Sweetwater County Conservation District

Land and Resource Use Plan and Policy

2026 - 2030

SWEETWATER COUNTY CONSERVATION DISTRICT

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Introduction

The Sweetwater County Conservation District ("the District") has formulated the Sweetwater County Conservation District Land and Resource Use Plan and Policy ("Plan") to translate its statutory obligations into comprehensive land management policies and directives. The Plan delineates and executes objectives, goals, and policies aligned with regulatory frameworks at both state and federal levels that oversee the management of private, state, and federal lands, as well as rangeland, soil, water, and wildlife resources. It will serve as a guided reference for decision-makers at the county, private, state, and federal levels in addressing natural resource management issues within the scope of federal and state jurisdictions.

Overview

The District possesses a comprehensive mandate to assist, promote, and safeguard public lands and natural resources, including soil, water, and wildlife. Its responsibilities encompass water development and flood prevention, stabilization of the ranching and agricultural industries, protection of the tax base, and the assurance of the safety, health, and welfare of citizens. The District is entrusted with conserving, protecting, and developing these resources across all lands within its jurisdiction. Consequently, it is among the select governmental entities explicitly authorized to address resource issues, collaborating with private landowners and state and federal land management agencies on private, state, and federal lands. Moreover, state legislation grants extensive authority to the District to implement these policies and mandates through various means, including research and education, erosion control, water and range projects in partnership with landowners, the development of comprehensive plans, demonstration projects, provision of financial and other assistance to landowners, management of flood control projects or lands under cooperative agreements with the United States, and the enactment of rules and ordinances. Both federal and state statutes support intergovernmental coordination and cooperation, establishing mechanisms that enable the District to effectively fulfill its mandates and policies across all lands within its jurisdiction.

This plan is founded on the District's policies, which are designed to facilitate, safeguard, and conserve rangeland and forest resources, as well as soil, water, and wildlife. It aims to stabilize ranching and farming interests, protect private property rights, and enhance local customs, cultures, and the economy. Furthermore, it seeks to safeguard the tax base, ensure the well-being of residents, and promote public health, safety, and welfare within the County. The policies and authority of the District inherently encompass the obligation to uphold the traditions and culture of its constituents and to promote community stability. This plan has been formulated as a strategic guide for the efficient and effective utilization of its resources.

During the process of preparing and updating the Plan, the District employed a grassroots, locally led planning methodology to identify conservation needs, establish priorities, evaluate costs, and incorporate participation and collaboration at the local, state, and federal levels. Furthermore, the process aimed to inform and educate the public regarding conservation issues. The goals, objectives, and policies outlined within the Plan shall not conflict with the [Constitution of the United States of America] or the [Constitution of the State of Wyoming]. They shall be adopted in accordance with the Wyoming Conservation District Act and the Administrative Procedure Act. [Wyo. Stat. §16-3-103]. The District is committed to developing actionable plans to implement specific projects that achieve

the goals, objectives, and policies of the Plan. Such projects may be initiated upon request from District residents, businesses, or industries, local, state, or federal agencies, conservation groups, or other stakeholders, or as the District deems necessary.

The District commits to ongoing public engagement by actively soliciting input on project proposals and plan amendments through public meetings, comment periods, and stakeholder consultations, ensuring community voices shape the plan's evolution.

The District asserts that the American principle of government, embodying 'of the people, by the people, and for the people,' is optimally upheld when governmental functions are executed as proximally as possible to the populace, specifically at the local government level. It further considers it advantageous to focus on the utilization and stewardship of vital resources, namely rangelands, soil, and water conservation, within the political boundaries of the District and the County, which serve as the central axes of its comprehensive planning initiatives.

The District recognizes that the primary objective of the County's citizens, and consequently its government, is to sustain a lifestyle that guarantees the uninterrupted enjoyment of private property rights and interests, while providing the highest possible level of protection for these rights. Such property rights and interests are of significant importance to the residents and workers within this remote and rugged County, which encompasses an area larger than several states yet has a population comparable to that of a small town. Many inhabitants of Sweetwater County rely heavily on the land and its productive utilization. Private ownership and the incentives it fosters are essential mechanisms that support the livelihoods of numerous residents of Sweetwater County.

The United States holds approximately 70% of the land within Sweetwater County; however, various agencies operate under differing legal frameworks and policies. The Bureau of Land Management ("BLM"), a division of the Department of the Interior ("DOI"), oversees the public lands, which constitute roughly 65% of the area, for multiple purposes including minerals, timber, wildlife, recreation, rights-of-way, and livestock grazing, pursuant to the [Taylor Grazing Act], [43 U.S.C. §§ 315], [43 U.S.C. §§ 315r], and the Federal Land Policy and Management Act ("FLPMA"), 43 U.S.C. § 1701 et seq. The [Forest Service], under the [United States Department of Agriculture] ("USDA"), manages the [Flaming Gorge National Recreation Area] and the [Ashley National Forest], a small portion of which extends into Wyoming. The enabling statute governing the Flaming Gorge NRA oversees its administration as part of the Colorado River Storage Project [16 U.S.C. § 460v-1, [43 U.S.C. § 620]. At the same time, the Ashley National Forest is managed for multiple use and sustained yield in accordance with applicable national forest laws [16 U.S.C. § 1604(e)]. The Seedskadee Wildlife Refuge, also established as part of the Colorado River Storage Project, is overseen by the U.S. Fish and Wildlife Service ("USFWS") under the National Wildlife Refuge Administration Act to conserve wildlife and habitat, and to facilitate recreation and other activities compatible with the refuge's primary objectives [16 U.S.C. § 668dd]. The Bureau of Reclamation manages several reservoirs and dams, including Eden Project, Big Sandy, Little Sandy, Fontenelle, and Flaming Gorge.

The state lands, primarily consisting of sections 16 and 36 within each township, were allocated to Wyoming upon its admission to the Union for the purpose of supporting public educational institutions. Revenues generated from these lands are designated as a perpetual fund. [Wyo. Const. Art. 7, §2, Wyo. Const. Art. 18, §1]. Approximately 3% of the county land base is owned by the state

and managed by the Wyoming Board of Land Commissioners to ensure maximal benefit and utilization for Wyoming residents, in accordance with principles of multiple use and development, including agriculture, grazing, recreation, minerals, timber, energy, and public utility services. [Wyo. Stat. §36-12-102]. The Strategic Plan outlines the primary management objectives for the stewardship of trust assets and resources, aligning with the best interests of the trust beneficiaries and Wyoming's citizens. [Office of State Lands and Investments Strategic Plan, 2019-2022].

The historical development of the transcontinental railroad through Sweetwater County led to the establishment of the "[Wyoming Checkerboard]," a strip of land 50 miles wide and 150 miles long, characterized by alternating sections of private and federal ownership. Initially, these Checkerboard lands were owned by the [Union Pacific Railroad] and managed by its subsidiary, [Union Pacific Resources]. In 2000, [Anadarko Petroleum Corporation] acquired Union Pacific Resources, including the Checkerboard lands. Over the subsequent two decades, Anadarko divested certain oil and gas assets. Occidental Petroleum completed its acquisition of Anadarko in December 2019 and, in 2020, endeavored to sell all or part of the Wyoming properties. The State of Wyoming submitted an unsuccessful bid to purchase the Checkerboard lands held by [Occidental Petroleum]. Subsequently, [Orion Mine Finance] purchased the Checkerboard lands in Sweetwater County and established Sweetwater Royalties to oversee their management.

The disproportionate extent of federal land, together with the Wyoming Checkerboard in Sweetwater County, suggests that any modifications in federal land management will inevitably affect private land utilization. These policy changes exert an even more profound influence on the County's economy. Federal legislation, in particular, implements national policies that prioritize broader national interests over local concerns. While decisions regarding federal land use and planning may benefit state and national stakeholders beyond the County, they can also impose disproportionate costs and obligations on local communities and residents.

To fulfill its statutory obligations, the District is required to engage comprehensively in federal land management decisions, rulemaking procedures, and resource policy formulation throughout all phases of the decision-making process. Similarly, the District must also partake in the formulation of policies and decisions by the [State Board of Land Commissioners].

The District aims to safeguard the customs and culture of County citizens as part of its policy commitment to protect public health, safety, and welfare. It will collaborate with local, state, and Federal agencies to ensure that external entities cooperate, coordinate, and communicate effectively. Additionally, the District will consider local, state, and federal policies before implementing actions that impact local communities and citizens, both within and beyond the County's boundaries.

Federal and state laws require that respective agencies coordinate with local government entities and consider local land-use plans when planning and managing federal and state lands within Sweetwater County, Wyoming. [43 U.S.C. §1712(c)(9)]; [16 U.S.C. § 1604(a)]; [42 U.S.C. 4331(a)]. [Wyo. Stat. §§11-16-132, [Wyo. Stat. §§18-5-208]. All federal and state agencies proposing actions that may impact the County, its residents, and resources therein are mandated to provide the District with written notice of proposed actions for review. Specifically, when the Forest Service or Bureau of Land Management (BLM) prepares an [Environmental Assessment] (EA) or [Environmental Impact Statement] (EIS), they shall contact the Sweetwater County Conservation District at 550 Uinta Drive,

Green River, Wyoming 82935, phone: (307) 875-4995, admin@swccd.us. The District shall then determine the appropriate response and offer input, information, and comments on proposed actions or activities. Additionally, the District shall notify other government agencies of actions proposed by the District that could affect various resources and amenities within the County, inviting their input and feedback. The purpose of this information exchange is to minimize adverse impacts and maximize benefits for the County's residents and other members of the public.

Authority

The District functions as a subdivision of local government within the state, as established and defined by the Wyoming Conservation Districts Law. [Wyo. Stat. Title 11, Art. 16]. The residents of Sweetwater County elect a five-member Board of Supervisors for the District during the general election through a popular vote. These elected representatives serve to represent both rural and urban constituencies within Sweetwater County. The District Supervisors are the exclusively elected local body explicitly charged with representing the citizens of Sweetwater County concerning natural resource issues. Service as a conservation district supervisor is voluntary. The District Board of Supervisors are responsible for the administration and implementation of projects and programs funded through local, state, federal, and private collaborations.

The District, pursuant to the Wyoming Conservation Districts Law, is authorized to develop plans and policies for the District and file said plans in the office of the Sweetwater County Clerk. [Wyo. Stat. §§11-16-122(b)(iv)] and [Wyo. Stat. §§11-16-122(b)-(xvi)].

Legislative Declarations

The legislative declarations and policies of the Wyoming State Legislature guide the District's exercise of authority in developing this Plan.[Wyo. Stat. §11-16-103] - Legislative Declarations and Policy:

(a) It is hereby declared that Wyoming's farm and grazing lands are essential assets of the state. Improper land-use practices cause significant erosion of these lands via wind and water, resulting in soil degradation, reduced fertility, and the siltation and sedimentation of stream channels, reservoirs, dams, and ditches. To protect soil, water, and land resources and to prevent erosion, it is crucial to discourage harmful land-use practices and to adopt effective soil conservation measures.

(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 thereby 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.

The term "conservation" is comprehensively defined to include "development, improvement, maintenance, preservation, protection, and utilization of natural resources, as well as the regulation and prevention of floodwater and sediment damages, and the disposal of surplus waters." [Wyo. Stat. §11-16-102(a)(iv)]. Consequently, the policy and authority conferred upon the District encompass virtually all facets of natural resource utilization and management within the District.

Primary Coordination Guidelines

The District established a Land and Resource Advisory Committee ("LRAC") in 2004. The District collaborates with various community-based subcommittees, including the Bitter-Killpecker Creeks Working Advisory Group and other local working groups that coordinate with the Natural Resources Conservation Service to provide guidance and support to the District in the formulation of plans and the response to particular land and resource concerns. [SWCCD Land and Resource Advisory Committee Resolution].

The formation and appointment of members to the LRAC and other advisory committees, along with their respective meetings, shall be in accordance with Wyoming law. [Wyo. Stat. Title 11, Ch. 16]; [Wyo. Stat. Title 16, Ch. 34], Article 3 ("Administrative Procedure Act"); and [Wyo. Stat. Title 16, Ch. 4, Article 4("Open Meetings Act"). The District acknowledges its obligation and duty to participate in official land-use planning activities and to engage in these processes in a manner that is both equitable and comprehensive, ensuring full cooperation with federal and state management agencies and local government entities.

In accordance with state and federal laws concerning land use planning, the safeguarding of private property interests, and to ensure the fulfillment of the District's mandate to protect and conserve rangeland, soil, water, and wildlife resources, the District, the LRAC, and other local working groups endeavor to uphold and revitalize the principles of multiple use of the state and federally-managed lands. Accordingly, the District adopts this Plan, which includes planning policies and guidelines for state- and federally-managed lands within the County.

This plan delineates a process whereby the District, the LRAC, and local working groups shall proactively collaborate with federal and state agencies, as well as local governments, regarding any proposed actions that may alter or influence land use within the county. This collaboration encompasses, but is not limited to, considerations of private property rights and interests, economic stability, the traditional customs and culture of the county, and the provisions of this plan and the [Sweetwater County Comprehensive Land Use Plan]. Before undertaking official actions or issuing reports concerning proposed initiatives, such entities are encouraged to engage with the district. Such entities may fulfill this requirement, in part, by providing the district or its designated representatives with prompt notifications of proposed actions, policies, rules, or land management modifications, including details on the purposes, objectives, and anticipated economic impacts associated therewith.

The District, the LRAC, and other local working groups are dedicated to a constructive planning process and to collaborating with federal and state agencies and local governments. The District will impartially evaluate the interests of all residents of Sweetwater County and the State of Wyoming regarding the utilization of state and federal lands. The District is committed to ensuring that the following principles guide all decisions related to natural resources affecting the County.

- To maintain and revitalize the concept of multiple use on state and federal lands in Sweetwater County.
- To protect private property rights and private property interests, including investment-backed expectations.
- To protect local historical customs and culture.

- To protect the traditional economic structures in the County that form the base for economic stability.
- To promote agriculture in the County and to support research in aid of agriculture.
- To facilitate new economic opportunities by relying on free markets.
- To protect the rights to the enjoyment of the natural resources of the County by all citizens.

The District asserts that resource and land-use management decisions, when executed in a coordinated manner by federal and state agencies alongside local government entities, will uphold and rejuvenate the multiple uses of state and federal lands within and impacting Sweetwater County. Such decisions are also intended to advance environmental quality. The objectives, policies, and guidelines outlined in this Plan are grounded in applicable state and federal laws and regulations. Furthermore, the plan indicates that the District is engaged in an ongoing process characterized by active participation from the District, the LRAC, and other advisory groups at all stages of decision-making. This process involves federal and state agencies, as well as local government entities.

District Description

The Sweetwater County Conservation District was initially established as the Big Sandy Soil and Water Conservation District, organized in September 1960 at the behest of residents to conserve soil, water, and other natural resources, as well as to promote and sustain the welfare of the District's inhabitants. In November 1969, the Secretary of State issued a certificate confirming the initial inclusion of additional territory within the boundaries of the Big Sandy Soil and Water Conservation District. Subsequent boundary modifications culminated in 1974, when the Secretary of State filed a certificate encompassing the entirety of Sweetwater County within the District. In late August 2002, the district's name was officially amended to the Sweetwater County Conservation District.

The District's scope has broadened from its initial focus on soil erosion mitigation to encompass a range of significant resource management concerns. These concerns include water quality and quantity, rangeland and water resource research, grazing management, wildlife conservation, tree-planting programs, land-use planning, public education, and urban conservation initiatives.

Sweetwater County

History

Sweetwater County, Wyoming, derives its name from the Sweetwater River. According to local legend, a mule during the fur-trading period inadvertently spilled a shipment of sugar into the river. Thomas Fitzpatrick and Jedediah Smith of the 1824 Ashley Expedition are credited with naming the Sweetwater River and subsequently renaming the Spanish River as the Green River in honor of one of Ashley's associates from St. Louis, Missouri.

In 1867, the area that later constituted the Wyoming Territory comprised solely of two principal settlements: Cheyenne, following the expansion of the Union Pacific Railroad, and the South Pass mining district. [The South Pass Gold Field], with a recorded population of 2,862 individuals in the 1869 Census, was the second-most densely populated region during that era.

Sweetwater County was initially established as Carter County by the Seventh Dakota Legislative Assembly on December 27, 1867, originating from Laramie County, Dakota Territory. Subsequently, the First Wyoming Legislative Assembly renamed Carter County to Sweetwater County. In 1868, the county's jurisdiction encompassed Yellowstone Park, Uinta, Lincoln, Sublette, Teton, Park, Hot Springs, Fremont, and parts of Big Horn and Washakie Counties, in addition to the entire area of what is now known as Sweetwater County. Upon the organization of the Territory of Wyoming on May 19, 1869, South Pass City served as the county seat until 1873, when the Third Legislative Assembly designated Green River City as the new county seat. Between 1884 and 1888, the legislature established Fremont County and amended the boundaries of Carbon County and Sweetwater County.

Sweetwater County is the sole Wyoming county formed through mining activities. Mineral extraction has historically been the primary driver of the county's economic development and growth since its establishment. The expansion of mining and the railroad facilitated the growth of the agricultural sector to supply food for the workforce. Notably, some of Wyoming's earliest livestock operations were initiated within Sweetwater County.

Location

Sweetwater County Conservation District encompasses the entire territory of Sweetwater County in southwestern Wyoming, covering 10,426 square miles and making it the eighth-largest county in the United States. Adjacent counties include Lincoln, Sublette, Fremont, Carbon, and Uinta Counties within Wyoming; Daggett and Summit Counties in Utah; and Moffat County in Colorado.

Physical Setting

The terrain of Sweetwater County encompasses diverse landscapes, including low-elevation semi-arid deserts and high mountain conifer and aspen ecosystems. The prevailing soils are situated above soft sedimentary bedrock, such as sandstone and shale. The northeastern and eastern regions are characterized by the Red Desert, which is distinguished by its red sands and expansive, shifting dunes. The Flaming Gorge National Recreation Area delineates the southern boundary of the district and extends into Utah.

Elevations

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

Soils

Soil constitutes one of our essential natural resources. It functions as a geological element that shapes the landscape of Sweetwater County and influences our living conditions and settlement placements. Furthermore, it affects manufacturing processes and is integral to development strategies and site selection.

There are inherent limitations and hazards associated with various soils throughout the County. The specific soil type present at any given site can influence both current and proposed land uses. Some soils are seasonally inundated and prone to flooding, while others are shallow to bedrock and may be unstable for constructing foundations or roadbeds. Sites with a high-water table are unsuitable for installing underground utilities or for constructing basements. Wet clay soils are inappropriate for

septic drainage fields. The use of impervious soils in sewage lagoons and sanitary landfills necessitates thorough evaluation to prevent surface and groundwater contamination. Additionally, erosive soils, if disturbed by agricultural activities, road construction, or building development, can contribute to air and water pollution.

Vegetation

Based on the vegetative communities delineated by the Natural Resource Conservation Service ("NRCS") in the Precipitation Zones for Technical Range Site Descriptions, Sweetwater County is divided into three primary zones characterized by varying precipitation levels and distinct landform features. The largest and most significant zone resides within the 7-9 inches of annual precipitation region of the Green River and [Great Divide Basins]. A secondary zone is situated within the 10-14 inches of precipitation range in the Foothills and Basins West, including areas near McKinnon, the southeastern section of the County, South of Rock Springs, as well as the White Mountain, Steamboat Mountain, and the southernmost parts of the Wind River Mountains. The smallest zone, also within the 10-14 inches precipitation range, is geographically located in the [High Plains Southeast Region], encompassing the northeastern corner of the County near Bairoil.

