

JANUARY 2005

**SWEETWATER COUNTY
CONSERVATION DISTRICT
LAND AND RESOURCE USE PLAN AND POLICY**

January 2005

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INTRODUCTION

The Sweetwater County Conservation District (“the District”) developed the Sweetwater County Conservation District Land and Resource Use Plan and Policy (“Plan”) to translate its statutory mandate into land management policy and direction. The Plan identifies and applies goals, objectives, and policies to the state and federal regulatory framework that governs the management of private, state, and federal land and the rangeland, soil, water, and wildlife resources. The Plan will guide County, private, state, and federal decisionmakers in addressing federal and state natural resource management issues.

OVERVIEW

The District has a broad mandate to assist, promote, and protect public lands and natural resources, soil, water, and wildlife resources, to develop water and to prevent floods, to stabilize the ranching and agriculture industry, to protect the tax base, and to provide for the public safety, health, and welfare of the citizens. The District is charged with conserving, protecting, and developing these resources on all lands within the District and, thus, it is one of the few governmental entities with express authority to address resource issues, in cooperation with private landowners or state or federal land management agencies on private, state, and federal lands. State law also gives the District broad powers to accomplish these policies and mandates, through research and education, implementation of erosion control, water, and range projects with landowners, development of comprehensive plans, demonstration projects, providing financial and other assistance to landowners, management of flood control projects or lands under cooperative agreements with the United States, and adoption of rules and ordinances. Both federal and state laws authorize intergovernmental coordination and cooperation, which provide a mechanism for the District to meet its mandate and policies for all lands within the District.

This Plan is based on the District policy to facilitate, protect, and preserve the utilization and conservation of rangeland resources, soil, water, and wildlife, to stabilize the ranching and farming concerns, to protect private property rights, to protect and enhance the customs and cultures and the economy, to protect the tax base, to assure the well being of the people, and to provide for the public health, safety, and welfare of the County’s citizens. The policy and powers of the District encompass the obligation to protect the custom and culture of the people of the District and to provide for community stability. The District developed the Plan as a guide to efficiently and effectively use its resources.

In preparing the Plan, the District utilized a grassroots, locally-led planning process to determine the conservation needs, set priorities, assess costs, utilize local, state and federal participation and partnerships, and inform and educate the public in conservation matters. The Plan goals, objectives, and policies shall not violate the Constitution of the United States of America or the

1 Constitution of the State of Wyoming, and are adopted in accordance with the Wyoming
2 Administrative Procedure Act. [See Addendum Tab No. 36c at 178, Wyo. Stat. §16-3-103]. The
3 District shall develop action plans to implement specific projects to meet the Plan's goals,
4 objectives, and policies. Such projects may be developed at the request of District residents,
5 business or industry, local, state or federal agencies, conservation groups or others, or as needs
6 are identified by the District.

7
8 As this Plan is implemented, individual projects shall be communicated to the public for
9 consideration and input by all interested parties. The District shall also ensure that it takes into
10 account the effects on adjoining landowners and other Conservation Districts. The Plan will
11 continually evolve to address dynamic and ever-changing issues, and may be amended, as
12 needed, by the District.

13
14 The District believes that the American concept of government of the people, by the people, and
15 for the people is best served when government affairs are conducted as close to the people as
16 possible (*i.e.* at the local government level). The District finds it desirable to address the use and
17 management of these important resources, especially rangelands, soil, and water conservation,
18 within the political jurisdiction of the District and the County as the heart of its comprehensive
19 planning efforts.

20
21 The District is well aware that one goal of the County's citizens and, therefore, its government,
22 has been the continuation of a lifestyle, which assures the quiet enjoyment of private property
23 rights and property interests and provides the highest degree of protection for these rights.
24 Property rights and interests are important to the people living and working in this remote,
25 rugged County, which has an area larger than some states, but the population of a small town.
26 Many people who live in Sweetwater County rely on the land and its productive use. Private
27 ownership and the incentives provided by private ownership are driving forces that support the
28 livelihood of many Sweetwater County citizens.

29
30 The United States owns about 70% of the land in Sweetwater County, but this land is managed
31 by several different federal agencies pursuant to different federal laws and policies. The Bureau
32 of Land Management ("BLM") of the Department of the Interior ("DOI") manages the public
33 lands (about 65%) for multiple use, and primarily livestock grazing pursuant to the Taylor
34 Grazing Act, 43 U.S.C. §§315-315r, [Addendum Tab No. 25 at 128-131] and the Federal Land
35 Policy and Management Act ("FLPMA"), 43 U.S.C. §§1701-1783 [Addendum Tab No. 28 at
36 133-151]. The Forest Service of the U.S. Department of Agriculture ("USDA") manages the
37 Flaming Gorge National Recreation Area ("NRA") and the Ashley National Forest, a small
38 parcel of which is located in Wyoming. The enabling statute for the Flaming Gorge NRA
39 governs its management as part of the Colorado River Storage project [Addendum Tab No. 7 at
40 14, 16 U.S.C. §640v, Addendum 132 Tab No. 26 at 132, 43 U.S.C. §620] and the Ashley
41 National Forest is managed for multiple use and sustained-yield under the laws, which apply to
42 National Forests. [Addendum Tab No. 5 at 13, 16 U.S.C. §460v-1, Addendum Tab No. 13a at
43 60, 16 U.S.C. §1604]. The Seedskaadee Wildlife Refuge, which was also established as part of

1 the Colorado River Storage Project, is managed by the U.S. Fish and Wildlife Service
2 (“USFWS”) under the National Wildlife Refuge Administration Act to protect wildlife and
3 habitat and to provide for recreation and other uses compatible with the primary purposes of the
4 refuge. [Addendum Tab No. 8 at 16, 16 U.S.C. §668dd].

5
6 The State lands, which are generally sections 16 and 36 of each township, were granted to
7 Wyoming upon admission to the Union for the support of the public schools and revenues from
8 those lands are part of a permanent fund. [Addendum Tab No. 31b, 31c at 157-158, Wyo. Const.
9 Art. 7, §2, Art. 18, §1]. About 3% of the County land base is owned by the State and managed
10 by the Board of Land Commissioners for the optimum benefit and use of the people of
11 Wyoming, consistent with multiple use and development of agriculture, grazing, recreation,
12 minerals, timber, energy, and public utility services. [Addendum Tab No. 45 at 229, Wyo. Stat.
13 §36-12-102]. The 2004 Strategic Plan provides overall management objectives for the
14 management of trust assets and resources for the optimum benefit of the trust beneficiaries and
15 Wyoming citizens. [Appendix Tab G, *Office of State Lands and Investments Strategic Plan*, July
16 1, 2004 to June 30, 2008 (Sept. 1, 2003)].

17
18 The historical development of the transcontinental railroad through Sweetwater County
19 established the “Wyoming Checkerboard,” which is a 50-mile wide and 150-mile long band of
20 alternating sections of private and federal land. The disproportionate amount of federal land, as
21 well as the Wyoming Checkerboard, in Sweetwater County means that any change in federal
22 land management also affects private land uses and these policy changes have an even greater
23 effect on the County's economy.

24
25 Federal law, in particular, establishes national policies that focus on national interests, rather than
26 local interests. While federal land use and planning decisions may create benefits for state and
27 national citizens outside of the County, they may also transfer a disproportionate amount of the
28 costs and responsibilities to local communities and citizens.

29
30 In order to meet its statutory mandate, the District needs to fully participate in federal land
31 management decisions, rulemaking, and resource policy development, at all stages of the
32 decision process. For the same reason, the District must also participate in the development of
33 Board of Land Commission policies and decisions.

34
35 It is the intent of the District to protect the custom and culture of County citizens as part of its
36 policy direction to protect the public health, safety, and welfare of the citizens. The District will
37 work with local, state, and federal agencies, so that they will hereafter cooperate, coordinate,
38 communicate, and consider local, state, and federal policies before implementing actions, both
39 within and outside the boundaries of the County, that affect the local communities and citizens.

40
41 Federal and state laws require the respective agencies to coordinate with the local government
42 entities and consider the local land use plans in the process of planning and managing federal and
43 state lands within the geographic boundaries of Sweetwater County, Wyoming. [See Addendum

1 Tab No. 28c at 135, 43 U.S.C. §1712(c)(9); Addendum Tab Nos. 34e at 175, and 39a at 192,
2 Wyo. Stat. §§11-16-132, 18-5-208]. Federal and state agencies proposing actions that will
3 impact the County, its citizens, and resources therein should provide the District with written
4 notice of proposed actions and whether BLM will prepare an EA or EIS by contacting the
5 Sweetwater County Conservation District, 79 Winston Drive, Suite 110, Rock Springs,
6 Wyoming 82901, (307) 362-3062 and fax (307) 362-1459, for review. The District will then
7 determine appropriate action to be taken, and provide input, information, and comment on
8 proposed actions or activities. The District will also notify other government agencies of actions
9 that are proposed by the District affecting various resources and amenities in the County and
10 solicit other agency input and comment. The purpose of this exchange of information is to
11 minimize impacts upon and maximize the benefits to the residents of the County as well as other
12 members of the public.

13 14 15 **AUTHORITY** 16

17 The District is a local governmental subdivision of the state as defined and established by the
18 Wyoming Conservation Districts Law. [Addendum Tab No. 34 at 172-175, Wyo. Stat. Title 11,
19 Art. 16]. The people of Sweetwater County elect the five-member Board of Supervisors to the
20 District during the general election by popular vote. The elected members represent both the
21 rural and urban populations within Sweetwater County. The District supervisors are the only
22 locally elected board specifically charged with the responsibility of representing the citizens of
23 Sweetwater County on natural resource issues. A conservation district supervisor serves the
24 community voluntarily. The District Board of Supervisors administers and implements projects
25 and programs funded through local, state, federal, and private partnerships.

26
27 The District, pursuant to the Wyoming Conservation Districts Law, is authorized to develop
28 plans and policy for the District and file said plans in the office of the Sweetwater County Clerk.
29 [Addendum Tab No. 34d at 173, 174-75, Wyo. Stat. §11-16-122 (iv) and (xvi)].
30
31

32 **LEGISLATIVE DECLARATIONS** 33

34 The legislative declarations and policies of the Wyoming State Legislature guide the District's
35 exercise of authority in developing this Plan. [See Addendum Tab No. 34c at 173].
36

37 Wyo. Stat. §11-16-103 - Legislative Declarations and Policy:
38

39 (a) It is hereby declared that the farm and grazing lands of Wyoming are among
40 the basic assets of the state; that improper land use practices cause and contribute
41 to serious erosion of these lands by wind and water; that among the consequences
42 which would result from such conditions are the deterioration of soil and its
43 fertility and the silting and sedimentation of stream channels, reservoirs, dams and

ditches; that to conserve soil, and soil and water resources, and prevent and control soil erosion, it is necessary that land use practices contributing to soil erosion be discouraged and that appropriate soil conserving land use practices be adopted.

(b) It is hereby declared to be the policy of the legislature to provide for the conservation of the soil, and soil and water resources of this state, and for the control and prevention of soil erosion and for flood prevention for the conservation, development, utilization, and disposal of water, and hereby to stabilize ranching and farming operations, to preserve natural resources, protect the tax base, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect public lands, and protect and promote the health, safety and general welfare of the people of this state. (Laws, 1941, ch. 134, 2; C.S. 1945, 34-1402; Wyo. Stat. 1957, 11-236; Laws 1959, ch. 193, 2; Wyo. Stat. 1977, 11-19-103; Laws 1978 ch. 32, 1.)

The term “conservation” is broadly defined to include “development, improvement, maintenance, preservation, protection and use of natural resources, and the control and prevention of floodwater and sediment damages, and the disposal of excess waters.” [Addendum Tab No. 34b at 172, Wyo. Stat. §11-16-102(iv)]. Thus, the policy and authority granted to the District covers virtually all aspects of natural resource use and management within the District.

PRIMARY COORDINATION GUIDELINES

The District has established a Land and Resource Advisory Committee (“LRAC”) with several community-based subcommittees to advise and assist the District in formulating plans and responding to specific land and resource issues. [See Appendix Tab E-3, SWCCD Land and Resource Advisory Committee Resolution]. The District and the LRAC recognize that it is their duty and obligation to enter into official land use planning activities and to participate equitably and fully with the federal and state management agencies and local government entities. The establishment and appointment of members to the LRAC and the LRAC meetings will conform to Wyoming law. [Addendum Tab No. 34 at 172-176, Wyo. Stat. Title 11, Ch. 16; Title 16, Addendum Tab No. 36 at 176-184, Ch. 4. Article 3 (Administrative Procedure Act); and Addendum Tab No. 38 at 189-192, Article 4 (Open Meetings Act)].

In accordance with state and federal laws regarding land use planning, the protection of private property interests, and to ensure achievement of the District mandate to protect and conserve rangeland, soil, water, and wildlife resources, the District and the LRAC seek to maintain and to revitalize the principles of multiple use of the state and federally-managed lands. To that end, the District adopts this Plan, including planning policy and guidelines for the state and federally managed lands in the County.

1 This Plan adopts a process for the District and the LRAC to coordinate in advance with the
2 federal and state agencies and local governments regarding any proposed action, which will alter
3 or impact land uses in the County. This includes, but is not restricted to, the effects on private
4 property rights and private property interests, the economic stability, the historically developed
5 custom and culture of the County, the provisions of this Plan, and the Sweetwater County
6 Comprehensive Land Use Plan. [See Appendix Tab C.] Such agencies and governments are
7 requested, prior to taking official action or issuing a report on a proposed action, to coordinate
8 with the District. The agencies and local governments may accomplish this, in part, by providing
9 the District or its agents timely notice of the proposed actions, policies, rules, or land
10 management changes, the purposes, objectives, and estimated economic impacts of such action.

11
12 The District and the LRAC are committed to a positive planning process with federal and state
13 agencies and local governments. The District will equitably consider the best interests of all of
14 the people of Sweetwater County and the State of Wyoming in the use of state and federal lands.
15 The District commits to seeing that all natural resource decisions affecting the County are guided
16 by the following principles:

- 17
- 18 • To maintain and revitalize the concept of multiple use on state and federal lands in
- 19 Sweetwater County.
- 20 • To protect private property rights and private property interests, including investment-
- 21 backed expectations.
- 22 • To protect local historical custom and culture.
- 23 • To protect the traditional economic structures in the County that form the base for
- 24 economic stability.
- 25 • To facilitate new economic opportunities by relying on free markets.
- 26 • To protect the rights to the enjoyment of the natural resources of the County by all
- 27 citizens.
- 28

29 The District believes that resource and land use management decisions made in a coordinated
30 manner by federal and state agencies and local government entities will maintain and revitalize
31 multiple use of state and federal lands within and affecting Sweetwater County and will enhance
32 environmental quality.

33
34 The goals, objectives, policies, and guidelines set out in this Plan are based on applicable state
35 and federal law and rules.

36
37 The Plan is the commencement of the planning process for the District. The process itself is
38 ongoing as the LRAC and the District become involved in all stages of the decision process
39 followed by federal and state agencies and local government entities.

DISTRICT DESCRIPTION

The Sweetwater County Conservation District was originally called the Big Sandy Soil and Water Conservation District, which was organized in September of 1960 at the request of local citizens for the purpose of conserving the soil, water, and all other natural resources and to promote and maintain the welfare of the people in the District. The Secretary of State signed a certificate of the first Inclusion of Additional Territory within the boundary of the Big Sandy Soil and Water Conservation District in November of 1969. Other boundary changes were made and, in 1974, the Secretary of State filed a certificate to include all of Sweetwater County in the Big Sandy Soil and Water Conservation District. In late August of 2002, the Big Sandy Soil and Water Conservation District name was changed to the Sweetwater County Conservation District.

The focus of the District has expanded from primarily working to reduce and prevent soil erosion to also addressing other important resource management matters. These include water quality and quantity, grazing management, wildlife conservation, tree establishment, land-use planning, public education efforts, and conservation in our urban areas.

SWEETWATER COUNTY

History

Sweetwater County is named for the Sweetwater River where, according to legend, a balky mule during the fur-trade period dumped a precious cargo of sugar into the water. Thomas Fitzpatrick and Jedediah Smith of the 1824 Ashley Expedition are credited with naming the Sweetwater River, as well as changing the name of the Spanish River to the Green River in honor of one of Ashley's St. Louis, Missouri partners.

In 1867, there were only two population centers in what became the Wyoming Territory: Cheyenne, because of the Union Pacific Railroad, and the South Pass mining region. The South Pass gold field, which recorded 2,862 people in the 1869 Census, was the second most populated area of the day.

