



**To:** Wyoming County Commissioners

**From:** Bailey K. Schreiber, Natural Resource Counsel

**Date:** July 22, 2019

**Re:** County Natural Resource Plan – Criteria, Consultant List and Template

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House Bill 54, passed by the 65<sup>th</sup> Wyoming State Legislature in early 2019, provides funding for counties to develop and revise county natural resource management plans. County natural resource plans are, per House Bill 54, to serve as a basis for communicating and coordinating with the federal government and its agencies on land and natural resource management issues.

House Bill 54 requires that, to be eligible for funding, county natural resource plans:

- Identify objectives and priorities for the use, development and protection of natural resources and land in Wyoming;
- Be developed or revised in public meetings held in accordance with Wyo. Stat. §§ 16-4-401 through 16-4-408; and
- Be based on criteria established by the governor's office in consultation with the counties and consistently applied in each comprehensive natural resource management plan.

The Governor has finalized criteria for county plans, which is attached to this memorandum. To aid in the development or revision of plans, the WCCA has developed a list of potential consultants with experience developing county plans. Additionally, submitted along with this memorandum is a template that counties or their consultants may use as a starting point for plans. Neither the list of potential consultants or the template should be considered exhaustive or compulsory.

Funding pursuant to House Bill 54 became available on July 1, 2019. Counties may now submit requests to the Governor's Office for funding. Applications should be sent to Beth Callaway with the Governor's Office ([beth.callaway@wyo.gov](mailto:beth.callaway@wyo.gov)). Additional guidance from the Governor's Office on requesting FNRPA funds is anticipated soon. Until then, requests should contain the following:

- Project description
- Total cost
- Projected budget



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- Anticipated project duration
- Indication if a 3<sup>rd</sup> party contractor will be required to complete the project; outline of products contractor will provide
- A primary point of contact

As a reminder, counties are guaranteed \$50,000 in funding between July 1, 2019 and July 1, 2020. After that, whatever funds remain are available to counties for plans at the Governor's discretion.

As always, please feel free to reach out to me for assistance or questions as you move through this important process.



To: Wyoming County Commissioners Association, Interested Parties  
From: Beth Callaway, Natural Resources Policy Advisor to Governor Mark Gordon  
Date: July 10, 2019  
Re: Eligibility and Criteria for HB54/HEA22 County Natural Resource Plans

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House Bill 54 (House Enrolled Act 22), passed by the 65<sup>th</sup> Wyoming State Legislature in 2019, provides funding for counties to develop and revise county natural resource management plans. County natural resource plans are to “serve as a basis for communicating and coordinating with the federal government and its agencies on land and natural resource management issues.”

Attached here is guidance on the county natural resource plan criteria that have been developed the Governor’s Office in consultation with WCCA. In addition to these criteria, HB54/HEA22 allocated \$1.15M to counties to assist with the development of these plans. Funds are available not to exceed \$50,000 to each county for the first year; should there be any unexpended, unobligated and uncommitted funds remaining from this appropriation as of July 1, 2020, counties may request additional allocation to assist in their planning efforts. Any unexpended, unobligated funds remaining from this appropriation shall revert to the general fund on June 30, 2022.

Please refer to the following for further details:

1. Attachment 1 -- Statutory criteria for HB54/HEA22 FNRPA funding
2. Attachment 2 -- Governor’s Office policy on eligibility and process for securing funds

Should you need clarification on any matters concerning HB54/HEA22 funded FNRPA projects, please don’t hesitate to contact me at: [beth.callaway@wyo.gov](mailto:beth.callaway@wyo.gov) and 307-777-8204.

**Attachment 1: HB 54 Criteria for County Natural Resource Plan Funding Eligibility**

(Red text indicates HB54/HEA22 amendments)

**Section 1.** W.S. 9-4-218(a)(intro) and by creating a new paragraph (viii) is amended to read:

9-4-218. Federal natural resource policy account created; purposes.