More than fifty percent of the vegetation communities in Sweetwater County are mainly characterized by Wyoming Big Sagebrush (Artemisia tridentata subspp. wyomingensis). Additional plant species commonly observed 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 yet significant portion of Sweetwater County is predominantly characterized by salt-tolerant species, comprising desert shrubs and greasewood flats typical of saline soils. The dominant species in saline uplands include Gardner's Saltbush, Bud Sagewort, Greasewood, Winterfat, Bottlebrush Squirreltail, Indian Ricegrass, and Rhizomatous Wheatgrasses. In lowland saline regions that experience additional moisture, the prevalent species are Greasewood, Gardner's Saltbush, Four-wing Saltbush, Alkali Sagebrush, Winterfat, Rubber Rabbitbrush, Alkali Sacaton, Basin Wildrye, Inland Saltgrass, Baltic Rush, and Rhizomatous Wheatgrasses. Shrubs primarily dominate the landscape of Sweetwater County. The climate, characterized by predominantly winter and early spring moisture, coupled with a brief, arid growing season and sandy soils with low water retention, confers a competitive advantage on deep tap-rooted, evergreen shrubs such as Sagebrush.

The extent of forested land in Sweetwater County is constrained by site-specific conditions, including soil composition, drainage capacity, and precipitation levels. The predominant woodland species is juniper, which is situated on steep slopes and shallow soils south of Rock Springs, extending to the state border. Additional forest resources include Limber Pine, Lodgepole Pine, and Aspen. Riparian areas are home to Cottonwood, Willow, and various shrub species.

Watersheds

The Continental Divide partitions the state into four primary drainage basins: the Missouri, Columbia, Colorado, and Great Salt Lake Basins. These geographical features make Wyoming the region of origin for the Western United States. Sweetwater County includes a central and significant area of the Colorado Basin, which is further divided into the following sub-basins: [Big Sandy], [Great Divide],

[Closed Basin], [Blacks Fork], [Bitter], [Vermillion], and [Little Snake]. Each sub-basin contains numerous watersheds.

Climate

The [average temperature in Sweetwater County] is 44°F, with January averaging 18°F and July averaging 68°F. The annual average precipitation is approximately 9 inches, complemented by an average snowfall of around 35 inches. The typical growing season spans 60 to 120 days, though some regions experience lethal frosts year-round.

Municipalities

Rock Springs and Green River are situated along Interstate 80 in the west-central region of the County. [Reliance], [Eden], and [Farson] are located in the northern part of the County. To the northwest lies [Fontenelle Reservoir], while [Bairoil] is positioned to the northeast. The eastern area comprises [Superior], [Point of Rocks], [Table Rock], [Red Desert], and [Wamsutter]. To the west are [Little America] and [Granger], whereas [Burntfork/Lonetree], [McKinnon], and [Washam] are to the southwest.

Land Ownership and Administration

(Based on County Assessor)

Sweetwater County covers 10,427 square miles (6,714,240 acres). About 73% of the land is owned by the federal or state governments, and 27% is privately owned. The total population is 41,258, or 3.9596 people per square mile.

Landowner / Administrative Agency	Acres	Total Acres
Private Ownership	1,812,844.8	1,812,844.8
Land	6,764,065.00	
Surface water	41,075.00	
Federal Ownership	4,902,918.80	
Bureau of Land Management	4,386,302.65	
Bureau of Reclamation	202,815.41	
Forest Service	94,717.00	
US Fish & Wildlife Service	35,116.25	
Seedskadee Refuge	26,382.00	
State of Wyoming	183,967.66	
Sweetwater County	1,061.28	
		6,714,240.00

Present Day

Employment within Sweetwater County predominantly occurs within the private sector, primarily comprising natural resource industries. The expansive public sector encompasses employment across local, state, and federal government agencies, as well as educational institutions. [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 (2024).]

The rural communities of Sweetwater County remain highly reliant on natural resources, whereas Rock Springs and Green River serve as the region's principal service centers.

Custom, Culture & Community Stability

Historically, the customs and culture of Sweetwater County have been extensively documented across numerous western counties. The histories of mining, railroads, ranching, and the oil and gas industries fundamentally shape the county's settlement patterns. Resilient individuals propelled this development, diligently exploiting resources and establishing communities. The settlement of the county is founded upon the prudent utilization of the land.

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

The residents of Sweetwater County have traditionally derived their livelihoods from natural resources. The county's financial structure, both historically and currently, is substantially dependent upon the availability and utilization of these resources. Most individuals employed in Sweetwater County, either directly or indirectly, engage in industries such as oil and gas extraction, mining, power generation, and related services; agriculture, including ranching and farming; recreational pursuits; and other sectors associated with natural resources.

The history of Sweetwater County is intricately linked with the narratives of mining and the railroad. From the pioneering mining efforts in the early 1860s to the present day, mining has persisted as a crucial element for both the initial settlers and current inhabitants of the county. Presently, numerous individuals are employed in the coal and trona industries, which are vital components of the county's economy.

The development of the railroad and mining industries facilitated agricultural expansion. Cattle herds were transported from Texas, California, and Oregon to Wyoming, while sheep were similarly driven into the region. These livestock provided beef and mutton for miners and railroad personnel. As ranchers established permanent homesteads, they recognized that transient trail drives threatened the quality of the range. The [Rock Springs Grazing Association] was incorporated in 1910, leasing the odd-numbered sections in the Checkerboard from the Union Pacific Railroad and obtaining permits to graze the even-numbered public land sections. Early ranchers in Sweetwater County petitioned Congress for assistance in preserving the range's quality during the early 1900s, approximately three decades before the enactment of the Taylor Grazing Act. The Grazing Association regulated grazing within the Checkerboard and applied for grazing rights following the passage of the [Taylor Grazing Act in 1934]. The Association continues to maintain its lease, owns private land, and holds the grazing permit for the public sections.

Property rights are essential to the residents of Sweetwater County. The private ownership of land and water, coupled with the related incentives, constitutes a fundamental aspect of the County's culture and way of life.

The customs and culture of Sweetwater County have been shaped by available technology and resources, proximity to markets and price dynamics, and the influence of a market economy. A significant portion of the land producing vital resources for Sweetwater County's economy is administered by federal or state agencies. Therefore, the current and future economic stability and community well-being are contingent upon federal and state land management policies. The County's economy is substantially reliant on enterprises operating across a mosaic of federal, state, and private lands.

The advantageous utilization of natural resources has historically underpinned the economy, customs, and cultural identity of Sweetwater County. Despite advances in technology, mechanization, and market development, these factors have transformed production and marketing methods from their traditional origins. Mining, oil and gas extraction, ranching, and agriculture remain integral to the County's heritage, and residents continue to engage in these activities today.

Recreational use of land in Sweetwater County is currently experiencing a significant increase. Visitors from Wyoming and other states travel to the county to participate in activities such as boating, fishing, hunting, camping, snowmobiling, horseback riding, hiking, rock hunting, and various other outdoor pursuits. Potential conflicts may emerge among recreational users, landowners, and local residents. Presently, collaborative efforts among all stakeholders have been effective in keeping disputes 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.**

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

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

   1C Objective: 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 County's customs and culture in all planning considerations, project reviews, and processes, and continue to develop and retain the County's cultural identity.**

   2A Objective: Encourage the continued viability of agriculture due to its direct tie to the customs 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.

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

2C Objective: 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 customs and culture of Sweetwater County.**

3A Objective: 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 customs and culture of the County. Furthermore, work to ensure that the consideration process used to assess impacts on County customs and culture is cited in other local, state, and federal land management plans.

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

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

3D Objective: 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.

3E Objective: 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.

3A Policy: Actively and positively work to provide a voice for citizens and for local communities in planning the future of the county. [43 U.S.C. §§1712(c)(9)], [43 U.S.C. §§1739(e)]; [Wyo. Stat. §11-16-103]; [Wyo. Stat. §9-8-302]; [Wyo. Stat §16-1-101].

3B Policy: This Land and Resource Use Plan and Policy is developed to serve as a broad outline of the District's response to long-term shifts in land use, population patterns, and technological improvements. 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 County residents' rights to use and develop these resources as historically permitted. Mining, energy production, agriculture, and recreation are the cornerstones of the economy and culture of Sweetwater County's residents. 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 shaping their lives and lifestyles as change occurs.

3C Policy: The people of Sweetwater County have traditionally and will, for the foreseeable future, earn their livelihoods from activities associated with Sweetwater County's historical customs and culture. The County's economy is, and will continue to be, largely dependent on its natural resources and related activities. Management decisions affecting land uses may directly impact and change the County's customs and culture. Therefore, a critical link exists between the use of private, federal, and state natural resources and the County's economic stability. Stakeholders and representatives must review natural resource issues as they develop to ensure public land management decisions do not negatively impact the County's culture and customs.

3D Policy: Protection of Custom and Culture - The District is charged under state law to conserve rangeland, soil, and water resources 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." [Wyo. Stat. §11-16-102(a)(iv)]. Thus, Wyoming law gives the District and the County broad authority 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 statutes impose an affirmative obligation on federal agencies to consult, cooperate, and coordinate with local government entities. Furthermore, they are required to ensure, to the greatest extent feasible, that the management of public lands is consistent with local land-use plans. The Federal Land Policy and Management Act ("FLPMA"), which regulates public lands managed by the Bureau of Land Management ("BLM"), mandates that the BLM engage in consultation and coordination with local governments concerning land use decisions and policies, to minimize conflicts between local land use plans and those of the BLM. [43 U.S.C. §1712(c)(9)]. Additionally, the BLM is obligated to coordinate with and consult landowners, including state authorities, on issues pertaining to rangeland management and livestock grazing on state lands. [43 U.S.C. §315h, §1752(d)]. The Forest Service is also mandated to incorporate public participation into land-use planning and management decisions.

[The National Environmental Policy Act] (NEPA) requires each federal agency to prepare a comprehensive statement before initiating any action that could significantly affect the human environment. [42 U.S.C. §4332(2)(C)]. NEPA establishes a procedural and analytical framework that encompasses public participation, consultation with state and local governments, and the evaluation of potential conflicts between the proposed action and regional planning initiatives. [42 U.S.C. §§4331(a)], [42 U.S.C. §§4332)(C)] [The Council on Environmental Quality] ("CEQ"), which is responsible for supervising rulemaking and policy development under NEPA, recognizes the right of local government agencies to participate actively as cooperating agencies in environmental assessments of proposed federal actions. [CEQ Memorandum, January 30, 2002]. Historically, CEQ issued regulations implementing NEPA, which remained effective for several decades until two separate federal court rulings held that CEQ lacked the statutory authority to promulgate binding regulations. [Marin Audubon Society v. Federal Aviation Admin.], 121 F.4th 902, 912-14 (D.C. Cir.

2024); [Iowa v. Council on Env't Quality], 765 F. Supp. 3d 859, 884 (D. N.D. 2025). Although these regulations have been rescinded, CEQ's guidance continues to emphasize the importance of cooperating agencies and provides criteria for determining when local governments should be granted such status. [113-116, CEQ Memorandum, January 30, 2002]; [** at **, CEQ Memorandum, February 19, 2025]. CEQ maintains ongoing oversight of participating agencies through annual reports submitted by federal agencies.

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

[The Information Quality Act or the Data Quality Act, Section 515 of Pub. L. 106-554], requires federal agencies to adopt guidelines that "provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies." [The Office of Management and Budget] ("OMB") and each federal agency have adopted guidance. However, implementation has lagged, as federal land agencies often lack peer-reviewed, balanced data and proceed despite the lack of quality information.

The District involves local individuals with expertise, experience, or diverse interests, as well as specialized groups addressing specific issues, to support the District's engagement in decision-making processes. The District LRAC, the Bitter-Killpecker Creeks Working Advisory Group, and other committees comprise local citizens who assist in collecting and distributing relevant information, recognizing pertinent issues, drafting resolutions, and developing policies.

4. **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.**

   4A Objective: 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.

   4B Objective: 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.

   4C Objective: Maintain partnerships with local, state, and federal agencies to provide technical assistance and/or funding to local cooperators.

   4D Objective: Encourage an intergovernmental framework that fully considers the local impacts of federal and/or state proposed actions on the social, economic, physical, and cultural environment as a part of the overall planning and decision processes.

   4E Objective: 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.

5. **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.**

   5A Objective: To promote public education regarding the fundamental principles of responsible governance at the local, state, and federal levels. Organize tours and workshops to inform County residents about resource issues, particularly in relation to the District's goals, objectives, and policies outlined in this Plan.

   5B Objective: To support the utilization of Memoranda of Agreement or Understanding to facilitate consultation, cooperation, coordination, and ensure consistency with land management plans.

   5C Objective: To encourage the development of processes and procedures that enable the County and participating state and/or federal agencies to fulfill their responsibilities efficiently and effectively, thereby benefiting the citizens of the County.

6. **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 rights goals of the Plan are included in these agencies' planning and management actions, regulations, and policies about private, state, and federal lands.**

   6A Objective: To ensure that the "takings implication assessment," which examines the potential for the appropriation of private property rights, encompasses, but is not limited to, an evaluation of the proposed action's impacts on property rights. This includes considerations of partial interests in property, the likelihood of physical invasion, potential monetary loss, and threats to due process and equal protection under the law. The District may assist local, state, and federal agencies in conducting these analyses.

   6B Objective: 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.

   6A Policy: Promote adherence to federal and state laws, regulations, and policies that mandate consultation, cooperation, and coordination, as well as ensure consistency of land use plans with local government entities.

   6B Policy: Encourage government agencies at the local, regional, state, federal, or international levels proposing actions within the County to engage in early consultation and coordination with the District. Furthermore, the District should develop, promote, and advocate for viable alternatives to the proposed actions of other governmental bodies when such actions are likely to affect any of the District's resource bases adversely.

6C Policy: Any local, state, regional, and federal agencies proposing actions that could influence the Plan's goals, objectives, policies, or action plans are required to prepare and submit a written report in a timely manner. This report should detail the purpose, objectives, and estimated impacts of such actions, in accordance with the laws of Wyoming and the United States of America.

6D Policy: To the extent necessary to ensure compliance with applicable local, state, and federal laws, all relevant agencies at these levels should endeavor to act in accordance with the Plan. Additionally, they should coordinate with the Board of Supervisors to plan and manage local, state, and federal lands within and adjacent to Sweetwater County, Wyoming.

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

7. GOAL: Support the development of data and information that provides credible scientific support for management decisions.

7A Objective: Ensure that land management decisions are based on quality data rather than merely available data.

Constitutional Principles

Due Process And Protection Of Private Property

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

1. Limited powers are granted to the federal government, with all unenumerated powers being reserved to the respective states.
2. The division of those limited powers into legislative, judicial, and executive branches.
3. Establishment of a process whereby the branches function to check and balance each other's powers.
4. Guarantee rights of due process and just compensation when private property is taken for public use.
5. Grant of authority to Congress to establish rules and regulations governing federal property.

8. **GOAL: Reaffirm the fundamental rights of mankind as enumerated in the Declaration of Independence, the constitutional rights of citizens as outlined 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.**

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

   9A Objective: Respect private property rights and consider the effects of policies, regulations, and federal and state decisions on these rights.

   9B Objective: Enforce the requirements for takings implication assessments pursuant to ['Executive Order 12630'].

   9C Objective: Recognize that the protection and preservation of privately owned land is desirable and necessary in Sweetwater County.

10. **GOAL: Ensure that the principles of due process are applied and followed at all levels of government.**

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

   10B Objective: Facilitate the opportunity for citizens to be heard in the appropriate proceedings.

   10C Objective: Promote the disclosure and public education of proposed actions, regulations, policies, and land use plan decisions that affect Sweetwater County.

   10D Objective: Enforce the applicable laws and rules prohibiting conflicts of interest.

   10E Objective: Respect and facilitate the due process rights of individuals and entities adversely affected by agency action to exercise their rights of an administrative appeal, including the right to a hearing on the record, with the right of cross-examination, before an impartial judge, who will promptly render a decision based on findings of fact and conclusions of law.

   10F Objective: Promote the [Protection of Substantive Due Process Rights].

   10A Policy: Ensure that local, state, and federal agencies address regulatory actions that may affect a total or partial taking of property without compensation and that the proposed action is modified to avoid the taking, either in whole or in part. Examples of regulatory takings include denial or limitation of access to private land or resources, denial of a

right-of-way to divert water, or allowing the public to cross or use private land without a formal conveyance or the landowner's permission.

10B Policy: Ensure that the local, state, and federal agencies respect procedural due process rights by providing adequate public notice and the opportunity for a hearing, including an evidentiary hearing, when granted by statute. Regulatory actions, such as the designation of critical habitat under the Endangered Species Act or the denial of surface access across federal land, operate to condemn private property without providing just compensation. The District supports providing legal remedies when federal or state governmental action deprives property owners of their property rights, or a portion of them.

Land Tenure, Disposition, Acquisition, And Use

It is estimated that approximately 27% of the land in Sweetwater County is privately owned, with the majority situated within the Wyoming Checkerboard. The private land constitutes the County's tax base, which underpins most of the County's services. The District acknowledges that private land is vital to local industry and residents. A fundamental safeguard against governmental overreach is the protection of private property rights, as established by both the United States and Wyoming Constitutions.

The land within the Wyoming Checkerboard comprises approximately 51% privately owned property, with the United States and Wyoming holding ownership of the neighboring sections to a lesser extent. This circumstance establishes a mutual dependence among the Bureau of Land Management (BLM), state entities, and private landowners concerning access, land use, and land-use decisions. Federal agencies generally favor managing land in contiguous parcels and have periodically proposed land exchanges within the Wyoming Checkerboard to facilitate the creation of such contiguous blocks.

The District acknowledges that the distinctive land ownership pattern in the Wyoming Checkerboard presents the potential for abuse and inverse condemnation of private property rights. Since the United States owns the even-numbered sections, government actions can result in the taking of a portion of private property without the formal process of condemnation or compensation for the entire parcel or interest in the land. Additionally, government measures that deny or restrict access for the purpose of developing mineral estates or water rights may also constitute a taking. Furthermore, land exchanges may not fully compensate landowners and may diminish the County's total private land holdings.

The Wyoming Eminent Domain Act, [Wyo. Stat. 1-26-501 et seq.], authorizes the condemnation of land solely for public use and exclusively in accordance with provisions outlined in state law. State law permits private corporations to exercise eminent domain powers to acquire land or rights-of-way for projects deemed to serve the public good, such as electrical transmission lines or pipelines, in the case of Bridle Bit Ranch Co. v. Basin Elec. Power Co-op, 118 P.3d 996, 1011-16 (Wyo. 2005), such authority has been affirmed. Wyoming's condemnation authority is less extensive than that recognized in Kelo v. City of New London, 545 U.S. 469 (2005), which upheld the use of eminent domain to facilitate private development projects on the basis that the local government determined that this was in the city's best interests. Nevertheless, the exercise of eminent domain should be undertaken with caution, particularly when the ultimate landowner is not a local or state government entity.

