

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO.

Designation of migration corridors.

Sponsored by: Select Federal Natural Resource Management  
Committee

A BILL

for

1 AN ACT relating to game and fish; providing procedures for  
2 the designation of migration corridors; requiring a report;  
3 amending the duties of the board of land commissioners;  
4 specifying applicability; and providing for an effective  
5 date.

6

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

8

9 **Section 1.** W.S. 23-1-1101 through 23-1-1103 are  
10 created to read:

11

12

ARTICLE 11

## 1 DESIGNATION OF MIGRATION CORRIDORS

2

3 **23-1-1101. Definitions.**

4

5 (a) As used in this article:

6

7 (i) "Migration corridor" means an area of the  
8 landscape that a substantial portion of a native ungulate  
9 herd or ungulate herd segment uses consistently to move  
10 between seasonal habitats and that has been designated  
11 pursuant to this article. "Migration corridor" includes  
12 ungulate stopover areas, ungulate movement routes and  
13 ungulate migration bottlenecks;

14

15 (ii) "Proposed migration corridor" means an area  
16 of the landscape that the department has identified, using  
17 science-based criteria and information, as an area where  
18 migration movement is known or suspected to occur;

19

20 (iii) "Ungulate migration bottleneck" means any  
21 portion of a migration corridor in which migrating  
22 ungulates are physically or behaviorally constrained.

23 "Ungulate migration bottleneck" includes habitat leading to

1 a highway underpass or overpass, a gap between fences or  
2 other developments or a geographically restrictive route;

3

4 (iv) "Ungulate movement route" means a specific  
5 path used by an individual ungulate to make seasonal  
6 movements between summer and winter ranges;

7

8 (v) "Ungulate stopover area" means an area  
9 consistently used by ungulates to rest and feed during  
10 spring and fall migration.

11

12 **23-1-1102. Identification of migration corridors.**

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14 (a) The department may identify proposed migration  
15 corridors based on scientific data and information for  
16 potential designation as a migration corridor under this  
17 article. Subject to subsection (b) of this section, the  
18 department shall forward any proposed migration corridors  
19 and their boundaries to the board of county commissioners  
20 of every county where the proposed migration corridor is  
21 located.

22

1           (b) No proposed migration corridor shall be identified  
2 and forwarded as provided in subsection (a) of this section  
3 until the department completes a risk assessment for the  
4 proposed migration corridor. The department, in  
5 consultation with the office of state lands and  
6 investments, the department of revenue, the department of  
7 transportation, the department of environmental quality and  
8 the oil and gas conservation commission, shall complete the  
9 risk assessment which shall, at a minimum, include:

10

11           (i) An analysis of existing threats and risks to  
12 ungulate populations within the proposed migration  
13 corridor;

14

15           (ii) A review of existing protections and  
16 management actions within the proposed migration corridor;

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18           (iii) An analysis of the potential for threats to  
19 ungulates and ungulate habitat within the proposed  
20 migration corridor;

21

22           (iv) Opportunities for conservation actions  
23 within the proposed migration corridor;

1

2 (v) A review of impacts on land use in the  
3 proposed migration corridor, including on recreational, oil  
4 and gas, transportation, mining, infrastructure,  
5 residential and agricultural uses;

6

7 (vi) An analysis on impacts on tax and severance  
8 tax revenues if the proposed migration corridor is  
9 designated;

10

11 (vii) A review of impacts as a result of lease or  
12 permit use restrictions or stipulations that are  
13 recommended for development within the proposed migration  
14 corridor.

15

16 (c) The department shall forward the completed risk  
17 assessment to the board of county commissioners of every  
18 county where the proposed migration corridor is located and  
19 to the working group established under W.S. 23-1-1103.

20

21 (d) Except as provided in W.S. 23-1-1102(k), deferral  
22 of land use permits and mineral lease sales within  
23 migration corridors designated pursuant to this article

1 shall not be made to any federal agency responsible for  
2 issuing permits or leases.