Sweetwater County began its history as Carter County, which was created by the Seventh Dakota Legislative Assembly on December 27, 1867 out of Laramie County, Dakota Territory. Later the First Wyoming Legislative Assembly changed the name from Carter County to Sweetwater County. In 1868, the County also encompassed Yellowstone Park, Uinta, Lincoln, Sublette, Teton, Park, Hot Springs, Fremont, parts of Big Horn and Washakie Counties, and all of the present day Sweetwater County. When the organization of the Territory of Wyoming was completed May 19, 1869, South Pass City was recognized as the County Seat until 1873, when the Third Legislative Assembly changed it to Green River City. Between 1884 and 1888, the legislature carved out Fremont County and adjusted the boundaries of Carbon County to define the boundaries of present day Sweetwater County.

Sweetwater County is the only Wyoming county that was created as a result of mining. Minerals extraction dominated the economy and growth of the County from its inception. The development of mining and the railroad stimulated the agriculture industry to provide food for the workers. Some of Wyoming's earliest livestock operations were established in Sweetwater County.

Location

Sweetwater County Conservation District encompasses all of Sweetwater County in the southwest corner of Wyoming, which covers 10,426 square miles and is the thirteenth largest county in the United States. Adjacent counties include Lincoln, Sublette, Fremont, Carbon, and Uinta Counties in Wyoming; Daggett and Summit Counties in Utah, and Moffat County in Colorado.

Physical Setting

Sweetwater County's land includes areas of low elevation, semi-arid desert to high mountain conifer/aspen landscapes. The majority of soils are underlain by soft bedrock of sedimentary origin, sandstone and shale. Along the northeastern and eastern portion lies the Red Desert, named for its red sand, with its vast area of moving sand dunes. The Flaming Gorge NRA is on the southern border of the District and extends into Utah.

Elevations

Elevations range from 6,000 to 11,000 feet above sea level. The average elevation is about 6,500 to 7,000 feet.

Soils

Soil is one of our basic natural resources. It is a factor (in relation to Geology) that helps determine what Sweetwater County looks like, how we live, where we live, what we produce and, in effect, how and where development occurs.

There are limitations and hazards inherent in various soils that occur throughout the County. The type of soil present on any particular site can and will impact the existing and proposed land uses. Some soils are seasonably wet and subject to flooding. Others are shallow to bedrock and may be unstable for building foundations or roadbeds. Sites that have a high water table are poor for underground installation of utilities or basements. Wet clay soils are not suited for septic drainage fields. Impervious soils that are required for sewage lagoons and sanitary landfills need detailed evaluations to prevent surface and groundwater contamination. Erosive soils, if disturbed by farming, road construction, or building development, can cause air and water pollution.

Vegetation

Sweetwater County is comprised of three major zones, based on precipitation and landform, and using the vegetative communities described by the Natural Resource Conservation Service ("NRCS"), Precipitation Zones for Technical Range Site Descriptions. The first and dominant,

lies in the 7-9 inches precipitation zone of the Green River and Great Divide Basins. The second lies in the 10-14 inches precipitation zone of the Foothills and Basins West and includes areas near McKinnon, the southeast portion of the County, south of Rock Springs, White Mountain area, Steamboat Mountain area, and the south end of the Wind River Mountains. The third, and smallest, lies in the 10-14 inches precipitation zone of the High Plains Southeast and includes the northeast corner of the County near Bairoil.

Over half of the vegetation communities in Sweetwater County are dominated by Wyoming Big Sagebrush (*Artemisia tridentata* subsp. *wyomingensis*). Other plant species commonly found within this community include Needle and Thread Grass, Rhizomatous Wheatgrasses (Thickspike, Streambank, Western), Indian Ricegrass, Sandberg Bluegrass, Prairie Junegrass, Needleleaf Sedge, Rabbitbrush (Douglas and Rubber), Winterfat, Shadscale, and Spiny Horsebrush.

A smaller, but significant, portion of Sweetwater County is dominated by salt tolerant species, characterized by desert shrubs and greasewood flats, which are common to saline soils. Dominant species in saline uplands include Gardner's Saltbush, Bud Sagewort, Greasewood, Winterfat, Bottlebrush Squirreltail, Indian Ricegrass, and Rhizomatous Wheatgrasses. Dominant species in lowland saline areas that receive additional moisture include Greasewood, Gardner's Saltbush, Four-wing Saltbush, Alkali Sagebrush, Winterfat, Rubber Rabbitbrush, Alkali Sacaton, Basin Wildrye, Inland Saltgrass, Baltic Rush, and Rhizomatous Wheatgrasses. Shrubs dominate the landscape of Sweetwater County. A climate characterized by predominantly winter and early spring moisture along with a short, dry growing season and sandy soils with low water-holding capacity provide a competitive advantage to deep tap-rooted, evergreen shrubs, such as Sagebrush.

Forestland is limited in Sweetwater County due to 'site conditions,' which include soils, drainage and precipitation elements. The dominant woodland type is juniper, which grows on the steep slopes and shallow soils south of Rock Springs to the state line. Other forest resources include Limber Pine, Lodgepole Pine, and Aspen. The riparian areas will have Cottonwood, Willow and shrub species.

Watersheds

The Continental Divide subdivides the state into four major drainage basins, including the Missouri, Columbia, Colorado, and the Great Salt Lake Basins. These geographic features make Wyoming the headwaters of the West. Sweetwater County contains a major portion of the Colorado Basin, which is divided into the following sub-basins: Big Sandy, Great Divide Closed Basin, Blacks Fork, Bitter, Vermillion, and Little Snake. There are numerous watersheds in each sub-basin.

Climate

The average temperature of Sweetwater County is 44° F, with January providing an average of 18° F and July contributing an average of 68° F. The average annual precipitation is about 9 inches with the average snowfall contributing approximately 35 inches. The average growing season is from 60 - 120 days, with some areas receiving a killing frost every month of the year.

Municipalities

Rock Springs and Green River are located along Interstate 80 in the west central portion of the County. In the northern part of the County lie Reliance, Eden, and Farson. To the northwest lies Fontenelle. In the northeast lies Bairoil. To the east lie Superior, Point of Rocks, Table Rock, Red Desert, and Wamsutter. To the west lie Little America and Granger and to the southwest lie Burntfork / Lonetree, McKinnon, and Washam.

Land Ownership and Administration (Based on County Assessor)

Sweetwater County covers 10,426 square miles (6,764,065 acres). About 73% of the land is owned by federal and state governments and 27% of the land is privately owned. Total population is 37,613 or 3.6 people per square mile.

Land Owner / Administrative Agency	Acres	Total Acres
Private Ownership		1,895,714
Land	1,860,085	
Surface water	35,629	
Federal Ownership		4,902,918.8
Bureau of Land Management	4,386,302.65	
Bureau of Reclamation	202,815.41	
Forest Service	94,717	
US Fish & Wildlife Service	35,116.25	
Seedskaadee Refuge	26,382	
State of Wyoming		183,967.66
Sweetwater County		1,061.28

Present Day

The County employment for the private sector is largely related to the natural resource industries; while the sizable public sector includes local, state, and federal government and educational employment. [See generally Appendix Tabs B, *Economic and Demographic Profile of Sweetwater County, Wyoming*, Bureau of Economic Assessment Regional Facts Sweetwater County, Wyoming 1993-2003; B-1, Bear Facts, Sweetwater County Bureau of Economic Analysis (1992-2002); B-2, MapStats Sweetwater County, Bureau of Economic Analysis; B-3, 2000 County Business Patterns for Sweetwater County, Wyoming; and B-4, Sweetwater County Top 30 Taxpayers.]

1 The economies of the rural communities in Sweetwater County continue to be heavily dependent
2 on natural resources, while Rock Springs and Green River serve as the area's regional service
3 centers.
4

6 **CUSTOM, CULTURE & COMMUNITY STABILITY**

7

8 Historically, the custom and culture of Sweetwater County is a story retold in many western
9 counties. The settlement of the County is defined by the history of mining, railroads, ranching,
10 and oil and gas development. It was led by hardy individuals willing to work and develop the
11 resources and to bring forth communities. The settlement of the County is based on the
12 beneficial use of the land.
13

14 Life was never easy for the settlers of this County. This is a land where nature has the upper
15 hand. Water is scarce and access is critical. The early settlers of this land worked hard to
16 establish their livelihood, and today's residents work equally hard to maintain that livelihood.
17 The early settlers were diligent in pursuing legal protection of their property rights. Today's
18 residents continue that diligence.
19

20 The people of Sweetwater County have traditionally earned their livelihood from activities
21 associated with natural resources. The economy of the County in the past and today depends on
22 the availability and utilization of natural resources. Directly or indirectly, the majority of the
23 people employed in Sweetwater County depend on oil and gas, mining, power generation, and
24 related service industries, ranching/farming, recreation, and other activities related to the
25 availability of natural resources.
26

27 The history of Sweetwater County is steeped in the tales of mining and the railroad. From the
28 first mining efforts in the early 1860s to the present day, mining has been important to the people
29 who first settled here and to those, who now live in this County. Today, many people still
30 actively work in the coal and trona industries, which play an important role in the County
31 economy.
32

33 The development of the railroad and mines stimulated the development of agriculture. Herds of
34 cattle were trailed from Texas, California, and Oregon to Wyoming, while sheep were also
35 trailed into Wyoming. The cattle and sheep provided beef and mutton for the miners and
36 railroad workers. As ranchers settled permanent sites for livestock (base properties), they
37 recognized that transient trail drives threatened the quality of the range. Early Sweetwater
38 County ranchers sought the help of Congress to protect the quality of the range in the early
39 1900s, some thirty years before the Taylor Grazing Act was passed.
40

41 Property rights are important to the residents of Sweetwater County. Private ownership and the
42 incentives provided by that ownership are a driving force behind the culture and lifestyle of the
43 County.

The custom and culture of Sweetwater County have been driven by available technology and resources, the distance to markets and prices, and the forces of a market economy.

Much of the land producing the resources critical to the economy of Sweetwater County is managed by federal or state agencies. Thus, the present and future economy and community stability depend on federal and state agency land management policies. The County economy is greatly dependent on businesses operating on intermingled federal, state, and private lands.

The beneficial use of natural resources has been the basis for Sweetwater County's economy, custom and culture, even though technology, mechanization, and markets have altered the means of production and marketing of these resources from their historic beginnings. Mining, oil and gas, ranching, and farming provide the heritage of the County's residents, and they continue those activities today.

In recent years, recreational use of the land in Sweetwater County has grown rapidly. Wyoming and out-of-state visitors come to the County for boating, fishing, hunting, camping, snowmobiling, horseback riding, hiking, rock hunting, and other outdoor activities. There are potential conflicts between recreational users, landowners, and local residents. Currently, cooperative efforts on all sides have kept the conflict to a minimum.

1. GOAL: Protect and promote County custom and culture as part of the District's conservation activities to protect rangeland, soil, water, and natural resources, to stabilize ranch and farm operations, to protect the tax base, and to provide for the general health, safety, and welfare of the citizens at local, state, and federal government levels.

Objective 1A: Maintain traditional economic structures by ensuring a vital role of the public in land management procedures and decision processes.

Objective 1B: Open new economic opportunities through reliance on free markets and ensuring that the regulatory climate does not prohibit these opportunities.

Objective 1C: Enhance environmental quality to preserve and conserve the District's rangeland, water, and soil resources, while protecting the tax base and promoting public welfare.

2. GOAL: Consider the custom and culture of the County in all forms of planning considerations and processes and continue to develop and retain the County's cultural identity.

Objective 2A: Encourage the continued viability of agriculture due to its direct tie to the custom and culture of the area and its importance to the conservation of rangeland resources, soil, and water, which are needed by the residents and visitors to Sweetwater County.

Objective 2B: Encourage all local government entities to respect and provide for the continuation of the local custom and culture.

Objective 2C: Recognize the continued importance of mineral and energy development.

3. GOAL: Monitor and evaluate the effects and impacts of local, state, and federal land management actions on the custom and culture of Sweetwater County.

Objective 3A: Ensure that local, state, and federal agencies consider the physical environment, social, cultural, and economic needs of the County when making land use decisions and plans that affect the custom and culture of the County. Furthermore, work to ensure that the consideration process used to assess impacts to County custom and culture is cited as part of other local, state, and federal land management plans.

Objective 3B: Request the opportunity to review local, state, and federal land use and planning issues impacting the County's custom and culture and make recommendations pertinent to the issue in question.

Objective 3C: Recommend that local, state, and federal agencies enhance opportunities for responsible use of public lands, which benefit the custom and culture and economic base of Sweetwater County.

Objective 3D: Maintain the opportunity of free choice and participation for local citizens in determining how they, individually and collectively, can best adapt their economy, society, and culture to the forces of change that affect their lives and livelihood.

Objective 3E: Preserve and protect the institution of private property, while, simultaneously, using private property as a constructive tool to achieve the conservation goals that will protect the social and cultural life of Sweetwater County into the future.

Policy 1: *Actively and positively work to provide a voice for citizens and for local communities in planning the future of the county. [See Addendum Tab Nos. 28c & 28f at 135-36, 138, 43 U.S.C. §§1712(c) (9), 1739(e); Addendum Tab No. 34c at 173, Wyo. Stat. §11-16-103; Addendum Tab No. 35a at 176, Wyo. Stat. §9-8-302; Addendum Tab No. 35b at 176, Wyo. Stat. 16-1-101].*

Policy 2: *This land and resource use Plan and policies are developed to serve as a broad outline of the District's response to long-term shifts in land use, population patterns, and improvements in technology. Sweetwater County residents also value their relationship with the land and acknowledge their dependence on the rangeland, soil, and water resources for community and stability. The District strongly supports protecting and maintaining the rights of County residents to use and develop these resources as historically permitted. Mining, energy production, agriculture, and recreation are the cornerstones of the economy and culture of the people of Sweetwater County. Those cornerstones can and will change in time due to forces beyond the control of individuals, the community, and the County government. The citizens of*

Sweetwater County, however, seek a role and a voice in what happens to their lives and lifestyles as change occurs.

Policy 3: *The people of Sweetwater County have traditionally and, for the foreseeable future, will likely earn their livelihoods from activities associated with Sweetwater County's custom and culture. The County's economy is, and will continue to be largely dependent upon these activities. Since Sweetwater County is directly dependent upon its natural resources, management decisions affecting land use directly impact and change the County's custom and culture. Therefore, a critical tie exists between the use of private, federal, and state natural resources and the economic stability of the County. It is imperative that stakeholders and informed representatives review natural resource issues as they are developed, to assure public land management decisions do not negatively impact the County's custom and culture.*

Policy 4: *Protection of Custom and Culture - The District is charged under state law to conserve rangeland, soil, and water resources in order to stabilize ranching and farming operations, to preserve natural resources, public lands and wildlife, "to protect and promote the health, safety and general welfare of the people of this state," and to protect the tax base. The term "conservation" is broadly defined to include "development, improvement, maintenance, preservation, protection and use of natural resources, and the control and prevention of floodwater and sediment damages, and the disposal of excess waters." [Addendum Tab No. 34b at 172, Wyo. Stat. §11-16-102(iv)]. Thus, Wyoming law gives the District and the County broad discretion to protect all aspects of the county's environment, including the generations-old land use customs and culture of the people.*

CONSULTATION, COOPERATION, COORDINATION AND CONSISTENCY WITH LOCAL LAND USE PLANS

Federal law imposes an affirmative obligation on federal agencies to consult, cooperate, and coordinate with local government entities and to further ensure that the management of public lands is consistent with local land use plans to the maximum extent possible.

The Federal Land Policy and Management Act (FLPMA), which applies to public lands managed by the BLM, requires BLM to consult and coordinate with local governments in land use decisions and policies and to reduce contradictions and conflicts between local government land use plans and those of the BLM. [See Addendum Tab No. 28c at 135-36, 43 U.S.C. §1712(c)(9)]. BLM must also coordinate and consult on issues of rangeland management and livestock grazing with landowners, including the state with respect to state lands. [Addendum Nos. 25d at 131 and 28i at 141, respectively, 43 U.S.C. §315h, §1752(d)]. The Forest Service must also involve the public in land use planning and management decisions. [See Addendum Tab Nos. 13b and 13d at 60, respectively, 16 U.S.C. §§1604(d), 1612].

The National Environmental Policy Act ("NEPA") requires each federal agency to prepare a detailed statement before undertaking any action that may have a significant impact on the

human environment. [Addendum Tab No. 23a at 106, 42 U.S.C. §4332(2)(C)]. NEPA imposes a procedural analytic requirement that also requires public involvement, consultation with state and local governments, and consideration of conflicts between the proposed action and local plans. *Id.* The Council of Environmental Quality (“CEQ”), which has the lead in rulemaking and policy under NEPA, has endorsed the role of local government agencies actively participating in environmental reviews of proposed federal actions as cooperating agencies, pursuant to NEPA. [Addendum Tab No. 23b at 107-111, 40 C.F.R. §§1501.6,1502.19,1503.1,1508.5]. This policy was first articulated when then-acting CEQ Chair, George Frampton, directed the heads of all federal agencies “to more actively solicit in the future the participation of state, tribal and local governments as cooperating agencies in implementing the environmental impact statement process under the National Environmental Policy Act.” [Addendum Tab No. 23c at 111, CEQ Memorandum July 28, 1998]. CEQ set out criteria when a local government should be granted cooperating agency status. [Addendum Tab No. 23d at 114, CEQ Memorandum, January 30, 2002].