Federal agencies also have the authority to negotiate exchanges of public lands for private or state lands when they advance the respective agency's missions and goals, reduce conflicts or access issues, and are in the public interest. *See* [43 U.S.C. § 1716(a)]. Land exchanges involving governmental agencies can have impacts similar to those of condemnation if the land exchange reduces the private land in the county or disrupts the legal interests in the land, such as a surface use agreement, right-of-way, mineral lease, or grazing permit. Many land exchanges either extinguish the interest or materially change the land use.

The Bureau of Land Management (BLM) possesses the authority to dispose of specific parcels of land through the land use planning process, particularly when such lands are impractical or uneconomical to manage as part of the public domain, or when their disposition advances a significant public interest. According to [43 U.S.C. § 1713(a)], under the provisions of the [Recreation and Public Purposes Act], [43 U.S.C. § 1769(a) et seq]., the BLM is also authorized to sell or lease public lands to State governments, federally recognized Native American Tribes, counties, or municipal entities for purposes that include, but are not limited to, the development of parks, historic monument sites, fairgrounds, and educational institutions.

11. 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.

11A Objective: Private land, including isolated tracts, will only be acquired by state and federal government entities when it is consensual and there is clearly just and adequate compensation to the landowner, and there is separate compensation to Sweetwater County for the lost tax base.

11B Objective: Support voluntary land exchanges between the federal government and private landowners to adjust property lines and improve access and land management.

11C Objective: 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.

11D Objective: 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, the acquisition is for a clearly established public use, and there is fair and just compensation.

12. GOAL: Facilitate local economic development while limiting impacts from land ownership adjustments.

12A Objective: Recommend that local, state, and federal government entities investigate and attempt to increase regional economic development within the County, and that the citizens of the County suffer no adverse aggregate economic impacts from land ownership adjustments.

12B Objective: Request consultation, coordination, communication, and cooperation when land tenure adjustments to federal and state land are proposed within the County.

12C Objective: It is requested that whenever federal and state land agencies propose alterations in land use, impact assessments for the proposed changes shall be conducted at the expense of the proposed agency. Furthermore, mitigation measures should be implemented in coordination with the District. These impact assessments should encompass considerations such as community stability (socio-economic factors), local customs and culture, grazing rights, rangeland resources, water rights, flood-prone areas, access, and other concerns identified by the County.

12D Objective: Promote the classification of public lands for transfer or lease when the lands are isolated, difficult to manage, or would benefit the public to be transferred.

12A Policy: Ensure that BLM accurately identifies land eligible for disposal under FLPMA or for lease or conveyance under the Recreation and Public Purposes Act and acts promptly to facilitate transfers when requested.

13. GOAL: Advocate for the continued cooperation between public and private land managers in the Wyoming Checkerboard.

13A Policy: Request the opportunity to investigate and evaluate all proposed land ownership changes between private owners and state or federal government entities to determine if the proposal is in the best interest of the citizens of the County.

13B Policy: Request that local, federal, and state government agencies work with each other in implementing proposed land use planning activities through the principles of coordination, consultation, and cooperation with the District and consistency with local land use plans.

13C Policy: Request the opportunity to make recommendations on proposed public or private land withdrawals for hazardous and non-hazardous waste storage, as well as the types of such waste, through the principles of coordination, consultation, and cooperation with the District and consistency with local land use plans.

13D Policy: Oppose any additional property acquisitions by state agencies, including the Wyoming Game and Fish Department or the U.S. Fish and Wildlife Service, and request timely notification regarding any wildlife planning and/or management actions within Sweetwater County and adjacent counties in Wyoming by the Wyoming Game and Fish Department or the U.S. Fish and Wildlife Service.

13E Policy: Support the communication and cooperation with landowners and lessees in the Checkerboard while preserving property rights.

Economic Profile And Development

One of the most significant challenges confronting local governments today is the erosion of the tax base, whether attributable to alterations in land ownership and land use. This issue is particularly pronounced in Western states where the federal government holds the majority of the land. For any community to effectively provide essential services such as education, healthcare, policing, and other public amenities, industry and commerce within the community must be supported and bolstered.

Economics pertains to the development and management of a government or community's material wealth. Business and industries traditionally characterizing the economy of Sweetwater County encompass revenue streams from: mining, power generation, oil and gas development along with associated services; agriculture, ranching, and livestock grazing; recreation and tourism (including motorized and non-motorized recreation, water and land sports, hunting, fishing, hiking, etc.); residential or private property owner taxes; local enterprises (both private and corporate); and big game hunting, guiding, outfitting, and other related services. The abundant natural resources within the County offer opportunities for expanded economic growth, upon which the County relies on financial viability and community stability. The primary objective of this Plan is to promote cooperation and coordination among the County, federal, state, and local governments, as well as neighboring counties, recognizing that the communities cannot sustain economic viability without equitable access to federal and state resources.

Activities related to management on federal, state, and private lands directly influence the County's economy. The principal resource-related endeavors—such as oil and gas production, mining, power generation and transmission, agriculture, and recreation—function as sources of revenue and bolster community stability.

This plan is a dynamic document that evolves as additional information becomes accessible and new circumstances emerge. Economic and demographic data critical to the plan will be incorporated in subsequent updates. The data should encompass both current and historical information from prior decades, illustrating trends, including population movements. Data to be included may comprise:

a. Total personal income is categorized by major component (industry).
b. Employment status is segmented into full-time and part-time, classified by primary industry.
c. Transfer payments are organized according to the primary component (industry).
d. Income and expenditure within the agricultural sector.
e. Distribution of the overall population and age groups.
f. Household classifications based on type.
g. Enrollment statistics for private and public educational institutions.
h. Tax revenue data.

Summary of Payment in place 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.

Wyoming imposes a severance tax on all mineral extraction activities, including oil and gas operations. Refer to [Wyo. Stat. Section 39, Chapter 14]. The aggregate severance tax rate on crude oil, lease condensate, or natural gas is 6%, as stipulated in [Wyo. Stat. § 39-14-204 (2020). Oil and gas production from federal lands is subject to a royalty rate of 12½%, payable to the United States, as per [30 U.S.C. § 207(a)]; [43 C.F.R. §§ 3473.3-2(a)(1) - (a)(2)] Fifty percent of the federal land royalty, after deducting administrative expenses, is remitted to the State of Wyoming, in accordance with [30 U.S.C. § 191(a)]. Under applicable state law, these funds are deposited into trust accounts designated for the University of Wyoming and Wildlife, and are allocated for purposes including school construction, pursuant to [Wyo. Stat. § 9-4-601(a)]. The total severance tax rate for surface coal is 6.57%, and for underground coal, it is 3.75%, as specified in [Wyo. Stat. § 39-14-104]. The value of coal for tax assessment purposes is the fair market value of the product at the mouth of the mine, as provided in [Wyo. Stat. § 39-14-103(b)(ii)]. If coal is sold at the mouth of the mine without further movement or processing, the fair market value is determined by the price established through a bona fide arm 's-length sale, minus exempt royalties, as outlined in [Wyo. Stat. § 39-14-103(b)(v)]. When coal is sold away from the mouth, the fair market value is ascertained by multiplying the sales value of the extracted coal, less transportation costs to market provided by a third party, and other applicable taxes and fees, by the ratio of direct mining costs to total direct costs, in accordance with [Wyo. Stat. § 39-14-103(b)(vii)]. Nonexempt royalties, ad valorem production taxes, severance taxes, black lung excise taxes, and abandoned mine lands fees shall subsequently be added to determine the fair market value. Part of the State's revenue from mineral development is also shared with the County, pursuant to [Wyo. Stat. §§ 39-14-801(e)(v) - (vii), (viii)]. The County is authorized to impose ad valorem taxes on sales and uses associated with facilities within its jurisdiction, as provided in [Wyo. Stat. §§ 39-13-102], [Wyo. Stat. §§ 39-13-103] and, [Wyo. Stat. §§ 39-13-104].

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"), [31 U.S.C. §6901] et seq., which includes a share of revenues generated for the U.S. Treasury from coal, oil, and gas, or other leased minerals, and livestock grazing. [30 U.S.C. §§191], [30 U.S.C. §§192c] ; [31 U.S.C. §6903], [Summary of Payment In Lieu of Taxes Paid to Sweetwater County, Wyoming 2025]. These PILT payments are reduced by mineral royalties paid to the United States. Therefore, the amount of federally owned land within the County, the County's population, and land use all influence payments to the state and, ultimately, the County. Federal law directs payments to the state, and state law outlines how some part of the revenue is distributed to the county of origin. This revenue structure requires the County to understand how activities and management actions on these federal, state, and privately-owned lands affect the local community's economic foundation. Federal land uses that generate revenue for the State and support local communities include:

a. 25% of Forest Reserve Fund
b. Payments in Lieu of Taxes ("PILT")
c. Taylor Grazing Act, Sections 3, and 15

d. Refuge Revenue Sharing Act

e. Mineral Leasing Act

f. Mining and Materials Leasing Act

g. Federal Coal Leasing Act

h. Secure Rural Schools Act

[Summary of Sweetwater County PILT Payments.] oil and gas production from federal lands is subject to a royalty rate of 12½%, payable to the United States, as per [30 U.S.C. § 207(a)]; [43 C.F.R. §§ 3473.3-2(a)(1)-(a)(2)] Fifty percent of the federal land royalty, after deducting administrative expenses, is remitted to the State of Wyoming, in accordance with [30 U.S.C. § 191(a)]. Under applicable state law, these funds are deposited into trust accounts designated for the University of Wyoming and Wildlife, and are allocated for purposes including school construction, pursuant to [Wyo. Stat. § 9-4-601(a)].

14. GOAL: Support Statement of Federal Financial Accounting Standards for the accounting and reporting of federal lands that are consistent with the multiple use and sustained yield mandate for federal lands and do not require the designation or classification of one predominant use for accounting purposes.

14A Objective: Recognize that the land use planning process under FLPMA, along with statutory classification of federal lands, guides the management of federal lands and identifies the various uses that will occur or are allowed on the federal lands.

14B Objective: Discourage the use of the federal land categorization under the [Federal Financial Accounting Standards 6] and [Federal Financial Accounting Standards 59] to dictate and/or require changes to the management of federal lands.

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

15A Objective: Protect private property rights with respect to the right to use public land for agricultural uses.

15B Objective: Support open market conditions for agricultural products.

15C Objective: Protect and expand, as needed, water resources for agricultural uses.

15D Objective: Support the County in identifying opportunities and prioritizing efforts for economic development and diversification, including value-added products derived from natural resources and agriculture, business expansion and retention, telecommunications, and small business assistance.

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

16A Objective: Encourage research to address rural and urban economic issues.

16B Objective: Support increasing the capacity of state and federal land resources to provide greater economic return to the County.

16C Objective: Prohibit policies and actions that preclude or limit development or resource uses on federal surface, thereby placing all or most of the development impacts on private land.

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

17A Objective: Promote responsible use and development of natural resources while maintaining multi-use management practices on state and federal lands, and ensure adequate access for the public and private sectors to federal lands.

17B Objective: Support economic development and diversification of existing land uses through business expansion and retention.

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

18A Objective: 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]. [5 U.S.C. §§601-612].

18A Policy: The District will enforce, monitor, and promote the enforcement of 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. [Small Business Regulatory Enforcement Fairness Act], [5 U.S.C. §§601-612]; [Ex. Order 13272, August 13, 2002].

18B Policy: 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 preservation of rangeland, soil, water, and wildlife resources.

18C Policy: Preserve or acquire access for power, telecommunications, transportation of energy, and for water development by rights-of-way or easements.

Access And Transportation

Access, including roads, rights-of-way, and water rights, has historically been vital to early settlers and remains of paramount importance today. The federal government owns 70% of the approximately 6.76 million acres of land within Sweetwater County. The State of Wyoming holds a 3% ownership stake, leaving only 27% of the land in private ownership. When Congress allocated alternating sections to the railroads for the development of the transcontinental railroad, which traverses Sweetwater County, it established what is now recognized as the Wyoming Checkerboard—comprising alternating

sections of private and public land. Additionally, Congress granted Wyoming two sections per township (Sections 16 and 36) to support public schools. Numerous private landowners require rights-of-way across state and federal lands to access their properties, utilize water rights, and exercise grazing rights.

Access to land, water, and natural resources remains vital to the economic stability and cultural heritage of Sweetwater County. The constitutionally protected right to travel is fundamentally associated with access across federal land. Recreational users depend on trails and roads for activities such as hunting, camping, and appreciating the land and scenery within the county. The utilization and development of natural resources depend on access across federal and state lands. Livestock operators require access to forage on federal land and the means to transport livestock and construction materials are essential for the maintenance and development of range structures. Landowners need access through rights–of–way to divert water for hay production, supply water for livestock, or enable water use for other developmental activities. Imposing increasingly restrictive access limitations threatens to constrain the local economy, modify cultural and societal norms, and displace a larger population into smaller areas of federal land.

In 1866, Congress enacted legislation to establish and safeguard access to water sources across federal lands for miners and other individuals dependent on them for their livelihood. Section 8 of the Revised Statutes 2477 ("R.S. 2477") explicitly stated that, "the right-of-way for the construction of highways over public land, not reserved for public uses, is hereby granted." [43 U.S.C. §932 (repealed Pub. L. 94-579)]. Miners and ranchers in Sweetwater County developed such rights-of-way in the form of roads and trails, which remain in use to this day. Congress repealed R.S. 2477 through the Federal Land Policy and Management Act (FLPMA), while preserving all rights-of-way established before its repeal [43 U.S.C. §1769(a)]

This easement across public lands, which has not been withdrawn from public use, constitutes an immediately effective grant that takes effect as soon as the road is established through use or construction. This is termed a present grant because it necessitates no additional official action from the federal government. It is recognized whenever and wherever roads and pathways are constructed or utilized over unreserved federal land and are accessible to the public. These public highways remain open to the public to this day.

Wyoming law establishes procedures for each County to establish and record public roads, including R.S. 2477 rights-of-way. [Wyo. Stat. §24-3-101] [Wyo. Stat. § 24-1-101] 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. [*Yeager v. Forbes*, 78 P.3d 241, 255 (Wyo. 2003)]. Once the County recognizes a road, it is part of the county public road system. [Wyo. Stat. § 24-1-101]; [Wyo. Stat. §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-[Carnahan *v. Lewis*, 273 P.3d 1065, 1077 (Wyo. 2012)].

The Tenth Circuit Court established that the definition and scope of R.S. 2477 rights-of-way are governed by state law, and that federal law does not mandate physical construction, as outlined in [Southern Utah Wilderness Alliance v. BLM, 425 F.3d 735, 762-68, 776-78 (10th Cir. 2005)]. Furthermore, the court determined that federal agencies lack the authority to assess the validity of a road and that local governments are not required to obtain federal approval to perform maintenance

within disturbed areas. Subsequently, the Tenth Circuit clarified that the statute of limitations under the Quiet Title Act, which is twelve years, begins to run when the agency denies use of the road or the right-of-way in question, rather than at the point of ambiguous roadless or land use plan classifications, as demonstrated in [Kane County v. United States, 772 F.3d 1205, 1216-18 (10th Cir. 2014)], and [San Juan County v. United States, 754 F.3d 787, 795-96 (10th Cir. 2014)].

Following the 2005 Tenth Circuit decision in Southern Utah Wilderness Alliance, the Secretary of the Interior issued an agency-wide directive adopting the Tenth Circuit's ruling and revoking all prior guidance related to R.S. 2477. This directive, titled 'Departmental Implementation of Southern Utah Wilderness Alliance v. Bureau of Land Management,' references 425 F.3d 735 (10th Cir. 2005), and includes the revocation of the interim policy dated January 22, 1997, as well as the policy from December 7, 1988 (Mar. 22, 2006). While extensive, the guidance acknowledges the Tenth Circuit's holding that the determination of when and how a public road was established is governed by state law, that the Bureau of Land Management (BLM) lacks jurisdiction to adjudicate or regulate public roads under R.S. 2477, and that a road must, at a minimum, encompass the disturbed area. The directive also encourages the BLM to collaborate with local governments through nonbinding determinations to facilitate the review of road construction activities and assess their impact on resources outside the designated right-of-way.

BLM informed the County and SWCCD that it would not incorporate such rights-of-way in its revision of the Green River Resource Management Plan. Many federal land offices prefer to issue a right-of-way rather than acknowledge the R.S. 2477 road. Regardless of the road's origin, the District maintains that these roads should be included in planning, as they provide access for all land uses, particularly recreation.

Public use of rights-of-way established under R.S. 2477 may impose an easement for public travel over private land under the doctrine of adverse possession or when the public use arose before the land was conveyed into private ownership. Restricting access can harm the local economy. While Wyoming counties prefer to acquire a voluntary easement from private landowners, the public's use of a road that is "actual, open, notorious, exclusive and continuous for the statutory period, hostile, and under color of title or claim of right" for 10 years will support a finding of adverse possession. [Wyo. Stat. § 24-1-101].

Public access to transportation routes is essential to Sweetwater County's transportation infrastructure and public access systems. It also plays a critical role in the community's economic, social, political, cultural, and overall well-being. Considering the County's dependence on the responsible use and development of public land resources, it is crucial to maintain adequate, feasible, and fully protected access to support both use and preservation. Various land uses within the County rely heavily on roads and rights-of-way for both non-motorized and motorized transportation.

The Sweetwater County Board of Commissioners has identified and documented the rights-of-way within the County that are subject to R.S. 2477. Sweetwater County, Board of County Commissioners, [Resolution 96-12-CC-01], R.S. 2477 Rights-of-way, dated December 18, 1996; and the Sweetwater County Board of County Commissioners, [Resolution 11-02-CC-01], which updates the R.S. 2477 Resolution as of February 1, 2011. Maps illustrating public roads, including R.S. 2477 rights-of-way, are maintained on file with the Sweetwater County engineer and are available for review at the District

office. Beginning in 2014, the County allocated funding to the District to contract for an extensive mapping initiative as part of the Rock Springs land use plan revision, and subsequently submitted the related documentation to the Bureau of Land Management.

Although FLPMA repealed R.S. 2477, the public highways, roads, and ways established before October 1976 are specifically preserved [43 U.S.C. 1769(a)].The County's right, title, and interest in these rights-of-way include the right to evaluate and perform construction, reconstruction, and maintenance, which is reasonable and necessary for safe passage for the rights-of-way established before the repeal of R.S. 2477 or the reservation of the lands for public use.

Federal legislation further authorizes rights-of-way across federal land pursuant to the [Alaska National Interest Lands Conservation Act] ("ANILCA") or [Title V of the Federal Land Policy and Management Act] (FLPMA) to facilitate access to private land. [16 U.S.C. §3210], [43 U.S.C. §§1761-1769]. Under FLPMA, the applicant is required to remit cost–recovery fees for permit processing and the fair market value of the easement, except when the applicant is a county. [43 U.S.C. §1764(g)]. Mineral lessees are granted access rights in accordance with the terms specified in a mineral lease. [43 C.F.R.§3101.12]. Miners are entitled to access under the provisions of the 1872 Mining Law, and ranchers possess a right to access grazing permits. In certain instances, these access rights do not constitute public rights-of-way or establish public access.

Beyond the significance of access across federal land to reach private property, there are instances when the federal government and the public require access across private land to reach public lands. Congress established the [Unlawful Enclosures Act of 1885], [43 U.S.C. § 1061 et seq.], which explicitly prohibits the obstruction or prevention of access to public lands by force, threats, intimidation, or fencing. Consequently, this legislation prohibits private landowners, including those owning checkerboard land, from maintaining barriers that fully enclose public lands and impede public access. See [Iron Bar Holdings, LLC v. Cape, 131 F.4th 1153, 1184 (10th Cir. 2025)]. This does not, however, establish that the government or the public possesses an implied easement to construct roadways across private lands for access to public lands. See [Leo Sheep v. United States, 440 U.S. 668, 669 (1979)]. Nevertheless, the Tenth Circuit recently determined that the public may traverse private property within the checkerboard pattern to reach federal public lands, provided such crossings do not involve physical contact with the private property.

19. GOAL: To uphold the historic right to travel across federal and state lands whenever required, in pursuit of activities such as mining, oil and gas extraction, ranching, farming, logging, recreational pursuits, motorized vehicle operation, and all other traditional uses.

19A Objective: Participate in decision-making and planning processes with local, state, and federal governments affecting access and rights-of-way in Sweetwater County.

19B Objective: Support mechanisms to help maintain the use of public roads, while protecting and/or mitigating any impacts on other resource values and respecting private property rights.

19C Objective: Support opportunities for further economic development by ensuring that feasible access is available, while respecting private property rights.

19D Objective: Support the adoption of rules controlling off-road recreational use, where it is necessary to protect soil, water, wildlife, and vegetation resources.

20. GOAL: Protect private property rights in the County while facilitating rights of access.

21. GOAL: Develop a coordinated approach to the issues of roads and rights-of-way with local, state, and federal agencies and private landowners.

21A Objective: Support coordination and concurrence between the District, interested local parties, and relevant federal and state land management agencies before any proposed road closures and obliterations in the County.

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

22A Objective: Maintain a comprehensive inventory of public roads and rights-of-way by utilizing tools such as databases, maps, GIS locations, photographs, and historical records to systematically document their existence and status, including whether such roads or rights-of-way have been abandoned or vacated**.**

22B Objective: It is recommended that surface routes of travel along existing trails, roads, or highways of public benefit and legal origin within the County be systematically mapped and recorded electronically as thoroughfares designated by the local government, in accordance with County classifications.

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

23A Policy: It is recommended that any new construction of an access route be conducted in accordance with a plan approved by the County planner or as permitted by the relevant land ownership. Existing routes will be recognized based on their identification and physical characteristics. Maintenance standards for routes shall align with their designated classification and requirements.

23B Policy: Recommend that the Resolution of the Sweetwater County Commission regarding R.S. 2477 rights-of-way be given the effect of an ordinance. Sweetwater County R.S. 2477 Resolution 96-12-CC-01, and maps (which are on file with the Sweetwater County engineer).

23C Policy: BLM must accept public rights-of-way instead of only authorizing local government road work or public use under [Title V of FLPMA], which only provides for a revocable permit. BLM must also cease from issuing rights-of-way or assessing fees over public roads, because BLM lacks jurisdiction to regulate commercial access on public roads and thus lacks the authority to require such a permit or to determine a fee.

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

24A Objective: Participate in local, state, and federal planning processes or any County planning process regarding transportation plans for new roads, reconstruction or maintenance of existing roads, and road closures (permanent and seasonal) to address economic and science-based concerns for water, air quality, and public access purposes.

24B Objective: Federal legislation has established rights-of-way and created public highways across the unreserved public domain. The classification of roads and rights-of-way under R.S. 2477 remains subject to debate at the national level. R.S. 2477 (the [Act of July 26, 1866) stipulates in Section 8]: "The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted." [43 U.S.C. § 932 (repealed)]. Although R.S. 2477 was repealed in 1976, new access rights are still granted across public lands. In accordance with Title V of FLPMA, [43 U.S.C. §§ 1761-1769], and the Mineral Leasing and Coal Leasing Acts for lease development, [43 C.F.R. § 3101.12], as well as rights to private land under the Alaska National Interest Lands Conservation Act ("ANILCA"), [16 U.S.C. § 3210].

24A Policy: Encourage identification and application of rights-of-way 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." [43 U.S.C. §1715(a)].

24B Policy: Participate in the federal NEPA process or any County planning process for communication, utilities, transmission, transportation, and waterway corridors.

24C Policy: Support a transportation plan that optimizes accessibility across all federal and state-managed lands within the County, while respecting private property rights.

24D Policy: Access to and/or across federal and state-managed lands within the County should not entail encumbrances or restrictions on private property rights.

24E Policy: Support the adoption of the Sweetwater County Resolution 96-12-CC-01 and 11-02-CC-01 to perfect rights-of-way and protect R.S. 2477 rights-of-way and the updated mapping for the Rock Springs land use plan.

24F Policy: Support the identification of OHV loops and trail systems that respond to current and future demand for motorized recreation.

24G Policy: When the necessity for a closure has been established, additional trails and areas must be opened to offset the loss of that recreational opportunity.

Energy / Mineral Resources

Energy and mineral resources are present regardless of land ownership—whether private, state, or federal. These resources have historically contributed and continue to contribute significantly to the economic prosperity and impact of the citizens of Sweetwater County and the State of Wyoming. The District acknowledges that the effective development of its abundant mineral resources is essential to the financial stability of the county, state, and nation. Furthermore, the extraction of energy and mineral resources aligns with the local history, customs, and cultural heritage.

A substantial portion of Sweetwater County is situated within the Green River Basin, one of the five high-priority energy basins designated under the Energy Policy and Conservation Act Amendments. In 2008, a collaborative report by multiple federal agencies, including the Bureau of Land Management (BLM), evaluated obstacles to energy production on federal lands, specifically within the Green River Basin. The study identified that roadless designations and development restrictions impede progress; however, it also underscored additional challenges, such as the government's difficulty in expeditiously processing applications for permits to drill (APDs) and deficiencies in the infrastructure required to transport oil or gas to markets. These factors contribute to greater difficulty and expense in developing energy resources in this region. The complete report, titled "Inventory of Onshore Federal Oil and Natural Gas Resources and Restrictions to Their Development – Phase III Inventory" (2008), is available at the District Office.

Many of the regulatory obstacles identified in previous studies persist, as documented in the '*Review of the Department of the Interior Actions that Potentially Burden Domestic Energy* Final Report to Interior Secretary' (October 24, 2018). This report responded to the President's Executive Order 13783 (March 28, 2018) and various Secretarial Orders, emphasizing the significance of energy production and the necessity to address regulatory hurdles. It identified several regulations, including Onshore Operating Orders 1, 2, and 3, as well as multiple Instruction Memoranda that delayed the issuance of oil and gas leases, imposed a moratorium on coal leases, and added supplementary conditions on operations within Greater sage grouse habitat.

The County comprises five principal categories of mineral resources: oil, coalbed methane, natural gas, and geothermal energy. The primary objective is to promote leasing activities. Lands overseen by the State and the Bureau of Land Management (BLM) that are not explicitly withdrawn or closed to sale under mineral leasing regulations should be made available for leasing and future development.

Solid Leasables: (coal - sodium/trona)

a. The coal and trona resources within the County shall be developed systematically, in accordance with the regulations and policies governing coal development, environmental preservation, national energy requirements, and associated demands.

b. Subject to appropriate restrictions and mitigation measures designed to protect other resource values, all federally managed lands by the Bureau of Land Management (BLM) within the County, excluding those lands designated as withheld, should be accessible for coal resource inventory and exploration. This approach facilitates the identification of coal resources and the assessment of their development potential, in alignment with coal's inherent interests.

c. Split estate lands refer to areas where the United States owns the surface rights; however, the mineral rights may be owned by the State or a private entity. Conversely, when the United States owns the minerals, the surface may still be privately or publicly owned. A significant portion of mineral resources in Sweetwater County consists of split-estate lands. While the United States cannot restrict access to privately owned minerals, it retains the authority to regulate the environmental and resource impacts on federal land. Privately-owned and government-owned surfaces that overlay the State of Wyoming, as well as privately owned coal, are considered for coal development, subject to the implementation of appropriate and necessary conditions and requirements to protect public land surfaces and surface resource uses. These protections include safeguarding critical winter range for big game, designated habitat for greater sage-grouse, individual sage-grouse leks, cultural values, geological features, and rights-of-way. The Land Quality Division of the Wyoming Department of Environmental Quality ("Wyoming DEQ") is responsible for issuing mining permits that address reclamation and surface resource management.

d. The Known Sodium Leasing (soda ash) Areas (KSLA) located on public lands are now open to sodium leasing, unless they are a WSA or a specific management area. The management prescriptions also continue to suspend oil and gas leases from development and prohibit new fluid mineral leases within the mechanically mineable trona area until oil and gas can be recovered safely.

e. The remainder of the County is open to sodium (soda ash) prospecting except for areas, such as WSAs or specific management areas, which are closed to mineral leasing, surface mining, or mechanical prospecting-type activities.

Other Minerals: The minerals management objective for other minerals is to provide opportunities for the exploration and development of building stone, sand, and gravel, as needed for use, while protecting other resources, as such resources may be regulated.

Locatable Minerals: (under General Mining Law of 1872, [30 U.S.C. §§21 et seq.]). The objective of management for locatable minerals is to ensure that public lands remain accessible for the exploration, identification, and development of valuable minerals through mining claims, while safeguarding other associated resource values. Except for lands designated as withdrawn from mineral location, the County remains receptive to the submission of mining claims and the exploration and development of locatable minerals.

Critical and rare-earth minerals, which are vital to contemporary technology and the economy, are subject to significant supply chain disruption risks and are officially designated by the Secretary of the Interior. Pursuant to [30 U.S.C. § 1606] and in accordance with [Executive Order 14241] (March 20, 2025), the United States is mandated to undertake immediate measures to promote domestic mineral production. This includes identifying federal public lands known to contain mineral deposits and prioritizing mineral extraction as the primary land use in these areas.

The management objective for geophysical exploration activities is to ensure that all operations are conducted with utmost professionalism, accuracy, and adherence to industry standards. Provide

opportunities to explore mineral resources and to collect geophysical data, while protecting other resource values.

The Wyoming DEQ also permits carbon capture, utilization, and storage (CCUS) through a Class VI injection well process. CCUS refers to the process in which carbon is captured from industrial processes and either utilized by turning the carbon into a new product or stored by injecting the carbon into a storage site located underground in a geologic formation. BLM administers CCUS on public lands through the issuance of Title V rights-of-way under FLPMA. In Wyoming, the pore space in which carbon dioxide is injected is owned by the surface owner. [Wyo. Stat. § 34-1-152(a)]. But the injector is the owner and is liable for the carbon dioxide injected into the pore space during CCUS. Wyo. Stat. § 34-1-153(a). An opportunity for exploration of mineral resources and the collection of geophysical data, while protecting other resource values.

25. GOAL: Encourage mineral and energy resource exploration and development in the County, while conserving rangeland, soil, fish and wildlife habitat, air quality, visual and water resources.

25A Objective: Encourage elimination of unreasonable or unfounded barriers, prohibitions, and impediments to mineral and energy resource exploration and development.

25B Objective: Enforce requirements in FLPMA that BLM review land withdrawals in the federal planning process or immediately thereafter ensure that they are still necessary and that BLM withholds public lands from mining or mineral leasing pursuant to federal law and an official order of withdrawal that is published in the Federal Register with an explanation justifying the closure.

25C Objective: Discourage the use of informal policies or unofficial classifications, such as lands with wilderness characteristics or mineral leasing closures, by federal agencies to withhold high energy potential areas from leasing or development. These practices violate 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.

25D Objective: Support [Executive Orders 13783], *Promoting Energy Independence and Economic Growth* (March 28, 2018), and [Executive Order 14154], *Unleashing American Energy* (Jan. 20, 2025), encouraging energy exploration and production on Federal lands and waters and requiring all agencies to remove regulatory impediments to the exploration and development of energy resources on public lands.

26. 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 and federal law.

26A Objective: Support the retention of existing mineral and energy operations, consistent with sound economic and environmental practices.

26B Objective: Support large and small-scale mineral and energy resource exploration consistent with sound economic and environmental practices to conserve rangeland, soil, and water resources.

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

28. GOAL: Protect the rights of landowners and surface owners so that mineral development can proceed consistently with the District's mandate to conserve rangeland, soil, and water resources.

28A Objective: Enforce reclamation actions to ensure that the site-specific reclamation plan is appropriate for the soils, vegetation, and climate, that the site to be disturbed is evaluated to establish a baseline inventory of the qualities and characteristics of the site, that an adjacent reference site is identified to provide a working example of the disturbed site, that the disturbed sites are immediately stabilized to conserve soils, that interim vegetation is planted to hold soils, including the use of sterile, non-native seeds, and that final reclamation is done on disturbed areas as soon as possible. Local reclamation plans will involve the District and affected landowners.

28B Objective: Require the federal land agencies to monitor completed reclamation to document success or to require additional measures to ensure that reclamation succeeds and that invasive non-native plants are eradicated.

28C Objective Support mitigation that is closely tied to actual impacts, such as replacement grazing forage for displaced grazing permittees or range/vegetation improvement projects to mitigate the effects on rangeland resources and wildlife habitat.

28D Objective: Oppose off-site mitigation when the site is located on privately-owned land outside the project area, which effectively places private land in state or federal ownership; when it does not provide mitigation for the resources that are impacted; and when the site lacks a nexus to the project area. The federal government has no authority to stipulate land uses on private or state lands. It cannot require landowners unaffiliated with a project to burden their land with what amounts to a conservation easement. Further, the federal government must comply with the unconstitutional conditions doctrine when conditioning approval of a permit upon mitigating the impacts of a proposed project. [*Koontz v. St. Johns River Water Mgmt. Dist.*], 133 S. Ct. 2586, 2595 (2013). The government "may not leverage its legitimate interest in mitigation to pursue governmental ends that lack an essential nexus and rough proportionality to those impacts." *Id.*

28E Objective: Require a detailed monitoring plan that involves the District and affected landowners to ensure that mitigation and reclamation actions are enforced and are successful. The monitoring plan will also require regular, consistent site reviews to

assess the site's response to management measures and determine whether it is appropriate to change either mitigation or reclamation to achieve the objectives.

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

29A Objective: Recommend that local, state, and federal agencies assess socio-economic impacts of any proposed changes to natural resource-related use plans that impact the Sweetwater County School Districts.

29B Objective: Recommend that local, state, and federal agencies conduct a thorough investigation of future mineral development potential and the consequences of all land use decisions. Local, state, and federal planning documents should disclose consequences to future mineral development and the economic impact of proposed policies or plans on the continuity of the County's minerals industry.

29C Objective: Request that local, state, and federal agencies notify the District of any proposed actions or regulations that may impact minerals development opportunities on state, federal, or private land within the County to enable the District to review and comment on local, state, or federal actions or changes significant to mineral and related industry opportunities in the County.

29D Objective: Support federal agencies in updating the list of critical minerals at least every three years and identifying locations of known critical minerals resources on public lands consistent with their obligations under the Energy Policy Act of 2020 and recent Executive Orders.

30. **GOAL: Support beneficial mining efforts and their economic impacts or effects, and encourage mining and milling efforts on private and public lands.**

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

Objective 30B: Ensure that state and federal lands are open to mining exploration and development, and ensure that such lands continue to be used for that purpose.

Objective 30C: Encourage open access to, across, over, under, and through the state and federal lands for prospecting and exploration to provide incentives for private investment in mineral development.

Policy 30A: Make recommendations regarding any such proposed revisions of the General Mining Law of 1872 to the appropriate state and federal representatives to influence the outcome to favor the customs, culture, and economy of the County.

Policy 30B: 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 30C: 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 30D: Local, state, and federal agency plans, or management recommendations, shall include a description of the social and economic impacts (brief or in-depth, as needed) that addresses the effects on energy and mining development.

Alternative / Renewable Energy

The term "alternative energy" generally refers to non-carbon-based energy sources. These include wind, geothermal, solar, and nuclear power. Wyoming is receiving its first nuclear power plant, the [Natrium Reactor in Kemmerer]. There are also commercially viable uranium deposits within the state. Wyoming and Sweetwater County, in particular, have high potential for wind and solar energy. Even though alternative energy sources do not produce carbon-based emissions, they may still have significant environmental impacts. Wind and solar energy development in Wyoming requires new high-voltage transmission lines to carry electrical power from the point of generation to the point of sale. The new transmission lines that run through Sweetwater County include Energy Gateway West, Energy Gateway South, and TransWest Express. Under national security guidelines, transmission lines require additional land to be set back from existing lines. Sage grouse mitigation and migratory bird protection laws require anti-perching devices to prevent raptors from perching on structures that threaten [Sage Grouse] and [Pygmy Rabbit].

Wind energy requires tall turbines that harness the strong winds typical of Wyoming and central Sweetwater County. A wind energy generation site also requires sub-stations, step-up transformers, pad-mounted transformers, and collection lines, all of which are serviced by roads. While battery storage can maintain energy production when weather conditions require a shutdown, the current capacity is less than 4 hours. Most of the new wind turbines proposed in Wyoming will not have battery storage, and the turbines will shut down if the wind is insufficient or too high. The wind farm facilities and transmission lines require the use of surface, federal, state, and private land. Wind farms lead to fatal collisions with migratory birds, and the development will convert wildlife habitat and alter visual resources. The sage grouse conservation plan, in particular, prohibits wind energy sites and transmission lines within core areas and imposes additional mitigation for the sage grouse for all projects.

Solar energy requires a relatively large land area to install and maintain commercial-grade solar panels. Unlike wind energy, other land uses cannot be located at the same site as installed solar panels. Like wind energy, supplemental fuels, especially battery storage, are necessary to keep the system operational when the weather obscures the sun. The predominance of federally owned land and historic trails makes it more difficult to approve a commercially viable wind or solar energy project due to impacts on viewsheds along the trails in the county.

The investment in wind and solar energy and related transmission line upgrades totals billions of dollars. Construction creates several thousand jobs in 1 to 2 years. The permanent jobs to maintain operations are only a few hundred. Wyoming assesses a $1-per-megawatt-hour tax on electricity generated from wind resources, which yields about $4 million a year. [Wyo. Stat. §§ 39-22-103, 39-22-104]. Most of the planned wind and solar projects are located on private land, but their siting affects federal land resources. The transmission lines cross both private and federal land.

Geothermal energy has a longer record of providing commercially viable power. It does, however, require drilling numerous shallow wells to harness geothermal power. A geothermal energy project also requires closely-spaced wells and related transmission facilities.

Power companies in the past relied on coal- or gas-fired power within the same electrical grid to maintain and balance power supply. Current projects move away from this to meet the Oregon, Washington, and California renewable energy standards, which require power companies serving those states to reach 50% renewable power within 10 years and 100% renewable power within the next decade. The dominant power company, [Rocky Mountain Power Company], which the Portland-based [PacifiCorp] owns, has continued to adjust the retirement dates and natural gas conversions of its Wyoming coal-fired power plants. The [Jim Bridger Power Plant] Units 1 and 2 were converted to natural gas in 2024, and the other two units are earmarked for CCUS conversion by 2030. The [Naughton Power Plant] has already converted one unit to natural gas and is scheduled to convert Units 1 and 2 to natural gas in 2026. Coal mines adjacent to the power plants supply the fuel, and between the power plants and the mines, more than 929 power plant- and coal mine-related jobs, as well as ad valorem, severance, and federal mineral royalties, are at risk. In the past, coal generated around $22 million in ad valorem taxes and $2.4 million in sales and use taxes. The coal mined in Sweetwater County also generates severance taxes for the State, and a share is returned to the County.

