

WORKING DRAFT

HOUSE BILL NO. _____

Wildlife compensation pilot projects.

Sponsored by: Joint Agriculture, Public Lands and Water
Resources Interim Committee

A BILL

for

1 AN ACT relating to wildlife; authorizing the establishment
2 of pilot projects compensating landowners for damage caused
3 by wildlife; specifying parameters of the projects;
4 requiring a report; providing an appropriation; providing
5 for sunset of the pilot project authorization; and
6 providing for an effective date.

7

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

9

10 **Section 1.** W.S. 23-1-902 is created to read:

11

12 **23-1-902 Compensation for private property damaged by**
13 **wildlife; pilot projects authorized.**

14

1 (a) The department, subject to review and approval of
2 the commission, shall establish at least one (1) and up to
3 four (4) pilot projects providing for private landowner
4 compensation for damages caused by wildlife in this state.
5 The pilot projects shall be implemented at divergent
6 geographic locations in the state. The pilot projects may
7 be based upon any or all of the following or any
8 combination of the following:

9
10 (i) Modification of the existing private lands-
11 public wildlife hunter management program to compensate
12 private landowners for providing habitat and forage by the
13 acre. The project may require a minimum amount of acreage
14 and minimum number of hunter days of access and may provide
15 for the management of big or trophy game animals or
16 compensation for forage and habitat. Additional incentives
17 may be provided for long-term contracts. Landowners
18 participating in the pilot project shall not be eligible to
19 redeem coupons provided under W.S. 23-3-105 for animals
20 taken on lands within the program. Landowners shall be
21 given the option to include restrictions for access. The
22 landowner and the department may develop a formula for the
23 value of species being managed, and provide different
24 payments per acre enrolled based upon the species being

1 managed. The landowner and the department may negotiate
2 acres, price, restrictions and conditions;

3

4 (ii) Compensation based upon a determination of
5 the number of big and trophy game animals living on private
6 lands, the duration of the presence and the effect on
7 native livestock forage. Based upon those determinations,
8 the department shall calculate an animal unit month for
9 consumption of native livestock forage and compensate
10 landowners based upon the calculated consumption, minus ten
11 percent (10%) attributed to the landowner contribution of
12 native forage, and the average value of an animal unit
13 month in the county;

14

15 (iii) Compensation for wildlife use based upon
16 site specific utilization sampling of forage consumed by
17 wildlife. Based upon the samplings, the department shall
18 calculate an animal unit month for consumption of native
19 livestock forage and compensate landowners based upon the
20 calculated consumption, minus ten percent (10%) attributed
21 to the landowner contribution of native forage, and the
22 average value of an animal unit month in the county;

23

24 (iv) Compensation based upon wildlife stewardship

1 agreements between the department and private landowners.
2 The agreements may provide for the lease of native grass,
3 crops and habitat for wildlife benefits and be negotiated
4 on a case-by-case basis. The agreements may include
5 restrictions or conditions applicable to pilot projects
6 under paragraphs (i) through (iii) of this subsection. The
7 agreements shall be tailored to protect the landowners
8 operation.

9

10 (b) In developing proposed pilot projects under this
11 section, the commission and department shall consult with
12 groups representing landowners and sportsmen. The
13 commission shall retain the state's sovereign immunity in
14 any contract entered into under this section except to the
15 extent of compensation specified by the contract. The
16 commission shall offer to all individual private landowners
17 meeting the criteria of a proposed pilot project, the
18 opportunity to apply to participate in the proposed pilot
19 project. The commission may limit participation in any or
20 all pilot projects implemented to individual landowners or
21 to any group of individual landowners as within the sole
22 discretion of the commission best serves to accomplish the
23 purposes of the pilot project.

24

1 (c) Pilot projects under this section shall terminate
2 not later than January 1, 2009. The department shall
3 report actions taken under this section, the results of any
4 pilot project and recommendations for statutory changes
5 concerning compensation for wildlife damages to the
6 legislature not later than May 1, 2009.

7

8 (d) This section is repealed effective January 1,
9 2009.

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11 **Section 2.** W.S. 23-1-901 by creating a new subsection
12 (g) and 39-11-103(b)(x) by creating a new subparagraph (D)
13 is amended to read:

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15 **23-1-901. Owner of damaged property to report damage;**
16 **claims for damages; time for filing; determination; appeal;**
17 **arbitration.**

18

19 (g) Damages caused to private property which are
20 compensated under pilot projects implemented pursuant to
21 W.S. 23-1-902 are not subject to the provisions of this
22 section.

23

24 **39-13-103. Imposition.**

1

2 (b) Basis of tax. The following shall apply:

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4 (x) The following shall apply to agricultural
5 land:

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7 (D) Land leased by the game and fish
8 commission under a wildlife stewardship pilot project
9 agreement under W.S. 23-1-902(a)(iv) shall be levied and
10 assessed based upon the taxable value of agricultural land
11 of similar productive value under W.S. 39-13-101(a) and
12 this paragraph.

13

14 **Section 3.** The intent of this act is to gather
15 information for the legislature to enable the establishment
16 of a fair method of compensating private landowners for
17 damages caused by the state's wildlife. Actions taken
18 under this act shall be done in furtherance of this intent.

19

20 **Section 4.** There is appropriated from the general
21 fund to the game and fish commission one hundred thousand
22 dollars (\$100,000.00) or as much thereof as necessary for
23 purposes of this act. Notwithstanding W.S. 9-2-1008, 9-2-
24 1012(e) and 9-4-207, unobligated or unencumbered funds

1 retained by the commission under this section shall not
2 lapse at the end of a fiscal period and shall remain
3 available for use as provided in this section.

4

5 **Section 5.** This act is effective immediately upon
6 completion of all acts necessary for a bill to become law
7 as provided by Article 4, Section 8 of the Wyoming
8 Constitution.

9

10

(END)