



To: Members of the Joint Appropriations Committee

From: Beth Callaway, Natural Resources Policy Advisor to Governor Mark Gordon

Date: January 3, 2020

Re: Additional Information as requested regarding Federal Natural Resource Policy Account reimbursements

The Federal Natural Resource Policy Account (FNRPA) W.S. 9-4-218 provides, in part, funds expended by the governor on behalf of the State and its local governments to take actions in response to federal natural resource policies in Wyoming. FNRPA funds can apply to a wide array of issues and may be granted to State of Wyoming agencies or local governments including cities, counties or county commissions. Attachment 1 details the statutory criteria for FNRPA.

The committee has requested a list of FNRPA reimbursements and the timeline for payments. The following is a list of these activities that have been submitted to this office since the start of this administration (January 7, 2019):

Coalition of Local Governments (County Commissions and Conservation Districts for Lincoln, Sweetwater, Uinta, Little Snake and Sublette)

1. #15-22 dated January 24, 2019 (\$2,221.50) for services rendered October-November 2018 – Approved June 11, paid June 18
2. #17-8 dated January 24, 2019 (\$13,279.84) for services rendered August 2018-December 2018 – Approved June 11, paid June 18
3. #18-1 dated January 24, 2019 (\$99,862.73) for services rendered December 2017-January 2019 – Approved June 11, paid June 18
4. #17-9 dated April 23, 2019 (\$1,387.91) for services rendered March-April 2019 – Approved June 20, paid June 27
5. #18-2 dated April 23, 2019 (\$16,295.69) for services rendered February-April 2019 – Approved June 20, paid June 27
6. #17-10 dated June 17, 2019 (\$5,137.50) for services rendered April 2019 – Approved October 11, paid October 22
7. #18-3 dated June 17, 2019 (\$11,241.50) for services rendered May-June 2019 – Approved October 11, paid October 22
8. #18-4 dated August 13, 2019 (\$14,725.90) for services rendered June-July 2019 – Approved October 11, paid October 22

9. #18-5 dated November 18, 2019 (\$20,514.14) for services rendered August-November 2019 – Approved December 14 paid December 18

Campbell/Tri-County

1. #1 dated June 10, 2019 (\$40,872.44) for services rendered July 2018 - May 2019 – Approved June 20, paid June 26
2. #2 dated November 7, 2019 (\$14,911.90) for services rendered May-August 2019 – payment pending corrected invoice

Wyoming County Commissioners Association

1. Invoice dated May 29, 2019 (\$180,000) for FY 2020 -- Approved August 18, paid September 3

Wyoming Wildlife and Natural Resource Trust

1. #1003276-5 dated March 5, 2019 (\$2,376.71) for services rendered July 2016-February 2019 – Approved April 29, paid April 30

Should you need clarification on any other matters concerning the FNRPA account, please don't hesitate to contact me at: beth.callaway@wyo.gov and 307-777-8204.

Attachment 1: Statutory Criteria for Federal Natural Resource Policy Account (FNRPA) Funding Eligibility

(Red text indicates HB54/HEA22 2019 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 ~~in response~~ 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:

- (i) Participation of the state, a state agency or a county as a joint lead agency to prepare an environmental impact statement in accordance with regulations promulgated by the federal council on environmental quality;
- (ii) Participation of the state, a state agency or a county as a cooperating agency in accordance with regulations promulgated by the federal council on environmental quality. Participation may include:
 - (A) Involvement in the National Environmental Policy Act (NEPA) process at the earliest possible time;
 - (B) Involvement in the scoping process described in regulations promulgated by the federal council on environmental quality;
 - (C) Development of information and preparation of environmental analyses including portions of the environmental impact statement in which Wyoming has special expertise;
 - (D) Assisting the state, a state agency or counties in collecting, compiling, analyzing and distributing economic impact data related to federal natural resource policy formation and participation in policy development;
 - (E) Making staff support available at the lead agency's request to enhance Wyoming's interdisciplinary capability; and
 - (F) Expenditure of state or county funds.
- (iii) Investigating, initiating, intervening or otherwise participating in litigation, or taking any other legal action by the state, a state agency or the counties of the state individually or jointly, that furthers the purposes of this subsection. In carrying out this subsection, the attorney general or the counties, with approval of the governor, may retain qualified practicing attorneys to act for the state or the counties,

including providing representation in other forums with the federal government or other state or county governments that may preclude or resolve any outstanding issues or attempting to influence pertinent federal legislation;

- (iv) Participation in monitoring of federal natural resource issues, including the collection, review, analysis or dissemination of any material that may be required for legal action or to support any other purpose authorized under this section;
- (v) Training seminars educating state and local government officials and employees on the provisions and requirements of the federal National Environmental Policy Act of 1969 and related federal rules and regulations, and on the processes used by federal agencies in administering federal law;
- (vi) Development of rangeland health assessments in compliance with W.S. 11-2-207;
- (vii) Participation in the formulation, preparation and implementation of environmental impact statements and associated records of decision and other federal management decisions.

(b) All funds including any recovered court costs and earned interest remaining in the federal natural resource policy account at the end of a biennium shall remain in the account to implement the purposes of this section.

(c) In the expenditure of funds from the federal natural resources policy account pursuant to this section, preference shall be given to those funding requests that enhance the ability of a county to participate in federal natural resource policy matters.

(d) The governor shall report to the joint appropriations interim committee not later than December 1, of each year:

- (i) All actions taken pursuant to this section;
- (ii) All expenditures from the federal natural resource policy account;
- (iii) The purpose of each expenditure.

(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.