In response to early 2018 coal plant retirements, the Wyoming legislature enacted a 2019 bill, SF0159, that requires a power company to consider offers to purchase these plants and to buy any power they produce. In 2020, the legislature enacted a law to facilitate carbon capture, utilization, and storage, HB-200, which will capture carbon emissions and use them to enhance oil recovery in developed fields. Carbon utilization requires retrofitting to remove CO2 and a transportation system, including pipelines to distribute the CO2 to targeted fields or underground storage sites. These laws are intended to provide a path to keep Wyoming coal-fired power plants operating to generate power and enhance oil field recovery.

The federal policies supporting alternative energy development as a solution to the harm caused by carbon-based sources of energy, including coal, natural gas, and oil, need to be measured in terms of environmental impacts and costs. The development and use of virtually all energy sources have significant ecological consequences. Wind and solar energy costs include adverse impacts on surface resources, including wildlife habitat. The capital costs of installing wind or solar energy, along with issues of power production reliability, tend to outweigh the zero fuel costs of the electrical energy produced, even with significant federal tax subsidies and public support.

Along with alternative energy comes the development and use of transmission lines and rights-of-way to transport the energy generated by existing and/or reasonably foreseeable energy sources, such as from wind and solar farms in Wyoming. BLM has completed the NEPA review for the [Gateway

West], [Energy Gateway South], and the [TransWest Express transmission lines]. The [Gateway West] segment from [Aeolus to Jim Bridger/Anticline Substation] was completed in December 2020, and the [Aeolus to Windstar segment] was completed in November 2024. The longer segment traveling from Jim Bridger/Anticline Substation to the Populus Substation is not scheduled to be in service until 2034 at the earliest. The [Energy Gateway South Transmission Line] construction was completed in November 2024, and the [TransWest Express Transmission Line] segment in Wyoming started construction in September 2023. The [Energy Gateway West Transmission Line] follows the dedicated right-of-way corridor. In contrast, the route for the Energy Gateway South and TransWest Express Transmission lines follows the eastern boundary of Sweetwater and Carbon Counties, between Greater sage-grouse core areas.

31. **GOAL: Support alternative energy development where it is both commercially feasible and does not have disproportionate environmental impacts, and will continue to produce reliable power without an increase in electrical rates.**

    Objective 31A: Evaluate alternative energy projects proposed for Sweetwater County based on the same criteria applied to more traditional projects, including impacts of visual resources, wildlife habitat, soils and vegetation, and impacts on existing land uses.

    Objective 31B: Support renewable energy projects so long as they are shown to be reliable, do not lead to a disproportionate increase in electrical power rates, and supplement existing coal-based power.

32. **GOAL: Support transmission line rights-of-way that follow, as closely as possible, the existing transmission corridor or other existing lines, and that have the least amount of impact on visual resources, wildlife habitat, soils and vegetation, and impacts on existing land uses.**

    Objective 32A: Encourage the federal government to address how the transmission line projects will impact existing mineral rights and future mineral development.

    Objective 32B: Oppose any transmission line right-of-way that interferes with or adversely impacts private property rights when other reasonable alternative locations are available.

Climate Change

The issue of climate change is really composed of several questions, including: Have temperatures varied in the last century? Assuming yes, are these temperature variations so outside the historic and prehistoric range as to prove a significant trend that will continue? Are these temperature changes due to human activities, specifically the use of materials that emit $C0_2$ that warrant substantial changes in how power is generated, and people live?

Scientists, including the United Nations Intergovernmental Panel on Climate Change ("IPCC"), concluded that Earth's temperatures have increased at an alarming rate over the last five decades and that these increases are primarily due to carbon emissions. The conclusions of IPCC and the accepted wisdom of much of the scientific community are strongly disputed by other equally prominent scientists. The scientific controversy gained prominence in 2009 when emails from the University of

East Anglia, a leading group of climate change scientists, were hacked and widely distributed. The emails showed that the IPCC contributors actively discredited critiques of their data, ensured that scientists who questioned the conclusions regarding global warming, now renamed climate change, would never be published, and denied access to the data used and calculations made by IPCC for its published conclusions.

The release of the East Anglia emails lent further support to earlier publications that questioned the quality and validity of the statistical and scientific analyses used to support the premise of global warming. In 2010, global warming scientists announced that the original data and calculations used to prove global warming had been lost or misplaced. The loss of such data makes it virtually impossible to validate the original calculations that have led to a significant policy shift in the United States and throughout the world.

While IPCC and the Global Warming Policy Foundation both launched investigations, they each concluded that climate change was still occurring. Meanwhile, in the United States, the Environmental Protection Agency ("EPA") and other federal agencies are incorporating climate change policies into the regulatory system without examining the underlying data or addressing the significant scientific questions about whether climate change exists and whether it is due to carbon emissions.

Recent data also shows that temperatures are not rising as predicted by models. In many cases, scientists have determined that actual temperatures are adjusted upward to conform to the premise of climate change. The questions regarding causation and whether short-term variations are, in fact, long-term trends support the conclusion that more research is needed before abandoning carbon fuels.

Revamping the regulatory system to reduce or eliminate carbon dioxide emissions would have significant impacts on Wyoming. As noted in the discussion of Alternative Energy, wind and solar power sources have significant adverse environmental impacts, including the loss and conversion of wildlife habitat, bird mortality from wind turbines, and the loss of scenic resources. Public transportation, such as high-speed trains and buses, is not practical in Wyoming and other sparsely populated states. Wyoming residents need automobiles and trucks to travel in the state for work and recreation. The closure of coal-fired power plants and coal mines would also result in the loss of slightly less than 1000 jobs and tens of millions of dollars in County tax revenues. The consequences are more serious for the entire state, which produces about 40% of the nation's coal.

Switching to only non-carbon-emitting sources of power and travel has a double impact on Wyoming. It would reduce the state's primary economic drivers: coal, oil, and gas. Second, it would significantly increase the costs for individual residents for power and travel.

33. GOAL: Ensure that the underlying theories of climate change continue to be carefully scrutinized and require better scientific documentation.

Objective 33A: Ensure that any project discussion of climate change reflects a scientifically sound and balanced viewpoint of the scientific controversy.

Objective 33B: Quantify the costs and benefits of any regulatory changes adopted to address climate change.

Objective 33C: Oppose permanent investments based on the assumptions of climate change until the international scientific controversies are addressed with credible and quality data.

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, [Art. 1, §31].

Wyoming is a prior appropriation doctrine state, under which the right to use water is based on the date a specified quantity of water was put to beneficial use, with priority given to the prior user or appropriator. [Wyo. Stat. §§41-3-101, Wyo. Stat. §§41-3-102]. Wyoming law establishes procedures and criteria for recognizing water rights under the doctrine of prior appropriation. [Wyo. Stat. §§41-3-101 to 104]. These recognized water rights are treated as property rights.

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

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

Objective 34A: Coordinate with the appropriate agencies in the land use inventory, planning, and management activities, which affect water resources in Sweetwater County, either directly or indirectly, to ensure consistency with the Plan.

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

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

a. On-stream storage
b. Off-stream storage
c. Structural storage
d. Non-structural storage

Objective 36A. Water resources will remain under state control.

Policy 36A: Use of water resources in Sweetwater County is necessary to meet the District's mandate to conserve rangeland, soil, wildlife, and water resources, and is also

necessary to local culture and community stability, with particular emphasis on the economic stability of the community.

Policy 36B: Pursuant to the doctrine of prior appropriation, the District discourages federal agency water right purchases. Furthermore, the District encourages federal agencies to lease water rights from the state or private water rights owners rather than claiming water rights for federal use.

Policy 36C: Federal water right claims will be carefully scrutinized to ensure they meet the letter and spirit of Wyoming appropriation laws.

Policy 36D: Oppose all efforts by federal agencies to limit or control appropriations and use of water, such as through the denial of rights-of-way necessary to put the water to beneficial use.

Policy 36E: Promote water projects that ensure that the unappropriated water is put to beneficial use within the watershed.

Water Quality

State and federal law regulate water quality from point sources of pollution through effluent standards and by requiring permits for point sources or discharges into any water body, which require a National Pollution Discharge Elimination System ("NPDES") permit. [33 U.S.C. §§ 1311(a)], [33 U.S.C. §§ 1342]. Nonpoint sources of water pollution are regulated through Best Management Practices and watershed plans to limit erosion into specific streams. [33 U.S.C. § 1329]. Wyoming DEQ implements the water pollution laws and issues NPDES permits to implement and enforce federal effluent standards. Stat. §§35-11-301- 307] and regulates wetland protection. [Wyo. Stat. §§35-11-308-311]. The Wyoming DEQ has also identified impaired streams, set total maximum daily loads of pollution for those streams, and participated in watershed planning to reduce erosion and runoff. [*Wyoming Nonpoint Source Management Plan-Update (2013*).

The District is the responsible local government entity charged with protecting soil and water resources. The Wyoming DEQ regulates non-point source water pollution under the [Wyoming Environmental Quality Act]. The District is responsible for analyzing and identifying contaminant sources; developing Best Management Practices for nonpoint sources of water pollution; and developing policies and implementation strategies to improve water quality within the County. Local, state, and federal agencies involved in planning and/or implementing the Wyoming Water Quality Act need to cooperate, coordinate, and consult with the District in the County and in adjacent counties.

The Wyoming legislature enacted laws restricting the taking of water-quality samples and other resource data unless the agency or organization has secured the landowner's permission. [Wyo. Stat. §6-3-414(a) (2015)]. The Tenth Circuit and the District Court on remand set aside a section of the law that violated the First Amendment right to travel by prohibiting access to federal land. *Western Watersheds Proj. v. Michael*, 353 F.Supp.3d 1176, 1191 (D. Wyo. 2018).

37. GOAL: Ensure that productive watersheds are maintained for water quality.

Objective 37A: Maintain healthy rangelands and control soil erosion to maintain productive watersheds.

Objective 37B: Maintain vegetation and forest health to enhance and preserve water flows.

38. GOAL: Ensure the enforcement of the application of the "Credible Data Legislation," which provides the basis for surface water quality monitoring in Sweetwater County. [Wyo. Stat. §35-11-302(b)].

Objective 38A: Ensure that land use inventory, planning, or management activities affecting point or nonpoint sources and water quality in Sweetwater County, either directly or indirectly, are coordinated through the District and are consistent with the Plan.

Objective 38B: Ensure that all management and watershed plans and land use practice modifications proposed by either local, state, or federal agencies premised on water quality issues are coordinated with the District and are consistent with the protection of private property rights.

Objective 38C: Recognize the economic and social benefits of customary land use activities in Sweetwater County and balance against the "social and economic value of the source of pollution." [Wyo. Stat. §35-11-302(a)(vi)(B)].

Objective 38D: Support and facilitate water quality testing and monitoring programs that collect Credible Data according to [Wyo. Stat. §35-11-302(b)] using a local steering committee according to the Watershed Strategic Plan. [*Watershed Strategic Plan* (approved and revised 11/16/2000).] Monitoring should identify causation.

Objective 38E: Encourage preparation of a prioritized list of watershed treatment measures to identify problems and suggest actions to solve those problems. These watershed treatment measures and Best Management Practices could include, but are not limited to, seeding, revisions to grazing practices, and the construction of retention ponds and runoff diversion structures.

Objective 38F: Support third-party monitoring only when the third party closely follows DEQ protocols, the data is available to all, and the third party has secured the landowner's permission to take water quality samples.

Policy 38A: The Watershed Strategic Plan guides the management of water and watersheds and will be voluntary and locally led, and may be put in motion by the 303D listing of a stream by the Wyoming DEQ. Watershed Management Plans can be prepared for geographical areas with similar problems, identify specific actions to achieve particular goals, and prioritize actions based on the severity of the situation and the likelihood of success.

Communicate, coordinate, and consult with affected local landowners, permittees, lessees,

municipalities, and local, state, and federal agencies to assure the protection or enhancement of existing water quality. Such protection must be consistent with the Colorado River Basin Salinity Control Act and the State of Wyoming water quality standards.

The District may undertake water quality monitoring, and a locally led Watershed Advisory Group may guide its agents, composed of affected landowners, permittees, lessees, and local, state, and federal government officials, to ensure 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. [Watershed Strategic Plan; Wyoming Nonpoint Source Management Plan Update (2013), Livestock/Wildlife Best Management Practice Manual- Update (2013)].

39. GOAL: Request local, state, and federal agencies to notify the District of any proposed actions or regulations that may impact water permitting and water rights on state, federal, or private land within the County to enable the District to review and comment on local, state, or federal actions or changes significant to water resources.

Objective 39A: Oppose any legislation, rules, or guidance that attempts to expand the government's jurisdiction over water sources beyond those granted by the CWA and Supreme Court precedent.

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 water rights for agricultural and industrial flows and storage in the County. These water rights are essential for the continued operation of coal and trona mining, electricity generation, and farming and ranching in the County, as well as for the oil and gas industry. The agricultural uses of water from the Green River and its tributaries are directly associated with the viability of farming operations throughout the County. The Green River and its tributaries (Vermillion and Red Creek Basins) provide water that supports the 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 crucial cold-water fishery. Private, state, and federal lands border the Green River and its tributaries. In addition to the privately owned riverfront lands, the State of Wyoming owns and manages several parcels, and other portions of the riverfront are owned by the United States and managed by USFWS as part of the Seedskadee National Wildlife Refuge or by the Forest Service as part of the Flaming Gorge NRA. The Bureau of Reclamation administers the Flaming Gorge Dam, the Big Sandy, and Fontenelle Reservoirs as well.

The river system must supply adequate flows to meet the Colorado River Compact requirements regarding quantity and salinity, flow regimes for endangered fish, additional agricultural storage, industrial storage needs, and recreational storage needs. Several reservoir and management decisional documents and agreements that govern the operation of the Colorado River facilities and its management are scheduled to expire at the end of 2026. The Bureau of Reclamation is currently working alongside the Upper and Lower Basin states, Tribes, and other cooperating agencies to develop post-2026 operations for Lake Powell and Lake Mead and other water management actions

for the Colorado River Basin to protect the stability and sustainability of the Colorado River into the future. The Green River Basin Water Plan addresses obligations under the Compact and proposes developing reservoir storage in tributaries to the Green River to address identified water shortages. [Green River Water Basin Plan, Executive Summary-Update (2010)], and [Green River Basin Water Planning Process, Final Report-Update (2010)].

Watersheds within the lower Green River Basin are exporting water from 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"), [Coalbed Methane Coordination Coalition ("CBMCC")], [Upper Green River Joint Powers Water Board], and [Wyoming Game & Fish Commission]. Discussion has centered on retaining more water within Wyoming, specifically within the Green River Basin as a whole and within the County, in line with the priorities identified by the [Green River Basin Plan]. Adequate water quality and availability are 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 and to address district-wide water supplies.

As per this Plan, activities relying 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, oil and natural gas drilling, fertilizer plant operations, etc.); and wildlife uses (habitat for aquatic life, drinking for wild animals, etc.).

In 2009, federal and state agencies received applications from [Aaron Million] and expressions of interest from Colorado metropolitan water districts to exercise the State of Colorado's remaining 250-million-acre-feet water allocation in the Colorado River by diverting the water in Wyoming just above or from the Flaming Gorge Reservoir and transporting it through a giant pipeline across Wyoming and then south to Colorado. Project proponents offered communities in eastern Wyoming, such as Casper and Cheyenne, potential water in exchange for their support.

The proposal ultimately failed when the [Federal Energy Regulatory Commission] rejected Million's bid for jurisdiction in 2012, and the Wyoming State Engineer rejected Million's water rights application for insufficient information in June 2015. The Bureau of Reclamation concluded that there is inadequate water in the Flaming Gorge Reservoir to meet the target amount and still provide for critical habitat for threatened and endangered fish, recreation facilities, fish and wildlife, and existing water rights.

The Million proposal remains significant because it demonstrates the value of undeveloped water to both the Colorado Front Range and eastern Wyoming communities. The thirsty Front Range communities may return to this route to simplify trans-basin diversions within Colorado.

40. GOAL: Facilitate water resource development that assures the protection of water quantity for the future growth and protection of Wyoming water rights under the [Colorado River Compact] and other agreements.

Objective 40A: Participate in 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 40B: Facilitate and, when possible, seek funding for 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. [Wyo. Stat. §§41-3-1001-1014].

Objective 40C: 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 40D: 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.

41. GOAL: Protect the terms of the Colorado River Compact signed in 1922, because the division of water between the Upper and Lower Colorado River Basin states remains essential to ensuring Wyoming retains control over the water allocated to it in the Compact.

42. 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 42A: 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, and, where applicable, increase water flow yields.

Policy 42A: Oppose transbasin diversions and water projects unless it is shown to be the only source of water for the community to fund the transbasin diversion, and there is a clear benefit to the basin from which the water is diverted.

Policy 42B: Oppose interstate water transfers due to the adverse impacts on Wyoming water rights, existing commitments to maintain flows in the Colorado River system, and adverse impacts to future water development in Wyoming.

43. GOAL: Ensure the enforcement of the appropriation and recognition of water rights pursuant to 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 43A: 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.

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

Objective 44A: Strive to develop the water resources of the County based on adjudicated water rights to protect water quantity and water quality best.

Objective 44B: Request that all emergency actions related to water resources be subject to notice to the District.

45. GOAL: Facilitate and help to fund 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 45A: Facilitate and seek funding for the water-conservation 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. [Executive Summary Green River Basin Water Planning Process-Update (2010)].

Objective 45B: Support maintenance, protection, and/or enhancement of existing water quality in the context of watershed management and development.

Objective 45C: 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 45D: 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.

46. GOAL: Support development, maintenance, reconstruction, and retention of existing diversion and storage facilities that would allow the capture of excess spring runoff to be utilized later in the year.

Objective 46A: Work with private landowners to identify potential storage sites.

Objective 46B: 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 46C: Encourage identification and prioritization for development, additional springs, wells, and storage facilities within Sweetwater County.

47. GOAL: Promote locally-led watershed planning.

Policy 47A: 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 the basin or out of state will be mitigated by storage before the transaction is approved.

Policy 47B: Support the protection of appropriated water rights so that "in-county and in-basin" water remains 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 lease 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 using sale or lease revenues to address water needs in other areas of the State until the needs of the Green River Basin have been met and/or mitigated.

Policy 47C: 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 use 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, customs, and culture of the County. The District requests consultation, cooperation, and coordination with all local, state, and federal agencies on any water-use plans that affect Sweetwater County and/or the Green River Basin to ensure consistency with local land management plans.

Policy 47D: Oppose the conversion of agricultural water to municipal and industrial uses, while not interfering with the underlying rights to sell or change the water rights. Facilitate the construction of water storage and other facilities to preserve agricultural water while allowing for the diversification of the community, which would otherwise require water.

Policy 47E: 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 federal agencies to address the availability of water for critical needs, including agriculture and municipal uses.

Policy 47F: Work for the implementation of the Green River Basin Plan by formation of an [Upper Green River Basin Joint Powers Water Board]. A Water Conservancy District, individual grants, and/or projects with the [Wyoming Water Development Commission], as long as the potential for direct benefits to the District exists. If it becomes evident that anticipated projects will not be built, the District will withdraw from the program and request the return of its contributed funds. These funds would be made available to local entities for water improvement projects.

