

**WORKING DRAFT**

HOUSE BILL NO. \_\_\_\_\_

State standards for federal resource management.

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

A BILL

for

1 AN ACT relating to administration of government; providing  
2 for state standards and coordination with federal agencies  
3 regarding federal resource management; and providing for an  
4 effective date.

5

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

7

8 **Section 1.** W.S. 9-15-101 is created to read:

9

10 CHAPTER 15

11

12 STATE STANDARDS FOR FEDERAL NATURAL RESOURCE MANAGEMENT

13

14 **9-15-101. Preparation of plans, policies, programs or**  
15 **processes; coordination with federal agencies.**

1

2 (a) The governor shall prepare plans, policies,  
3 programs or processes and shall coordinate the:

4

5 (i) Development of general policies concerning  
6 the management and use of federal lands and natural  
7 resources on federal lands in Wyoming to promote maximum  
8 recognition of state and local interest in the federal land  
9 use management process;

10

11 (ii) Development, research and use of factual  
12 information, legal analysis and statements of desired  
13 future condition for the state, or region of the state, as  
14 necessary to support the plans, programs, processes and  
15 policies;

16

17 (iii) Establishment of agreements between the  
18 state and federal land management agencies, federal natural  
19 resource management agencies and federal natural resource  
20 regulatory agencies to facilitate state and local  
21 participation in the development, revision and  
22 implementation of land use plans, guidelines, regulations,  
23 other instructional memoranda or similar documents proposed

1 or promulgated for lands and natural resources administered  
2 by federal agencies; and

3

4 (iv) Establishment of agreements with federal  
5 land management agencies, federal natural resource  
6 management agencies and federal natural resource regulatory  
7 agencies to provide a process for state and local  
8 participation in the preparation of, or coordinated state  
9 response to, environmental impact analysis documents and  
10 similar documents prepared pursuant to law by state or  
11 federal agencies.

12

13 (b) The governor shall take into consideration the  
14 following findings in the preparation of any plans,  
15 policies, programs or processes relating to federal lands  
16 and natural resources on federal lands pursuant to this  
17 section:

18

19 (i) The citizens of the state are best served by  
20 the application of multiple use and sustained yield  
21 principles when making decisions concerning the management  
22 and use of the lands administered by the bureau of land  
23 management and the United States forest service;

24

1           (ii) Multiple use and sustained yield management  
2 means federal agencies shall develop and implement  
3 management plans and make other resource use decisions to  
4 facilitate land and natural resource use allocation  
5 supporting the specific plans, programs, processes and  
6 policies of state agencies and local governments. Multiple  
7 use and sustained yield management is designed to produce  
8 and provide the watersheds, food, fiber and minerals  
9 necessary to meet future economic growth needs, community  
10 expansion and meet the recreational needs of the citizens  
11 of the state without permanent impairment of the  
12 productivity of the land;

13

14           (iii) The waters of the state are the property  
15 of the citizens of the state, subject to appropriation for  
16 beneficial use, and are essential to the future prosperity  
17 of the state and the quality of life within the state;

18

19           (iv) The state has the right to develop and use  
20 its entitlement to interstate waters;

21

22           (v) All water rights desired by the federal  
23 government shall be obtained through the state water  
24 appropriation system;

1

2 (vi) Development of the solid, fluid and gaseous  
3 mineral resources of the state is an important part of the  
4 economy of the state and of regions within the state;

5

6 (vii) The state has outstanding opportunities  
7 for outdoor recreation;

8

9 (viii) Wildlife constitutes an important  
10 resource and provides recreational and economic  
11 opportunities for the state's citizens. Proper stewardship  
12 of the land and natural resources is necessary to ensure a  
13 viable wildlife population within the state;

14

15 (ix) Forests, rangelands, timber and other  
16 vegetative resources provide forage for livestock, forage  
17 and habitat for wildlife, contribute to the state's  
18 economic stability and growth, and are important for a wide  
19 variety of recreational pursuits;

20

21 (x) Management programs and initiatives to  
22 improve watersheds and increase forage for the mutual  
23 benefit of the agricultural industry and wildlife species

1 by utilizing proven techniques and tools are vital to the  
2 state's economy and the quality of life in the state; and

3

4 (xi) Transportation and access routes to and  
5 across federal lands, including all rights of way vested  
6 under federal regulation 43 U.S.C. 932, are vital to the  
7 state's economy and to the quality of life in Wyoming.

