

ORIGINAL SENATE
FILE NO. SF0179

ENROLLED ACT NO. 38, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

AN ACT relating to sage grouse implementation and mitigation credits; specifying that operator-offered mitigation measures may be used and approved to address impacts to greater sage-grouse habitat; specifying that eminent domain shall not be used to provide for mitigation activities; requiring rulemaking; and providing for an effective date.

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

Section 1. W.S. 9-19-203(b)(vi) and by creating new subsections (f) and (g) is amended to read:

9-19-203. Compensatory mitigation; guidelines.

(b) The board of land commissioners, after consultation as appropriate with the department of agriculture, the department of environmental quality, the game and fish department, the oil and gas conservation commission, the department of transportation and the Wyoming wildlife and natural resource trust account board, shall adopt rules for the establishment and administration of a compensatory mitigation credit system for greater sage grouse in Wyoming, including rules for evaluating ecological functions, services and values. The rules shall at a minimum provide for:

(vi) Criteria for other forms of mitigation, including operator-offered measures and operator-offered restoration credits, in accordance with subsection (f) of this section, and measures for reduced or eliminated take;

(f) In lieu of or in addition to the compensatory mitigation credit system provided in this act, an operator may perform compensatory mitigation measures in a service

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area that includes the same or reasonably equivalent properties in Wyoming to the lands where impacts occur and receive credit from the board of land commissioners for those measures. The operator shall retain responsibility for the mitigation measures for the entire period of the expected impact. The operator shall not delegate the responsibility for the mitigation measures except to a mitigation credit provider upon approval by the board of land commissioners.

(g) No person shall have the right of eminent domain for compensatory mitigation activities specified in this act.

Section 2. The board of land commissioners shall promulgate all rules necessary to implement this act.

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Section 3. This act is effective July 1, 2025.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk