

**HB0013HW001**

1 Delete the House standing committee amendment (HB0013HS001/A)  
2 entirely and further amend as follows:

3  
4 Page 1-lines 1 through 13 Delete entirely.

5  
6 Pages 2 through 17 Delete entirely and insert:

7  
8 "AN ACT relating to sage grouse; requiring a legislative committee  
9 study regarding the creation of a compensatory mitigation credits  
10 program for conservation of the greater sage-grouse; specifying  
11 areas of study; authorizing the committee to introduce related  
12 legislation; and providing for an effective date.

13  
14 *Be It Enacted by the Legislature of the State of Wyoming:*

15  
16 **Section 1.**

17  
18 (a) The joint minerals, business and economic development  
19 interim committee shall study the creation and implementation of  
20 a statewide program for compensatory mitigation credits for  
21 conservation of the greater sage-grouse in Wyoming. In conducting  
22 the study, the committee shall consider:

23  
24 (i) The potential impacts of implementing a program for  
25 compensatory mitigation credits for conservation of the greater  
26 sage-grouse on the Wyoming greater sage-grouse conservation  
27 strategy and the effect this program will have on the potential  
28 listing of the species under the Endangered Species Act;

29  
30 (ii) The potential impacts of implementing a program  
31 for compensatory mitigation credits for conservation of the  
32 greater sage-grouse on agriculture, tourism, recreation, energy  
33 development, mining, highway construction and timber production in  
34 the state and the possibility of addressing industrial concerns  
35 through thoughtful management the greater sage-grouse through this  
36 program;

37  
38 (iii) The criteria necessary for evaluating substitute  
39 parcels of land that would qualify for the issuance of a mitigation  
40 credit under any program including:

41  
42 (A) The adequacy of proffered substitute parcels  
43 of land and their suitability as greater sage-grouse habitat as  
44 evidenced by the historical presence of greater sage grouse,

1 landscape and ecological conditions and other indicia of  
2 suitability;

3  
4 (B) Necessary use restrictions to be imposed upon  
5 any substitute parcel of land relating to recreation of any form  
6 and traditional farming and ranching uses such as crop cultivation  
7 and livestock production;

8  
9 (C) Necessary and advisable maintenance measures  
10 to be used for managing substitute parcels of land to ensure the  
11 land's continued value for the purpose of a compensatory mitigation  
12 credits program including measures related to weed and pest control  
13 and associated supervision of all maintenance activities;

14  
15 (D) The appropriateness of restricting hunting  
16 activities to ensure the suitability of the proffered substitute  
17 parcels is maintained;

18  
19 (E) The necessity for identifying categorical  
20 exclusions of property that may be offered as substitute parcels,  
21 including farm sites, feedlots and any areas that may be developed  
22 in the future;

23  
24 (F) Necessary administrative and judicial  
25 procedures to ensure compliance under any compensatory mitigation  
26 credits program, including processes allowing for complaints to  
27 the supervising agency on alleged violations and the settling of  
28 disputes between credit sellers, credit purchasers and other  
29 parties with a vested interest relating to a substitute parcel or  
30 mitigation credit;

31  
32 (G) The procedural steps necessary to create a  
33 standardized application, review and approval process for the  
34 issuance of compensatory mitigation credits including:

35  
36 (I) Identifying the appropriate  
37 administrative agency best equipped to administer and supervise a  
38 compensatory mitigation credits program in the state;

39  
40 (II) Protective measures necessary for  
41 ensuring substitute parcels of land are free from any legal  
42 encumbrances that would jeopardize their use as greater sage grouse  
43 habitat including requiring program participants to obtain formal  
44 title opinions and measures evidencing that all owners and any  
45 lienholders of specified substitute parcel agree to the terms of  
46 the compensatory mitigation credits program;

47

1 (III) Identifying appropriate means for  
2 providing the citizens of the state with notice regarding the  
3 transfer and sale of mitigation credits, the substitute parcels of  
4 land involved, the parties to the transactions and any encumbrances  
5 on the parcels, to include posting this notice on a state of  
6 Wyoming website and additional requirements for the recordation of  
7 any final agreement between a credit seller and credit purchaser  
8 in the land records in the county in which the substitute parcel  
9 of land is situated.

10  
11 (b) In conducting the study authorized under subsection (a)  
12 of this section, the committee may consult with the board of land  
13 commissioners, the department of agriculture, the department of  
14 environmental quality, the game and fish department, the oil and  
15 gas conservation commission, the department of transportation, the  
16 Wyoming wildlife and natural resource trust account board and any  
17 other state or federal agencies with information relevant to the  
18 study.

19  
20 (c) The committee may develop and consider legislation to  
21 address any findings of the study authorized under subsection (a)  
22 of this section.

23  
24 **Section 2.** This act is effective July 1, 2020.". MACGUIRE