

HOUSE BILL NO. HB0071

State coordinator.

Sponsored by: Representative(s) Jaggi, Childers, Davison,
Eklund, Kroeker, Lubnau, Semlek and Teeters
and Senator(s) Bebout, Driskill, Hicks,
Jennings and Nutting

A BILL

for

1 AN ACT relating to the administration of government;
2 amending duties and other provisions relating to the state
3 coordinator; providing requirements for approval of federal
4 land management actions by the state of Wyoming; providing
5 definitions; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 9-1-207(a), (d)(intro), (v), by
10 creating new paragraphs (vii) through (x) and by creating
11 new subsections (e) and (f) is amended to read:

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13 **9-1-207. State coordinator; appointment;**
14 **qualifications; term; removal; powers; duties.**

15

1 (a) The governor ~~may~~shall employ a state ~~planning~~
2 coordinator, with the advice and consent of the senate in
3 accordance with W.S. 28-12-101 through 28-12-103, who shall
4 be a qualified elector of the state and who may be removed
5 by the governor as provided in W.S. 9-1-202.

6
7 (d) The governor personally or through the state
8 ~~planning~~ coordinator shall:

9
10 (v) ~~Review comments from individuals, interest~~
11 ~~and user groups and state agencies, as well as other~~
12 ~~sources of information and~~ Prepare, submit and advocate the
13 state of Wyoming's official position ~~to~~on federal land use
14 management issues;

15
16 (vii) Ensure that the federal government and its
17 agencies coordinate and cooperate with the state of Wyoming
18 and local governments as required by section 101(a) of the
19 National Environmental Policy Act (NEPA) of 1969 and other
20 federal statutes mandating cooperation and coordination
21 with state and local governing bodies regarding any
22 proposed land use plans, policies, programs, processes and
23 desired outcomes of each agency so as to protect the
24 physical environment and the custom, culture, heritage

1 economic well-being and stability of the citizens of the
2 state of Wyoming;

3

4 (viii) Direct a lead state agency to review
5 comments from individuals and interest and user groups on
6 federal land management issues. The lead state agency
7 shall advise the governor regarding state direction on
8 pending federal land management or environmental issues.
9 Other state agencies may be included in the process as
10 contributing agencies by communicating their desire to do
11 so to the lead agency and the state coordinator. Lead
12 agencies for multiple-use fields or any other federal land
13 issues not listed below shall be designated by the governor
14 or the state coordinator. The following state agencies are
15 hereby designated lead agency with possible contributing
16 agencies listed for federal land management decisions which
17 affect the following major multiple-use fields:

18

19 Multiple-Use Lead Agency Contributing Agencies

20

21 Livestock Dept. of Ag Game & Fish

22

State Lands

23 Timber State Lands State Forestry Div.

24

Dept. of Ag

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|----|--------------------|-------------------------------|-------------------------|
| 1 | | | <u>Game & Fish</u> |
| 2 | <u>Wildlife</u> | <u>Game & Fish</u> | <u>Dept. of Ag</u> |
| 3 | <u>Water</u> | <u>State Engineer</u> | <u>Dept. of Ag</u> |
| 4 | | | <u>State Lands</u> |
| 5 | | | <u>Game & Fish</u> |
| 6 | | | <u>DEQ</u> |
| 7 | <u>Minerals</u> | <u>Oil & Gas CC</u> | <u>Mining Council</u> |
| 8 | | | <u>Dept. of Ag</u> |
| 9 | | | <u>Game & Fish</u> |
| 10 | <u>Recreation</u> | <u>State Parks & Rec.</u> | <u>Game & Fish</u> |
| 11 | | | <u>Dept. of Ag</u> |
| 12 | <u>Air Quality</u> | <u>DEQ</u> | <u>Mining Council</u> |
| 13 | | | <u>Oil & Gas CC</u> |

15 (ix) Coordinate with the federal government
 16 regarding land use plans, policies, programs and desired
 17 outcomes in an effort to protect the custom, culture,
 18 heritage and economic well-being and stability of the
 19 citizens of the state of Wyoming;

21 (x) Ensure federal land management agencies
 22 provide procedural protections encompassed in federal land
 23 management acts specified or cited in subsection (e) of
 24 this section to ensure full and complete cooperation and

1 coordination between the federal government and the state
2 of Wyoming. The procedural protections encompassed in the
3 various federal land management acts shall be applied to
4 all decisions of the federal government which have an
5 impact on federal or private lands within Wyoming.