- (a) There is created an account known as the "federal natural resource policy account." Funds within the account may be expended by the governor on behalf of the state of Wyoming and its local governments, to take any of the actions specified in this subsection related to federal land, water, air, mineral and other natural resource policies which may affect the tax base of the state, wildlife management, state species, recreation, private property rights, water rights or leasehold rights. Funds also may be expended for preparing and participating in environmental impact statements and environmental assessments, including analysis of economic or social and natural or physical environmental effects on the human environment. Funds also may be expended for coordinating and participating in rangeland health assessments pursuant to W.S. 11-2-207. The governor may expend funds from the federal natural resource policy account for:

(viii) Development and revision of comprehensive natural resource management plans prepared by counties. Plans funded pursuant to this paragraph shall:

(A) Identify objectives and priorities for the use, development and protection of natural resources and land in Wyoming;

(B) Be based on criteria established by the governor's office in consultation with the counties and consistently applied in each comprehensive natural resource management plan;

(C) Serve as a basis for communicating and coordinating with the federal government and its agencies on land and natural resource management issues;

(D) Be developed or revised in public meetings held in accordance with W.S. 16-4-401 through 16-4-408. The public meetings shall allow for participation and contribution from the public.

**Section 2.** There is appropriated a one-time amount of one million one hundred fifty thousand dollars (\$1,150,000.00) from the general fund to the federal natural resource policy account created in W.S. 9-4-218(a). The governor shall only expend this appropriation for development and revision of comprehensive natural resource management plans pursuant to W.S. 9-4-218(a)(viii) provided that for the period beginning with the effective date of this act and ending June 30, 2020, not more than fifty thousand dollars (\$50,000.00) shall be granted to or expended for any one (1) county in Wyoming. On and after July 1, 2020, the governor may grant or expend the unexpended, unobligated and uncommitted funds remaining from this appropriation for development and revision of comprehensive natural resource management plans for any county or counties. Notwithstanding W.S. 9-4-218(b) or any other provision of law,

these funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert to the general fund on June 30, 2022.

Section 3. This act is effective July 1, 2019.

## **Attachment 2: Criteria for County Natural Resource Plan Funding Eligibility**

The following requirements and criteria, developed by the Governor's Office, in consultation with the counties, must be satisfied for a county natural resource plan to be eligible for funding reimbursement per Wyo. Stat. § 9-4-218.

### **1. Develop or Revise Plans in Public Meetings**

Wyo. Stat. § 9-4-218, as amended by House Bill 54, requires that county natural resource plans be developed or revised in public meetings in accordance with Wyo. Stat. §§ 16-4-401 through 16-4-408, allowing for public participation and contribution. Recognizing that these public processes may vary across counties, public engagement should occur at a minimum in the initial, draft and final plan development stages. Final plans should include a description of the core substantive issues identified by way of public comments and how, if at all, these issues were addressed in the final plan.

### **2. Resources and Issues to be Addressed**

For all lands managed by the federal government within the county, provide the following for each resource or issue identified below:

- **Resource Assessment.** Include background and detailed information on the resource, including qualitative as well as quantitative information. The assessment should include an evaluation of the importance of the resource to the county, location, quality and size, as well as a map of the resource, where appropriate. The Resource Assessment should rely on the best data available at the time of publication, though new data collection or research is not required. The Resource Assessment should address the question, "What is the state of the resource now?"

For example, here is an excerpt of a Resource Assessment section related to forest management:

Forested lands are an important natural resource in the county, and contribute to quality of life by providing employment, forest products, open space, wildlife habitat, forage for livestock, recreation, and numerous other social and economic benefits. . . .

Disease, wildland fire suppression policy and encroachment of woodland species (pinyon and juniper) has led to unhealthy, less productive and unnatural forest and woodland ecosystems which affect county economics and opportunities (San Juan County, personal communication).<sup>1</sup>

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<sup>1</sup> Excerpted from the San Juan County Resource Management Plan (2017), available here: [https://drive.google.com/drive/folders/1Cn80Wzst8eoa0o\\_BqoTBHOPfPm8M6MIe](https://drive.google.com/drive/folders/1Cn80Wzst8eoa0o_BqoTBHOPfPm8M6MIe).

- **Resource Management Objectives.** For each resource, describe general goals in the form of broad policy statements regarding the use, development and protection for each resource. Objectives should address the question, "What does the county want for and from this resource?" Where applicable, objectives should be stated in measurable terms and include tangible metrics for which resource objectives can be met. This may include quantifiable goals and timelines, where applicable and feasible.