Policy 47G: Ensure that the Flaming Gorge Dam appropriately manages water supplies to meet obligations under the Colorado River Compact, and to help stabilize the economies of surrounding communities dependent on the recreational opportunities related to the dam.

Policy 47H: Encourage and facilitate the development of water storage facilities to meet Wyoming's water needs.

Policy 47I: Under the doctrine of prior appropriation, the District declares that historic and customary beneficial uses under state law do and should continue to take precedence over any in-stream flow use designations established under current Wyoming State Law.

Policy 47J: The District requests notification of all proposed interstate and federal water development, conservation, or other actions that may have an impact on the water rights or uses in Sweetwater County before initiating actions.

a) Recommend that any water quality programs (i.e., nonpoint source pollution programs) evaluate, mitigate, and minimize the impacts on Sweetwater County's water rights, customs and culture, and economic viability.

b) Recommend that at least one District representative or designee from water resource interests be included in the decision-making process for proposed actions by local, state, or federal agencies affecting water resources in the County.

c) Request notice of any actions or regulations that involve water resources on federal and state land within the County. The District will review and comment on local, federal, or state actions or changes significant to water resource issues in the County.

Irrigation / Agriculture

Irrigated crops contribute to the County's economic base and are integral to the stability of livestock production, wildlife habitat, and farming while maintaining local customs and culture. Due to the location and additional water, cropland and irrigated fields often provide key winter habitat for big game and other wildlife.

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

Objective 48A: Assist in maintaining healthy rangelands and forests for productive watersheds.

Objective 48B: Assist and promote the continued use of Best Management Practices for erosion control on rangeland and irrigated cropland by local cooperators.

49. GOAL: Protect water rights and irrigation ditch easements.

Objective 49A: Support the enforcement and implementation of Wyoming Water Law.

50. GOAL: Support maintenance and enhancement of water storage and conveyance structures

51. GOAL: Support opportunities for grazing livestock on private, federal, and state lands, protection of property rights and equitable interests in land, science-based land stewardship, and promote Best Management Practices for the improvement and continued use of all rangelands and irrigated cropland within the County

Objective 51A: Encourage private landowners, local, state, and federal agencies to cooperate in defining desired plant communities on private, state, and federal lands within the County to control soil erosion.

Objective 51B: Support increased productivity of irrigated lands to increase and/or maintain animal unit months ("AUMs") in Sweetwater County.

52. GOAL: Encourage agricultural viability as part of the culture and customs and beneficial impacts on public land uses in the County.

Objective 52A: Encourage the use of locally-led interdisciplinary groups to address agricultural issues in relation to public land uses on a case-by-case basis.

53. GOAL: Promote public education by providing information to urban and rural communities regarding agriculture, natural resources, and wildlife issues.

Objective 53A: Support and utilize local, state, and federal partnerships for cost-share programs for range improvement and irrigation practices.

Objective 53B: Develop information regarding the roles of irrigation and range management to educate the public.

Objective 53C: 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 53D: Support Conservation Districts and their state associations in their efforts to assist resource managers on conservation actions and issues.

Policy 53A: 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 implications for small businesses (including agriculture) and small government entities. [Ex. Order 13272 (Aug. 13, 2002).]

Policy 53B. 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

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

Objective 54A: Encourage recognition of ditch easements that include the right of the owner to enter, inspect, repair, and maintain a canal or ditch.

Objective 54B: 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 54C: Encourage adoption and implementation of policies encouraging the owners of ditch easements to be reasonable in the use of their easement.

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

Objective 55A: Cooperate, coordinate, and consult with irrigation districts and ditch associations (acequias) in water planning and water-related issues.

56. GOAL: Support the construction and maintenance of ditch and canal structures.

Policy 56A: Ownership of water rights, ditch water rights, and related easements is a distinct property right.

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 floodplain is part of the active erosion and deposition in 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 damage. 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 in other low-lying areas, where groundwater intercepts the soil surface or 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 U.S. Army Corps delegated to NRCS the primary responsibility for delineation of wetlands pursuant to an interagency

[Memorandum of Agreement dated January 6, 1994]. 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—[33 U.S.C. §1344]. Mitigation may be required in the form of replacement wetlands to meet the "no net loss" of wetlands policy.

Through implementation of policies and guidelines, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) extended their jurisdiction over those waters protected by the Clean Water Act (CWA) to include waters that may affect waters of the U.S. Four U.S. Supreme Court decisions have defined and limited the scope of the EPA and Corps jurisdiction over waters: [*United States v. Riverside Bayview Homes Inc*]., [474 U.S. 121 (1985)], [*Solid Waste Agency of Northern Cook County (SWANCC) v. U.S. Army Corps of Engineers*], 531 U.S. 159 (2001)] [*Rapanos v. United States*], [547 U.S. 715 (2006)], and [*Sackett v. Environmental Protection Agency*], [598 U.S. 651 (2023)]. These cases established that the EPA and Corps have jurisdiction over wetlands that are continuously connected to and indistinguishable from otherwise covered "water of the United States" under the CWA. In 2007, the EPA and Corps issued a direction consistent with the Supreme Court's Rapanos decision. After failed attempts to revise the 2007 guidance, the EPA and Corps have engaged in ongoing rulemaking revisions to define "the waters of the United States." In the 2015 rule, the agencies broadly interpreted the definition and subjected a vast majority of the nation's water features to a case-by-case jurisdictional analysis. [*Clean Water Rule: Definition of Waters of the United States*], [80 Fed. Reg. 37,056 (2015)]. The agencies repealed the rule in 2019 (84 Fed. Reg. 56,626 (2019)), and shortly thereafter, EPA adopted new "Waters of the United States" regulations in 2020, which sought to implement the plurality opinion in the *Rapanos* case. [*The Navigable Waters Protection Rule: Definition of ''Waters of the United States*], [85 Fed. Reg. 22250 (April 21, 2020)]. The 2020 Rule was then vacated by the U.S. District Court for the District of Arizona in 2021. [*Pascua Yaqui Tribe v. Environmental Protection Agency*], [557 F. Supp. 3d 949, 957 (D. Ariz. 2021)].

The EPA and Corps made another attempt to revise their regulations in 2023 (88 Fed. Reg. 3004). They incorporated the two jurisdictional standards from *Rapanos* – the relatively permanent standard and the significant nexus standard. However, on May 25, 2023, the Supreme Court in *Sackatt* concluded that the substantial nexus standard was "inconsistent with the text and structure of the

CWA." 598 U.S. at 679. Only those relatively permanent, standing, or continuously flowing bodies of water described as streams, oceans, rivers, and lakes are encompassed within "waters" under the CWA. *Id.* at 671. The CWA protections then extend to those wetlands that are indistinguishable (i.e., continuous surface connection) from the traditional "waters of the United States." *Id.* at 678-79. The EPA and Corps revised the 2023 Rule to conform to the *Sackett* decision [(88 Fed. Reg. 61,964 (2023)]) and continue to work internally and with stakeholders on any additional regulatory revisions that may be necessary.

57. GOAL: Limit federal jurisdiction over non-navigable waters within the State of Wyoming.

Objective 57A: Work with Wyoming DEQ and the State Engineer to recognize the ephemeral streams and other waters that are not navigable and are not connected to navigable waters flowing between states.

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

Objective 58A: Work with local, state, and federal agencies and landowners to achieve acceptable solutions and mutual benefits, both economic and otherwise, on these issues.

Objective 58B: Participate in the process to develop a consistent definition and accurate delineation of wetlands and lands adjacent to wetlands that is consistent with the U.S. Supreme Court's decisions and can be applied in the District.

Objective 58C: In developing a wetlands definition, attempt to include the following components:

a. Wetlands are naturally occurring areas of predominantly hydric soils that support hydrophytic vegetation due to existing wetland hydrology.

b. 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.*

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

Objective 58D: Ensure that regulation of wetlands does not impair property rights.

59. GOAL: Respect the role of local wetlands in the landscape, which is different from and independent of national wetlands and related regulation.

60. GOAL: Oppose the expansion of wetlands regulations and the government's jurisdiction over water sources, such as ephemeral waters, ditches, standing water, and groundwater.

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, 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, agriculture, fish, and wildlife, and many are also well-suited for development as high-quality agricultural farmland.

A riparian area is an area along a watercourse or around a lake or pond. It also refers to a "corridor that 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 J. Naiman] states:

At the most minor 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 includes the area periodically flooded by high water, the stream banks, and the flood plain. At the most enormous scale, the riparian zone is the land band that significantly influences the stream ecosystem and/or is significantly influenced by the stream.

BLM describes riparian areas as terrestrial areas where the vegetation complex and microclimate are products of the combined presence and influence of perennial and/or intermittent water, associated with high water tables and soils that exhibit 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. [*Riparian Area Management*], [*Riparian Wetland Soils BLM-Forest Service*, Technical Reference 1837-19 (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.

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

Objective 61A: 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 61B: 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.

Policy 61A: Support livestock and other managed uses of watersheds because properly managed multiple uses are compatible and consistent with watershed management.

Policy 61B: Exclude from wetlands regulations, including mitigation or compensatory wetlands policies, those artificially-created wetlands that cease to be wetlands when the water project is repaired, and the area dries up.

Policy 61C: Require water quality monitoring as part of energy and right-of-way development projects to ensure groundwater and surface water quality is not degraded.

Rangelands, Woodlands, And Forests

Rangelands

The majority of the County's rangelands and riparian zones support an understory or periodic cover of herbaceous or shrubby vegetation, suitable for rangeland management principles and practices. The principal natural plant cover consists of native grasses, forbs, and shrubs, which are valuable 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 sagebrush-steppe, grasslands, desert shrublands, riparian areas, and wet meadows. Most of the land in Sweetwater County is classified as rangeland. The soil and climate make the land best suited to grass and shrubs rather than farming. The earlier discussion of the District at pp. 8-10 covers vegetation, soil, precipitation, and wildlife and game species. The BLM requires public rangelands to meet, maintain, or make substantial progress toward meeting Wyoming-developed standards. [Wyoming Standards for Healthy Public Rangelands]. The Forest Service requires that forest and rangeland management conform to the objectives, standards, and guidelines adopted in the land use plan.

Forests & Woodlands

The [Flaming Gorge] NRA and the small portion of the Ashley National Forest are located in Sweetwater County. This land is managed in accordance with the laws governing the National Forest

System. However, the NRA is also subject to the provisions of the Colorado River Water Project under which it was established.

Most National Forests were reserved from the public domain to provide a perpetual supply of timber for home industries, to prevent destruction of the forest cover, and to maintain favorable conditions of flow. Subsequent legislation directs that the National Forests be managed for multiple use and sustained yield, based on standards and guidelines established in regulations and customized to each unit of the National Forest System through the land-use planning process. [16 U.S.C. §1604(c) and §1604(e)]. The Forest Service must also restore and preserve forests under the Healthy Forest Restoration Act, [16 U.S.C. §§6501-6591]. The Ashley National Forest and the NRA were established by land acquisition, and these units were not "reserved" from the public domain. The acquired lands are to be managed in accordance with the Colorado River Project and public recreation, and in a manner that conserves scenic, scientific, and historic values, while managing and disposing of resources compatible with these purposes. [16 U.S.C. § 460v-1]. While many of the laws governing the management of National Forests apply, the reserved water rights doctrine does not apply to acquired lands.

There is little commercial logging in Sweetwater County, but the need for forest restoration merits encouraging commercial interest. Thinning projects are warranted to reduce fuel loads that now average 95% due to insects, disease, and drought. The fuel loads on the Ashley National Forest and the NRA threaten watersheds and municipal waters in Sweetwater County. The forest lands are primarily piñon, juniper, lodgepole, and limber pine, and some Douglas fir.

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

62. GOAL: Achieve good rangeland, forest, and woodland health to ensure healthy and vibrant watersheds for current and future generations, enhance the production of water and expansion of water supplies, and sustain the stability of ranching and agriculture.

Objective 62A: Protect our environmental capital assets by managing mortality and reducing fuel loads on rangeland and forest areas.

Objective 62B: Maintain and restore watershed health by demonstrating active rangeland, forest, and woodland management.

Objective 62C: Enhance and restore habitat.

Objective 62D: Continue to provide a wide variety of trees, shrubs, and seedlings to the community for windbreaks, shelterbelts, and aesthetic value for wildlife and agricultural use.

Objective 62E: Support the early detection and control of noxious and invasive weeds and insect infestations.

Objective 62F: Support the removal of pinyon-juniper trees to help restore grassland and woodland habitat types to support wildlife and livestock grazing.

63. GOAL: Support and promote a sustainable and continuous supply of forage, timber, wood products, bio-fuels, firewood, wildlife, fisheries, recreation, and water supplies utilizing multiple use on our public rangelands, forests, and woodlands.

Objective 63A: Request to be involved in the designation/management of areas that may require single-use or restrictive-use.

Objective 63B: Support the maximum area of land possible to be excluded from single-use or restrictive-use designations, so that excluded land is available for active and sound management.

Objective 63C: Support local land managers on site-specific management decisions based on sound science, compliance with Wyoming Standards for Healthy Public Rangelands, and Best Management Practices. [Wyoming Standards for Healthy Rangelands],

Objective 63D: Ensure that rangeland health assessments identify all of the causal factors when there is a failure to meet the Wyoming Standards for Healthy Rangelands and that livestock grazing uses are not reduced to compensate for or mitigate the impacts of other causal factors.

Objective 63E: Support continuous flows of water by ensuring that vegetation remains healthy and plant species represent a diverse succession of stages.

64. GOAL: Educate the public on the benefits of multiple use and long-term sustained yield of rangeland and woodland resources.

Objective 64A: Encourage public education documenting through science and practical experience the benefits of active management of rangelands, forests, woodlands, and other areas.

Objective 64B: Support cooperation with public land managers, local organizations, boards, and governments on the importance of public lands to local infrastructure maintenance.

Objective 64C: Support agreements with federal and state agencies to formalize a working relationship with local, state, and federal land managers.

Policy 64A: Encourage the creation of a model in Sweetwater County that demonstrates how active rangeland management can meet economic needs, while maintaining and restoring watershed health.

Policy 64B: Work with local, state, and federal agencies in partnership to help assess the state of our rangelands, forests, and woodlands.

Policy 64C: Explore vegetation management and harvest methods, where applicable, that enhance wildlife habitat, through vigorous new growth and a natural mosaic, and that reduce fuel loads.

Policy 64D: Support local, regional, state, and federal partnerships in the manufacture and use of forest and forest by-products, including innovative ways to harvest timber.

Policy 64E: Coordinate the monitoring of wildlife species with the Wyoming Game & Fish, permittees, private landowners, state, and federal land managers, to provide project engineering design, construction, and prescribed burning support for resource enhancement. The forestlands/woodlands program will provide support for vegetation treatments in both rangeland and forest areas to enhance wildlife habitat.

Policy 64F: Support the four principal dimensions as outlined by the [National Forest County Partnership Restoration Program] to address the existing extreme fire potential, which are;

(1) Community-based collaboration with stakeholders;

(2) Integration of Best Management Practices that incorporate peer-reviewed science;

(3) Expedited implementation of rangeland, forest watershed, and landscape restoration and enhancement projects at the site-specific and landscape levels;

(4) Flexibility in authorities and programming. [Mega Ag Convention Joint Resolutions], [Wyoming Association of Conservation Districts], [Wyoming Stock Growers Association], and [Wyoming Wool Growers Association].

Policy 64G: Recommend the following actions to assist in ensuring healthy and sustainable rangelands, forests, woodlands, and other areas:

Policy 64H: Become actively involved in multi-jurisdictional/county-level coordinating committees, such as those formed under the National Fire Plan, or where these committees do not currently exist, initiate committee formation to address rangeland and forest management concerns.

Policy 64I: Examine criteria for the USDA - Forest Service and DOI competitive grant processes for the National Fire Plan to determine avenues to improve the ranking of projects from Wyoming designed to address wildfire fuels mitigation. [Wyoming Forces Action Plan Map].

Policy 64J: Seek cooperating or coordinating agency status where the District has jurisdiction, expertise, or capacity within the District exists, to facilitate input into planning and management, providing review and comments to pre-planning project implementation, EA, and EIS document development.

Policy 64K: Actively promote fuel reduction projects to protect watersheds, water quality, and vegetation, as well as sage grouse habitat.

Policy 64L: Ensure that federal policies, including the "Right Fire, Right Time, and Right Place" policy, are implemented without displacing land uses, including livestock grazing and recreation.

Policy 64M: Support the Wyoming Office of State Lands Strategic Plan with respect to management of forest resources on private land to achieve the best long-term return on investment and to promote healthy forests. Support efforts to encourage a similar and compatible policy with respect to forests on federal land that are eligible for harvest or intensive management to reduce the incidence of disease and insect infestation.

Policy 64N: Develop or participate in a coordinated plan to reduce fuel loads in forest areas that are already infested and manage the remaining forested areas to minimize further infestation.

Policy 64O: Address the impacts of beetle infestation and disease.

Policy 64P: Include in the plan soil conservation and revegetation to restore the forested areas and improve forest health.

Policy 64Q: Ensure that recovered wood products are used, whether for building material or biofuels.

Flora And Management Of Vegetation

Management of vegetation is based on the flora (plants) of a particular region, district, or period; a description of these plants includes native and introduced plants in 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 than on State- or federal-owned land. 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 and dewater riparian areas and wetlands. 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 and wildlife habitat, including Greater sage grouse habitat. The spread of invasive species, such as halogeton and cheatgrass, by surface-disturbing activities, combined with wind and wildlife, also threatens rangeland resources. 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.

65. GOAL: Encourage and facilitate reclamation and mitigation of the impacts on the forage resource that comes as a result of surface disturbance from mining, oil and gas, utilities, and recreation.

Objective 65A: 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.

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

Objective 66A: Encourage immediate reclamation after surface disturbing activities, site stabilization and intermediate reclamation, the use of native and sterile nonnative plant seeds to stabilize soils, and monitoring reclamation efforts to facilitate the re-establishment of native or other desired vegetation.

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

68. GOAL: Support and work to identify range management objectives based on site potential, climate, and land uses.

Objective 68A: Facilitate and support monitoring and evaluation of rangeland, soil, and water conditions to ensure that management decisions are based on sound and credible data as mandated in state and federal law.

69. GOAL: Support the establishment of habitats that are ecologically sustainable, diverse in species and structure, and not manage habitat for the benefit of a single species in the County based on site potential and climate, and set goals for plant management to benefit and protect rangeland resources, soil, and water.

Objective 69A: Work to secure an NRCS accepted Level III Soil Survey on all lands in Sweetwater County to identify Desired Plant Communities.

Objective 69B: Support a local, regional, state, and federal partnership effort to complete a Level III NRCS accepted, prioritized, digitized, and published soil survey for all of the lands in Sweetwater County (unique checkerboard land pattern requires a three-way partnership).

Objective 69C: Support the use of the completed Soil Survey to manage highly erodible soils found in Sweetwater County, to maintain productivity, minimize erosion, protect private and public water reserves, water quality, limit severe and critical erosion by restricting or mitigating surface disturbance to reduce soil erosion, and to restore degraded areas.