Wyoming law also provides for intergovernmental cooperation. [Addendum Tab Nos. 35a and 35b at 176, Wyo. Stat. §9-8-302 (local government cooperation for planning), §16-1-101 (cooperation with state, local governments, tribal governments, and federal agencies)].

The District involves local individuals, who have expertise, experience, or general interest, as well as groups that deal with specific issues, to aid the District in participating in the decision-making processes. The District LRAC is composed of local citizens, who will assist the District in compiling and disseminating pertinent information, identifying issues, drafting resolutions, and developing policy.

1. GOAL: Represent local interests in the decisions and planning efforts of local, state, and federal government agencies within and adjacent to the boundaries of the County.

Objective 1A: Support cooperators and government agencies in making sound natural resource decisions that are scientifically based, legally defensible, sensitive to resource health, and responsive to multiple use interests.

Objective 1B: Work to ensure local input on state and federal land management issues to promote multiple uses of public lands (grazing by wildlife and livestock, logging, oil and gas, minerals, and recreation) and to protect private property rights.

Objective 1C: Maintain partnerships with local, state, and federal agencies to provide technical assistance and/or funding to local cooperators.

Objective 1D: Encourage an intergovernmental framework that fully considers the local impacts of federal and/or state proposed actions to social, economic, physical, and cultural environment as a part of the overall planning and decision processes.

Objective 1E: Encourage the local, state, and federal agencies to share information that they routinely collect (*i.e.* geographic information system mapping and the assessment of new management practices and techniques) with the District, which will also share its data and information.

2. GOAL: Support the concept of local government as the primary and fundamental unit of government that provides local people with the opportunity to govern themselves.

Objective 2A: Encourage public education on the fundamentals of responsible government at local, state, and federal levels. Hold tours and workshops that will inform the County residents on resource issues, especially with respect to the District's goals, objectives, and policies set forth in this Plan.

Objective 2B: Support the use of Memoranda of Agreement or Understanding to provide for consultation, cooperation, coordination, and land management plan consistency.

Objective 2C: Encourage the development of processes and procedures to ensure that the County and participating state and/or federal agencies are able to efficiently and effectively meet their responsibilities as public entities for the benefit of the County citizens.

3. GOAL: Work closely with and enter into coordination and joint planning efforts with local, state, and federal agencies to ensure that the natural resource and private property right goals of the Plan are included in these agencies' planning and management actions, regulations, and policies with regard to private, state, and federal lands.

Objective 3A: Ensure that the "takings implication assessment," which addresses potential for private property rights takings, includes, but is not limited to, an evaluation as to the impacts of the proposed action on property rights, including partial interests in property, the potential for physical invasion, the potential for monetary loss, and/or threats to due process and equal treatment under the law. The District may assist the local, state, and federal agencies in these analyses.

Policy 1: *Request that local, state, and federal governmental entities coordinate with the District, its representatives, and thereby the citizens of this County with respect to proposed actions, rules, policies, and land use planning.*

Policy 2: *Encourage observance of federal and state laws, regulations, and policies that require consultation, cooperation, and coordination and land use plan consistency with local government entities.*

Policy 3: *Local, regional, state, federal, or international government agencies proposing actions in the County should provide early consultation and coordination with the District. The District should develop, promote, and defend viable alternatives to the proposed actions of other*

government agencies when the proposed action would adversely impact any of the resource bases of the District.

Policy 4: Any local, state, regional, and federal agencies that propose actions that will affect the Plan's goals, objectives, policies, or action plans, should prepare and timely submit a written report on the purpose, objectives, and estimated impacts of such actions, in accordance with the laws of Wyoming and the United States of America.

Policy 5: To the extent required for compliance with local, state, and federal law, all local, state, and federal agencies should strive to act consistently with the Plan and coordinate with the Board of Supervisors for the purpose of planning and managing local, state, and federal lands within the geographic boundaries of Sweetwater County, Wyoming.

Policy 6: Encourage state wildlife management agencies to provide adequate notice to local residents and governments before decisions are made or programs implemented.

CONSTITUTIONAL PRINCIPLES: DUE PROCESS AND PROTECTION OF PRIVATE PROPERTY

The U.S. Constitution created a form of government characterized by:

1. Limited powers granted to the federal government.
2. Separation of those limited powers into legislative, judicial, and executive branches.
3. Creation of a process where the branches act to check and balance the power of the other branches.
4. Guarantee rights of due process and just compensation when private property is taken for public use.
5. Grant of authority to Congress to make rules and regulations governing federal property.

1. GOAL: Reaffirm the fundamental rights of mankind as enumerated in the Declaration of Independence, the constitutional rights of citizens as set forth in the U.S. Constitution and Bill of Rights, and the Wyoming Constitution, and acknowledge the limited nature of government as intended by the nation's founding fathers.

2. GOAL: Protect private property and interests in private property and promote the continuation of private economic pursuits.

Objective 2A: Respect private property rights and consider the effects of policies, regulations, and federal and state decisions on these rights.

Objective 2B: Enforce the requirements for takings implication assessments pursuant to Executive Order 12630 [Addendum Tab No. 47 at 236] and prepare comments.

1
2 **Objective 2C:** Recognize that the protection and preservation of privately owned land is
3 desirable and necessary in Sweetwater County.

4
5 **3. GOAL:** Ensure that the principles of due process are applied and followed at all levels of
6 government.

7
8 **Objective 3A:** Provide notice of District proceedings and actions and facilitate, when possible,
9 public notification of proposed actions, regulations, policies, and land use planning by federal
10 and state agencies.

11
12 **Objective 3B:** Facilitate the opportunity of the citizens to be heard in the appropriate
13 proceeding.

14
15 **Objective 3C:** Promote the disclosure and public education of proposed actions, regulations,
16 policies, and land use plan decisions that affect Sweetwater County.

17
18 **Objective 3D:** Enforce the applicable laws and rules prohibiting conflicts of interest.

19
20 **Objective 3E:** Respect and facilitate the due process rights of individuals and entities adversely
21 affected by agency action to exercise their rights of an administrative appeal, including the right
22 to a hearing on the record, with the right of cross-examination, before an impartial judge, who
23 will promptly render a decision based on findings of fact and conclusions of law.

24
25 **Objective 3F:** Promote the protection of substantive due process rights. [See Addendum Tab
26 No. 31f at 159-160].

27
28 **Policy 1:** *Ensure that local, state, and federal agencies address regulatory actions that may*
29 *affect a total or partial taking of property without compensation and that the proposed action is*
30 *modified to avoid the taking.*

31
32 **Policy 2:** *Ensure that the local, state, and federal agencies respect procedural due process rights*
33 *by providing adequate public notice and the opportunity for a hearing, including an evidentiary*
34 *hearing, when granted by statute. Regulatory actions, such as designation of critical habitat*
35 *under the Endangered Species Act or denial of surface access across federal land, operate to*
36 *inversely condemn private property without providing just compensation. The District supports*
37 *providing legal remedies when federal or state governmental action operates to take property*
38 *rights or some portion of the property right.*

LAND TENURE, DISPOSITION, ACQUISITION, AND USE

An estimated 27% of the land in Sweetwater County is privately owned and the majority lies within the Wyoming Checkerboard. The private land comprises the County's tax base that must support most County services. The District recognizes that private land is essential to local industry and residents. An important check on the exercise of governmental authority is the protection of private property rights as provided in the United States Constitution and the Wyoming State Constitution.

Land in the Wyoming Checkerboard is 51% privately-owned and the United States and Wyoming, to a lesser extent, own the adjacent sections in the Wyoming Checkerboard. This fact makes the BLM, state, and private landowners mutually dependent, when it comes to access, land uses, and land use decisions. Federal agencies prefer to manage land in contiguous blocks and, from time to time, have proposed land exchanges in the Wyoming Checkerboard to create contiguous blocks of federal land.

The District recognizes that the unique land ownership pattern in the Wyoming Checkerboard creates the potential for abuse and inverse condemnation of private property rights. It is possible for government action to take a portion of the private property, without actually condemning and paying for the entire parcel. Government action, which denies access to develop the mineral estate or water rights, can also be a taking. Moreover, land exchanges may not fully compensate the landowners and may reduce the total private land base in the County.

1. GOAL: Any land tenure adjustments by a federal or state government agency should be conditioned on no net loss of private land or private property rights and should fully compensate the landowner for the value of the property interest, including investment-backed expectations, and compensate Sweetwater County for the lost property tax revenue.

Objective 1A: Support the acquisition of private land, including isolated tracts, by state and federal government entities only when it meets the goal of achieving just and adequate compensation to the landowner and compensation to Sweetwater County for the lost tax base.

Objective 1B: Support voluntary land exchanges between the federal government and private landowners to adjust property lines and improve access and land management.

Objective 1C: Support and facilitate the acquisition by land exchange or voluntary sale of isolated tracts of state and federally managed lands to improve land use efficiency.

Objective 1D: Local, state, and federal land agencies should not acquire any private lands or rights in private lands within the County without first ensuring that the proposed acquisition meets the Plan goals and objectives listed above.

1 **2. GOAL:** Request that design and development of all federal and state land dispositions and
2 acquisitions, including land adjustments by sale or exchange, be carried out for the benefit of the
3 residents of the County by following a policy of coordination, consultation, cooperation with the
4 District and consistency with local land use plans.

5
6 **Objective 2A:** Protect and enhance private property interests to ensure no net loss in the private
7 land base and tax revenue and/or provide just and adequate compensation.

8
9 **Objective 2B:** Recommend that local, state, and federal government entities investigate and
10 attempt to increase local economic development within the County and that the citizens of the
11 County suffer no adverse aggregate economic impacts from land ownership adjustments.

12
13 **Objective 2C:** Request consultation, coordination, communication, and cooperation when land
14 tenure adjustments to federal and state land are proposed within the County.

15
16 **Objective 2D:** Request that when federal and state land agencies propose changes in land use,
17 impact studies on the proposed change be conducted at the expense of the agency proposing the
18 change, and that mitigation measures are adopted in coordination with the District. Impact
19 studies should address community stability (socio-economics), local custom and culture, grazing
20 rights, rangeland resources, water rights, flood prone areas, access, and other identified concerns
21 of the County.

22
23 **3. GOAL:** Advocate the continued cooperation between public and private land managers in the
24 Wyoming Checkerboard.

25
26 **Policy 1:** *Request the opportunity to investigate and evaluate all proposed land ownership*
27 *changes between private owners and state or federal government entities to determine if the*
28 *proposal is in the best interest of the County.*

29
30 **Policy 2:** *Request that local, federal, and state government agencies work with each other in*
31 *implementing proposed land use planning activities through the principles of coordination,*
32 *consultation, and cooperation with the District and consistency with local land use plans.*

33
34 **Policy 3:** *Request the opportunity to make recommendations on proposed public or private land*
35 *withdrawals for hazardous and non-hazardous waste storage, as well as the types of such waste*
36 *through the principles of coordination, consultation, and cooperation with the District and*
37 *consistency with local land use plans.*

38
39 **Policy 4:** *Oppose any additional property acquisitions by the Wyoming Game and Fish*
40 *Department or the U.S. Fish and Wildlife Service and request timely notification regarding any*
41 *wildlife planning and/or management actions within Sweetwater County and adjacent counties*
42 *in Wyoming by the Wyoming Game and Fish Department or the U.S. Fish and Wildlife Service.*
43

ACCESS AND TRANSPORTATION

Access rights-of-way and water rights were critical to the early settlers, and they remain critical today. The federal government owns 70% of the estimated 6.76 million acres of land in Sweetwater County. The state of Wyoming owns 3%, leaving only 27%, in private ownership. When Congress granted the alternating sections to the railroads for the transcontinental railroad, which runs through Sweetwater County, it created what is now known as the Wyoming Checkerboard, with its alternating sections of private and public lands. Congress also granted Wyoming two sections per township (Sections 16 and 36) for the support of the public schools. Many private landowners need rights-of-way across the state and federal lands to access their property, to use their water rights, and to exercise their grazing rights.

In 1866, the Congress enacted a law to provide and protect access across federal lands for miners and others reliant upon water to earn their livelihood. Section 8 of Revised Statute 2477 ("R.S. 2477") provided simply that, "the right-of-way for the construction of highways over public land, not reserved for public uses, is hereby granted." [Addendum Tab No. 27 at 133, 43 U.S.C. §932 (repealed Pub. L. 94-579)]. Sweetwater County miners and ranchers developed such rights-of-way in the form of roads and trails, which continue to be used today. Congress repealed R.S. 2477 in FLPMA but preserved all pre-existing rights-of-way.

This easement across public lands, not withdrawn from public use, made an immediately effective grant, which took effect as soon as the road was established by use or construction. This was called an *en praesenti* grant, because it required no further official action from the federal government. It was accepted whenever and wherever roads and ways were established over unreserved federal land by construction or otherwise, and were available for public use. These public highways remain available to this day for public use.

Wyoming law identifies procedures for each County to establish and record public roads, and this includes R.S. 2477 rights-of-way. [Addendum Tab No. 41a at 193-194, Wyo. Stat. §24-3-101]. If a road, including an R.S. 2477 right-of-way, is not recognized by the County, then it is not considered to be a public right-of-way under Wyoming law. [Addendum Tab No. 41c at 194, *Yeager v. Forbes*, 78 P.3d 241, 255 (Wyo. 2003)]. Once a road is recognized by the County, it is part of the county public road system. [Addendum Tab No. 41b at 194, §24-3-201]. A public road remains a public road until the county officially vacates it or abandons it, as set out in the statute. [Addendum Tab No. 41d at 194, *Sheridan County v. Spiro*, 697 P.2d 290, 303 (Wyo. 1985)].

Public access to routes of travel is essential to the County's transportation and public access systems and to the economic, social, political well being, custom and culture of the communities and citizens of Sweetwater County. Because the County also depends upon the responsible use and development of public land resources, adequate, feasible, and fully-protected access is

1 required to utilize and to protect these resources. Many land uses in the County depend upon
2 roads and rights-of-way associated with general non-motorized and motorized travel.

3
4 The Sweetwater County Board of Commissioners has determined and documented the rights-of-
5 way in the County that fall under R.S. 2477. See Appendix Tab D, Sweetwater County, Board of
6 County Commissioners, Resolution 96-12-CC-01, R.S. 2477 Rights-of-way, December 17, 1996
7 (maps depicting public roads, including R.S. 2477 rights-of-way are on file with the Sweetwater
8 County engineer and can be viewed at the District office).

9
10 Although FLPMA repealed R.S. 2477, the public highways, roads, and ways established before
11 October 1976, are specifically preserved, [Addendum Tab No. 28j, at 150, 43 U.S.C. §1769(a)].
12 The County's right, title, and interest in these rights-of-way include the right to evaluate and
13 perform construction, reconstruction, and maintenance, which is reasonable and necessary for
14 safe passage for the rights-of-way established prior to the repeal of R.S. 2477 or the reservation
15 of the lands for public use.

16
17 Federal law also authorizes rights-of-way across federal land under the Alaska National Interest
18 Lands Conservation Act ("ANILCA") or Title 5 of FLPMA. [Addendum Tab No. 15 at 61, 16
19 U.S.C. §3210, and Addendum Tab No. 28j at 141-150, 43 U.S.C. §§1761-1769]. Under
20 FLPMA, the applicant must pay cost-recovery fees to process the permit and full market value
21 of the easement, unless the applicant is a county. [Addendum Tab No. 28j at 146-47, 43 U.S.C.
22 §1764(g)]. Mineral lessees are entitled to access under the terms of a mineral lease. [Addendum
23 Tab No. 19k at 76, 43 C.F.R. §3101.1-2]. In many cases, these access rights are not public
24 rights-of-way and do not establish public access.

25
26 **1. GOAL:** Support the historic right to travel over federal and state lands wherever necessary in
27 pursuit of mining, oil and gas, ranching, farming, logging, recreational activities, motorized
28 vehicle use, and all other historic uses.

29
30 **Objective 1A:** Participate in decision and planning processes with local, state, and federal
31 governments affecting access and rights-of-way in Sweetwater County.

32
33 **Objective 1B:** Support mechanisms to help maintain the use of public roads; while protecting
34 and/or mitigating any impacts on other resource values and respecting private property rights.

35
36 **Objective 1C:** Support opportunities for further economic development by ensuring that feasible
37 access is available, while respecting private property rights.

38
39 **Objective 1D:** Support adoption of rules controlling off-road recreational use, where it is
40 necessary to protect soil, water, wildlife, and vegetation resources.

41
42 **2. GOAL:** Protect private property rights in the County while facilitating rights of access.

1 **3. GOAL:** Develop a coordinated approach to the issues of roads and rights of ways with local,
2 state, and federal agencies and private landowners.