6
7 (e) By July 31, 2012, and annually thereafter, the
8 governor or his designee shall give certified written
9 notice to federal agencies that:

10
11 (i) The state of Wyoming shall request full and
12 complete notice and opportunity for coordination and
13 cooperation in the development of actions, decisions,
14 policies or plans which:

15
16 (A) Impact federal or public lands and
17 state and private lands in Wyoming;

18
19 (B) Involve the listing, delisting or
20 reclassification of a threatened or endangered species or
21 changes in critical habitat within Wyoming or the
22 development of a recovery plan or protective regulations
23 under the Endangered Species Act; or

24

1 (C) Involves any other federal action
2 affecting the quality of the human environment in Wyoming.

3
4 (ii) Any decision of the federal government
5 which does not afford the state of Wyoming complete notice
6 and opportunity for coordination provided to the states in
7 the National Environmental Policy Act (NEPA) of 1969, or
8 limits the right of the state of Wyoming or any political
9 subdivision of the state of Wyoming to a public hearing,
10 will be considered by the state of Wyoming to be a
11 violation of National Environmental Policy Act (NEPA) of
12 1969 and prejudicial to the state of Wyoming and its
13 citizens;

14
15 (iii) The state of Wyoming deems the following
16 policies critical when evaluating federal and public land
17 management and environmental actions:

18
19 (A) All county land use planning, zoning
20 regulations and business entities are deemed to be critical
21 to the maintenance of the environmental, cultural and
22 economic well-being of the citizens of the state of
23 Wyoming;

24

1 (B) If any federal action alters a county
2 comprehensive plan, land use plan, other types of plans or
3 zoning regulations without the consent of the body which
4 enacted the regulation, or makes it infeasible for a
5 business entity to continue its present operations, that
6 federal action is presumed to negatively impact the
7 environmental, cultural and economic well-being of the
8 citizens of the state of Wyoming and should not be the
9 preferred alternative of the federal agency which proposed
10 the action. If the federal preferred alternative land
11 management action is not consistent with state or local
12 land use plan or zoning regulation, the federal agency must
13 explain the inconsistency in its decision, policy or plan
14 to the body which enacted the plan or regulation.

15
16 (iv) The citizens of the state of Wyoming are
17 best served by applying multiple-use and sustained-yield
18 principles in federal land use planning and management.
19 This means that federal agencies should develop and
20 implement management plans and other resource use
21 decisions, coordinated with the state of Wyoming, which
22 will:

23
24 (A) Protect private property rights;

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(B) Achieve and maintain in perpetuity a high-level annual or regular periodic output of mineral and various renewable resources from federal or public lands;

(C) Support valid existing transportation, mineral and grazing rights at the highest reasonable sustainable levels;

(D) Support the specific plans, programs, processes and policies of state agencies and local governments;

(E) Produce and provide the desired vegetation for watersheds, timber, food, fiber, livestock forage, wildlife forage and minerals that are necessary to meet present needs and future economic growth and community expansion;

(F) Meet the recreational, personal and business related transportation needs of the citizens of the state of Wyoming by providing access on federal lands throughout the state;

1 (G) Meet the needs of wildlife, economic
2 development and community development;

3
4 (H) Provide for the preservation of
5 cultural resources, both historical and archeological; and

6
7 (J) Provide for the protection of water
8 rights.