3

4 (e) Notice of a proposed migration corridor shall be  
5 provided:

6

7 (i) By the governor to any federal agency  
8 responsible for managing federal lands within the proposed  
9 migration corridor or responsible for issuing permits and  
10 leases within the proposed migration corridor;

11

12 (ii) By the department to:

13

14 (A) The office of state lands and  
15 investments for the purposes of providing notice of the  
16 proposed migration corridor for leases the office issues  
17 under chapters 5 and 6 of title 36 of the Wyoming statutes;

18

19 (B) Each private landowner who owns land  
20 within the proposed migration corridor.

21

22 **23-1-1103. Migration corridor working group;**

23 **recommendations; implementation; report.**

1

2 (a) For each proposed migration corridor forwarded  
3 under W.S. 23-1-1102, the boards of the county  
4 commissioners receiving the information shall create a  
5 working group to study the identified migration corridor  
6 and make recommendations for designation. The working group  
7 shall consist of:

8

9 (i) One (1) county commissioner from each county  
10 in which the identified migration corridor is located; and

11

12 (ii) Not more than seven (7) members with not  
13 more than one (1) member representing each of the following  
14 interests:

15

16 (A) Agriculture;

17

18 (B) Mining;

19

20 (C) Oil and gas industry;

21

22 (D) Conservation groups;

23

1                   (E) Outdoor recreation and sportsmen's  
2 groups;

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4                   (F) Wind energy or other impacted  
5 industries;

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7                   (G) Municipal government.

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9           (b) The county commissioner from the county containing  
10 the most total acres of the proposed migration corridor  
11 shall serve as the chairman of the working group.

12

13           (c) The chairman may appoint representatives of  
14 affected energy industries to the working group as a  
15 replacement of members who otherwise would be appointed  
16 under paragraph (a)(ii) of this section if the chairman  
17 finds that the proposed migration corridor will have no  
18 effect on an interest listed in paragraph (a)(ii) of this  
19 section.

20

21           (d) The chairman shall solicit applications for  
22 members of the working group specified under paragraph  
23 (a)(ii) of this section. The county commissioners who are



1 members of the working group shall select the remaining  
2 members from among the applicants within sixty (60) days of  
3 receiving a report of a proposed migration corridor from  
4 the department.

5

6 (e) The governor shall select from among the  
7 applicants the members specified in paragraph (a)(ii) of  
8 this section if the members of the working group are not  
9 selected by the county commissioner members within the  
10 sixty (60) day period.

11

12 (f) The working group may meet as often as deemed  
13 necessary by a majority of the working group or at the  
14 request of the chairman or the governor. The working group  
15 may request assistance from any state agency, county or  
16 federal entity to carry out its duties under this section.  
17 State agencies shall cooperate with any request for  
18 assistance.

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22 **STAFF COMMENT**

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24 The Committee may wish to consider whether it is necessary  
25 to specify what compensation, if any, the working group  
26 members may receive.

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(g) The working group shall review data and make recommendations to the board of land commissioners regarding whether the proposed migration corridor should be designated as a migration corridor to be managed by the state of Wyoming. Only those recommendations that receive an affirmative vote of not less than two-thirds (2/3) of the members of the working group shall be forwarded to the board of land commissioners. The working group shall at a minimum consider recommendations for:

(i) Whether the proposed migration corridor should be designated as a migration corridor;

(ii) If the working group recommends a migration corridor designation for the proposed migration corridor:

(A) Mitigation strategies designed to balance economic development and activity with conservation of wildlife and habitat within the migration corridor;

1                   (B) Whether the boundaries of the proposed  
2 migration corridor should be adopted as proposed or  
3 amended.

4

5                   (iii) Whether there will be any impacts to local  
6 land use decisions as a result of a designation of a  
7 migration corridor;

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9                   (iv) Whether the working group agrees or  
10 disagrees with any recommendations contained in the risk  
11 assessment developed pursuant to this article. The working  
12 group may supplement the risk assessment with any data or  
13 information it deems necessary for consideration by the  
14 board of land commissioners.

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16                   (g) The working group shall submit its recommendations  
17 to the board of land commissioners not later than one (1)  
18 year after the receipt of a report from the department. The  
19 working group shall include all recommendations proposed  
20 under subsection (f) of this section and shall state  
21 whether the working group failed to agree on an official  
22 recommendation by the vote required under subsection (f) of  
23 this section.