3
4 **Objective 3A:** Support coordination and concurrence between the District, local interested
5 parties, and relevant federal and state land management agencies, prior to any proposed road
6 closures and obliterations in the County.

7
8 **4. GOAL:** Coordinate with private landowners, local, state, and federal agencies to develop a
9 complete inventory of all roads and rights-of-way in Sweetwater County.

10
11 **Objective 4A:** Inventory the public roads and rights-of-way, using tools, such as, a database,
12 maps, GIS locations, photographs, and historical records, in order to document their existence
13 and whether such roads or rights-of-way have been abandoned or vacated.

14
15 **Objective 4B:** Recommend that surface routes of travel along existing trails, roads, or highways
16 of public value and of legal origin within the County be electronically mapped and recorded as
17 local government thoroughfares in accord with County designations.

18
19 **5. GOAL:** Evaluate new rights-of-way and road systems in light of identified need, impacts on
20 the District Plan, goals and objectives, and private property rights.

21
22 **Policy 1:** *Recommend that any new construction of an access route be under a plan accepted by*
23 *County planner or as permitted by respective land ownership. Pre-existing routes will be*
24 *honored according to their identification and physical character. Route maintenance standards*
25 *will be in accord with designated classification and need.*

26
27 **Policy 2:** *Recommend that the Resolution of the Sweetwater County Commission regarding R.S.*
28 *2477 rights-of-way be given the effect of an ordinance. See Appendix Tab D, Sweetwater County*
29 *R.S. 2477 Resolution 96-12-CC-01, and maps (which are on file with the Sweetwater County*
30 *engineer).*

31
32 **6. GOAL:** Support identification, assertion, and protection of all County roads and public rights-
33 of-way to protect the County's resources and promote public health, safety, and general welfare,
34 including but not limited to, search and rescue, extreme weather, fire protection, resource
35 conservation, health and law enforcement, and other services.

36
37 **Objective 6A:** Participate in local, state, and federal planning processes or any County planning
38 process regarding transportation plans for new roads, reconstruction or maintenance of existing
39 roads, and road closures (permanent and seasonal) to address economic and scientific-based
40 concerns for water, air quality, and public access purposes.

41
42 **Policy 1:** *Federal law provided for rights-of-way and establishment of public highways across*
43 *unreserved public domain. The resolution of the status of roads and rights-of-way under R.S.*

2477 remains in controversy at the national level. R.S. 2477 (the Act of July 26, 1866) states in Section 8: "The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted." [Addendum Tab No. 27 at 133, 43 U.S.C. §932 (repealed)]. While R.S. 2477 was repealed in 1976, new access grants are available across public lands pursuant to Title V of FLPMA, [Addendum Tab No. 28j at 141-150, 43 U.S.C. §§1761-1769], the Mineral Leasing and Coal Leasing Acts for lease development, [Addendum Tab No. 19k at 76, 43 C.F.R. §3101.1-2], and to private land under Alaska National Interest Lands Conservation Act ("ANILCA"), [Addendum Tab No. 15 at 61, 16 U.S.C. §3210].

Policy 2: Encourage identification and application of rights-of-way in order to support multiple uses on public lands, so long as there is adequate and just compensation of private property when the right-of-way crosses private land. BLM can only condemn a right-of-way "if necessary to secure access to public lands, and then only if the lands so acquired are confined to as narrow a corridor as is necessary to serve such purpose." [Addendum Tab No. 28e at 138, 43 U.S.C. §1715(a)].

Policy 3: Participate in the federal NEPA process or any County planning process for communication, utilities, transmission, transportation and waterway corridors.

Policy 4: Support a transportation plan that optimizes accessibility across all federal and state managed lands within the County, while respecting private property rights.

Policy 5: Access to and/or across federal and state managed lands within the County should not entail encumbrances or restrictions on private property rights.

Policy 6: Support the adoption of the Sweetwater County Resolution 96-12-CC-01 to perfect rights-of-way and protect R.S. 2477 rights-of-way. [See Appendix Tab D].

ECONOMIC PROFILE AND DEVELOPMENT

One of the greatest challenges facing local governments today is the loss of the tax base. This is an even greater challenge in western states where the majority of the land is owned by the federal government. In order for any community to provide needed schools, health care, police protection, and other services, industry and commerce within the community must be supported and strengthened.

Economics pertain to the development and management of the material wealth of a government or community. Business and industries that have traditionally defined the economy in Sweetwater County to include revenue from: mining, power generation, oil and gas development and related services; farming, ranching, and livestock grazing; recreation and tourism (motorized and non-motorized recreation, water & land sports, hunting, fishing, hiking, etc.); residential or private property owner taxes, local businesses (private and corporate owned enterprises, etc.),

and big game hunting, guide and outfitting, and other services. The abundant natural resources within the County provide opportunities for expanded economic growth. The County depends on these resources for economic viability and community stability. A primary purpose of this Plan is to foster cooperation and coordination among the County, federal, state, local governments and adjacent counties, because the communities cannot remain economically viable without equal access to federal and state resources.

Management activities on the federal, state, and private lands directly affect the County economy. Oil and gas production, mining, power generation, agriculture, and recreation are the primary resource activities that provide income and promote community stability.

This Plan is a dynamic document, changing as more information becomes available and new situations arise. Economic and demographic data essential to the Plan will be included in later updates. The data should include both current and historical data for past decades and should give an indication of the trends. Data to be added may include:

1. Total personal income by major component (industry).
2. Full-time and part-time employment by major industry.
3. Transfer payments by major component (industry).
4. Agriculture income and expenses.
5. Total population and population by age categories.
6. Households by type.
7. School enrollments (private & public).
8. Tax revenues.

[See Appendix Tab A, Summary of Payment In Lieu of Taxes Paid to Sweetwater County, Wyoming, Tabs B, Economic and Demographic Profile of Sweetwater County, Wyoming; B-1, Bear Facts, Sweetwater County Bureau of Economic Analysis (1992-2002); B-2, MapStats Sweetwater County, Bureau of Economic Analysis; B-3, 2000 County Business Patterns for Sweetwater County, Wyoming; and B-4, Sweetwater County Top 30 Taxpayers].

Counties and states cannot tax the federal lands within their boundaries. The federal government has several mechanisms to share revenues generated from federal land that (in part) compensate local governments for the loss of the tax base. These payments may be based on the amount of federal land within the state (and County), under the Payment-In-Lieu of Taxes Act ("PILT"), which includes a share of revenues generated to the U.S. Treasury from coal, oil and gas or other leased minerals, or livestock grazing. [Addendum Tab Nos. 19a at 63 and 20a at 76, respectively, 30 U.S.C. §§191, 192c; and Addendum Tab No. 21 at 78, 31 U.S.C. §6903; Appendix Tab A, Summary of Payment In Lieu of Taxes Paid to Sweetwater County, Wyoming]. Thus, both the amount of federally-owned land within the County and how it is used determine the payments to the state and, ultimately, to the County. While the federal law generally directs payment to the state, state law provides for distribution of some part of the revenue to the county of origin. This revenue structure requires the County to understand how

activities and management actions on these federal, state, and privately-controlled lands affect the economic underpinnings of the local community. Payments that support local communities are derived from federal lands through the following mechanisms:

- 25% of Forest Reserve Fund
- Payments in Lieu of Taxes (“PILT”)
- Taylor Grazing Act, Sections 3 and 15
- Refuge Revenue Sharing Act
- Mineral Leasing Act
- Mining and Materials Leasing Act
- Federal Coal Leasing Act

[See Appendix Tab A, Summary of Sweetwater County PILT Payments.]

1. GOAL: Protect agricultural land and promote the continuation of agricultural land uses.

Objective 1A: Protect private property rights with respect to the right to use public land for agriculture uses.

Objective 1B: Support open market conditions for agriculture products.

Objective 1C: Protect and expand, as needed, water resources for agriculture uses.

Objective 1D: Support the County in identifying opportunities and prioritizing for economic development and diversification, (*i.e.* value-added products derived from natural resources and agriculture), business expansion and retention, telecommunication, and small business assistance.

2. GOAL: Support development and implementation of economic policy documenting the effects of federal and state lands management on the economic stability of Sweetwater County.

Objective 2A: Encourage research to address rural and urban economic issues.

Objective 2B: Support increasing the capacity of state and federal land resources to provide greater economic return to the County.

Objective 2C: Support no net loss of private lands and oppose land acquisition by local, state, and federal government agencies that fail to compensate both the landowner and the County tax base.

3. GOAL: Ensure continued access to natural resources on federal and state lands in Sweetwater County.

Objective 3A: Support the responsible use and development of natural resources while maintaining multiple-use management practices on state and federal lands and preserving adequate public and private access to federal lands.

Objective 3B: Support economic development and diversification of existing land uses through business expansion and retention.

4. GOAL: Promote the enforcement of laws providing for reduced regulatory costs for small businesses, such as farming and ranching and small governmental entities, including Sweetwater County.

Objective 4A: Support and participate in identifying and quantifying the regulatory impacts on Sweetwater County, which is a local government entity protected under the Small Business Regulatory Enforcement Fairness Act. [Addendum Tab No. 1 at 1-7, 5 U.S.C. §§601-612].

Policy 1: *The District will enforce statutory and regulatory policies that require a federal agency to document the effects of regulatory actions on small businesses, which include many agricultural operations in the County and the County itself. [See Addendum Tab No. 1 at 1-7, Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. §§601-612, Addendum, Tab No. 51 at 256, Ex. Order 13272, August 13, 2002].*

Policy 2: *Participate in local, state, and federal land decision and planning processes to ensure the continued development and conservation of natural resources to provide growth and expansion of related industries, while ensuring the continued conservation of rangeland, soil, water, and wildlife resources.*

ENERGY / MINERAL RESOURCES

Energy and mineral resources occur without regard to whether the land is in private, state, or federal ownership. These resources have, and continue to, provide economic benefits and economic impacts for the citizens of Sweetwater County and the State of Wyoming. The District recognizes that effective development of its abundant mineral resources is necessary to the economic well being of the county, the state, and the nation. Energy and mineral resource extraction is also consistent with the local history, custom, and culture.

Much of Sweetwater County is included in the Green River Basin, one of five high-priority energy basins identified pursuant to the Energy Policy and Conservation Act Amendments. In 2003, a joint report by several federal agencies, including the BLM, evaluated impediments to energy production on federal lands, including the Green River Basin. The study found that withdrawals and restrictions on development impeded development, but identified other factors, including high operating costs and lack of infra-structure to transport oil or gas to markets, which

1 make energy development in this region more difficult and costly. Appendix Tab H, *Scientific*
2 *Inventory of Onshore Federal Lands' Oil and Gas Resources and Reserves and the Extent and*
3 *Nature of Restrictions or Impediments to Their Development*, IN COMPLIANCE WITH ENERGY POLICY
4 AND CONSERVATION ACT AMENDMENTS OF 2000, PUB. L. 106-469, §604 (January 2003) (the complete
5 report can be viewed at the District office or online at <http://www.doi.gov/epca/>).
6

7 Four main categories of mineral resources exist within the County:
8

9 1. Fluid Leasables: (oil, coalbed methane and natural gas and geothermal) the
10 objective is to provide for leasing in exploration and development. State and BLM-
11 administered lands, not specifically withdrawn or closed to sale under the mineral leasing
12 laws, should be open to leasing and development.
13

14 2. Solid Leasables: (coal - sodium/trona)

15 a. The coal and trona resources in the County are subject to development in an
16 orderly manner consistent with the regulation and policies governing coal development,
17 environmental integrity, national energy needs, and related demands.

18 b. With appropriate limitations and mitigation requirements for the protection of
19 other resource values, all BLM-administered federal lands and federal coal lands in the
20 County, except for those lands identified as withheld, should be open to coal resource
21 inventory and exploration to help identify coal resources and their development potential,
22 commensurate with all interests in coal *per se*.

23 c. Split Estate lands where the United States owns the surface but the minerals are
24 owned by the State or private entity or where the United States owns the minerals but the
25 surface is in private or state ownership: Government-owned surface overlaying State of
26 Wyoming and privately-owned coal are subject to consideration for coal development
27 with appropriate and necessary conditions and requirements for protection of the public
28 land surface and surface resource uses, including big game crucial winter range, grouse
29 leks, cultural values, geologic features, and rights-of-way. The Land Quality Division of
30 the Wyoming Department of Environmental Quality ("Wyoming DEQ") issues mining
31 permits, which address reclamation and surface resources.

32 d. The known sodium leasing (soda ash) areas located on public lands are
33 temporarily closed pending plan revisions and resolution of potential conflicts between
34 mining and oil and gas development.

35 e. The remainder of the County is open to sodium (soda ash) prospecting except for
36 areas that are closed to mineral leasing, surface mining, or mechanical prospecting type
37 activities.
38

39 3. Other Minerals: The minerals management objective for other minerals is to
40 provide opportunities for exploration and development of building stone, sand, and gravel
41 as needed to provide for use while protecting other resources, as such resources may be
42 governed by regulation.

Locatable Minerals (under General Mining Law 1872, [Addendum Tab No. 17 at 62, 30 U.S.C. §§21 *et seq.*]. The locatable minerals management objective is to ensure that public lands are available to explore, locate, and develop by mining claims while protecting other relative resource values. With the exception of lands withdrawn from mineral location, the County is open to filing of mining claims and exploration for and development of locatable minerals.

4. Geophysical Exploration: The management objective for geophysical exploration activities is to provide opportunity for exploration of mineral resources and collection of geophysical data, while protecting other resource values.

1. GOAL: Encourage suitable mineral and energy resource exploration and development in the County, while conserving rangeland, soil, and water resources.

Objective 1A: Encourage elimination of unreasonable or unfounded barriers, prohibitions, and impediments to mineral and energy resource exploration and development.

Objective 1B: Enforce requirements in FLPMA that BLM review land withdrawals to ensure that they are still necessary and that BLM only withhold public lands from mining or mineral leasing pursuant to federal law or an official order of withdrawal that is published in the Federal Register with an explanation justifying the closure. Discourage the use of informal policies or unofficial classifications by federal agencies to withhold high energy potential areas from leasing or development. This policy violates FLPMA's requirement that public lands be managed in accordance with land use plans and that decisions to withhold public lands from mineral development must be evaluated in terms of the social and economic effects and reported to Congress.

Objective 1C: Support Executive Orders 13211 and 13212, as amended by Executive Order 13302. [Addendum Nos. 49a-49c at 251-254] directing all federal agencies to facilitate the permitting and development of power distribution facilities and to remove regulatory impediments to the exploration and development of energy resources on public lands.

2. GOAL: Support a policy to promote mineral resource recovery by making federal and state lands within the Wyoming Checkerboard of the County and elsewhere open to mineral leasing and development, subject to mitigation measures to be applied on a case-by-case basis in the permit according to state law.

Objective 2A: Support the retention of existing mineral and energy operations, consistent with sound economic and environmental practices.

Objective 2B: Support large and small-scale mineral and energy resource exploration consistent with sound economic and environmental practices to conserve rangeland, soil, and water resources.

1
2 **3. GOAL:** Ensure compliance with all existing local, state, and federal laws regarding oil, gas
3 and mineral exploration and/or their production, so that the District's mandate to conserve
4 rangeland, soil, and water resources are met.
5

6 **4. GOAL:** Protect the rights of land owners and surface owners so that mineral development can
7 proceed consistent with the District's mandate to conserve rangeland, soil, and water resources.
8

9 **5. GOAL:** Support coordinated efforts between the local, state, and federal agencies in the
10 inventory, evaluation, and development of mineral resources.
11

12 **Objective 5A:** Recommend that local, state, and federal agencies assess socio-economic impacts
13 of any proposed changes to natural resource-related use plans that impact Sweetwater County
14 School Districts.
15

16 **Objective 5B:** Recommend that local, state, and federal agencies conduct a thorough
17 investigation of future mineral industry potential and the consequences of all land use decisions.
18 Local, state, and federal planning documents should disclose consequences to future mineral
19 development and economic impact of proposed policies or plans to the continuity of the County's
20 minerals industry.
21

22 **Objective 5C:** Request that local, state, and federal agencies notify the District of any **proposed**
23 actions or regulations, which may impact minerals industry opportunities on state, federal, or
24 private land within the County to enable the District to review and comment on local, state, or
25 federal actions or changes significant to mineral and related industry opportunities in the County.
26

27 **6. GOAL:** Support beneficial mining efforts and their economic impacts or effects and
28 encourage mining and milling efforts on private and public lands.
29

30 **Objective 6A:** Carefully evaluate proposed revisions of the General Mining Law of 1872 to
31 determine the impacts, if any, for mining in the County. Discourage over-regulation that inhibits
32 scientifically-sound mining practices.
33

34 **Objective 6B:** Maintain private, state, and federal lands that are subject to mining exploration
35 and development and ensure that such lands should continue to be used for that purpose.
36

37 **Objective 6C:** Encourage open access to, across, over, under, and through the state and federal
38 lands for prospecting and exploration to provide incentives for private investment in mineral
39 development.
40

41 **Policy 1:** *Make recommendations regarding any such proposed revisions of the General Mining*
42 *Law of 1872 to the appropriate state and federal representatives in order to influence the*
43 *outcome to favor the custom, culture, and economy of the County.*

Policy 2: Mineral and energy resource exploration and development are among the historic uses on private, state, and federal land; their continuance is compatible with the principles of multiple-use on state and federal lands.

