

HOUSE BILL NO. HB0152

Very rare or uncommon area designations.

Sponsored by: Representative(s) Semlek, Davison, Lockhart,
Miller, Moniz, Quarberg, Shepperson and
Teeters and Senator(s) Bebout, Cooper,
Driskill and Geis

A BILL

for

1 AN ACT relating to the Environmental Quality Act;
2 eliminating the authority of the environmental quality
3 council to designate lands as "very rare" or "uncommon";
4 retaining previous designations as specified; retaining the
5 authority to remove previous designations of lands as "very
6 rare" or "uncommon"; and providing for an effective date.

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

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10 **Section 1.** W.S. 35-11-112(a)(v) is amended to read:

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12 **35-1-112. Powers and duties of the environmental**
13 **quality council.**

14

15 (a) The council shall act as the hearing examiner for
16 the department and shall hear and determine all cases or

1 issues arising under the laws, rules, regulations,
2 standards or orders issued or administered by the
3 department or its air quality, land quality, solid and
4 hazardous waste management or water quality divisions. At
5 the council's request the office of administrative hearings
6 may provide a hearing officer for any rulemaking or
7 contested case hearing before the council, and the hearing
8 officer may provide recommendations on procedural matters
9 when requested by the council. Notwithstanding any other
10 provision of this act, including this section, the council
11 shall have no authority to promulgate rules or to hear or
12 determine any case or issue arising under the laws, rules,
13 regulations, standards or orders issued or administered by
14 the industrial siting or abandoned mine land divisions of
15 the department. The council shall:

16

17 (v) Designate at the earliest date and to the
18 extent possible those areas of the state which are very
19 rare or uncommon and have particular historical,
20 archaeological, wildlife, surface geological, botanical or
21 scenic value. When areas of privately owned lands are to be
22 considered for such designation, the council shall give
23 notice to the record owner and hold hearing thereon, within
24 a county in which the area, or major portion thereof, to be

1 so designated is located, in accordance with the Wyoming
2 Administrative Procedure Act. No new designations shall be
3 made pursuant to this paragraph after July 1, 2011, but the
4 council shall retain the authority to remove designations
5 made prior to that date;

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7 **Section 2.** Any current designation of lands as very
8 rare or uncommon made pursuant to W.S. 35-11-112(a)(v)
9 prior to the effective date of this act shall remain in
10 effect until removed by the environmental quality council
11 as provided in W.S. 35-11-112(a)(v).

12

13 **Section 3.** This act is effective July 1, 2011.

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(END)