Objective 69D: Request local, state, and federal agencies to work with the local public to develop Desired Plant Community goals for management areas. These goals shall provide for a variety of land uses and maintain and enhance the rangeland, soil, and water resources to stabilize ranching and agriculture in the District and, in turn, protect the culture and economy of Sweetwater County. Native vs. non-native species, and desirable and non-desirable species, shall be identified through a local input process for the County.

Objective 69E: Request cooperation in the identification of and recovery-planning efforts for sensitive, threatened, and endangered plant species, which evaluate, mitigate, and support the County's culture and customs, economic viability, and community stability.

70. GOAL: Encourage and promote the protection of the grassland resources from the invasion and expansion of juniper/piñon pine, conifers, sagebrush, and non-native invasive plants and noxious weeds.

Objective 70A: Participate in the review of and encourage the inclusion of control measures for wood species.

Objective 70B: 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 70A: Recommend local, state, and federal agency research and provide funding opportunities and compensation to landowners who provide high-quality habitat for animal and plant wildlife species of concern.

Policy 70B. The characterization and conservation of soil and soil resources are fundamental to the proper development of all-natural resource use and are a legislative declaration of the District. Utilize the digitized/published soil surveys and complete the Natural Resources Conservation Service accepted Level III Soil Survey (digitized/published) for all lands within Sweetwater County.

Policy 70C: Recommend that local, state, and federal partners fund an NRCS-accepted Level III Soil Survey on all lands within Sweetwater County.

Policy 70D: Recommend locally driven efforts be initiated to identify Desired Plant Communities for areas within Sweetwater County.

Policy 70E: Recommend at least one District representative or LRAC designee from flora (plant) interests to be included in any team-based decision-making process by local, state, or federal agencies that relates to vegetation management in the County.

Policy 70F: Request to be notified by local, state, and federal agencies of any action or regulation that 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 70G: 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 and invasive weeds across all land is a national problem that threatens the productivity of rangelands and farmland. [Ex. Order 13112 Invasive Species (Feb. 3, 1999)] Halogeton and cheatgrass are two noxious weeds that are particularly abundant in Sweetwater County and adversely impact rangeland and farmland productivity. Surface-disturbing activities create conditions that facilitate the presence and spread of these noxious weeds. Weed seeds are primarily transmitted by wind, wildlife, and birds, but they will take root more easily in disturbed soil. Sweetwater County has an aggressive weed control program in place, including full-time County Weed Supervisors and a five-member Weed and Pest Board.

71. GOAL: Support and cooperate in the development of a comprehensive Sweetwater County Weed Management Plan.

Objective 71A: Encourage the implementation of county weed control policies.

Objective 71B: Continue the County commitment to fund weed control programs in Sweetwater County. Review and be consistent with the Weed & Pest plan or encourage working relationships.

72. GOAL: Support the eradication, to the extent possible, of nonnative invasive plants and noxious weeds within Sweetwater County. [2003 Declared List of Weeds and Pests, Wyoming Weed and Pest Control Board, as amended.]

Objective 72A: Support the [Sweetwater County Weed & Pest Board] ("SCWPB") as the weed authority for Sweetwater County.

Objective 72B: Encourage the cooperation of local, state, and federal governments for procurement of additional funding for SCWPB for the control of weeds on all lands in the County.

Objective 72C: Support SCWPB's current and future efforts to identify the location of all noxious weeds, in particular halogeton and cheatgrass, and similar invasive plants, and initiate management and/or eradication.

Objective 72D: Cooperate in noxious weed control to improve the productivity of federally-managed rangelands consistent with local, state, and federal law and policies to eradicate noxious and invasive weeds, and to enhance native vegetation. List of Weeds and Pests, Wyoming Weed and Pest Control Board, as amended; [Executive Order 13112, Invasive Species (Feb. 3, 1999)].

Objective 72E: Support cooperative agreements and, if necessary, legal actions to assure the protection of all lands from noxious weed invasion or occupation.

Objective 72F: Communicate, coordinate, and consult with local, state, and federal governments on education about the eradication of invasive alien species.

73. GOAL: Recognize the State of Wyoming Noxious Weed List. [2003 Declared List of Weeds and Pests], Wyoming Weed and Pest Control Board, [Wyo. Stat. §11-5-102(a)(xi)] and assist Sweetwater Weed & Pest Districts in monitoring efforts of invasive plant species and noxious weed infestations throughout the county.

Objective 73A: Work with the State and SCWPB to add Cheatgrass and Halogeton to the Wyoming Noxious Weed List.

74. GOAL: Support control of undesirable plants and pests, including mosquitoes, by scientific 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 74A: 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 74B: 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.

75. GOAL: Oppose efforts of special interest groups to attribute noxious weed infestation to livestock grazing.

Objectiv-75A: Educate agency personnel and the public regarding the documented vectors of wind, wildlife, and birds for the transfer of noxious weeds and methods to eradicate infestations.

Livestock Grazing

The production of livestock in Sweetwater County is necessary to the area's economy, tax base, and 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 County's customs and culture.

Range production and livestock grazing are management tools used to maintain and enhance the rangeland resource. Improving the rangeland resource through livestock grazing benefits watersheds, wildlife, water quality, and recreation, reduces wildfire risk, and provides needed forage for sustaining livestock production and wildlife habitat.

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. [43 U.S.C. §315], and [Executive Order No. 6910 of November 26, 1934]. 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 the 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 and identified livestock grazing, along with mineral development, wildlife, recreation, and rights-of-way, as primary multiple uses. [43 U.S.C. §1802(l)], [43 U.S.C. §1832(a)], [43 U.S.C. §1901(a)(4)].

PRIA directed BLM to intensively manage public lands to improve rangeland conditions. [43 U.S.C. §1901(b)]. Congress also earmarked $10 to $15 million each year to fund range improvement projects, including water development and vegetation treatment. [43 U.S.C. §1904(a), (c)].

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

Objective 76A: Support the continued use of federal and state lands for livestock grazing.

Objective 76B: Support the recognition and protection of all private property rights, including water rights.

Objective 76C: Support the recognition and protection of the right to graze livestock on public lands through legal recognition of grazing preference rights.

Objective 76D: Support range livestock production that is environmentally and economically viable.

Objective 76E: Support locally-led coordinated resource management planning to resolve management conflicts and to ensure involvement of all interests.

77. GOAL: Coordinate with the Wyoming Game and Fish Department to ensure that wildlife and big game numbers do not outstrip habitat and to reduce conflicts between rangeland resources for livestock grazing and wildlife forage and habitat needs. Federal land managers must

promptly notify the WGFD and request immediate adjustments in wildlife numbers when habitat capacity is exceeded.

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

    Objective 78A: Encourage compliance with all applicable state and federal rangeland and livestock grazing laws, with state law being applied when there is no explicit federal preemption.

    Objective 78B: Encourage the use of coordinated resource management plans (allotment management plans or coordinated activity plans) for each grazing allotment that allow for the flexibility and updating of management during the ten-year term of the grazing permit. (*i.e., water development, juniper/sagebrush control, re-seeding, fencing, salting plans, herding plans,* and grazing systems).

    Objective 78C: Encourage utilization of rangeland standards and guidelines that are scientifically proven and peer reviewed, and work to change standards and guidelines when they are unnecessary and scientifically controversial or unproven.

    Objective 78D: Support consistent monitoring of vegetation conditions.

79. **GOAL: Support and facilitate range improvement projects to benefit rangeland, soil, and water resources.**

    Objective 79A: Support enhancement of habitat for the benefit of livestock and wildlife through the use of range improvements.

    Objective 79B: Ensure that water projects developed for livestock will be designed so that wildlife can use the water without hazard.

    Objective 79C: Support decisions regarding range improvements to be made on an allotment basis, as they are an integral part of the use of state leases, private leases, private lands, other allotments, and the overall operation of each ranch enterprise. Facilitate funding and necessary environmental reviews to reduce costly delays.

    Policy 79A: The District will support opportunities for livestock grazing on private, state, and federal lands. This includes advocating for the protection of equitable property rights, science-based land stewardship, and the promotion of Best Management Practices to improve and sustain the use of all rangelands and irrigated cropland within the District.

    Policy 79B: Use scientifically-sound management practices and the development of planned to graze 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 79C: Oppose agency efforts to restrict the development of livestock water or other rangeland improvements.

Policy 79D: 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 requires a federal land agency to "coordinate, consult, and cooperate" with the permittee or lessee and the state land agencies when preparing an allotment management plan. [43 U.S.C. §1752(d)]. In Wyoming, the Section 8 review is facilitated through a memorandum of understanding between the Department of the Interior and the Wyoming Public Lands Council that establishes a rangeland monitoring program. [Memorandum of Understanding between Department of the Interior Bureau of Land Management and Public Lands Council on Cooperative Rangeland Monitoring (January 30, 2017)].

Policy 79E: The Wyoming Department of Agriculture also sponsors an Agricultural & Natural Resource Mediation Program that includes a technical review team to examine the reasonableness of an agency decision.

Policy 79F: The Wyoming Department of Agriculture sponsors rangeland health assessment by providing grants and technical assistance to landowners. The State has signed memoranda of understanding with the affected state and federal agencies to facilitate acceptance of the studies.

Policy 79G: 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 79H: Recommend that 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 79I: 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. [43 U.S.C. §§1701(a)(2)]; [43 U.S.C. §§1802(d)]; 43 U.S.C. §§1712(c)(9)], [43 U.S.C. §§1712(e)]; and [43 U.S.C. §§1752].

Policy 79J: Work to increase the productivity of rangeland to increase and/or maintain Animal Unit Month ("AUMs") to maximum sustainable levels on rangeland in Sweetwater County.

Policy 79K: 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 79L: The District may seek cooperating 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 individuals to serve on the planning team, provide data and research on the role of grazing, and facilitate the free flow of information.

Policy 79M: It is the District's position that:

- Management of public lands must maintain and enhance agriculture to retain its contribution to the local economy, customs, culture, and heritage, as well as a secure national food supply.

- Forests, rangelands, and watersheds, in a healthy condition, are necessary and beneficial for wildlife, livestock grazing, and other multiple uses.

- Management programs and initiatives that increase forage for the mutual benefit of the watersheds, livestock operations, and wildlife species should utilize all proven techniques and tools.

- Most of the public lands in the District were classified as chiefly valuable for livestock grazing and were withdrawn from operation of the general land laws, which closed public lands to settlement but directed that they be open for mineral development and be managed for livestock grazing pursuant to the Taylor Grazing Act. The available forage was then allocated between wildlife and grazing preference holders, such that the established grazing preference represented the best professional judgment of the Bureau of Land Management at that time. The government cannot properly change these decisions without amending the original withdrawal and revising the land-use plan based on sound, valid monitoring data.

- Forage allocated to livestock may not be reduced for allocation to other uses. Current livestock allocation will be maintained.

- The government agencies should support financially the structural and vegetation improvements needed to ensure there is sufficient forage, especially when there is pressure from other land uses, and to maintain or improve overall vegetation and resource conditions.

- The continued viability of livestock operations and the livestock industry should be supported on the federal lands within the District by management of the lands and

forage resources, by the proper optimization of animal unit months for livestock, in accordance with supportable science and the multiple use provisions of the Federal Land Policy and Management Act of 1976, [43 U.S.C. §§1701 et seq]., the provisions of the Taylor Grazing Act of 1934, [43 U.S.C. §§315 et seq], and the Public Rangelands Improvement Act, [43 U.S.C. §§1901, et seq].

- Land management plans, programs, and initiatives should ensure that the amount of domestic livestock forage, expressed in animal unit months, for permitted, active use as well as wildlife forage, is no less than the maximum number of animal unit months sustainable by range conditions in grazing allotments and districts, based on an on-the-ground and scientific analysis. It opposes the relinquishment or retirement of grazing animal unit months in favor of conservation easements, wildlife, wild horses, and other uses.

- Animal unit months allocated to livestock grazing should not be converted to wildlife or wild horses, because those allocation decisions were made in the 1960s and 1970s when forage conditions were less productive. The loss of livestock grazing AUMs harms the agricultural community.

- Any reductions in domestic livestock animal unit months must be temporary and scientifically based upon rangeland conditions.

- Policies, plans, programs, initiatives, resource management plans, and forest plans may not allow the placement of grazing animal unit months in a suspended use category unless there is a rational and scientific determination that the condition of the rangeland allotment or district in question will not sustain the animal unit months proposed to be placed in suspended use. Any grazing animal unit months that are placed in a suspended use category should be returned to active use when range conditions improve.

- Allotments should not be placed and/or left in vacant status unless there is a rational and scientific determination that the condition of the range cannot support grazing. Vacant allotments shall be made available for livestock grazing if and/or when range conditions can support grazing.

- Policies, plans, programs, and initiatives related to vegetation management should recognize and uphold the preference for domestic grazing over alternative forage uses in established grazing districts while upholding management practices that optimize and optimize and expand forage for grazing and wildlife in conjunction with state wildlife management plans and programs to provide maximum available forage for all uses.

- In established grazing districts, animal unit months that have been reduced due to rangeland health concerns should be restored to livestock when rangeland conditions improve, and should not be converted to wildlife use.

- The proper management and allocation of forage on public lands is critical to the viability of the District's agriculture, recreation, and tourism industry.

- Management of forage resources directly affects water quality and water yields.

- Increases in available forage resulting from conservation practice, improved range condition, or development of improvements by the livestock operators or other allocated forage users will be credited to that use.

- Increases in available forage resulting from practices or improvements implemented by managing agencies will be allocated proportionately to all forage allocations unless the funding source specifies the beneficiary.

- Upon termination of a permit, the livestock permittee will be compensated for the remaining value of improvements or be allowed to remove such improvements that the permittee made on his/her allotment.

- Forage reductions resulting from forage studies, fire, drought, or other natural disasters will be implemented on an allotment basis and applied proportionately based on the respective allocation to livestock, wildlife, and wild horses. Reductions resulting from forage studies will be applied to the use or uses responsible for the forage impact.

- Permittee may sell or exchange permits. Such transactions shall be promptly processed. Changes in seasons of use or forage allocation must not be made without full and meaningful consultation and coordination with the permittee.

- The permitted seasons of use outlined in a management plan may be adjusted and still be in conformance with the plan if;

    - meeting, maintaining, or making progress towards meeting for range management standards officially adopted by the managing agency.
    - The managing agency and the permittee sign an agreement documenting the monitoring plan.
    - With coordination, consultation, and cooperation, the managing agency develops grazing management practices determined necessary, including those that provide for the physiological requirements of desired plants.

- Livestock allocations must be protected from encroachment by wild horses and wildlife. Permanent increases or decreases in grazing allocations reflecting changes in available forage will be based on the vegetative type of available forage and applied proportionately to livestock or wildlife based on their respective dietary need.

Policy 79N: Federal law provides that the seasons of use are part of the grazing permit, and these terms cannot be unilaterally changed.

Policy 79O: NEPA documents addressing the impacts of full-field oil and gas development must also provide for mitigation and compensation to affected ranchers for loss of grazing and disruption.

Fire Management

The District supports the sound use of fire, such as in prescribed burns, thinning, or 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 the use of wildfire to reduce fuel loads and the risk of catastrophic wildfire. Fire Management Plan, Southwestern Zone, Wyoming. Wyoming launched the Wyoming Wildfire Risk Assessment Portal, which identifies several areas in Sweetwater County as high- and very-high-risk for wildfire. Experience has shown that rangeland grasses and brush continue to pose a significant wildfire risk. Decadent conifer and pinon juniper also pose wildfire risks.

The District recognizes that intense wildfires harm organic material in soils, increase soil erosion and pollute water, generate significant air pollution from particulates and ozone precursors, and cause substantial damage to rangeland resources, water treatment facilities, irrigation systems, and the loss of fish and wildlife habitat. When forested or rangeland areas are not managed, and fuel loads build up, wildfires managed under a "let it burn" policy can lead to catastrophic consequences. While natural wildfires may allow the landowner to improve vegetation, these situations are distinguished from the use of "let it burn" or "right fire, right place and right time" policies in roadless or wilderness study areas that allow wildfires to burn thousands and even hundreds of thousands of acres or escape to destroy property and threaten communities.

The State of Wyoming Wildland Urban Interface map identifies several areas in Sweetwater County at risk of wildfire. [Wyoming Wildfire Risk Assessment Portal] These include lands east of Flaming Gorge NRA and south of I-80 along Highway 191, including areas north of and on Miller Mountain, and in the Greater Red Creek Area of Critical Environmental Concern. Rangeland fires occur frequently in Sweetwater County.

The Ashley and Uinta Wasatch Cache National Forests in Utah carry very high fuel loads (95%). Projects to reduce fuel loads face regulatory obstacles because many of the affected areas are managed under the Roadless Rule, and the USDA limits logging to only minimal regions. These permitted projects are insufficient to reduce current fuel loads or regenerate dead stands. Even areas outside the roadless rule designations are limited to small logging projects to limit controversy. Wildfires in Utah forestlands impact the watershed for Sweetwater County.

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, or threaten the habitat of sensitive species. The blanket fire suppression policy of the past has contributed to extensive juniper, piñon pine/conifer encroachment and to habitat deterioration. In rangeland and grassland areas, the combination of weather, drought, and reduced use can also lead to increased fuel loading, facilitating larger, more intense wildfires. The role of wildfire and fire suppression in maintaining sagebrush habitat is also controversial, with some evidence suggesting that past fire suppression reduced overall forage productivity and sagebrush habitat.

The Department of the Interior declared suppression of wildfire in sage grouse habitat a priority. Interior also directed that suppression of non-native and noxious weeds be a priority component of reclamation after a wildfire.

Wildfires remain a significant contributor to air quality degradation through particulate matter from ash and the release of NOx and volatile organic compounds, which are ozone precursors. Even though wildfire pollution is both visible and quantifiable, air quality agencies neither regulate wildfire nor grant relief to affected states when air quality goals are not met. Wildfire smoke travels thousands of miles and will skew air quality compliance across multiple states.

80. GOAL: Where appropriate, encourage limited utilization of fire and, otherwise, encourage fire suppression, to support and expand multiple uses and to achieve vegetation management goals.

Objective 80A: 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 and/or provides critical habitat for sensitive species.

Objective 80B: Participate in the consideration of a limited and judicious use of wildfire, rather than favoring a "let it burn" or "Right Fire, Right Time, Right Place" policy, except for areas where invading and expanding shrubs and trees are reducing the value of the rangeland resources.

Objective 80C: Encourage development of policies for grazing rest prescriptions related to either wildfires or prescribed burns on a site-specific basis, taking into account the weather, needs of the vegetation, and flexibility to meet the needs of the rancher.

Objective 80D: Encourage development of vegetation treatments and use of livestock grazing to keep fuel loads within appropriate limits.

Objective 80E: Encourage the adoption of the following policies by regulatory entities:

Policy 80A: 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 80B: Post-fire grazing will not be limited when monitoring and evaluation produce relevant, accurate data that demonstrates grazing will not unduly harm the range.

Policy 80C: In the planning of prescribed burns, where feasible, market the renewable timber resource while reserving desirable seed trees, before burning.

Policy 80D: Fire should not replace timber harvest as the primary forest management tool.

Policy 80E: Post-fire reclamation must also include aggressive efforts to limit or eradicate non-native and noxious weeds, including cheatgrass and halogeton.

Policy 80F: Request that the Wyoming Department of Environmental Quality adjust air quality readings where wildfire is a factor.