Policy 3: Support mineral and mining company efforts to conduct science-based research applicable to mining and mineral processing, subsidence, expansion, and new development that is environmentally and economically viable.

Policy 4: Local, state, and federal agency plans or management recommendations shall include a social and economic impact description (either brief or in-depth depending on the case needs) that addresses the effects on energy and mining development.

WATER RIGHTS

“Water being essential to industrial prosperity, of limited amount, and easy of diversion from its natural channels, its control must be in the state, which, in providing for its use, shall equally guard all the various interests involved.”

Wyoming State Constitution, [Addendum Tab No. 31a at 157, Art. 1, §31].

Wyoming is a prior appropriation doctrine state under which the right to use water is based on the date when a specified quantity of water was put to beneficial use, with preference given to the prior user or appropriation. [Addendum Tab Nos. 46a and 46b at 230, respectively, Wyo. Stat. §§41-3-101, 41-3-102]. Wyoming law establishes procedures and criteria for the recognition of water rights under the doctrine of prior appropriation. [Addendum Tab Nos. 46a-d at 230-231, Wyo. Stat. §§41-3-101 to 104].

Early farmers and ranchers established water rights through the doctrine of prior appropriation. The earliest adjudicated rights in Sweetwater County date from the mid-1860's. As subsequent efforts were made to control the water, landowners brought suit to protect their prior appropriation rights. Today, holders of water rights are still struggling to preserve their rights against encroachment.

1. GOAL: Support allocation of water resources in Sweetwater County in accordance with Wyoming Water Law and the prior appropriation doctrine.

Objective 1A: Coordinate land use inventory, planning, and management activities, which affect water resources in Sweetwater County, either directly or indirectly, to ensure consistency with the Plan.

2. GOAL: Support the protection of private rights and interests in irrigation and water development structures on public lands.

1
2 **3. GOAL:** Encourage the use of upstream storage structures and water retention to enhance
3 available water for appropriation and beneficial use, through a combination of:

- 4
5 On stream storage
6 Off stream storage
7 Structural storage
8 Non-structural storage
9

10 **Policy 1:** *Use of water resources in Sweetwater County is necessary to meet the District's*
11 *mandate to conserve rangeland, soil, wildlife, and water resources, and is also necessary to*
12 *local culture and community stability with particular emphasis on the economic stability of the*
13 *community.*

14
15 **Policy 2:** *Pursuant to the doctrine of prior appropriation, the District discourages federal*
16 *agency water right purchases. Furthermore, the District encourages federal agencies to lease*
17 *water rights from the state or private water rights owners.*
18

19
20 **WATER QUALITY**
21

22 State and federal law regulate water quality with respect to point sources or discharges into any
23 water body, which requires a National Pollution Discharge Elimination System ("NPDES")
24 permit, and nonpoint sources of water pollution, which are regulated through Best Management
25 Practices and watershed plans to limit erosion into specific streams. Wyoming DEQ implements
26 the water pollution laws, issues NPDES permits to implement and enforce federal effluent
27 standards, [Addendum Tab No. 42c at 207-210, Wyo. Stat. §§35-11-301-310] and regulates
28 wetland protection. [Addendum Tab No. 42d at 213-215, Wyo. Stat. §§35-11-308-311]. As part
29 of its regulation of nonpoint sources, the Wyoming DEQ has also identified impaired streams,
30 total maximum daily loads of pollution, and participated in watershed planning to reduce erosion
31 and runoff. [Appendix Tab U *Wyoming Nonpoint Source Management Plan-Update (Sept.*
32 *2000)* and Tab V, *Best Management Practices for Grazing*]
33

34 The District is the responsible local government entity charged with protection of soil and water
35 resources. Non-point source water pollution is regulated by the Wyoming DEQ under the
36 Wyoming Environmental Quality Act, [Addendum Tab No. 42 at 195-214]. The District is
37 responsible for the analyses and identification of contaminant sources; the development of Best
38 Management Practices, which apply to nonpoint sources of water pollution; and the development
39 of policies and implementation strategies for improving water quality within the County. [See
40 e.g. Appendix Tabs T, and V, respectively, Watershed Strategic Plan (approved and revised
41 11/16/2000); *Best Management Practices for Grazing*]. Local, state, and federal agencies
42 involved in planning and/ or implementing the Wyoming Water Quality Act need to cooperate,
43 coordinate, and consult with the District in the County and adjacent counties.

1
2 **1. GOAL:** Ensure that productive watersheds are maintained for water quality.

3
4 **Objective 1A:** Maintain healthy rangelands and control soil erosion for productive watersheds.

5
6 **2. GOAL:** Support the application of the "Credible Data Legislation," which provides the basis
7 for surface water quality monitoring in Sweetwater County. [Addendum Tab No. 42c-ii at 207,
8 Wyo. Stat. §35-11-302(b)].

9
10 **Objective 2A:** Ensure that land use inventory, planning or management activities affecting point
11 or nonpoint sources and water quality in Sweetwater County, either directly or indirectly, are
12 coordinated through the District and are consistent with the Plan.

13
14 **Objective 2B:** Ensure that all management and watershed plans and land use practice
15 modifications proposed by either local, state, or federal agencies premised on water quality
16 issues are coordinated with the District and are consistent with the protection of private property
17 rights.

18
19 **Objective 2C:** Recognize the economic and social benefits of customary land use activities in
20 Sweetwater County and balance against the "social and economic value of the source of
21 pollution." [Addendum Tab No. 42c-ii at 207, Wyo. Stat. §35-11-302].

22
23 **Objective 2D:** Support and facilitate water quality testing and monitoring programs that collect
24 Credible Data according to Wyo. Stat. §35-11-302 [Addendum Tab No. 42c-ii at 207] data using
25 a local steering committee according to the Watershed Strategic Plan. [See Appendix Tab T,
26 *Watershed Strategic Plan* (approved and revised 11/16/2000).]

27
28 **Objective 2E:** Encourage preparation of a prioritized list of watershed treatment measures to
29 identify problems and suggest actions to solve those problems. These watershed treatment
30 measures and Best Management Practices could include, but not be limited to: seeding, revisions
31 in grazing practices, and the construction of retention ponds and runoff diversion structures.

32
33 **Policy 1:** *The Watershed Strategic Plan will guide the management of water and watersheds and*
34 *will be voluntary and locally led and may be put in motion by the 303D listing of a stream by the*
35 *Wyoming DEQ. Watershed Management Plans can be prepared for geographical areas with*
36 *similar problems, identify specific actions to be implemented to achieve specific goals, and*
37 *prioritize actions based on the severity of the problem and the likelihood of success.*

38
39 a) *Communicate, coordinate, and consult with affected local landowners, permittees*
40 *and lessees, municipalities, local, state, and federal agencies to assure protection or*
41 *enhancement of existing water quality. Such protection must be consistent with the*
42 *Colorado River Basin Salinity Control Act and the State of Wyoming water quality*
43 *standards.*

The District may undertake water quality monitoring and its agents may be guided by a locally led Watershed Advisory Group made up of affected landowners, permittees, lessees, and local, state and federal government to assure compliance. Support from the District, its agents, and partners will be utilized for project design and construction, along with guidance from the Nonpoint-Source Pollution Plan and applicable Wyoming approved Best Management Practices. If construction contracts are necessary, support will be sought from all appropriate local, state, and federal agencies and landowners.

[See Appendix Tabs T, U, and V, respectively, *Watershed Strategic Plan*; *Wyoming Nonpoint Source Management Plan Update* (Mar. 2000), *Best Management Practices for Grazing*.]

WATER / WATERSHEDS

Water and associated water rights in the County are integral to municipal, industrial, agricultural, and recreational uses. Local industry utilizes and controls substantial agricultural and industrial flow and storage water rights in the County. These water rights are essential for the continued operation of coal and trona mining and electricity generation activities in the County. The agricultural uses of water from the Green River and its tributaries are directly associated with viability of agricultural operations throughout the County. The Green River and its tributaries (Vermillion and Red Creek Basins) host habitat necessary for the survival of four federally endangered fish species in the lower reaches of the Green River in adjoining states. The Green River and the Flaming Gorge NRA also host a vital and economically-important cold-water fishery. Private, state, and federal lands border the Green River, and its tributaries. In addition to the river front lands that are privately owned, the State of Wyoming owns and manages several parcels and other portions of the river front are owned by the United States and managed by USFWS as part of the Seedskaadee National Wildlife Refuge, or by the Forest Service, as part of the Flaming Gorge NRA. The river system must supply adequate flows to meet the Colorado River Compact requirements as it relates to quantity and salinity, flow regimes for the endangered fish, additional agricultural storage, industrial storage needs, and needs for recreational storage. [Addendum Tab No. 30 at 153]. The Green River Basin Water Plan addresses these obligations and also proposes to develop reservoir storage in tributaries to the Green River to address identified water shortages. [See Appendix Tabs Q and R, respectively, Green River Water Basin Plan, Executive Summary (February 2001), and Green River Basin Water Planning Process, Final Report (February 2001).]

Watersheds within the Green River Basin are exporting water from the state of Wyoming. Several interdisciplinary planning, management, and implementation groups/agencies exist to address water resource issues in the County and the Green River Basin. (*i.e.* Wyoming State Engineer's Office, Wyoming Water Development Commission ("WWDC"), Wyoming DEQ, Eden Valley Irrigation and Drainage District ("EVIDD"), Colorado Salinity Control Forum, Green River Basin Advisory Group ("GRBAG") Planning Process, Coalbed Methane

Coordination Coalition (“CBMCC”), Upper Green River Joint Powers Water Board, and the Wyoming Game & Fish Commission. Discussion has centered on retaining more water within Wyoming and, specifically, within the Green River Basin as a whole and within the County under the priorities identified by the Green River Basin Plan. Adequate water quality and availability is necessary for significant municipal, industrial, commercial, agricultural, and recreational opportunities in Sweetwater County.

Water resources are simply supplies of water that can be drawn upon for various uses. The District is charged with facilitating water conservation and utilization within the District. The District is authorized to aid farmers and ranchers with water projects, as well as addressing water supplies district-wide.

As per this Plan, activities depending on water resources in the County include, but are not limited to: agricultural uses (irrigation of crops, livestock water, wells, etc.); municipal and community uses (city and unincorporated town water supplies); recreation uses (water skiing, motorized and non-motorized water recreation, fishing, swimming etc.); industry uses (power plant operations, mining operations, fertilizer plant operations, etc.); and wildlife uses (habitat for aquatic life, drinking for wild animals, etc.).

1. GOAL: Support and facilitate water resource development that assures future growth and protection of Wyoming water rights under the Colorado River Compact [Addendum Tab No. 30 at 153] and other agreements.

Objective 1A: Support partnerships with local, state, and federal agencies to implement effective watershed-based management to ensure adequate water flows and high water quality in the county's principal rivers and streams (both intermittent and perennial).

Objective 1B: Support appropriate reservoir development to supplement in-stream flows during dry or drought periods for both listed fish and wildlife species and human use according to Wyoming Instream Flow Law. [Addendum Tab No. 46e at 232-236, Wyo. Stat. §§41-3-1001-1014].

Objective 1C: Support additional water storage facilities (*i.e.* reservoir and reservoir rehabilitation projects) on private, state, and federal lands within the County and the Green River Basin.

Objective 1D: Participate as appropriate in water-resource management plans and decisions impacting the County and the Green River Basin and/or the interests of its residents.

2. GOAL: Recognize that the protection and development of water resources are essential to the conservation of soil, rangeland, and wildlife resources as well as the short and long-term economic viability and community stability.

Objective 2A: Coordinate with locally-led watershed planning so that mineral development, rangeland vegetation treatments, forest/woodland harvests, and other appropriate projects reduce effects on soil erosion rates or water quality.

3. GOAL: Support the appropriation and recognition of water rights currently provided under Wyoming law for the beneficial use and support the utilization of private water rights as the most effective means for providing water resources for agricultural, municipal, industrial, domestic purposes, and fisheries.

Objective 3A: Recommend that water rights be recognized and allocated in accordance with state law, to individuals and/or agencies, which fund and develop new water sources while managing for established desired plant communities.

4. GOAL: Protect and support the conservation of the water resources of the County.

Objective 4A: Strive to develop the water resources of the County based on adjudicated water rights so as to best protect water quantity and water quality.

Objective 4B: Request that all emergency actions relative to water resources be subject to notice to the District.

5. GOAL: Support efforts to protect and enhance the quality and quantity of usable water by promoting and expanding the efficient management and use of water resources.

Objective 5A: Support the water and salinity-reduction efforts of individual irrigators and individual irrigation and canal companies involved in the Colorado River Salinity Control Program, including but not limited to, the Big Sandy Project. [See Appendix Tab Q, Executive Summary Green River Basin Water Planning Process (February 2001)].

Objective 5B: Support maintenance, protection, and/or enhancement of existing water quality in the context of watershed management and development.

Objective 5C: Protect and enhance the quantity of water by promoting and expanding the efficient management of rangelands and forests and the use of water resources for healthy watersheds.

Objective 5D: Support the development, adoption, and implementation of water storage, distribution, and conservation plans and projects by the District, individual irrigators, individual irrigation and canal companies, industrial users, aquatic recreation users, municipalities, and public and private landowners.

6. GOAL: Support development and retention of storage facilities that would allow the capture of excess spring runoff to be utilized later in the year.

Objective 6A: Work with private landowners to identify potential storage sites.

Objective 6B: Support the development and use of water by municipalities, so long as the appropriations and development are based on documented needs for consumptive and beneficial uses.

Objective 6C: Encourage identification and prioritization for development, additional springs, well, and storage facilities within Sweetwater County.

7. GOAL: Support locally-led watershed planning.

***Policy 1:** Water needs of the Green River Basin will be satisfied before consideration is given to leasing water out of the Green River Basin in Wyoming or the sale or lease of water out of state. Any sale or lease of water out of basin or out of state will be mitigated by storage, before the transaction is approved.*

***Policy 2:** Support the protection of appropriated water rights so that "in-county and in-basin" water is made available to the County residents and Green River Basin residents first, and then to Wyoming residents, before being used by non-Basin interests. The District does not support the sale or leasing of water from the Green River Basin to downstream (out-of-state) users. If the State of Wyoming chooses to lease Colorado River water to downstream users, revenue derived from the sale or lease of Green River Basin water should be returned to that Basin and be used to improve water storage, water wells, and distribution facilities within the Green River Basin. The District does not support the use, sale, or lease of Green River Basin water unless the storage needs of the Green River Basin have been met or mitigated. This policy also applies to transbasin diversions. The District does not support the use of sale or lease revenues to improve water needs in other areas of the State until the needs of the Green River Basin have been met and or mitigated.*

***Policy 3:** The protection of existing water rights and water uses within Sweetwater County is of primary importance to the District's mandate to conserve rangeland resources, soil, and water to stabilize the agriculture industry, and to protect the tax base. Therefore, changes in water uses for federal, state, or local purposes that will potentially reduce the available water or adversely affect existing water rights should be carefully considered in relation to the effects on rangeland resources, soil, and water and the agriculture industry, as well as the history, traditions, and custom and culture of the County. The District requests consultation, cooperation, and coordination with all local, state and federal agencies to any water use plans that have any effect on Sweetwater County and/or the Green River Basin to assure local land management plan consistency.*

***Policy 4:** During periods of drought or other emergencies, local, state, and federal agencies shall work closely with the District, the Wyoming State Engineer, and other local, state, and*

1 federal agencies to address availability of water for critical needs, including agriculture and
2 municipal uses.

3
4 **Policy 5:** Support implementation of the Green River Basin Plan by formation of an Upper
5 Green River Basin Joint Powers Water Board, a Water Conservancy District, individual grants,
6 and/or projects with the Wyoming Water Development Commission, as long as, the potential for
7 direct benefits to the District exists. If it becomes evident that anticipated projects will not be
8 built, the District will withdraw from the program and ask that the District's contributed funds
9 be returned. These funds would be made available to local entities for water improvement
10 projects.

11
12 **Policy 6:** Support retaining the Flaming Gorge Dam to help manage water supplies, to meet
13 obligations under the Colorado River Compact, and to help stabilize the economies of
14 surrounding communities dependent on the recreational opportunities related to the dam.

15
16 **Policy 7:** Under the doctrine of prior appropriation, the District declares that historic and
17 customary beneficial uses under state law, do and should take precedence over any and all in-
18 stream flow use designations established under current Wyoming State Law.

19
20 **Policy 8:** The District requests notification of all proposed interstate and federal water
21 development, conservation or other actions that may have an impact on the water rights or uses
22 in Sweetwater County prior to initiating actions.

