11 **11-19-603. Account created.**

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13 There is created a wildlife/livestock disease research
14 partnership account. Funds from this account shall be used
15 only for purposes specified in W.S. 11-19-601 through
16 ~~11-19-604~~11-19-605. Any interest earned on the account
17 shall remain within the account.

18
19 **Section 3.**

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21 (a) There is appropriated one hundred thousand
22 dollars (\$100,000.00) from the general fund to the
23 wildlife/livestock disease research partnership account for

1 purposes of reimbursing the game and fish department for
2 the costs of relocation or removal of bighorn sheep under
3 this act. This appropriation shall be for the period
4 beginning with the effective date of this act and ending
5 June 30, 2030. This appropriation shall not be transferred
6 or expended for any other purpose. Notwithstanding W.S.
7 9-2-1008, 9-2-1012(e) and 9-4-207, this appropriation shall
8 not revert until June 30, 2030.

9

10 (b) There is appropriated fifty thousand dollars
11 (\$50,000.00) from the general fund to the department of
12 agriculture for the rangeland health assessment program to
13 conduct rangeland monitoring of the United States bureau of
14 land management grazing allotments in or adjacent to the
15 Sweetwater Rocks bighorn sheep management area. This
16 appropriation shall be for the period beginning with the
17 effective date of this act and ending June 30, 2030. This
18 appropriation shall not be transferred or expended for any
19 other purpose. Notwithstanding W.S. 9-2-1008, 9-2-1012(e)
20 and 9-4-207, this appropriation shall not revert until June
21 30, 2030.

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1 **Section 4.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

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6

(END)