9
10 (v) All water rights desired by the federal
11 government must be obtained through the state appropriation
12 system;

13
14 (vi) The continued viability of livestock
15 operations and the livestock industry, which include
16 private lands, should be supported on federal lands by the
17 proper optimization of animal unit months for livestock in
18 accordance with the multiple use provisions of the Federal
19 Land Policy and Management Act of 1976, the Taylor Grazing
20 Act of 1934 and the Public Rangelands Improvement Act of
21 1978. Land management plans, programs and initiatives
22 should provide that the amount of domestic livestock
23 forage, expressed in animal unit months, be no less than
24 the maximum number of animal unit months sustainable by

1 range conditions in grazing allotments based on scientific
2 analysis;

3
4 (vii) The state opposes the following actions in
5 all circumstances:

6
7 (A) The relinquishment or retirement of
8 animal unit months in favor of conservation, wildlife or
9 other uses;

10
11 (B) The permanent or temporary transfer of
12 grazing animal unit months to wildlife uses, or wild or
13 feral horse use;

14
15 (C) The introduction or expansion of wild
16 or feral horses into areas or allotments where these
17 animals are not present as of July 1, 2012; and

18
19 (D) The special designation of additional
20 public lands as wildernesses, national parks, national
21 monuments, wilderness study areas, wild lands, areas of
22 critical environmental concern, wild and scenic rivers or
23 any other designation which would restrict multiple use
24 planning concepts and practices.

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(viii) Wildlife is the property of the state of Wyoming and is managed by the Wyoming game and fish department for the benefit of the citizens of Wyoming and is not managed by any federal agency;

(ix) Any grazing animal unit months that are placed in a suspended use category should be returned to active use as soon as range conditions warrant and should not be converted to wildlife uses, wild or feral horse use or other uses;

(x) Vegetation management plans and programs should recognize and further domestic grazing over alternate forage uses on federal lands;

(xi) Access and transportation routes to and across federal lands, including rights-of-way, are vital to the state's economy and the quality of life of the citizens of Wyoming. Federal land management agencies must provide, at a minimum, a network of roads that provide for:

(A) Movement of people, goods and services across public lands;

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(B) Reasonable access to a broad range of resource opportunities, including:

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(I) Livestock operations, including:

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(1) Livestock trailing to private pastures or federal land allotments;

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(2) Care of livestock including feed and water requirements; and

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(3) The maintenance of range improvement.

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(II) Mineral extraction operations;

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(III) Motorized and nonmotorized recreational opportunities;

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(IV) Search and rescue operations and other public safety needs;

23

1 (V) Transportation of forest products
2 to market;

3

4 (VI) Access to federal lands for
5 people with disabilities and the elderly; and

6

7 (VII) Access to state lands and
8 institutional trust lands to accomplish the constitutional
9 mandates of these lands.

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11 (xii) The state of Wyoming opposes any
12 classification of federal lands as roadless areas and
13 opposes efforts by agencies to manage areas in a manner
14 which:

15

16 (A) Closes or declassifies existing roads;

17

18 (B) Permanently restricts travel on
19 existing roads;

20

21 (C) Excludes or diminishes traditional
22 multiple-use activities, including grazing and proper
23 timber harvesting and management; and

24

1 (D) Prohibits development of additional
2 roads necessary to pursue traditional multiple-use
3 activities.

4
5 (xiii) Mineral and energy production are
6 important to the economic vitality of the state of Wyoming.
7 The state recognizes and supports the following:

8
9 (A) That mineral and energy production and
10 environmental protection are not mutually exclusive;

11
12 (B) It is technically feasible to permit
13 appropriate access to minerals and energy resources while
14 preserving other resources; and

15
16 (C) The development of mineral and
17 renewable resources in Wyoming should be encouraged.

18
19 (f) As used in this section:

20
21 (i) "Multiple-use" and "sustained-yield
22 principles" mean that federal land management agencies
23 should develop and implement management plans and make

1 other management decisions in coordination with the state
2 of Wyoming which will:

3

4 (A) Achieve and maintain in perpetuity a
5 high level annual or regular extraction of mineral and
6 renewable resources from federal lands;

7

8 (B) Support multiple-uses in the state of
9 Wyoming at the highest sustainable levels possible;

10

11 (C) Produce and provide access to
12 extractive and renewable resources necessary to meet
13 present needs and future economic and population growth
14 without permanent impairment of the productivity of the
15 land;

16

17 (D) Meet the recreational needs of the
18 citizens of the state of Wyoming;

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20 (E) Maintain reasonable wildlife
21 populations coordinated with other multiple uses;

22

23 (F) Provide for the protection of existing
24 water rights.

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2 **Section 2.** W.S. 9-1-207(d)(iv) is repealed.

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4 **Section 3.** This act is effective July 1, 2012.

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(END)