- 23
24 a) Recommend that any water quality programs (i.e. nonpoint source pollution
25 programs) evaluate, mitigate, and minimize the impacts on Sweetwater County's
26 water rights, custom and culture, and economic viability.
- 27 b) Recommend that at least one District representative or designee from water
28 resource interests is included in decision-making process for proposed actions by
29 local, state, or federal agencies affecting water resources in the County.
- 30 c) Request notice of any actions or regulations, which involve water resources on
31 federal and state land within the county; and the District will review and
32 comment on local, federal or state actions or changes significant to water
33 resource issues in the County.
- 34

35 IRRIGATION / AGRICULTURE

36
37
38 Irrigated crops contribute to the economic base of the County and are integral to the stability of
39 livestock production, wildlife habitat, and farming while maintaining the local custom and
40 culture. Due to the location and additional water, cropland and irrigated fields often provide key
41 winter habitat for big game and other wildlife.

1 **1. GOAL:** Support maintenance and/or enhancement of productive watersheds for the
2 preservation of irrigated agriculture.

3
4 **Objective 1A:** Assist in maintaining healthy rangelands and forests for productive watersheds.

5
6 **Objective 1B:** Assist and promote the continued use of Best Management Practices for erosion
7 control on rangeland and irrigated cropland by local cooperators.

8
9 **2. GOAL:** Protect water rights and irrigation ditch easements.

10
11 **Objective 2A:** Support the enforcement and implementation of Wyoming Water Law.

12
13 **3. GOAL:** Support maintenance and enhancement of water storage and conveyance structures.

14
15 **4. GOAL:** Support opportunities for grazing livestock on private, federal, and state lands,
16 protection of property rights and equitable interests in land, science-based land stewardship, and
17 promote Best Management Practices for the improvement and continued use of all rangelands
18 and irrigated cropland within the County. [See Appendix Tab V, *Best Management Practices for*
19 *Grazing.*]

20
21 **Objective 4A:** Encourage private land owners, local, state and federal agencies to cooperate in
22 defining desired plant communities on private, state, and federal lands within the County to
23 control soil erosion.

24
25 **Objective 4B:** Support increased productivity of irrigated lands to increase and/or maintain
26 animal unit months (“AUM’s”) in Sweetwater County.

27
28 **5. GOAL:** Encourage agricultural viability as part of the custom and culture and beneficial
29 impacts on public land uses in the County.

30
31 **Objective 5A:** Encourage the use of locally-led interdisciplinary groups to address agricultural
32 issues in relation to public land uses on a case-by-case basis.

33
34 **6. GOAL:** Promote public education by providing information to urban and rural communities
35 regarding agriculture, natural resource, and wildlife issues.

36
37 **Objective 6A:** Support and utilize local, state, and federal partnerships for cost-share programs
38 for range improvement and irrigation practices.

39
40 **Objective 6B:** Develop information regarding roles of irrigation and range management to
41 educate the public.

Objective 6C: Provide information to landowners and the general public on regulatory actions and their effects, including but not limited to, the Wyoming Environmental Quality Act, implementing the Federal Water Pollution Control Act, and the Endangered Species Act.

Objective 6D: Support Conservation Districts and their state associations in their efforts to assist resource managers on conservation actions and issues.

Policy 1: *Oppose local, state, and federal agency land use plans, regulatory actions, including rules, or management recommendations, which do not address the regulatory impacts and consider mitigation that will decrease impacts on small businesses (including agriculture) and small government entities. [See Addendum Tab No. 51 at 256, Ex. Order 13272 (Aug. 13, 2002)].*

Policy 2. *The characterization and conservation of soil and soil resources are fundamental to the proper development of all natural resource uses and are reflected in the legislative declaration of the District. Currently the Farson/Eden area is the only area in the county with a digitized/published soil survey. The remaining private, state, and federal lands within the county with natural resource uses need to be surveyed. Request that a county, state, and federal partnership be formed to fund a Natural Resource Conservation Service accepted Level III Soil Survey (digitized/published) for all lands within Sweetwater County.*

DITCHES / CANALS

1. GOAL: Recognize and protect ditch easements as property rights.

Objective 1A: Encourage recognition of ditch easements that include the right of the owner to enter, inspect, repair, and maintain a canal or ditch.

Objective 1B: Encourage the implementation of policies that limit encroachment upon or impairment of easements for canals or ditches, without the permission of the easement owner.

Objective 1C: Encourage adoption and implementation of policies encouraging the owners of ditch easements to be reasonable in the use of their easement.

2. GOAL: Cooperate with irrigation districts and ditch associations.

Objective 2A: Cooperate, coordinate, and consult with irrigation districts and ditch associations (acequias) in water planning and water related issues.

Policy 1: *Ownership of water rights, ditch water rights, and related easements are distinct property rights.*

FLOODPLAINS / RIVER TERRACES & WETLANDS

Floodplains are relatively broad and smooth valley floors constructed by active rivers and periodically covered with floodwater during periods of overbank flow. Floodplains usually include the riparian and wetland areas. The flood plain is a part of the active erosional and depositional activity of river channels.

River terraces (benches) are abandoned floodplains that formed when their associated rivers flowed at high levels in the past. Many alluvium-filled valleys in Sweetwater County have terraces at their margins, which, when irrigated, are some of the most productive farmlands.

Wetlands help regulate water levels within watersheds, improve water quality, and reduce flood and storm damages. Wetlands are most common in floodplains along rivers and streams (riparian wetlands). They also occur in isolated depressions surrounded by dry land (for example, playas, basins, and "potholes"), along the margins of lakes and ponds, and other low-lying areas, where the groundwater intercepts the soil surface or where precipitation sufficiently saturates the soil (vernal pools and bogs). Wetlands include marshes and wet meadows dominated by herbaceous plants; swamps dominated by shrubs, and wooded swamps dominated by trees.

The NRCS has primary responsibility for delineation of wetlands pursuant to an interagency Memorandum of Agreement dated January 6, 1994 [Addendum Tab No. 52 at 258]. The U.S. Army Corps of Engineers still has primary responsibility to issue a "dredge and fill" permit under Section 404 of the Clean Water Act when construction may affect the waters of the United States, such as filling in a wetland area. [Addendum Tab No. 22c at 98, 33 U.S.C. §1344]. Mitigation may be required in the form of replacement wetlands to meet the "no net loss" of wetlands policy.

1. GOAL: Encourage a cooperative approach to wetlands issues that conserves and protects soil and water resources and also protects rangeland and agriculture uses.

Objective 1A: Work with local, state, and federal agencies and landowners to achieve acceptable solutions and mutual benefits, both economic and otherwise, on these issues.

Objective 1B: Participate in the process to develop a consistent definition and accurate delineation of wetlands and lands adjacent to wetlands that can be applied in the District.

Objective 1C: In developing a wetlands definition, attempt to include the following components.

Wetlands are naturally occurring areas of predominantly hydric soils that support hydrophytic vegetation due to existing wetland hydrology. [Glossary, pp. 101-102].

Hydric soils are defined as soils formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part. *Id.*

Hydrophytic vegetation is defined as development of plant communities specifically adapted for recurring inundation or saturation. Generally there should be a predominance or b of obligate wetland plants and facultative wetland plants. *Id.*

RIPARIAN AREAS

Riparian areas are zones bordering lakes, reservoirs, potholes, springs and seeps, wet meadows, vernal pools, and ephemeral, intermittent, or perennial streams. They are of prime importance to water quality, water quantity, stream stability, and fisheries and wildlife habitat. Abundant water, forage, and habitat attract a proportionately greater amount of use and conflict than their small area would indicate. They are vital to the livestock grazing industry, mining, and many are also well suited for development as high quality agricultural farmland.

Riparian area is an area along a watercourse or around a lake or pond. It also refers to a "corridor encompasses the stream channel and that portion of the terrestrial landscape from the high water mark toward the uplands where vegetation may be influenced by elevated water tables, or flooding, or by the ability of soils to hold water." Citing Malcomb Hunter, Robert Naiman states: "At the smallest scale, the riparian zone is the immediate water's edge where some specialized plants and animals form a distinct community. At a larger scale, the riparian zone is the area periodically flooded by high water, the stream banks and flood plain. At the largest scale, the riparian zone is the band of land that has significant influence on the stream ecosystem, and/or is significantly influenced by the stream."

BLM describes riparian areas as those terrestrial areas where the vegetation complex and micro climate conditions are products of the combined presence and influence of perennial and/or intermittent water, associated high water tables and soils which exhibit some wetness characteristics. The term 'riparian area' often refers to the zone within which plants grow rooted in the water table of these rivers, streams, lakes, ponds, reservoirs, springs, marshes, seeps, bogs and wet meadows. [Appendix Tab X, *Riparian Area Management, Riparian Wetland Soils* BLM- Forest Service, Technical Reference 1737-19 (2003).] Riparian areas are ecosystems that occur along watercourses or water bodies. They are distinctly different from the surrounding lands because of unique soil and vegetation characteristics that are strongly influenced by free or unbound water in the soil. Riparian ecosystems occupy the transitional area between the terrestrial and aquatic ecosystems. Typical examples would include floodplains, stream banks, and lakeshores.

Upland rangelands generally refer to all areas that are not in a riparian area or wetland. The uplands will vary by soil and plant species but do not have natural sources of water that otherwise change soils and plants.

1. GOAL: Encourage a coordinated approach when establishing riparian and upland management plans and encourage the use of Best Management Practices.

Objective 1A: Encourage enhancement of the range resources through planned grazing systems that provide an accurate and verifiable system for comprehensive (short and long-term) monitoring and evaluation of the entire range resource within the grazing system.

Objective 1B: Encourage defining riparian areas as areas of land directly or indirectly influenced by permanent water. Riparian areas have visible vegetation or physical characteristics reflective of permanent water influence. Excluded are such sites as ephemeral streams or washes that do not exhibit the presence of vegetation dependent upon free water in the soil.

RANGELANDS, WOODLANDS, FORESTS, AND OTHER

Rangelands

The majority of the rangelands and riparian zones in the County support an understory or periodic cover of herbaceous or shrubby vegetation amenable to rangeland management principles or practices. The principal natural plant cover is composed of native grasses, forbs, and shrubs that are valuable as forage for livestock and big game. Any land supporting vegetation is suitable for wildlife or domestic livestock grazing, including grasslands, woodlands, shrublands, and forest lands. Rangeland includes lands revegetated naturally or artificially to provide a plant cover that is managed like native vegetation. Rangelands in the County consist of sage brush-steppe, grasslands, desert shrublands, and wet meadows. Most of the land in Sweetwater County is classified as rangeland. The soil and climate make the land best-suited for grass and shrubs, rather than farming. The earlier discussion of the District at pp. 8-10, covers vegetation, soil, and precipitation, as well as wildlife and game species. The BLM requires public rangelands to meet or make substantial progress to meet standards, which were developed for Wyoming. [Appendix Y, Wyoming Standards for Healthy Public Rangelands].

Forests & Woodlands

The Flaming Gorge NRA and the small portion of the Ashley National Forest are located in Sweetwater County. This land area is managed pursuant to the laws governing the National Forest System, although the NRA is also subject to the provisions of the Colorado River Water Project under which it was established.

1 Most National Forests were reserved from the public domain to provide a perpetual supply of
2 timber for home industries, to prevent destruction of the forest cover, and to maintain favorable
3 conditions of flow. Subsequent legislation directs that the National Forests are to be managed
4 for multiple use and sustained yield, based on standards and guidelines established in regulation
5 and customized to each unit of the National Forest System through the land use planning process.
6 [Addendum Nos. 13a and 13c at 60, 16 U.S.C. §1604(c) and §1604(e)]. Portions of the Ashley
7 National Forest and the NRA were established by land acquisition and these units were not
8 “reserved” from the public domain. While the laws governing the management of National
9 Forests apply, the reserved water rights doctrine does not apply to acquired lands.

10
11 While there is little commercial logging in Sweetwater County, timber is cut for firewood, poles,
12 and other thinning projects are warranted to reduce fuel loads. The forest lands are primarily
13 piñon, juniper, lodgepole and limber pine, and some Douglas fir.

14
15 Woodland products (*i.e.* piñon - juniper, cottonwood, Douglas fir) will be provided as a part of
16 multiple use management while providing reasonable protection to other resources (managed on
17 a sustained yield basis). Fuel wood, cedar posts, and other woodland products should be
18 available for harvest by the public. Public utilization of the woodlands could be used along with
19 prescribed burns to improve habitat for livestock and wildlife. Woodland management plans will
20 be prepared to describe specific actions to be implemented to achieve objectives. A charge will
21 generally be made for these products, but free use could be authorized on additional lands where
22 the material has no market value or the demand is small. Stipulations to protect visual resources,
23 wildlife habitat, and other resource values could be attached to permits at time of issue.

24
25 **1. GOAL:** Achieve good rangeland, forest, and woodland health to ensure healthy and vibrant
26 watersheds for current and future generations and to sustain the stability of ranching and
27 agriculture.

28
29 **Objective 1A:** Protect our environmental capital assets by managing mortality and reducing fuel
30 loads on rangeland and forest areas.

31
32 **Objective 1B:** Maintain and restore watershed health by demonstrating active rangeland, forest,
33 and woodland management.

34
35 **Objective 1C:** Enhance and restore wildlife habitat.

36
37 **Objective 1D:** Continue to provide a wide variety of trees, shrubs, and seedlings to the
38 community for windbreaks, shelterbelts, and aesthetic value for wildlife and agricultural use.

39
40 **Objective 1E:** Support the early detection and control of noxious weed and insect infestations.
41

1 **2. GOAL:** Support and promote a sustainable and continuous supply of forage, timber,
2 firewood, wildlife, fisheries, recreation, and water supplies utilizing multiple use on our public
3 rangelands, forests, and woodlands.
4

5 **Objective 2A:** Request to be involved in the designation/management of areas that may require
6 single-use or restrictive-use.
7

8 **Objective 2B:** Support the maximum area of land possible to be excluded from single-use or
9 restrictive-use designations, so that excluded land is available for active and sound management.
10

11 **Objective 2C:** Support local land managers on site-specific management decisions based on
12 sound science, compliance with Wyoming Standards for Healthy Public Rangelands and Best
13 Management Practices. [See Appendix Tab Y, Wyoming Standards for Healthy Rangelands and
14 Tab V, Best Management Practices for Grazing.]
15

16 **3. GOAL:** Educate the public on the benefits of multiple use and long-term sustained yield of
17 rangeland and woodland resources.
18

19 **Objective 3A:** Encourage public education documenting through science and practical
20 experience the benefits of active management of rangelands, forest, woodlands, and other areas.
21

22 **Objective 3B:** Support cooperation with public land managers, local organizations, boards, and
23 governments on the importance of public lands to local infrastructure maintenance.
24

25 **Objective 3C:** Support agreements with federal and state agencies to formalize a working
26 relationship with local, state, and federal land managers.
27

28 **Policy 1:** *Encourage the creation of a model in Sweetwater County that demonstrates how active*
29 *rangeland management can meet economic needs, while maintaining and restoring watershed*
30 *health.*
31

32 **Policy 2:** *Work with local, state and federal agencies in partnership to help assess the state of*
33 *our rangelands, forests, and woodlands.*
34

35 **Policy 3:** *Explore vegetation management and harvest methods, where applicable, that enhance*
36 *wildlife habitat, through vigorous new growth and a natural mosaic and that reduce fuel loads.*
37

38 **Policy 4:** *Support local, regional, state and federal partnership in the manufacture and use of*
39 *forest and forest by-products, including innovative ways to harvest timber.*
40

41 **Policy 5:** *Coordinate the monitoring of wildlife species with the Wyoming Game & Fish.*
42 *Permittees, private landowners, state and federal land managers in order to provide project*
43 *engineering design, construction, and prescribed burning support for resource enhancement.*

1 *The forestlands/woodlands program will provide support through vegetation treatments for both*
2 *rangeland and forest areas that will enhance wildlife habitat.*

3
4 ***Policy 6:*** *Support the four principal dimensions as outlined by the National Forest County*
5 *Partnership Restoration Program to address the existing extreme fire potential which are (1)*
6 *Community-based collaboration with stake holders; (2) Integration of Best Management*
7 *Practices that incorporate peer-reviewed science; (3) Expedited implementation of rangeland,*
8 *forest watershed, and landscape restoration and enhancement projects at the site-specific and*
9 *landscape levels; and (4) Flexibility in authorities and programming. [See Appendix Tab F,*
10 *2002 Mega Ag Convention Joint Resolutions, Wyoming Association of Conservation Districts,*
11 *Wyoming Stock Growers Association, and Wyoming Wool Growers Association.]*

12
13 ***Policy 7:*** *Recommend the following actions to assist in ensuring healthy and sustainable*
14 *rangelands, forests, woodlands, and other areas:*

15 a) *Become actively involved in multi-jurisdictional / county level coordinating*
16 *committees such as those formed under the National Fire Plan, or where these*
17 *committees do not currently exist, initiate committee formation to address rangeland and*
18 *forest management concerns. [Appendix Tabs JJ, KK, LL and NN, respectively, Wyoming*
19 *High Priority Interface Communities Map, Fire Management Green River RMP Map 4,*
20 *Wyoming Interagency Fire Plan (draft), and Fire Management Plan, Southwestern Zone*
21 *Wyoming BLM 2004]*

22
23 b) *Examine criteria for the USDA - Forest Service and DOI competitive grant*
24 *processes for the National Fire Plan to determine avenues to improve ranking of projects*
25 *from Wyoming designed to address wildfire fuels mitigation. [Appendix Tab JJ, Wyoming*
26 *High Priority Interface Communities Map.]*

27
28 c) *Seek cooperating agency status, where appropriate and capacity within the*
29 *District exists, to facilitate input into planning and management, providing review and*
30 *comments to pre-planning project implementation, EA and EIS document development.*

31
32 ***Policy 8:*** *Support the Wyoming Office of State Lands Strategic Plan with respect to management*
33 *of forest resources on private land to achieve the best long-term return on investment and to*
34 *promote healthy forests. Support efforts to encourage a similar and compatible policy with*
35 *respect to forests on federal land that are eligible for harvest or intensive management to reduce*
36 *the incidence of disease and insect infestation.*

37 38 39 **FLORA AND MANAGEMENT OF VEGETATION**

40
41 Management of vegetation is based on the flora (plants) of a particular region, district, or
42 geographical period; a description of such plants describes plants living in nature that include
43 both native and introduced plants to the County as well as desirable and undesirable plants. See

p. 8-9 As per this Plan, activities depending on native and introduced flora include, but are not limited to: agriculture (livestock carrying capacities, desired plant communities); weed (management); recreation and education (plant identifying, 4-H range judging, etc.); habitat management for domestic and wild animals; and species of concern (management of rare, threatened, and endangered plants or habitat for animal species of concern, including state sensitive species). Vegetation resources may be managed differently on private land, as compared with land owned by the State or the United States. The Plan attempts to consider vegetation resources on all lands, while respecting private land interests and rights.