8

9 (c) The governor shall consider the following  
10 findings in the preparation of any plan, policies, programs  
11 or processes relating to federal lands and natural  
12 resources on federal lands pursuant to this section:

13

14 (i) The state's support for the addition of a  
15 river segment to the National Wild and Scenic Rivers  
16 System, 16 U.S.C. 1271 et seq., shall be withheld until:

17

18 (A) The appropriate federal agency clearly  
19 demonstrates water is present and flowing at all times;

20

21 (B) The appropriate federal agency clearly  
22 demonstrates the required water related value is considered  
23 outstandingly remarkable within a region of comparison and

1 that the rationale and justification for the conclusions  
2 are disclosed to the state;

3

4 (C) The effects of the addition upon the  
5 local and state economies, agricultural and industrial  
6 operations and interests, tourism, water rights, water  
7 quality, water resource planning and access to and across  
8 river corridors in both upstream and downstream directions  
9 from the proposed river segment have been evaluated in  
10 detail by the appropriate federal agency and disclosed to  
11 the state;

12

13 (D) The appropriate federal agency clearly  
14 demonstrates the provisions and terms of the process for  
15 review of potential additions have been applied in a  
16 consistent manner by all federal agencies;

17

18 (E) The rationale and justification for the  
19 proposed addition, including a comparison with protections  
20 offered by other management tools, is clearly analyzed  
21 within the multiple use mandate and the results disclosed  
22 to the state; and

23

1                   (F) The conclusions of all studies related  
2 to potential additions to the National Wild and Scenic  
3 River System are submitted to the state for review and  
4 action by the legislature and the governor, and the results  
5 in support of or in opposition to, are included in any  
6 planning documents or other proposals for addition and are  
7 forwarded to the United States congress.

8

9                   (ii) The state's support for designation of an  
10 area of critical environmental concern, as defined in 43  
11 U.S.C. 1702, within federal land management plans shall be  
12 withheld until:

13

14                   (A) The appropriate federal agency clearly  
15 demonstrates the proposed area contains historic, cultural  
16 or scenic values, fish or wildlife resources or natural  
17 processes unique or substantially significant on a regional  
18 basis, or contain natural hazards which significantly  
19 threaten human life or safety;

20

21                   (B) The regional values, resources,  
22 processes or hazards that have been analyzed by the  
23 appropriate federal agency for impacts resulting from  
24 potential actions are consistent with the multiple use



1 sustained yield principles. This analysis describes the  
2 rationale for any special management attention required to  
3 protect or prevent irreparable damage to the values,  
4 resources, processes or hazards;

5

6 (C) The difference between special  
7 management attention required for an area of critical  
8 environmental concern and normal multiple use management  
9 has been identified and justified and any determination of  
10 irreparable damage has been analyzed and justified for  
11 short and long term horizons;

12

13 (D) The appropriate federal agency clearly  
14 demonstrates the proposed designation is not a substitute  
15 for a wilderness suitability recommendation; and

16

17 (E) The conclusions of all studies are  
18 submitted to the state for review and the results, in  
19 support of or in opposition to, are included in all  
20 planning documents and sufficient federal lands are made  
21 available for government to government exchanges of state  
22 trust lands and federal lands without regard for a resource  
23 to resource correspondence between the surface or mineral

1 characteristics of the offered state trust lands and the  
2 offered federal lands.

3

4 (iii) The state recognizes the importance of the  
5 Endangered Species Act and potential impacts on federal  
6 lands management and therefore requires the United States  
7 fish and wildlife service to:

8

9 (A) Clearly demonstrate peer reviewed  
10 science is present before any species listing;

11

12 (B) Consult with the state planning  
13 coordinator before any species listing;

14

15 (C) Consult with the state planning  
16 coordinator in all Endangered Species Act of 1973, 16  
17 U.S.C. 1535, consultations;

18

19 (D) Recognize the importance of  
20 agricultural operations in providing critical wildlife  
21 habitat;

22

23 (E) Consult with the state planning  
24 coordinator in setting population objectives and species

1 habitat requirements early in the planning process to  
2 ensure recovery and delisting of any species.

