

SENATE FILE NO. SF0135

Migration corridors.

Sponsored by: Senator(s) Perkins and Bebout and
Representative(s) Harshman

A BILL

for

1 AN ACT relating to administration of government; providing
2 for a coordinated effort to protect big game animals from
3 motor vehicle collisions; providing for identification of
4 big game animal migration pathways; specifying duties of
5 state agencies in addressing collisions between big game
6 animals and motor vehicles; providing for the development
7 of plans to form a basis for a comprehensive government and
8 private sector response to protect big game animals and
9 their migration pathways; specifying duties of state
10 agencies in development of plans; providing for reports to
11 legislative committees and for further legislation;
12 imposing a moratorium on state agency actions relating to
13 permitting and natural resource development taken in
14 regards to big game animal migration pathways; providing an

1 appropriation; specifying legislative findings and intent;
2 and providing for an effective date.

3

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

5

6 **Section 1.**

7

8 (a) Since 1909, Wyoming law has declared that all wild
9 animals and wild birds are the property of the state and
10 has provided that the policy of the state includes
11 protecting Wyoming wildlife. (1909 Wyoming Session Laws,
12 Chapter 163, W.S. 23-1-103). As transportation has evolved
13 over the past century, motor vehicle collisions with big
14 game animals in the state have increased. The Wyoming
15 department of transportation and Wyoming game and fish
16 department have worked together to identify big game animal
17 movements which intersect with Wyoming highways and roads.
18 Over the past twenty (20) years the Wyoming department of
19 transportation has undertaken projects to reduce collisions
20 between wildlife and vehicles, allowing tens of thousands
21 of big game animals to move safely across various highways
22 and roadways in the state. Still, a 2014 study submitted
23 to the Wyoming department of transportation estimated that

1 more than five thousand (5,000) motor vehicle collisions
2 with big game animals had occurred annually over the past
3 three (3) years, and acknowledged that the estimate
4 understated actual collisions. Big game animal movements
5 which intersect with roadways remain a significant issue
6 for the state, both in terms of property damage and
7 wildlife mortality.

8

9 (b) Proposed Wyoming Executive Department Executive
10 Order 2020-1 attempts to address wildlife/vehicle
11 collisions by requiring the Wyoming department of
12 transportation to plan and engineer state and federal
13 highway projects to avoid, minimize and mitigate
14 wildlife/vehicle collisions. The executive order would
15 further require the Wyoming department of transportation to
16 plan and engineer projects to facilitate big game animal
17 movement and support big game animal migration
18 connectivity. Moving beyond the wildlife/vehicle collision
19 issue, the executive order requires, among other things,
20 that state issue permits for activities during migration
21 periods within designated migration corridors be
22 conditioned on not impeding the functionality of designated
23 corridors by big game animals.

1

2 (c) Wyoming provides by law for limitations on state
3 permitted mining activities in general, for consideration
4 of environmental impacts in constructing wind energy
5 facilities, and environmental and wildlife impacts in the
6 siting of industrial facilities and has specifically
7 provided by law a process for administrative agencies to
8 identify areas of the state which are very rare or uncommon
9 and for appropriate protections for such areas. (W.S.
10 18-5-503(a)(xi), 35-11-112(a)(v), 35-11-406(m)(iv) and
11 35-12-107(b)(x) and (h)(i)). No Wyoming laws provide for
12 the identification or designation of big game animal
13 migration corridors or corresponding state agency
14 permitting activities in regard to big game animal
15 migration corridors.

16

17 (d) This law is enacted recognizing:

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19 (i) That big game animal collisions with motor
20 vehicles are a continuing issue in the state;

21

22 (ii) That impacts on migration routes affect big
23 game animal movement;

1

2 (iii) That development has the potential to
3 affect big game animal migration routes; and

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5 (iv) That current law does not provide for the
6 identification and designation of big game animal migration
7 corridors and that executive orders properly execute but
8 cannot prescribe law.

9

10 (e) The legislature declares its intent to provide for
11 a comprehensive review and coordinated approach to the
12 issues of:

13

14 (i) Big game animal/motor vehicle collisions;

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16 (ii) The effect of roadway planning and
17 engineering on big game animal migration routes and methods
18 to reduce or mitigate big game animal/motor vehicle
19 collisions in that planning and engineering;

20

21 (iii) The effect development may have on big game
22 animal migration routes;

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1 (iv) Addressing potential negative effects of
2 permitted development activities on big game animal
3 populations;

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5 (v) Preserving the principles of "multiple use
6 on public lands" and private property rights on private
7 lands;

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9 (vi) Enacting legislation necessary to address
10 the issues specified in this section.

11

12 **Section 2.** W.S. 23-1-302(a) by creating a new
13 paragraph (xxxiii), 24-2-102 by creating a new subsection
14 (c) and 24-2-107 are amended to read:

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16 **23-1-302. Powers and duties.**

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18 (a) The commission is directed and empowered:

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20 (xxxiii) To identify big game animal migration
21 pathways used to travel between summer and winter seasonal
22 ranges which are essential for the productivity of a
23 population or subpopulation based upon research by the game

1 and fish department or other research approved by the
2 commission.

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4 **24-2-102. General powers; power of eminent domain**
5 **limited.**

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7 (c) The department of transportation may consult with
8 the Wyoming game and fish commission or game and fish
9 department and with the Wyoming wildlife and natural
10 resource trust account board in planning road, state or
11 federal highway and associated projects that intersect or
12 are adjacent to identified big game animal migration
13 pathways to avoid, minimize and mitigate big game
14 animal/motor vehicle collisions, facilitate big game animal
15 movement or support big game animal migration connectivity.