For example, here is an example of a Resource Management Objective related to forest management:

Forests, woodlands, rangelands, watersheds, and habitats are healthy and resilient and are managed for multiple use.<sup>2</sup>

- **Priorities.** Describe specific priorities on how to achieve the county's Resource Management Objective for each resource. Priorities should tier to Resource Management Objectives for each resource. Priorities should address the question, "How would the county achieve the objectives?"

For example, here are examples of Priorities related to the Resource Management Objective above relating to forest management:

Support the use of mechanical, chemical, biological, prescribed fire, or controlled wildland fire to alter or perpetuate timber stands and increase herbaceous forage yield or cover as appropriate in areas where harvest methods are impractical or demand does not exist.

Support the agencies in permitting sustainable harvest of woodland and forest products (including cutting of green willows, and cottonwoods) for Native American traditional and ceremonial uses.<sup>3</sup>

Each plan should also discuss the county's local customs, local culture, and the components necessary for the county's economic stability.

Each plan must be consistent with State and federal law. Where applicable, plans should indicate when county objectives are more restrictive or protective than State or federal regulatory requirements.

Each county natural resource plan must, to the extent applicable for the county, address each of the following:

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<p><b>Land Use</b></p> <ul style="list-style-type: none"> <li>Land use</li> <li>Land access</li> <li>Wilderness</li> <li>Fire management</li> <li>Forest management</li> </ul>	<p><b>Geology, Mining and Air</b></p> <ul style="list-style-type: none"> <li>Mining</li> <li>Energy resources</li> <li>Mineral resources</li> <li>Air quality</li> <li>Soils</li> </ul>	<p><b>Water Resources</b></p> <ul style="list-style-type: none"> <li>Irrigation and related infrastructure</li> <li>Dams and reservoirs</li> <li>Water rights</li> <li>Water quality</li> <li>Hydrology                         <ul style="list-style-type: none"> <li>Flood plains</li> <li>Rivers and streams</li> <li>Wetlands</li> <li>Riparian areas</li> <li>Wild and scenic rivers</li> </ul> </li> </ul>
<p><b>Wildlife</b></p> <ul style="list-style-type: none"> <li>Fisheries</li> <li>Threatened, endangered, and sensitive species</li> <li>Wildlife</li> <li>Predator control</li> <li>Wild horses and burros</li> <li>Invasive species</li> </ul>	<p><b>Economics &amp; Society</b></p> <ul style="list-style-type: none"> <li>Recreation and tourism</li> <li>Law enforcement</li> <li>Cultural, historical, geological, and paleontological resources</li> <li>Economic considerations</li> </ul>	<p><b>Agriculture</b></p> <ul style="list-style-type: none"> <li>Livestock and grazing</li> <li>Noxious weeds</li> </ul>

**3. Collaboration with Other Agencies**

In developing their natural resource plans, counties are encouraged to work with relevant special districts (e.g., conservation districts, watershed improvement districts, etc.) that share their jurisdictional boundaries for planning and data sharing purposes. Counties should also coordinate with relevant State agencies. Counties are also encouraged to involve federal agencies that manage public lands within their counties in the development of the county natural resource plans.

**4. Updating County Natural Resource Plans**

Counties are encouraged, but not required, to include a provision for updating or revising county natural resource plans. For example, a county may include a provision in a county natural resource plan that suggests updating a plan as new information is acquired or resource conditions change. A plan might instead be updated on a set schedule, such as every 10 or 15 years.



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The following consultants have experience in and are prepared to assist counties in developing county natural resource plans. This is not meant to be a comprehensive list; there may be other entities prepared and qualified to prepare plans on behalf of counties.

## **Falen Law Offices, LLC**

Conner G. Nicklas  
300 East 18th Street  
Cheyenne, WY 82001  
(307) 632-5105  
[conner@buddfalen.com](mailto:conner@buddfalen.com)  
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## **ERG - Ecosystem Research Group, LLC**

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<http://ecosystemrg.com/>

## **Logan Simpson**

Holly A. Bagot  
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(909) 969-3775  
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## **Slate Canyon Consulting**

Shannon Elsworth  
[shannon@slatecanyonco.com](mailto:shannon@slatecanyonco.com)  
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## **SWCA**

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## **Y2 Consultants**

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