The encroachment of juniper/ piñon, pine, and Douglas fir into rangelands can reduce rangeland diversity and productivity. Similarly, the expansion of decadent and old sagebrush over thousands of acres in Sweetwater County threatens multiple uses and the maintenance of healthy rangeland conditions. More aggressive or intensive management of these vegetation communities will enhance and sustain multiple uses and increase rangeland productivity.

Sweetwater County enjoys a diverse and abundant plant population. Private, state, and federal lands provide vital plant species managed for various consumptive and non-consumptive uses.

Pursuant to the Taylor Grazing Act, the public lands in Sweetwater County were determined to be “chiefly valuable for livestock grazing” and were withdrawn from sale or homestead entry to be managed for grazing. [Addendum Tab Nos. 25a and 25b at 129-130, respectively, 43 U.S.C. §315, and Executive Order of November 26, 1934, No. 6910]. Public lands in the County were organized into the Rock Springs Grazing District. In 1964, Congress directed BLM to manage the public lands for multiple use and sustained-yield. With passage of FLPMA in 1976 and the Public Rangelands Improvement Act (“PRIA”) in 1978, 43 U.S.C. §§ 1901-1908, Congress affirmed the multiple use mandates for public lands but identified livestock grazing along with mineral development, wildlife, and recreation, as primary multiple uses. [Addendum Tab Nos. 28b, 28h, 29 at 133, 139, and 151, respectively, 43 U.S.C. §1702(l), §1732(a), §1901(a)(4)]. PRIA directed BLM to intensively manage public lands in order to improve and enhance rangeland conditions. [Addendum Tab No. 29 at 151, 43 U.S.C. §1901(b)]. Congress also earmarked \$10 million each year to fund range improvement projects, including water development and vegetation treatment. *Id.*

Goal 1: Encourage and facilitate restoration of the forage resource that comes as a result of surface disturbance from oil and gas, utilities, and recreation.

Objective 1A: Encourage land managers and landowners to seek technical assistance to mitigate surface disturbance to facilitate soil and water conservation and re-establishment of native or other desired vegetation.

2. GOAL: Maintain the current amount of rangeland vegetation, by actively reversing the colonization and encroachment of rangelands by piñon juniper and conifer and weed infestations.

1 **3. GOAL:** Participate in local plans for sage grouse management to ensure an effective balance
2 between sagebrush habitat for sage grouse and grass vegetation for domestic and wild grazing
3 animals.
4

5 **4. GOAL:** Support and work to identify range management objectives based on site potential,
6 climate, and land uses.
7

8 **Objective 4A:** Facilitate and support monitoring and evaluation of rangeland, soil, and water
9 conditions to ensure that management decisions are based on sound and credible data.
10

11 **5. GOAL:** Support the establishment of desired plant communities for areas in the County based
12 on site potential and climate, and set goals for plant management to benefit and protect rangeland
13 resources, soil, and water.
14

15 **Objective 5A:** Work to secure NRCS accepted Level III Soil Survey on all lands in Sweetwater
16 County to identify Desired Plant Communities.
17

18 **Objective 5B:** Support a local, regional, state, and federal partnership effort to complete a Level
19 III NRCS accepted, prioritized, digitized and published soil survey for all of the lands in
20 Sweetwater County (unique checkerboard land pattern requires a three-way partnership).
21

22 **Objective 5C:** Support the use of the completed Soil Survey to manage highly erodible soils
23 found in Sweetwater County, to maintain productivity, minimize erosion, protect private and
24 public water reserves, water quality, limit severe and critical erosion by restricting or mitigating
25 surface disturbance so as to minimize soil erosion, and to restore degraded areas.
26

27 **Objective 5D:** Request local, state, and federal agencies to work with local public to develop
28 Desired Plant Community goals for management areas. These goals shall provide for a variety
29 of land uses and that will maintain and enhance the rangeland, soil, and water resources to
30 stabilize the ranching and agriculture of the District, and, in turn, protect the custom and culture
31 and economy of Sweetwater County. Native vs. non-native species and desirable and non-
32 desirable species shall be identified through a local-input process for the County.
33

34 **Objective 5E:** Request cooperation in identification of and recovery-planning efforts for
35 sensitive, threatened, and endangered plant species, which evaluate, mitigate, and support the
36 County's custom and culture, economic viability, and community stability.
37

38 **6. GOAL:** Encourage and promote the protection of the grassland resources from the invasion
39 and expansion of juniper/piñon pine, Douglas fir, sagebrush, and noxious weeds.
40

41 **Objective 6A:** Participate in the review of and encourage the inclusion of control measures for
42 woody species.
43

Objective 6B: Work closely with local, state, and federal agencies to identify areas for sagebrush management and control, based on wildlife habitat needs, without compromising overall rangeland vegetation productivity.

Policy 1: *Recommend local, state and federal agency research and provide funding opportunities and compensation to landowners that provide unusually high habitat qualities for animal and plant wildlife species of concern.*

Policy 2. *The characterization and conservation of soil and soil resources are fundamental to the proper development of all natural resource use and is a legislative declaration of the District. Currently the Farson/Eden area is the only area in the County with a digitized/published soil survey. The remaining private, state, and federal lands County with natural resource uses within the need to be surveyed. Request that a County, state, and federal partnership be formed to fund a Natural Resources Conservation Service accepted Level III Soil Survey (digitized/published) for all lands within Sweetwater County.*

Policy 3: *Recommend that local, state, and federal partnership fund a NRCS -accepted Level III Soil Survey on all lands within Sweetwater County.*

Policy 4: *Recommend locally driven efforts be initiated to identify Desired Plant Communities for areas within Sweetwater County.*

Policy 5: *Recommend at least one District representative or LRAC designee from flora (plant) interests to be included on any team-based decision making process by local, state, or federal agencies that relates to vegetation management in the County.*

Policy 6: *Request to be notified by local, state, and federal agencies as to any action or regulation which involves plants or vegetation management for wildlife on local, state, and federal land within the County. The District will review and comment on local, state, and federal actions or changes significant to plant and related wildlife issues in the County.*

Policy 7: *Recognize that the continued presence or possible listing of any rare plant species as endangered or threatened under the ESA or as sensitive heightens the need for private citizens, local, state, and federal agencies to identify desired plant communities for areas within the District.*

CONTROLLING WEEDS & PESTS

The spread of noxious weeds on all land is a national problem that threatens rangeland and farmland productivity. [Addendum Tab No. 53 at 270, Ex. Order 13112 Invasive Species, (Feb. 3, 1999)]. Sweetwater County has an aggressive weed control program in place, including full-time County Weed Supervisors and a five-member Weed and Pest Board.

1
2 **1. GOAL:** Support and cooperate in the development of a comprehensive Sweetwater County
3 Weed Management Plan.

4
5 **Objective 1A:** Encourage the implementation of county weed control policies.

6
7 **Objective 1B:** Continue the County commitment to fund weed control programs in Sweetwater
8 County. Review and be consistent with Weed & Pest plan or encourage working relationships.

9
10 **2. GOAL:** Support eradication, to the extent possible, of noxious weeds within Sweetwater
11 County. [See Appendix Tab J, 2003 Declared List of Weeds and Pests, Wyoming Weed and Pest
12 Control Board, as amended.]

13
14 **Objective 2A:** Support the Sweetwater County Weed & Pest Board ("SCWPB") as the weed
15 authority for Sweetwater County.

16
17 **Objective 2B:** Encourage the cooperation of local, state and federal governments for
18 procurement of additional funding for SCWPB for the control of weeds on all lands in the
19 County.

20
21 **Objective 2C:** Support SCWPB current and future efforts to identify the location of all noxious
22 weeds and initiate management and / or eradication.

23
24 **Objective 2D:** Cooperate in noxious weed control to improve the productivity of federally-
25 managed rangelands consistent with local, state, and federal law and policies to eradicate
26 noxious weeds, and to enhance native vegetation. [See Appendix Tab J, 2003 Declared List of
27 Weeds and Pests, Wyoming Weed and Pest Control Board, as amended; Addendum Tab No. 53
28 at 270, Executive Order 13112, Invasive Species (Feb. 3, 1999)].

29
30 **Objective 2E:** Support cooperative agreements and, if necessary, legal actions to assure the
31 protection of all lands from noxious weed invasion or occupation.

32
33 **Objective 2F:** Communicate, coordinate, and consult with local, state, and federal governments
34 on education about the eradication of invasive alien species.

35
36 **3. GOAL:** Recognize the State of Wyoming Noxious Weed List, [Appendix Tab J, 2003
37 Declared List of Weeds and Pests, Wyoming Weed and Pest Control Board, as amended.]
38 Addendum Tab No. 32 at 160, Wyo. Stat. §11-5-102(a)(xi)] and assist Sweetwater Weed & Pest
39 Districts in monitoring efforts of invasive plant species and noxious weed infestations throughout
40 the county.

41
42 **4. GOAL:** Support control of undesirable plants and pests, including mosquitoes, by scientific
43 methods including integrated pest management with consideration given to: competitive

planting, bio-control by insects and weed eating mammals, cultural, chemical, and mechanical treatments for both plants and pests, by cooperating with local, state, and federal governments.

Objective 4A: Work closely with local, state, and federal health agencies to manage and monitor zoonotic and vector-borne diseases, including mosquitoes that transmit viruses, such as West Nile.

Objective 4B: Facilitate public education regarding effects of zoonotic and vector-borne diseases on game and wildlife, including impacts of West Nile virus on sage grouse and sylvatic plague on prairie dogs and mountain lions.

LIVESTOCK GRAZING

The production of livestock in Sweetwater County is necessary to the livelihood of the ranching/farming businesses and related industries and it is also vital to the well-being and continued health of natural resources on federal, state, and private lands. The District shall strive to protect our ranching/farming heritage, as it is a primary foundation of the custom and culture of the County.

The range production of livestock and livestock grazing are management tools that are used to maintain and enhance the rangeland resource. Improving the rangeland resource through livestock grazing benefits watersheds, wildlife, water quality, and recreation, as well as providing needed forage for sustaining livestock production and wildlife habitat.

1. GOAL: Support and facilitate the continued use of private, state, and federal lands for the production of livestock.

Objective 1A: Support the use of federal and state lands for livestock grazing.

Objective 1B: Support the recognition and protection all private property rights, including water rights.

Objective 1C: Support the recognition and protection of the right to graze livestock on public lands through legal recognition of grazing preference rights.

Objective 1D: Support range livestock production that is environmentally and economically viable.

Objective 1E: Support locally-led coordinated resource management planning to resolve management conflicts and to ensure involvement of all interests.

1 **2. GOAL:** Coordinate with Wyoming Game and Fish Department to ensure that wildlife and big
2 game numbers do not outstrip habitat and to reduce conflicts between rangeland resources for
3 livestock grazing and wildlife forage and habitat needs.

4
5 **3. GOAL:** Support management of rangelands to maintain and enhance desired plant
6 communities for the benefit of watersheds, wildlife, water quality, recreation, and livestock
7 grazing.

8
9 **Objective 3A:** Encourage compliance with the all applicable state and federal rangeland and
10 livestock grazing laws, with state law being applied when there is no clear federal preemption.

11
12 **Objective 3B:** Encourage the use of coordinated range management plans (allotment
13 management plans or coordinated activity plans) for each grazing allotment that allow for the
14 flexibility and updating of management during the ten-year term of the grazing permit. (i.e. water
15 development, juniper/sagebrush control, re-seeding, fencing, salting plans, herding plans, and
16 grazing systems).

17
18 **Objective 3C:** Encourage utilization of rangeland standards and guidelines that are scientifically
19 proven and peer reviewed and work to change standards and guidelines, when they are
20 unnecessary and scientifically controversial or unproven

21
22 **4. GOAL:** Support and facilitate range improvement projects to benefit rangeland, soil, and
23 water resources.

24
25 **Objective 4A:** Support enhancement of habitat for the benefit of livestock and wildlife through
26 the use of range improvements.

27
28 **Objective 4B:** Ensure that water projects developed for livestock will be designed so that
29 wildlife can use the water without hazard.

30
31 **Objective 4C:** Support decisions regarding range improvements to be made on an allotment
32 basis, as they are an integral part of the use of state leases, private leases, private lands, other
33 allotments, and the overall operation of each ranch enterprise. Facilitate funding and necessary
34 environmental reviews to reduce costly delays.

35
36 **Policy 1:** *The District will support opportunities for livestock grazing on private, state, and*
37 *federal lands. This includes advocating for the protection of equitable property rights, science-*
38 *based land stewardship, and promotion of Best Management Practices for the improvement and*
39 *continued use of all rangelands and irrigated cropland within the District. (See Appendix Tab V,*
40 *Best Management Practices for Grazing).*

41
42 **Policy 2:** *Use scientifically-sound management practices and the development of planned*
43 *grazing systems and supporting infrastructure (i.e. - fences, reservoirs, spring developments,*

and vegetation treatments) with short- and long-term monitoring to evaluate whether goals and objectives are being met.

Policy 3: Work cooperatively with the local ranchers, and other interested parties to address resource concerns on a site-specific basis. These cooperative efforts may include, when appropriate, facilitating the Section 8 review, which refers to the requirement that a federal land agency “coordinate, consult, and cooperate” with the permittee or lessee and the state land agencies, when preparing an allotment management plan. [Addendum Tab No. 28i at 150, 43 U.S.C. §1752(d)]. In Wyoming, the Section 8 review is facilitated pursuant to a memorandum of understanding between the Department of the Interior and the Wyoming Public Lands Council that provides for rangeland monitoring. [Appendix Tab W, Memorandum of Understanding between Department of the Interior Bureau of Land Management and Public Lands Council on Cooperative Rangeland Monitoring (January 30, 2004)].

Policy 4: Facilitate the use of prescribed fire and other approved methods to manage sagebrush, control weeds and tree encroachments, and to enhance, maintain, or increase current grazing levels.

Policy 5: Recommend local, state, and federal agencies cooperate with the District and the agriculture industry to define desired plant communities on local, state, and federal lands.

Policy 6: Encourage compliance with FLPMA’s direction that livestock grazing be recognized as one of the primary multiple uses and that any decision to end livestock grazing must be reported to Congress and the BLM must revise its land use plan to reflect the elimination of grazing, and applicable executive orders must be modified. To the extent that BLM uses land use planning as the vehicle to end livestock grazing, it must do so with “careful and considered consultation, coordination and cooperation” with the grazing permittees, the State, and local government entities, including conservation districts. [See Addendum Tab Nos. 28a-c at 133-135, 28h at 139, 43 U.S.C. §§1701(a)(2); 1702(l); 1712(c)(9), 1712(e); and 1752(d)].

Policy 7: Work to increase productivity of rangeland to increase and/or maintain Animal Unit Month (AUM's) to maximum sustainable levels on rangeland in Sweetwater County.

Policy 8: Encourage mechanisms to allow flexibility for grazing allotments or grazing lease agreements, including the subleasing of grazing rights or allotments on state or public lands.