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17 **24-2-107. Required reports.**

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19 The director of the department of transportation shall make
20 an annual report to the commission of the transactions of
21 the department, and on or before December first of each
22 even-numbered year, the commission shall, as required by
23 W.S. 9-2-1014, report to the governor. The director shall

1 identify in the annual report components of road and
2 highway projects specifically constructed to avoid,
3 minimize or mitigate big game animal/motor vehicle
4 collisions, facilitate big game animal movement or support
5 big game animal migration connectivity.

6

7 **Section 3.**

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9 (a) The Wyoming game and fish commission and
10 department shall coordinate with the state transportation
11 commission and department of transportation and report by
12 September 1, 2020 to the joint transportation, highways and
13 military affairs interim committee:

14

15 (i) The extent of big game animal/motor vehicle
16 collisions currently and over the last ten (10) years;

17

18 (ii) Efforts undertaken by the departments to
19 reduce big game animal/motor vehicle collisions in the past
20 through road and highway project planning and engineering
21 and estimated costs and benefits of those efforts;

22

1 (iii) Recommendations for additional legislation
2 and immediate and sustained funding to accommodate
3 identified big game animal migration pathways or to help
4 avoid, minimize or mitigate big game animal/motor vehicle
5 collisions.

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7 (b) The Wyoming game and fish commission and
8 department shall coordinate with the environmental quality
9 council, the department of environmental quality and the
10 oil and gas conservation commission and report to the joint
11 travel, recreation, wildlife and cultural resources interim
12 committee and to the joint minerals, business and economic
13 development interim committee no later than October 1,
14 2020:

15

16 (i) Recommended procedures and potential
17 substantive conditions on permits issued by each agency to
18 address impacts of surface and subsurface activities in
19 order to protect the annual movement of big game animals
20 between seasonal ranges and to maintain the continued
21 functionality of migration pathways used by big game
22 animals. The recommendations shall include:

23

1 (A) How the permitting agency will work with
2 private landowners to build upon efforts to conserve big
3 game animal migration pathway habitats;

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5 (B) How procedures and conditions might be
6 adjusted based upon local conditions, opportunities and
7 limitations;

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9 (C) How existing rights shall be recognized
10 and not affected without permission of the permit holder;

11

12 (D) How county and municipal land use plans
13 should be accommodated in the permitting process.

14

15 (ii) Recommendations for legislation to provide
16 authorization to adopt procedures and impose substantive
17 conditions on permits to address the issues specified in
18 this subsection. The recommendations shall include a
19 process under which big game animal migration pathways
20 identified pursuant to W.S. 23-1-302(a)(xxxiii) may be
21 separately identified in order to include additional
22 procedural requirements or substantive conditions on
23 permits. Any recommendation for a separate identification

1 shall include an opportunity for public hearings and
2 accommodations for conducting further research in order to
3 ensure the recommended designation accomplishes the
4 purposes necessary to a specific species or specific
5 pathway.

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7 (c) The joint minerals, business and economic
8 development interim committee and joint travel, recreation,
9 wildlife and cultural resources interim committee shall
10 meet jointly to consider the report submitted under
11 subsection (b) of this section. Each committee shall
12 develop and introduce legislation in the 2021 general
13 session to authorize and implement the procedures and
14 substantive provisions the committee determines appropriate
15 to accomplish the goals of section 1 of this act and
16 subsection (b) of this section.

17

18 (d) The joint transportation, highways and military
19 affairs interim committee shall meet to consider the report
20 submitted under subsection (a) of this section and shall
21 develop and introduce legislation in the 2021 general
22 session to authorize and implement the procedures and
23 substantive provisions the committee determines appropriate

1 to accomplish the goals of section 1 of this act and
2 subsection (a) of this section.

3

4 **Section 4.**

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6 (a) No state agency shall issue, condition, renew,
7 refuse to issue or refuse to renew any permit regulating
8 the development of any natural resource in the state based
9 solely upon the existence of a big game animal migration
10 pathway or designation of a big game animal migration
11 corridor, whether or not identified as such by the game and
12 fish commission pursuant to W.S. 23-1-302(a)(xxxiii) so
13 long as this subsection is effective. No applicant for a
14 permit specified in this section shall be required to
15 engage with any state agency as part of the permitting
16 process based solely upon the existence of a big game
17 animal migration pathway or designation of a big game
18 animal migration corridor, whether or not identified as
19 such by the game and fish commission pursuant to W.S.
20 23-1-302(a)(xxxiii) so long as this subsection is
21 effective. Nothing in this section shall be construed to
22 limit the authority of any state agency to implement or
23 enforce any existing law which:

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2 (i) Governs an activity subject to a permit and
3 which provides for identification or consideration of the
4 activity's effect on wildlife; or

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6 (ii) Provides for an agency to plan or take other
7 action to protect the state's wildlife.

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9 (b) Subsection (a) of this section is repealed April
10 1, 2021.

11

12 **Section 5.**

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14 (a) There is appropriated fifty-five thousand dollars
15 (\$55,000.00) from the general fund to the legislative
16 service office for purposes of providing salary, mileage
17 and per diem for legislators' actual attendance at
18 committee meetings as provided in this act. This
19 appropriation shall be for the period beginning with the
20 effective date of this act and ending June 30, 2021. This
21 appropriation shall not be transferred or expended for any
22 other purpose and any unexpended, unobligated funds

1 remaining from this appropriation shall revert as provided
2 by law on June 30, 2021.

3

4 **Section 6.** This act is effective immediately upon
5 completion of all acts necessary for a bill to become law
6 as provided by Article 4, Section 8 of the Wyoming
7 Constitution.

8

9

(END)