

HOUSE BILL NO. HB0018

Wildlife compensation pilot projects.

Sponsored by: Joint Agriculture, Public Lands and Water  
Resources Interim Committee

A BILL

for

1 AN ACT relating to wildlife; authorizing the establishment  
2 of pilot projects compensating landowners for damage caused  
3 by wildlife; specifying parameters of the projects;  
4 requiring a report; providing an appropriation; providing  
5 for sunset of the pilot project authorization; and  
6 providing for an effective date.

7

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

9

10 **Section 1.** W.S. 23-1-902 is created to read:

11

12 **23-1-902. Compensation for private property damaged**  
13 **by wildlife; pilot projects authorized.**

14

15 (a) The department, subject to review and approval of  
16 the commission, shall establish at least one (1) and up to

1 five (5) pilot projects providing for private landowner  
2 compensation for damages caused by wildlife in this state.  
3 The pilot projects shall be implemented at divergent  
4 geographic locations in the state using coordinated  
5 resource management guidelines. The pilot projects may be  
6 based upon any or all of the following or any combination  
7 of the following:

8  
9 (i) Modification of the existing private lands-  
10 public wildlife hunter management program to compensate  
11 private landowners for providing habitat and forage by the  
12 acre. The project may require a minimum amount of acreage  
13 and minimum number of hunter days of access and may provide  
14 for the management of big game animals and compensation for  
15 forage and habitat. Additional incentives may be provided  
16 for long-term contracts. Landowners participating in the  
17 pilot project shall not be eligible to redeem coupons  
18 provided under W.S. 23-3-105 for animals taken on lands  
19 within the program. Landowners shall be given the option  
20 to include mutually agreed upon restrictions for access.  
21 The landowner and the department may develop a formula for  
22 the value of species being managed, and provide different  
23 payments per acre enrolled based upon the species being

1 managed. The landowner and the department may negotiate  
2 acres, price, restrictions and conditions;

3

4 (ii) Compensation based upon a determination of  
5 the number of big game animals living on private lands, the  
6 duration of the presence and the effect on native livestock  
7 forage. Based upon those determinations, the department  
8 shall calculate an animal unit month for consumption of  
9 native livestock forage and compensate landowners based  
10 upon the calculated consumption, minus ten percent (10%)  
11 attributed to the landowner contribution of rangeland  
12 forage, and the average value of an animal unit month in  
13 the county as reported in the Wyoming agricultural  
14 statistics service survey of private land lease rates for  
15 the previous year;

16

17 (iii) Compensation for wildlife use based upon  
18 site specific utilization sampling of forage consumed by  
19 wildlife. Based upon the samplings, the department shall  
20 calculate an animal unit month for consumption of livestock  
21 forage and compensate landowners based upon the calculated  
22 consumption, minus ten percent (10%) attributed to the  
23 landowner contribution of rangeland forage, and the average  
24 value of an animal unit month in the county as reported in

1 the Wyoming agricultural statistics service survey of  
2 private land lease rates for the previous year;

3

4 (iv) Compensation based upon wildlife  
5 stewardship agreements between the department and private  
6 landowners. The agreements may provide for the lease of  
7 rangeland grass, crops and habitat for wildlife benefits  
8 and be negotiated on a case-by-case basis. The agreements  
9 may include restrictions or conditions applicable to pilot  
10 projects under paragraphs (i) through (iii) of this  
11 subsection. The agreements shall be tailored to protect  
12 the landowner's operation.

13

14 (b) In developing proposed pilot projects under this  
15 section, the commission and department shall consult with  
16 groups representing landowners and sportsmen. The  
17 commission shall retain the state's sovereign immunity in  
18 any contract entered into under this section except to the  
19 extent of compensation specified by the contract. The  
20 commission shall offer to all individual private landowners  
21 meeting the criteria of a proposed pilot project, the  
22 opportunity to apply to participate in the proposed pilot  
23 project. The commission may limit participation in any or  
24 all pilot projects implemented to individual landowners or

1 to any group of individual landowners as within the sole  
2 discretion of the commission best serves to accomplish the  
3 purposes of the pilot project.

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5 (c) Pilot projects under this section shall terminate  
6 not later than January 1, 2009. The department shall  
7 report actions taken under this section, the results of any  
8 pilot project and recommendations for statutory changes  
9 concerning compensation for wildlife damages to the  
10 legislature not later than May 1, 2009.

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12 (d) This section is repealed effective May 1, 2009.

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14 **Section 2.** W.S. 23-1-901 by creating a new subsection  
15 (g) and 39-13-103(b)(x) by creating a new subparagraph (D)  
16 are amended to read:

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18 **23-1-901. Owner of damaged property to report damage;**  
19 **claims for damages; time for filing; determination; appeal;**  
20 **arbitration.**

21

22 (g) Damages caused to private property which are  
23 compensated under pilot projects implemented pursuant to

1 W.S. 23-1-902 are not subject to the provisions of this  
2 section.

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4 **39-13-103. Imposition.**

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6 (b) Basis of tax. The following shall apply:

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8 (x) The following shall apply to agricultural  
9 land:

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11 (D) Land leased by the game and fish  
12 commission under a wildlife stewardship pilot project  
13 agreement under W.S. 23-1-902(a)(iv) shall be levied and  
14 assessed based upon the taxable value of agricultural land  
15 of similar productive value under W.S. 39-13-101(a) and  
16 this paragraph.

17

18 **Section 3.** The intent of this act is to gather  
19 information for the legislature to enable the establishment  
20 of a fair method of compensating private landowners for  
21 damages caused by the state's wildlife and to provide  
22 wildlife habitat. Actions taken under this act shall be  
23 done in furtherance of this intent.

24

1           **Section 4.**    There is appropriated from the general  
2 fund to the game and fish commission three hundred thousand  
3 dollars (\$300,000.00) or as much thereof as necessary for  
4 purposes of this act for fiscal years 2005 and 2006.  
5 Unobligated or unencumbered funds under this section shall  
6 revert to the budget reserve account on July 1, 2006.

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

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(END)