Policy 9: The District may seek cooperative agency status with respect to amendments or revisions of land use plans, activity plans or allotment management plans. When BLM proposes to eliminate livestock grazing, the District will identify person[s] to participate on the planning team, provide data and research regarding the role of grazing, and to facilitate the free flow of information.

FIRE MANAGEMENT

The District supports the sound use of fire, such as in prescribed burns, thinning, or as vegetative treatments, and salvage logging in burned forest areas. Wildfires should be aggressively suppressed and prevented when private property is threatened.

The District supports sound land management policies, including prescribed burns or use of wildfire to reduce fuel loads and the risk of catastrophic wildfire. [Appendix Tab NN, Fire Management Plan, Southwestern Zone, Wyoming BLM 2004.] The District recognizes that intense wildfires harm organic material in the soils, increase soil erosion and pollute water, and cause significant damage to rangeland resources, fish, and wildlife habitat. When forested or rangeland areas are not managed and fuel loads build up, the wildfire managed under a “let it burn” policy can lead to catastrophic consequences. There are many instances when natural wildfire allows the landowner to improve vegetation. These situations are distinguished from use of “let it burn” policies in roadless or wilderness study areas that allow wildfires spread or to destroy property and threaten communities.

While Wyoming BLM does not list any Sweetwater County community as being at risk for fire, the fire risk assessment is limited to the Wyoming communities near timbered areas. [Appendix Tab JJ, Wyoming High Priority Interface Communities Map. Rangeland fires occur frequently in Sweetwater County; [Appendix Tab KK, Fire Management Map 4, Green River Resource Management Plan.] Wildfires do occur with some frequency in Sweetwater County, as recognized in the most recent fire management plan.

Fire suppression policy should be guided by the need to achieve the highest level of protection for human safety and private property. Fire suppression may be necessary in areas where fire would endanger human safety and private property or valuable vegetation that supports and expands multiple uses. The blanket fire suppression policy of the past has contributed to the extensive juniper piñon pine/Douglas fir encroachment. On rangeland and grassland areas, the combination of weather, drought, and reduced use can also lead to fuel loading that facilitates larger, more intense wildfires. The role of wildfire and fire suppression in the context of maintaining sagebrush habitat is also controversial, with some evidence suggesting that past fire suppression decreased overall forage productivity and sagebrush habitat.

1. GOAL: Encourage utilization of fire and fire suppression to support and expand multiple uses and to achieve resource management goals.

Objective 1A: Encourage utilization of fire suppression in areas where fire would endanger human safety and private property or valuable vegetation that supports and expands multiple uses.

Objective 1B: Participate in consideration of judicious use of wildfire, rather than a blanket “let it burn” policy, for areas where invading and expanding shrubs and trees are reducing the value of the rangeland resources.

Objective 1C: Encourage development of policies for grazing rest prescriptions related to either wildfires or prescribed burns on a site-specific basis.

Objective 1D: Encourage development of vegetation treatments and use of livestock grazing to keep fuel loads within appropriate limits.

Objective 1E: Encourage the adoption of the following policies by regulatory entities.

***Policy 1:** Where rest prescriptions are appropriate, they may include the year of the burn, light late-season use in the year following the burn or moderate late season use in the second year following the burn.*

***Policy 2:** Post-fire grazing will not be limited when monitoring and evaluation produces relevant, accurate data that demonstrates grazing will not unduly harm the range.*

***Policy 3:** In the planning of prescribed burns, where feasible, market the renewable timber resource while reserving seed trees, before burning.*

WILDLIFE

The term “wildlife” describes animals living in nature that are not domesticated or tamed. As per this Plan, activities in the County that depend on wildlife, include but are not limited to: hunting (elk, deer, moose, antelope, bear, mountain lion, coyotes, grouse, rabbits, waterfowl, etc.); aquatic wildlife (fishing, managing endangered fishes etc.); passive recreation (bird watching, wildlife viewing, etc.); and species of concern (bald eagle, black-footed ferret, mountain plover, sage grouse, & Colorado River fish).

Hunting big game, waterfowl, and upland game birds has been a traditional part of life in the County even before the first settlers. In the early days, hunting was necessary for survival and, though today it is less essential, it still provides a food resource and recreation for many people. As such, it is a component of the custom and culture of the County.

The County is renowned for its big game hunting and provides excellent hunting for County residents and visitors. Employment as guides, selling supplies and equipment, meals, fuel, and lodging to hunters provide income for County residents.

Increased wildlife populations in some areas of the County have taxed the available habitat (*i.e.* – the Wyoming Checkerboard). Wildlife often moves onto private property in large numbers

1 through migration and grazing habits. This intensifies competition for available forage and
2 exacerbates conflicts between wildlife habitat and management objectives to maintain rangeland
3 conditions for livestock grazing. There is a real need for coordinated wildlife management,
4 inventorying, and harvest.

5
6 The County enjoys a diverse and abundant game and non-game wildlife populations. This
7 resource provides a variety of recreational opportunities and potential economic benefits.
8 Wildlife interests should be considered in all public land use/resource development decisions and
9 the District supports responsible wildlife management practices that complement other County
10 interests. The District supports reasonable critical habitat, seasonal closure, and buffer zones to
11 restrict uses, so long as these regulations and policies do not create a "single-use" status. Habitat
12 classifications, seasonal closures, and buffer zones for specific species need to be adapted and
13 adjusted to accommodate other resource uses and/or development in order to meet the spirit and
14 direction of multiple uses.

15
16 **1. GOAL:** Support the maintenance and improvement of wildlife habitat in order to sustain
17 viable and harvestable populations of big game and upland game species, as well as wetland-
18 riparian area habitat for waterfowl, fur-bearers, and a diversity of other game and non-game
19 species without sacrificing forage for range and agriculture interests and, further ensuring that
20 wildlife management and habitat objectives reduce and/or avoid conflicts with other multiple
21 uses.

22
23 **Objective 1A:** Recommend cooperation and coordination with the local, state and federal
24 agencies to ensure a sustained harvest of game birds, fish, and mammals, which is beneficial to
25 these game populations.

26
27 **Objective 1B:** Support wildlife management objectives and numbers based on what the range
28 conditions and habitat can support. Wildlife habitats should be managed for sustainable wildlife
29 populations that take into account obligations for livestock grazing and competing resource
30 management objectives.

31
32 **Objective 1C:** Support reasonable and science-based protection and restoration of critical winter
33 range habitat, while respecting private property and considering the economic effects.

34
35 **Objective 1D:** Recommend that crucial or critical habitat designations consider economic
36 impacts to the human environment, possible conflicts with other land uses, and protection of
37 private property rights.

38
39 **Objective 1E:** Recommend local, state, and federal agencies research and provide funding
40 opportunities and compensation to landowners for resource enhancement that benefits wildlife.
41

Objective 1F: Recommend the inclusion of at least one board member or designee to represent wildlife interests for any team-based decision making process by local, state, or federal agencies which affects wildlife resources in the County.

Objective 1G: Support mitigation measures when conflicts with wildlife and livestock occur, in order to protect the range resource in a stable or improved trend. If reductions in grazing are required, allocations to wildlife and livestock will be reduced proportionately based on AUM's, in accordance with Wyoming Standards for Healthy Rangelands in order to ensure that other resource uses are adequately protected. [See Appendix Tab Y, Wyoming Standards for Healthy Rangelands.]

Objective 1H: Support reasonable land use criteria for wintering big game in traditional winter range areas. These criteria should include exemptions for livestock permittees and oil and gas operators as both industries are heavily regulated and for the most part do not adversely affect wintering big game.

2. GOAL: Coordinate with the Wyoming Game & Fish Department to ensure that all affected landowners, lessees, and permittees are consulted when developing specific Wildlife Management Plans for the County.

Objective 2A: Support Wildlife Management Plans that include annual head count, population targets, harvest guidelines, special hunts to mitigate damage to private property and rangeland resources, and guidelines for future site-specific management plans affecting upland, water fowl, and big game habitat.

Objective 2B: Support Wildlife Management Plans that are directed toward maintaining healthy wildlife populations balanced with resource carrying capacity and other land uses.

Objective 2C: Encourage rangeland and forest studies to monitor wildlife relationships to the available habitat and impacts of wildlife on vegetation enhancement projects.

Objective 2D: Support cooperative studies with willing private landowners on wildlife damage to rangeland resources and related concerns.

Objective 2E: Support the study of wildlife population fluctuations related to both habitat condition and other non-habitat impacts, which affect reproduction and survival.

Objective 2F: Encourage development of a record-keeping system that tracks the incidence and disposition of wildlife damage on federal, state, and private lands.

Objective 2G: Coordinate with local, state, and federal agencies in adjacent states of Colorado and Utah on plans and regulations regarding wildlife to ensure consistency with this Plan.

1 **Objective 2H:** Encourage cooperation between local, regional, state, and federal governments
2 and private landowners in the management of big game and non-game wildlife species, including
3 threatened and endangered species and state sensitive species populations.
4

5 **Objective 2I:** Encourage opening of access roads for late-season hunts when expected harvest
6 quotas have not been met while preserving the integrity of other resource values. Encourage
7 landowners on a completely voluntary basis to provide access onto private lands if a large
8 number of targeted species are residing on private lands during the late-season hunt period, or if
9 the landowner controls access to public land where the targeted animals are residing.
10

11 **Objective 2J:** Coordinate with the Wyoming Game & Fish to ensure consultation with all
12 affected landowners, lessees, and permittees in the development of specific wildlife population
13 targets, harvest guidelines, and late-season and special hunts when harvest guidelines are not
14 met.
15

16 **3. GOAL:** Support scientifically-based and peer-reviewed management of wildlife resources in
17 the County to meet the multiple-use desires and objectives and the conservation of rangeland
18 resources, soil, and water while respecting the legal grazing rights of ranching and agriculture
19 interests and meeting other multiple use objectives, including mineral and energy development.
20

21 **Objective 3A:** Encourage wildlife management practices that sustain wildlife resources and
22 habitat without measurably degrading other multiple use activities or private property rights.
23

24 **Objective 3B:** Support game herd population objectives and management decisions that will
25 benefit the wildlife resource, including species viability, while taking into consideration and
26 mitigating competition between wildlife species and domestic livestock.
27

28 **Objective 3C:** Recommend wildlife management agencies dedicate funds to compensate
29 landowners for game damage based on problematic site needs.
30

31 **Objective 3D:** Recommend that the results from the Small Water Development Projects
32 Program currently conducted by Wyoming Water Development Commission be implemented to
33 increase water storage capacity to meet needs of agriculture, industry, recreation, municipalities,
34 and endangered fish.
35

36 **Objective 3E:** Recommend that regulatory agencies adopt bond release criteria for mine
37 reclamation lands based on established criteria for habitat goals (topographic relief, surface water
38 management techniques, establishment of diverse vegetation).
39

40 **Objective 3F:** Discourage the release through introduction or re-introduction of non-
41 domesticated exotic [non-native] wildlife species, unless it is shown that introduction or re-
42 introduction will have no significant impact on existing wild game populations and domesticated
43 livestock; *i.e.*, wild turkeys, chuckers and pheasants. Any introduced or reintroduced species

1 should have the potential to increase sportsman opportunity and tax revenue *without adverse*
2 *effects on other land uses.*

3
4 **Objective 3G:** Recommend that wildlife management agencies dedicate financial and personnel
5 resources to predator management. Encourage sportsmen, landowners and private citizens
6 concerned with the unreasonable take of wild game and domesticated stock by predators to
7 support funding for predator control, including the purchase of management stamps which are
8 issued through licensing agents.

9
10 **Objective 3H:** Request to be notified by local, state, and/or federal agencies of any actions or
11 regulations that involve wildlife on private, state and federal land within the County. The
12 District may review and comment on state or federal actions or changes significant to wildlife
13 issues in the County.

14
15 **4. GOAL:** Ensure that proposed wildlife introductions on federal lands be evaluated by
16 consulting with state and local government entities and involving the public. Wildlife
17 introductions and populations that may encroach onto state and private lands will be planned and
18 evaluated based on consistency with local land use plans in consultation with local government
19 entities and with public involvement under NEPA, when it applies.

20
21 **Objective 4A:** Cooperative management agreements between permittees, agencies, and
22 conservation organizations will be allowed, but in the absence of such agreements, wildlife use
23 will be limited to their allocated forage. Wildlife numbers in excess of those for which forage has
24 been provided should be considered in trespass and removed.

25
26 **5. GOAL:** Mediate management of wildlife and wildlife habitat conflicts and competition with
27 range resource management objectives for livestock grazing.

28
29 **Objective 5A:** Oppose the conversion of livestock AUM's to wildlife AUM's. Forage
30 allocations should be based on recognized grazing preference rights and the results of scientific
31 forage studies identifying available forage for wildlife and livestock.

32
33 **Objective 5B:** Ensure that forage for introduced animals will be allocated from existing forage
34 allocated to wild horses and wildlife and not from livestock grazing allocations. Wildlife
35 introductions should not entail additional land use restrictions or stipulations for mineral
36 development or grazing.

37
38 **Objective 5C:** Recommend that season-of-use conflicts between livestock and wildlife be
39 addressed in annual allotment operating plans to provide for maximum flexibility to allow
40 permittees to best utilize forage allocations for livestock.

Objective 5D: Work to ensure that forage adjustments to livestock grazing also make proportionate adjustments for wildlife and / or wild horses, when wildlife and / or wild horses are a factor in the area not meeting the Wyoming Healthy Rangeland Standards.

Objective 5E: Support partnerships to monitor the fragmentation of wildlife habitat.

Policy 1: *Encourage the use of local, state, and federal cost-share programs for wildlife habitat enhancement.*

Policy 2: *Support participation in local, regional, state, and federal planning efforts that affect wildlife resources in the County.*

Policy 3: *Encourage formal agreements with appropriate local, state, and federal agencies in developing and implementing plans for improving management of game and non-game wildlife populations in the County.*

Policy 4: *Participate in proposals to introduce or re-introduce wildlife to ensure that the proposal is consistent with local land use plans, that local government entities are consulted, and that public involvement is encouraged.*

Policy 5: *Support efforts to responsibly reduce predation of sensitive species, increase hunting and fishing opportunities within appropriate carrying capacities, decrease game damage conflicts, and generally ensure that wildlife numbers do not lead to habitat and other management conflicts with other rangeland resource uses and management objectives, including ranching, agriculture, and mineral development, since ranching, mining, energy development, and hunting are all important to the custom and culture of the County. Actively support management solutions that will avoid converting livestock AUM's to wildlife AUM's.*

FISHERIES

Fishing, like hunting, plays an important role in County life. In the early days, fishing was a necessary part of survival, and though today it is less essential, it still provides a food resource and recreation for many people. The County has renowned blue ribbon streams that provide excellent fishing opportunities for county residents and visitors. The Flaming Gorge NRA and the Seedskaadee Wildlife Refuge are also popular fishing opportunities. Employment as guides, selling supplies, meals, fuels, lodging and equipment to anglers provides income for county residents.

Policy 6. *Support responsible land management that adjusts for wildlife habitat needs, when it is appropriate and supported by sound science.*

1. GOAL: Support preservation and enhancement of the fisheries resource in the County.

Objective 1A: Support management to prevent spread of diseases, such as whirling disease.

Objective 1B: Support management to prevent the degradation of fisheries through over use.

2. GOAL: Support a balance between native and introduced species of fish where both are currently present in a fishery.

Objective 2A: If it is scientifically determined that introduced (including non-native) species are not competing, displacing, or harming the native fish populations, determine and consider the economic impact on Sweetwater County, prior to taking any action to introduce non-native species.

3. GOAL: Support a balance between the commercial (guides and outfitters) and recreational anglers.

Objective 3A: Support a coordinated approach when overcrowding or over use becomes a problem.

4. GOAL: Encourage a coordinated approach when conflicts between anglers and other resource uses exist.

Objective 4A: Request that planning processes regarding fisheries occur in consultation with the District. The creation of fisheries in headwater streams will receive low priority; however, preference will be given to a fish species that is likely to provide recreational fishing as soon as possible after introduction or is likely to become a listed species and will sustain itself through natural reproduction.

Objective 4B: Ensure that instream flows identified to maintain or enhance fisheries are derived from water storage and do not impair senior water rights. [Addendum Tab No. 46e at 232-236, Wyo. Stat. §§41-3-1001-41-3-1014].

Policy 1: *Preference will be given to a fish species that is likely to provide recreational fishing as soon as possible after introduction or is likely to become a listed species and will sustain itself through natural reproduction. Historically, the part of the Green River and tributaries that run through Sweetwater County have been known to have significant stream fishery resources. The development of fisheries in one or more headwater streams is not discouraged, but is not likely to result in a significant addition to recreational opportunities in a quantitative sense and, therefore, should receive a very low priority for development. Development of such a fishery should not result in additional restrictions to the minerals industry nor adversely affect access to water by livestock and agriculture.*