

SENATE FILE NO. SF0053

Public land access.

Sponsored by: Senator(s) Scott, Jennings, Landen and
Perkins and Representative(s) Gay and McOmie

A BILL

for

1 AN ACT relating to public lands; providing for acquisition
2 of access easements across private lands adjoining public
3 lands as specified; providing for use of eminent domain;
4 providing specifications for access points; and providing
5 for an effective date.

6

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

8

9 **Section 1.** W.S. 36-1-122 is created to read:

10

11 **36-1-122. Public access easements; acquisition;**
12 **specifications; valuation.**

13

14 (a) The board of land commissioners and the game and
15 fish commission, jointly or independently, may acquire, as
16 provided in this section, public access easements across

1 private lands where the private lands share a common corner
2 with tracts of public lands creating a point where access
3 from one parcel of public land to another parcel of public
4 land is restricted. Acquisition of these public access
5 easements may be by gift or donation, purchase or by use of
6 eminent domain.

7

8 (b) In determining whether to acquire an easement as
9 provided in subsection (a) of this section, the board of
10 land commissioners or the game and fish commission shall
11 consider the following factors:

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13 (i) The quantity and quality of recreational
14 opportunities which will become available to the public;

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16 (ii) The effect of the increased access to
17 public lands on the management of game herds;

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19 (iii) Whether effective access to the public
20 lands across private lands already exists without excessive
21 trespass fees;

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1 (iv) Any other economic value that may accrue to
2 the state by opening the public lands involved to mineral
3 or other exploration or production.

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5 (c) Except as provided in this subsection a public
6 access easement acquired under subsection (a) of this
7 section shall be limited to the privately owned portion of
8 a square, the midpoint of whose sides are six (6) feet from
9 the corner where the public lands and the private lands
10 abut. A larger easement may be acquired when:

11
12 (i) A land survey has offset the corners so that
13 they do not actually touch;

14
15 (ii) Terrain features require a larger easement
16 area;

17
18 (iii) A larger easement is required to
19 facilitate mineral exploration or other economic
20 development activities requiring the use of mechanical
21 equipment; or

22
23 (iv) A larger easement is required to facilitate
24 the development of a road.

1

2 (d) If eminent domain is used to acquire a public
3 access easement under subsection (a) of this section, the
4 value of the easement shall be established using only the
5 fair market value of the land actually condemned for the
6 access point. No other alleged costs to the private
7 landowner shall be considered.

8

9 (e) When a public access easement has been acquired
10 pursuant to this section, the board of land commissioners
11 or the game and fish commission may require that a gate or
12 other opening be installed within the easement to
13 facilitate public access. The required gate shall, at the
14 least, be large enough to allow passage of a person mounted
15 on a horse and shall be built in such a manner that a
16 female person of normal strength can open the gate without
17 difficulty.

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19 (f) The game and fish commission shall publish a list
20 of the locations of all access easements acquired by the
21 board of land commissioners or the game and fish commission
22 under this section.

23

1 (g) For purposes of this section, "public lands"
2 means state trust lands, game and fish owned lands and
3 federal lands to which the public has access for
4 recreational purposes.

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6 **Section 2.** W.S. 23-1-302(a)(iii)(intro) and by
7 creating a new subparagraph (D) is amended to read:

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9 **23-1-302. Powers and duties.**

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11 (a) The commission is directed and empowered:

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13 (iii) To acquire lands and waters in the name of
14 Wyoming by purchase, lease, agreement, gift or devise, not
15 including powers of eminent domain except as provided in
16 W.S. 36-1-122, and to develop, improve, operate, and
17 maintain the same for the following purposes:

18

19 (D) Public access as provided in W.S.
20 36-1-122.

21

22 **Section 3.** This act is effective July 1, 2012.

23

24 (END)