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2           (h) The working group shall cease to exist upon  
3 submission of recommendations to the board under this  
4 section but may be reconvened by the governor or a board of  
5 county commissioners of a county where the migration  
6 corridor is located. Vacancies on the working group shall  
7 be filled by:

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9           (i) The board of county commissioners of the  
10 county whose member can no longer serve on the working  
11 group, if the vacancy is of a member appointed under  
12 paragraph (a)(i) of this section;

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14           (ii) The governor, if the vacancy is of a member  
15 appointed under paragraph (a)(ii) of this section. The  
16 governor shall fill the vacancy by appointing a member with  
17 the same interest under subparagraphs (a)(ii)(A) through  
18 (G) as the member who can no longer serve on the working  
19 group.

20

21           (j) The board of land commissioners may take any  
22 action within its powers that it deems necessary to act  
23 upon the recommendations of a working group, including

1 designating a migration corridor as provided under this  
2 article.

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4 (k) Any state agency responsible for management,  
5 licensing, permitting, maintenance and operation of land  
6 and wildlife in a migration corridor shall promulgate any  
7 rules and regulations necessary to protect a migration  
8 corridor while ensuring the potential for multiple uses of  
9 land within the migration corridor. Any rules and  
10 regulations promulgated under this subsection shall be  
11 supported by scientific data. The governor may recommend  
12 deferral of land use permits and mineral lease sales within  
13 migration corridors designated pursuant to this article to  
14 any federal agency responsible for issuing permits or  
15 leases.

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17 (m) Any recommendation made by a state agency to a  
18 federal agency regarding land use and leasing in a  
19 migration corridor shall be no more restrictive than any  
20 rule or regulation promulgated under this section.

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24 **STAFF COMMENT**

1 The Select Committee may wish to consider the following  
2 language as an alternative to subsections (k) and (m)  
3 above:  
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5 (k) The governor shall oversee overall management of a  
6 migration corridor designated under this article. The  
7 governor may direct any state agency to take any action  
8 necessary to protect a migration corridor while ensuring  
9 the potential for multiple uses of land within the  
10 migration corridor. The governor may enter into agreements  
11 and memoranda of understanding with any federal agency  
12 responsible for the management of or the issuance of  
13 permits and leases on federal land within the migration  
14 corridor. The governor may recommend deferral of land use  
15 permits and mineral lease sales within migration corridors  
16 designated pursuant to this article to any federal agency  
17 responsible for issuing permits or leases.  
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22 (n) Not later than October 1 of each year, the  
23 department shall report to the joint travel, recreation,  
24 wildlife and cultural resources interim committee and the  
25 joint minerals, business and economic development interim  
26 committee on the status of existing migration corridors,  
27 proposed migration corridors and the work of any current  
28 working group created under this section.  
29

30 **Section 2.** W.S. 36-2-101 is amended to read:

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32 **36-2-101. Composition; powers generally.**

33

1       (a) The governor, secretary of state, state treasurer,  
2 state auditor, and superintendent of public instruction,  
3 being constituted a "board of land commissioners" by the  
4 provisions of section 3, article 18, of the constitution of  
5 the state of Wyoming, shall as such board, have the  
6 direction, control, leasing, care and disposal of all lands  
7 heretofore or hereafter granted or acquired by the state  
8 for the benefit and support of public schools or for any  
9 other purpose whatsoever, subject to the limitations  
10 contained in the constitution of the state, and the laws  
11 enacted by the legislature. The board shall have the power  
12 and authority to take such official action as may be  
13 necessary in securing title to land grants, or any other  
14 lands acquired by the state.

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16       (b) The board shall:

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18               (i) Consider and act upon any recommendations  
19 received from a migration corridor working group as  
20 required under W.S. 23-1-1101 through 23-1-1103;

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22               (ii) Give notice to any applicant seeking to  
23 lease state lands under chapters 5 or 6 of this title that

1 the state lands are within a proposed migration corridor as  
2 provided in W.S. 23-1-1101 through 23-1-1103.

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4       **Section 3.** The game and fish department shall complete  
5 all of the requirements of W.S. 23-1-1101 through 23-1-1103  
6 for any active and current migration corridor previously  
7 designated by the department.

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9       **Section 4.** This act is effective July 1, 2020.

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(END)