

HOUSE BILL NO. HB0011

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 STATE STANDARDS FOR FEDERAL NATURAL RESOURCE MANAGEMENT

12

13 **9-15-101. Preparation of plans, policies, programs or**
14 **processes; coordination with federal agencies.**

15

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

3

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

9

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

15

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

1

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

10

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

16

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

22

23 (ii) Multiple use and sustained yield management
24 means federal agencies shall develop and implement

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

11

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

16

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

19

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

23

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

4

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

7

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

13

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

19

20 (x) Management programs and initiatives to
21 improve watersheds and increase forage for the mutual
22 benefit of the agricultural industry and wildlife species
23 by utilizing proven techniques and tools are vital to the
24 state's economy and the quality of life in the state; and

1

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

6

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

11

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

15

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

18

19 (B) The appropriate federal agency clearly
20 demonstrates the required water related value is considered
21 outstandingly remarkable within a region of comparison and
22 that the rationale and justification for the conclusions
23 are disclosed to the state;

24

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

9

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

14

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

20

21 (F) The conclusions of all studies related
22 to potential additions to the National Wild and Scenic
23 River System are submitted to the state for review and
24 action by the legislature and the governor, and the results

1 in support of or in opposition to, are included in any
2 planning documents or other proposals for addition and are
3 forwarded to the United States congress.

4

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

9

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

16

17 (B) The regional values, resources,
18 processes or hazards that have been analyzed by the
19 appropriate federal agency for impacts resulting from
20 potential actions are consistent with the multiple use
21 sustained yield principles. This analysis describes the
22 rationale for any special management attention required to
23 protect or prevent irreparable damage to the values,
24 resources, processes or hazards;

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

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

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

(iii) The state recognizes the importance of the Endangered Species Act and potential impacts on federal

1 lands management and therefore requires the United States
2 fish and wildlife service to:

3

4 (A) Clearly demonstrate peer reviewed
5 science is present before any species listing;

6

7 (B) Consult with the state planning
8 coordinator before any species listing;

9

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

13

14 (D) Recognize the importance of
15 agricultural operations in providing critical wildlife
16 habitat;

17

18 (E) Consult with the state planning
19 coordinator in setting population objectives and species
20 habitat requirements early in the planning process to
21 ensure recovery and delisting of any species.

22

23 (iv) Federal agencies shall support government
24 to government exchanges of land with the state based on a

1 fair process of valuation to meet the fiduciary obligations
2 of both the state and federal governments toward trust
3 lands management, and to assure revenue authorized by
4 federal statute to the state from mineral or timber
5 production, present or future, is not diminished in any
6 manner during valuation, negotiation or implementations
7 processes;

8

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

15

16 (vi) The resources of the forests and rangelands
17 of Wyoming shall be integrated as part of viable, robust
18 and sustainable state and local economies. Available
19 forage shall be evaluated for the full complement of
20 herbivores the rangelands can support in a sustainable
21 manner. Forests shall contain a diversity of timber
22 species, and disease or insect infestations in forests
23 shall be controlled using logging or other best management
24 practices;

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2 (vii) The invasion of noxious weeds and
3 undesirable invasive plant species into Wyoming shall be
4 reversed, their presence eliminated and their return
5 prevented;

6

7 (viii) Management and resource use decisions by
8 federal land management and regulatory agencies concerning
9 the vegetative resources within the state shall reflect
10 serious consideration of the optimization of the yield of
11 water and the storage opportunities that exist within the
12 watersheds of Wyoming;

13

14 (ix) The development of the solid, fluid and
15 gaseous mineral resources of the state shall be encouraged,
16 the waste of fluid and gaseous minerals within developed
17 areas shall be prohibited and requirements to mitigate or
18 reclaim mineral development projects shall be based on
19 credible evidence of significant impacts to natural or
20 cultural resources;

21

22 (x) Motorized, human and animal powered outdoor
23 recreation shall be integrated into a fair and balanced
24 allocation of resources within the historical and cultural

1 framework of multiple uses in rural Wyoming. Outdoor
2 recreation shall be supported as part of a balanced plan of
3 state and local economic support and growth;

4

5 (xi) Off-highway vehicles shall be used
6 responsibly, the management of off-highway vehicles shall
7 be uniform across all jurisdictions and laws related to the
8 use of off-highway vehicles shall be uniformly applied
9 across all jurisdictions;

10

11 (xii) Rights-of-way granted under the provisions
12 of federal regulation 43 U.S.C. § 932 shall be preserved
13 and acknowledged;

14

15 (xiii) Transportation and access provisions for
16 all other existing routes, roads and trails across federal,
17 state trust lands within the state shall be determined and
18 identified and agreements executed and implemented as
19 necessary to fully authorize and determine responsibility
20 for maintenance of all routes, roads and trails;

21

22 (xiv) The reasonable development of new routes
23 and trails for motorized, human and animal powered
24 recreation shall be implemented;

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2 (xv) Forests, rangelands and watersheds in a
3 healthy condition are necessary and beneficial for
4 wildlife, livestock, grazing and other multiple uses;

5

6 (xvi) Management programs and initiatives
7 implemented to increase forage for the mutual benefit of
8 the agricultural industry, livestock operations and
9 wildlife species shall utilize all proven techniques and
10 tools;

11

12 (xvii) The continued viability of livestock
13 operations and the livestock industry shall be supported on
14 the federal lands within Wyoming by management of the lands
15 and forage resources, by the optimization of animal unit
16 months for livestock in accordance with the multiple use
17 provisions of the Federal Land Policy and Management Act of
18 1976, 43 U.S.C. § 1701 et seq., the provisions of the
19 Taylor Grazing Act of 1934, 43 U.S.C. § 315 et seq. and the
20 provisions of the Public Rangelands Improvement Act of
21 1978, 43 U.S.C. § 1901 et seq.;

22

1 (xviii) The provisions for predator control
2 initiatives or programs under the direction of state and
3 local authorities shall be implemented; and

4
5 (xix) The resource use and management decisions
6 by federal land management and regulatory agencies shall
7 support state sponsored initiatives or programs designed to
8 stabilize wildlife populations experiencing a
9 scientifically demonstrated decline in those populations.

10

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

17

18 (e) Nothing in this section shall be construed to
19 affect any lands withdrawn from the public domain for
20 military purposes if the lands are administered by the
21 United States department of defense.

22

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

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(END)