3

4 (iv) Federal agencies shall support government  
5 to government exchanges of land with the state based on a  
6 fair process of valuation to meet the fiduciary obligations  
7 of both the state and federal governments toward trust  
8 lands management, and to assure revenue authorized by  
9 federal statute to the state from mineral or timber  
10 production, present or future, is not diminished in any  
11 manner during valuation, negotiation or implementations  
12 processes;

13

14 (v) Prime agricultural lands shall continue to  
15 produce the food and fiber needed by the citizens of the  
16 state and the nation. The rural character and open  
17 landscape of rural Wyoming shall be preserved through a  
18 healthy and active agricultural industry, consistent with  
19 private property rights and state fiduciary duties;

20

21 (vi) The resources of the forests and rangelands  
22 of Wyoming shall be integrated as part of viable, robust  
23 and sustainable state and local economies. Available  
24 forage shall be evaluated for the full complement of

1 herbivores the rangelands can support in a sustainable  
2 manner. Forests shall contain a diversity of timber  
3 species, and disease or insect infestations in forests  
4 shall be controlled using logging or other best management  
5 practices;

6

7 (vii) The invasion of noxious weeds and  
8 undesirable invasive plant species into Wyoming shall be  
9 reversed, their presence eliminated and their return  
10 prevented;

11

12 (viii) Management and resource use decisions by  
13 federal land management and regulatory agencies concerning  
14 the vegetative resources within the state shall reflect  
15 serious consideration of the optimization of the yield of  
16 water and the storage opportunities that exist within the  
17 watersheds of Wyoming;

18

19 (ix) The development of the solid, fluid and  
20 gaseous mineral resources of the state shall be encouraged,  
21 the waste of fluid and gaseous minerals within developed  
22 areas shall be prohibited and requirements to mitigate or  
23 reclaim mineral development projects shall be based on

1 credible evidence of significant impacts to natural or  
2 cultural resources;

3

4 (x) Motorized, human and animal-powered outdoor  
5 recreation shall be integrated into a fair and balanced  
6 allocation of resources within the historical and cultural  
7 framework of multiple uses in rural Wyoming. Outdoor  
8 recreation shall be supported as part of a balanced plan of  
9 state and local economic support and growth;

10

11 (xi) Off-highway vehicles shall be used  
12 responsibly, the management of off-highway vehicles shall  
13 be uniform across all jurisdictions and laws related to the  
14 use of off-highway vehicles shall be uniformly applied  
15 across all jurisdictions;

16

17 (xii) Rights-of-way granted under the provisions  
18 of federal regulation 43 U.S.C. 932 shall be preserved and  
19 acknowledged;

20

21 (xiii) Transportation and access provisions for  
22 all other existing routes, roads and trails across federal,  
23 state trust lands within the state shall be determined and  
24 identified and agreements executed and implemented as

1 necessary to fully authorize and determine responsibility  
2 for maintenance of all routes, roads and trails;

3

4 (xiv) The reasonable development of new routes  
5 and trails for motorized, human and animal powered  
6 recreation shall be implemented;

7

8 (xv) Forests, rangelands and watersheds in a  
9 healthy condition are necessary and beneficial for  
10 wildlife, livestock, grazing and other multiple-uses;

11

12 (xvi) Management programs and initiatives  
13 implemented to increase forage for the mutual benefit of  
14 the agricultural industry, livestock operations and  
15 wildlife species shall utilize all proven techniques and  
16 tools;

17

18 (xvii) The continued viability of livestock  
19 operations and the livestock industry shall be supported on  
20 the federal lands within Wyoming by management of the lands  
21 and forage resources, by the optimization of animal unit  
22 months for livestock in accordance with the multiple use  
23 provisions of the Federal Land Policy and Management Act of  
24 1976, 43 U.S.C. 1701 et. seq., the provisions of the Taylor

1 Grazing Act of 1934, 43 U.S.C. 315 et. seq. and the  
2 provisions of the Public Rangelands Improvement Act of  
3 1978, 43 U.S.C. 1901 et. seq.;

4

5 (xviii) The provisions for predator control  
6 initiatives or programs under the direction of state and  
7 local authorities shall be implemented; and

8

9 (xix) The resource use and management decisions  
10 by federal land management and regulatory agencies shall  
11 support state sponsored initiatives or programs designed to  
12 stabilize wildlife populations experiencing a  
13 scientifically demonstrated decline in those populations.

14

15 (d) Nothing contained in this section shall be  
16 construed to restrict or supersede the planning powers  
17 conferred upon state departments, agencies,  
18 instrumentalities or advisory councils of the state or the  
19 planning powers conferred upon political subdivisions by  
20 any other existing law.

21

22 (e) Nothing in this section shall be construed to  
23 affect any lands withdrawn from the public domain for

1 military purposes if the lands are administered by the  
2 United States department of defense.

3

4 **Section 2.** This act is effective July 1, 2005.

5

6

(END)