

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 cooperative review area in response to
5 specified federal action; providing for the reimbursement
6 of costs for relocation or removal of bighorn sheep;
7 requiring and authorizing attorney general action as
8 specified; amending the duties of the wildlife/livestock
9 research partnership board; providing appropriations; and
10 providing for an 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:

15

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 and maintenance of healthy bighorn sheep
10 populations in the state of Wyoming. These two (2) policies
11 are mutually compatible as demonstrated since the adoption
12 of the collaboratively developed Wyoming bighorn/domestic
13 sheep plan in 2004, which was codified into law under W.S.
14 11-19-604 in 2015. The legislature further finds and
15 declares that:

16
17 (i) Reintroduction of bighorn sheep and
18 management action to protect existing populations of
19 bighorn sheep on federal public lands has been effectively
20 accomplished in conformance with the Wyoming
21 bighorn/domestic sheep plan;

22

1 (ii) All wildlife in the state of Wyoming is the
2 property of the state, and it is the policy of the state to
3 provide an adequate and flexible system for control,
4 propagation, management, protection and regulation of all
5 Wyoming wildlife;

6
7 (iii) Any removal of bighorn sheep from the
8 Sweetwater Rocks cooperative review area under this act
9 shall not be attributable to domestic livestock grazing on
10 federal bureau of land management administered lands.
11 Rather, the removal of bighorn sheep shall be directly
12 attributable to:

13
14 (A) Onerous federal regulation that unduly
15 impedes the state of Wyoming's ability to manage wildlife
16 and domestic livestock grazing in conformance with the
17 Wyoming bighorn/domestic sheep plan;

18
19 (B) Third-party litigation designed to use
20 bighorn sheep as a means of eliminating domestic livestock
21 grazing on bureau of land management administered lands in
22 and adjacent to the Sweetwater Rocks cooperative review
23 area.

1

2 (iv) The provisions of this section shall be
3 enforced by the state.

4

5 (b) In conformance with the Wyoming bighorn/domestic
6 sheep plan in W.S. 11-19-604 and pursuant to W.S. 23-1-103,
7 the game and fish department shall relocate or remove
8 bighorn sheep from the Sweetwater Rocks cooperative review
9 area if any federal judicial action or federal agency
10 action requires or could require the following:

11

12 (i) The elimination or suspension of domestic
13 sheep grazing or trailing; or

14

15 (ii) Any changes to a United States bureau of
16 land management resource management plan, grazing
17 allotments or livestock grazing agreements due to the
18 presence of bighorn sheep in the Sweetwater Rocks
19 cooperative review area or any adjacent grazing allotment
20 that is not in a designated bighorn sheep herd unit after
21 July 1, 2024 without the consent of the grazing permittee.

22

1 (c) Any relocation or removal of bighorn sheep from
2 the Sweetwater Rocks cooperative review area required by
3 subsection (b) of this section shall commence as soon as
4 practicable but not later than six (6) months after the
5 Wyoming department of agriculture certifies to the governor
6 that a condition specified in subsection (b) of this
7 section is met. The governor shall notify the game and fish
8 department that the removal of bighorn sheep from the
9 Sweetwater Rocks cooperative review area shall commence in
10 accordance with this section.

11

12 (d) The game and fish department shall be responsible
13 for the expedient removal of bighorn sheep that stray
14 outside the Sweetwater Rocks cooperative review area if
15 that straying or foray is not into another designated herd
16 unit.

17

18 (e) The state and its agencies shall coordinate and
19 assist the Wyoming congressional delegation in pursuing
20 changes to federal law, rules and policies in order to
21 bring them into conformance with the Wyoming
22 bighorn/domestic sheep plan created under W.S. 11-19-604.

23

1 (f) The Wyoming game and fish department shall not
2 seek to change, alter or otherwise affect changes to
3 domestic livestock grazing authorization on public and
4 state lands due to the presence of bighorn sheep in the
5 Sweetwater Rocks cooperative review area or adjacent
6 grazing allotments that are not within an existing bighorn
7 sheep herd unit.

8

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

14

15 (h) With the approval of the governor, the attorney
16 general shall seek to intervene in any lawsuit if a federal
17 action is contrary to the state's policy regarding Wyoming
18 bighorn/domestic sheep set forth in subsection (a) of this
19 section or that is inconsistent with the Wyoming
20 bighorn/domestic sheep plan.

21

22 (j) With the approval of the governor, the attorney
23 general shall file an action against any federal agency to

1 stop the enforcement, administration or implementation of
2 any federal agency rule, instructional memo, handbook or
3 other action taken by a federal agency if the rule,
4 instructional memo, handbook or other action is contrary to
5 the Wyoming bighorn/domestic sheep plan or is otherwise
6 contrary to law.

7
8 **Section 2.** W.S. 11-19-602(b) by creating a new
9 paragraph (vii) and 11-19-603 are amended to read:

10
11 **11-19-602. Wyoming wildlife/livestock disease**
12 **research partnership board created; membership; duties;**
13 **purposes.**

14
15 (b) The board shall:

16
17 (vii) Allocate funds for monitoring, tracking
18 and conducting disease surveillance before and following
19 the introduction of bighorn sheep in the Sweetwater Rocks
20 cooperative review area.

21
22 **11-19-603. Account created.**

1 There is created a wildlife/livestock disease research
2 partnership account. Funds from this account shall be used
3 only for purposes specified in W.S. 11-19-601 through
4 ~~11-19-604~~ 11-19-605. Any interest earned on the account
5 shall remain within the account.

6

7 **Section 3.**

8

9 (a) There is appropriated one hundred thousand
10 dollars (\$100,000.00) from the general fund to the
11 wildlife/livestock disease research partnership account for
12 purposes of reimbursing the game and fish department for
13 the costs of relocation or removal of bighorn sheep under
14 this act. This appropriation shall be for the period
15 beginning with the effective date of this act and ending
16 June 30, 2030. This appropriation shall not be transferred
17 or expended for any other purpose. Notwithstanding W.S.
18 9-2-1008, 9-2-1012(e) and 9-4-207, this appropriation shall
19 not revert until June 30, 2030.

20

21 (b) There is appropriated fifty thousand dollars
22 (\$50,000.00) from the general fund to the department of
23 agriculture for the rangeland health assessment program to

1 conduct rangeland monitoring of the United States bureau of
2 land management grazing allotments in or adjacent to the
3 Sweetwater Rocks bighorn sheep cooperative review area.
4 This appropriation shall be for the period beginning with
5 the effective date of this act and ending June 30, 2030.
6 This appropriation shall not be transferred or expended for
7 any other purpose. Notwithstanding W.S. 9-2-1008,
8 9-2-1012(e) and 9-4-207, this appropriation shall not
9 revert until June 30, 2030.

10

11 **Section 4.** This act is effective July 1, 2024.

12

13 (END)