Wildlife

The term "wildlife" refers to animals living in the wild 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.); fishing (aquatic wildlife, managing endangered fishes, etc.); passive recreation (bird watching, wildlife viewing, etc.); and protection of 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 it is less essential today, it still provides a food source and recreational opportunities for many people. As such, it is a component of the County's customs and culture.

The County is renowned for its big-game hunting and offers excellent opportunities for County residents and visitors. Employment as guides and the sale of supplies, equipment, meals, fuel, and lodging for hunters provide income for County residents and contribute to the overall county economy.

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 significant numbers through migration and grazing habits. This intensifies competition for available forage and exacerbates conflicts between wildlife habitat and management objectives aimed at maintaining rangeland conditions for livestock grazing. There is a real need for coordinated wildlife management, inventory, and harvest to balance habitat availability and wildlife populations.

The County enjoys diverse and abundant populations of game and non-game wildlife. This resource provides a variety of recreational opportunities and potential economic benefits.

Wildlife interests should be considered in all public land-use and resource-development decisions, and the District supports responsible wildlife management practices that complement other County interests. The District supports reasonable critical habitat classifications, seasonal closures, and buffer zones to restrict uses, so long as these regulations and policies do not create a "single-use" status and are based on actual use rather than potential use. Habitat classifications, seasonal closures, and buffer

zones for specific species need to be adapted to accommodate other resource uses and/or development, in line with the spirit and direction of multiple uses.

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

Objective 81A: Request cooperation and coordination with the local, state, and federal agencies to ensure a sustained harvest of game birds, fish, and mammals, which is beneficial to these game populations.

Objective 81B: Support wildlife management objectives and numbers based on what the range conditions and habitat can support. Wildlife habitats should be managed to sustain wildlife populations, while accounting for obligations to livestock grazing, competing resource management objectives, and drought.

Objective 81C: Support reasonable and science-based protection and restoration of critical winter range habitat, while respecting private property and considering the economic effects.

Objective 81D: Recommend that crucial or critical habitat designations consider economic impacts to the human environment, possible conflicts with other land uses, and protection of private property rights.

Objective 81E: Recommend local, state, and federal agencies' research and provide funding opportunities and compensation to landowners for resource enhancement that benefits wildlife.

Objective 81F: Request the inclusion of at least one SWCCD board member or designee to represent wildlife interests for any team-based decision-making process by local, state, or federal agencies that affects wildlife resources in the County.

Objective 81G: Support mitigation measures when conflicts with wildlife and livestock occur, 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 the quantified role of grazing relative to other causal factors, in accordance with Wyoming Standards for Healthy Rangelands, to ensure that other resource uses are adequately protected. [Wyoming Standards for Healthy Rangelands.]

Objective 81H: Oppose closures or restrictions in traditional winter range areas 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 habitat.

Objective 81I: Support migration corridors so long as they are based on the needs of the herd, rather than a single animal, designate an appropriate scale of land area, and do not impose land use closures. Landowners and local governments must be involved in any designation.

82. 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 82A: Evaluate and comment on Wildlife Management Plans to ensure that they 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, waterfowl fowl, and big game habitat to meet the health of vegetation communities and rangeland health standards.

Objective 82B: Evaluate and comment on Wildlife Management Plans to achieve the aim of maintaining healthy wildlife populations balanced with resource carrying capacity and other land uses.

Objective 82C: Encourage rangeland and forest studies to monitor wildlife relationships to the available habitat and impacts of wildlife on vegetation enhancement projects.

Objective 82D: Help to fund cooperative studies with willing private landowners on wildlife damage to rangeland resources and related concerns.

Objective 82E: Help to fund the study of wildlife population fluctuations related to both habitat conditions and other non-habitat impacts, which affect reproduction and survival.

Objective 82F: Encourage development of a recordkeeping system that tracks the incidence and disposition of wildlife damage on federal, state, and private lands.

Objective 82G: 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.

Objective 82H: Encourage cooperation among local, regional, state, and federal governments and private landowners in the management of big game and non-game wildlife species, including threatened and endangered species and state-sensitive species populations.

Objective 82I: Encourage opening of access roads for late-season hunts when expected harvest quotas have not been met while preserving the integrity of other resource values. Encourage landowners to voluntarily provide access to their private lands if a large number of targeted species reside there during the late-season hunt period, or if the landowner controls access to public land where the targeted animals reside.

Objective 82J: Coordinate with the Wyoming Game & Fish to ensure consultation with all affected landowners, lessees, and permittees in the development of specific wildlife

population targets, harvest guidelines, and late-season and special hunts when harvest guidelines are not met.

83. GOAL: Help to fund the scientifically-based and peer-reviewed management and monitoring of wildlife resources and habitat impacts in the County to meet the multiple-use desires and objectives and the conservation of rangeland resources, soil, and water while respecting the legal grazing rights of ranching and agriculture interests and meeting other multiple-use objectives, including mineral and energy development.

Objective 83A: Encourage wildlife management practices that sustain wildlife resources and habitat without measurably degrading other multiple-use activities or private property rights.

Objective 83B: Support game herd population objectives and management decisions that will benefit the wildlife resource, including species viability, while taking into consideration and mitigating competition between wildlife species and domestic livestock and range management objectives.

Objective 83C: Recommend that wildlife management agencies dedicate funds to compensate landowners for game damage based on problematic site needs.

Objective 83D: Recommend that the results from the Small Water Projects Program currently conducted by the Wyoming Water Development Commission be implemented to increase water storage capacity to meet the needs of agriculture, industry, recreation, municipalities, and endangered fish.

Objective 83E: Recommend that regulatory agencies adopt bond release criteria for mine reclamation lands based on established criteria for habitat goals (topographic relief, surface water management techniques, and establishment of diverse vegetation).

Objective 83F: Discourage the release through introduction or reintroduction of non-domesticated exotic [non-native] wildlife species, unless it is shown that there is adequate forage and habitat before introduction or reintroduction and that introduction or reintroduction will have no significant impact on existing wild game populations (*i.e.*, wild turkeys, chuckers, and pheasants) and domestic livestock grazing. Any introduced or reintroduced species should have the potential to increase sportsman opportunity and tax revenue without adverse effects on other land uses, such as canceling sheep grazing permits in significant horn sheep introduction areas.

Objective 83G: Recommend that wildlife management agencies dedicate financial and personnel resources to predator management. Encourage sportsmen, landowners, and private citizens concerned about the unreasonable take of wild game and domesticated stock by predators to support funding for predator control, including the purchase of management stamps issued through licensing agents.

Objective 83H: Request to be notified by local, state, and/or federal agencies of any actions or regulations that involve wildlife on private, state, and federal land within the County.

The District may review and comment on state or federal actions or changes significant to wildlife issues in the County.

84. GOAL: Ensure that proposed wildlife introductions on federal and state lands and affected private lands are evaluated by consulting with state and local government entities and involving the public. Wildlife introductions and populations that may encroach on state and private lands will be planned and evaluated in accordance with local land-use plans, in consultation with local government entities and the public, and under NEPA when it applies.

Objective 84A: Support cooperative management agreements with permittees, agencies, and conservation organizations so long as wildlife use will be limited to the allocated forage. Wildlife numbers in excess of those for which forage has been provided should be considered excess and be reduced.

85. GOAL: Mediate management of wildlife and wildlife habitat conflicts and competition with range resource management objectives for livestock grazing.

Objective 85A: Oppose the conversion of livestock AUMs to wildlife AUMs. Forage allocations should be based on recognized grazing preference rights and the results of scientific forage studies identifying available forage for wildlife and livestock.

Objective 85B: Ensure that forage for introduced animals will be allocated from existing forage allocated to wild horses and wildlife and not from livestock grazing allocations. Wildlife introductions should not entail additional land use restrictions or stipulations for mineral development or grazing.

Objective 85C: Recommend that season-of-use conflicts between livestock and wildlife be addressed by revisiting the wildlife population objectives and in annual allotment operating plans to provide for maximum flexibility to allow permittees to utilize forage allocations for livestock best.

Objective 85D: 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 causal factor in the area not meeting the Wyoming Healthy Rangeland Standards.

Objective 85E: Support partnerships to monitor the fragmentation of wildlife habitat.

Policy 85A: Encourage the use of local, state, and federal cost-share programs for wildlife habitat enhancement.

Policy 85B: Support participation in local, regional, state, and federal planning efforts that affect wildlife resources in the County.

Policy 85C: 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 85D: Participate in proposals to introduce or reintroduce 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 85E: 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 critical to the custom and culture of the County. Actively support management solutions that will avoid converting livestock AUMs to wildlife AUMs.

Policy 85F: Support responsible land management that adjusts for wildlife habitat needs when it is appropriate and supported by sound science.

Policy 85G: Well-managed resource use is compatible with healthy and sustainable wildlife populations.

Fisheries

Fishing, like hunting, plays an essential role in County life and is a major contributor to the area's economy. In the early days, fishing was a necessary part of survival, and though it is less essential today, it still provides a food resource and recreation for many people. The County has renowned blue-ribbon streams that offer excellent fishing opportunities for residents and visitors alike. The Flaming Gorge NRA and the Seedskadee Wildlife Refuge are also popular fishing opportunities. Employment opportunities include serving as an angling guide or providing services such as selling supplies, meals, fuel, lodging, and equipment.

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

Objective 86A: Support management to prevent the spread of diseases, such as whirling disease.

Objective 86B: Support management to prevent the degradation of fisheries through overuse.

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

Objective 87A: If it is scientifically determined that introduced (including non-native) species are not competing, displacing, or harming the native fish populations, choose and consider the economic impact on Sweetwater County, before taking any action to introduce non-native species.

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

Objective 88A: Support a coordinated approach when overcrowding or overuse becomes a problem.

89. GOAL: Encourage a coordinated approach when conflicts between anglers and other resource users exist.

Objective 89A: 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 that is likely to become a listed species and sustain itself through natural reproduction.

Objective 89B: Ensure that instream flows identified to maintain or enhance fisheries are derived from water storage and do not impair water rights. [Wyo. Stat. §§41-3-1001-1014].

Policy 89A: Preference will be given to a fish species that is likely to provide recreational fishing as soon as possible after introduction or is expected to become a listed species and will sustain itself through natural reproduction. Historically, the Green River and its tributaries in Sweetwater County have supported 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 substantial 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 on the minerals industry nor adversely affect access to water by livestock and agriculture.

Policy 89B: The fish habitat must be shown to exist before any introduction or reintroduction, and any adverse impacts on existing uses must be mitigated.

Policy 89C: Oppose the introduction or reintroduction of any predators, fish, or wildlife.

Recreation

The County has a wide array of recreational and tourism opportunities for residents and visitors alike. Visitors to these areas have a direct impact by drawing on county-provided infrastructure such as law enforcement, emergency medical services, and waste disposal services, and they have a significant effect on the area's economy and tax base. Store owners, restaurants, hotels and motels, outfitters, and many more interests depend on seasonal recreation and tourism for their livelihoods. Activities that traditionally define recreation and tourism in the County include, but are not limited to, big game hunting, trapping, fishing, off-road vehicle use, mountain biking, hiking, camping, snowmobiling, cross-country skiing, river rafting, kayaking, hang-gliding, and bird and wildlife watching.

90. GOAL: Encourage a broad spectrum of federal land recreational opportunities in the County, while protecting and conserving natural resources consistent with the Plan.

Objective 90A: Encourage recreational activities that enhance opportunities for economic development and maintain the customs and culture of the County.

Objective 90B: Encourage recreational activities on the lands in the County that increase the capacity for federal and state land resources to provide greater economic return to the County.

Objective 90C: Locate and assess the areas where recreation uses are having adverse resource impacts.

91. GOAL: Encourage recognition of the social, cultural, and economic significance of recreation in the region, and encourage implementation of policies that will evaluate the viability and impacts of various recreational opportunities, while ensuring protection of other resources and conservation of rangeland, water, and soil resources.

92. GOAL: Encourage implementation of plans and programs that provide a balance of motorized and non-motorized recreational opportunities in the County.

93. GOAL: Support recreation in the management of state and federal lands that are consistent with the multiple uses of these lands, and to promote the continuation of historical access on state and federal lands to facilitate recreation uses.

Objective 93A: Encourage private sector development of recreation services and programs.

Objective 93B: Support the [BLM Tread Lightly and Respect and Protect Program] as part of efforts to conserve soil and cultural resources. [Tread Lightly Program.]

Objective 93C: Request to be notified of proposed management and fee options for recreation areas.

Objective 93D: Maintain existing levels of recreation facilities and areas, including those for motorized use, and increase available facilities where there is demand for additional recreation, including motorized recreation, consistent with allocated land uses.

Objective 93E: Analyze and provide for the increased demand for dispersed and motorized recreation opportunities in light of the importance of recreation to the economy, customs, and culture.

Policy 93A: Resource development and recreation are not exclusive.

Policy 93B: Recreation should not favor one type of use to the exclusion of others.

Policy 93C: Livestock grazing should not be modified or reduced if conflicts arise with recreation activities. The recreating public should be educated through signage explaining the

historic and current grazing on public lands and the importance of keeping gates on allotments and pasture fences closed.

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Predator And Pest Control

The Animal Damage Control program is conducted with the cooperation of the Animal, Plant Health Inspection Service-Animal Damage Control, Wildlife Services ("APHIS-ADC, WS") of the USDA pursuant to the Animal Damage Control Act. [7 U.S.C. § 8351]. In 1999, the Wyoming legislature established the Animal Damage Management Board, which administers animal damage control in Wyoming and provides additional funding from hunting licenses to participating predatory districts. [Wyo. Stat. § 11-6-303]. [Memorandum of Understanding Between Wyoming Animal Damage Management Board and Wyoming Game and Fish Commission and Wyoming Department of Agriculture and United States Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services May 1, 2002 ("ADC MOU").] The Wyoming Animal Damage Management Board, in cooperation with the Department of Agriculture, the Game and Fish Commission, and the local predatory animal control boards, is responsible for animal damage control with APHIS-ADC, WS. [Wyo. Stat. §§11-6-201], [Wyo. Stat. §§11-6-205], [Wyo. Stat. §§11-6-206]; [Wyo. Stat. § 11-6-304] The 23 predatory animal control boards administer the funds, which are from predatory animal control fees, Wyoming Department of Agriculture, Wyoming Game and Fish, and USDA. [Wyo. Stat. §§11-6-205], [Wyo. Stat. §§11-6-210].

The Animal Damage Management Board is composed of state officials, representatives of the livestock industry, representatives of the sportsmen and outfitters industry, the state director of the U.S. Department of Agriculture, a member from each of the Wyoming Game and Fish Commission and the Wyoming Board of Agriculture, non-consumptive users of wildlife, and one urban representative. [Wyo. Stat. § 11-6-303]. [Wyoming Animal Damage Management Board Strategic Action Plan, 1999-2004]

Predator control in Wyoming primarily focuses on preventive measures to reduce coyote and fox populations, which have reached unprecedented levels over the last 20 years. ADC also addresses problem bears, mountain lions, and wolves. Livestock operators are reimbursed for bear predation in certain circumstances. The coyote control program also tracks sylvatic plague, since antibodies to the virus can be found in coyote blood. Predator control programs also address raven populations that eat sage grouse eggs and chicks. Predators seem to greatly reduce sage grouse populations.

94. GOAL: Encourage control of predatory animals to reduce property damage and to protect wildlife and the local economy and tax base, including the viability of the agricultural community.

Objective 94A: Support trapping as a historic and environmentally sound method of controlling predatory animals.

Objective 94B: Encourage protection of private lands bordering federal and state lands from predatory animals and property damage.

Objective 94C: Encourage good husbandry and sound environmental restraints, including the option of chemical control.

Objective 94D: Encourage retention of and expansion of an animal damage control plan for the protection of livestock and crops through the county predator boards and the control of disease-carrying animals.

Objective 94E: Support predator control based on a balance between the best science available, economics, and logistics, evaluated on a case-by-case basis, utilizing currently recognized methods of predator control that remain as viable options, until such time that new and better technology offers new options.

95. GOAL: Support management of predator populations at levels consistent with the optimum utilization of forage by wild and domestic ungulates.

Objective 95A: Encourage formal agreements with local, state, and federal agencies to reduce the predation on wildlife and livestock and promote interstate cooperation in the tri-state area by initiating agreements with Colorado and Utah conservation districts and counties.

96. GOAL: Support control of predators, rodents, and insects, which are disease-bearing vectors that are a recognized threat to public health.

Objective 96A: Encourage coordination, communication, and cooperation between local, state, and federal health officials, along with veterinarians, weed and pest authorities, and predator boards.

Policy 96A: Coordinate, communicate, and cooperate with local, state, and federal agencies (i.e., Predatory Animal Boards, Weed and Pest Boards) regarding pest and predator control actions and regulations in and affecting Sweetwater County and promote agreements with state agencies and local boards in Utah and Colorado to ensure a comprehensive response to pests and predators.

Policy 96B: Reintroduction and introduction plans should provide compensation to livestock operators for the actual value of loss, including replacement cost (i.e., direct and incidental expenses relating to the loss), and prompt payment thereof.

Wild Horses

Sweetwater County is home to eight of the 16 wild horse herds in the State of Wyoming and more than half of the number of wild horses in the state. Under the Wild and Free- Roaming Horses and Burros Act ("Wild Horse Act"), [16 U.S.C. §§1331-1340], the BLM must protect and manage wild horses and maintain wild horse numbers to achieve a "thriving natural ecological balance" on the public lands. The BLM must remove wild horses from private land upon request.

Following Congress's enactment of the Wild Horse Act, the wild horse numbers grew exponentially, especially in Wyoming. Litigation brought by landowners in the Wyoming Checkerboard, part of which

lies in Sweetwater County, resulted in a federal court order requiring the BLM to keep wild horse numbers at the number accepted by the landowners. [*Mountain States Legal Foundation*], *Rock Springs Grazing Association v. Andrus*]. BLM also established "herd management areas" ("HMAs") and "appropriate management levels" ("AMLs") based on the agreement with landowners and wild horse advocates. These were then incorporated into the Green River and Rawlins resource management plans. [Map of BLM Wyoming Horse Herd Management Areas.] These plans, however, incorporated the wild horse numbers from the original agreement with wild horse advocates, independent of any calculation of the carrying capacity of the Checkerboard and the public lands. In the past 50 years, the situation changed due to chronic overpopulation of wild horses, increased regulation of livestock grazing, adoption of rangeland health standards, increases in big game numbers, periods of drought, conversion from sheep to cattle in many areas, and designation of the Greater sage grouse as a species of concern.

The Wild Horse Act requires the Rock Springs, Lander, Pinedale, and Rawlins BLM Field Managers to inventory wild horses, request funding to remove "excess" horses, and maintain the wild horses within the appropriate management levels for the HMAs within the Wyoming Checkerboard in accordance with federal court decisions or within the agreed-upon numbers for the identified HMAs.

The wild horse gathering and adoption programs have faced ongoing problems due to a lack of funding for horse removal, conflicting management priorities within the BLM, declining demand for wild horse adoption, and litigation by wild horse protection groups that often delay or prevent the removal of wild horses. While the local BLM offices implement wild horse management, their work is subject to budget decisions made by the BLM Wyoming State Office and the BLM Washington Office. Often, wild horse removal and adoption efforts are not given priority and face funding cuts as funds are diverted to higher-priority programs. The recent economic recessions led to a drop in adoptions and overcrowding in wild horse holding facilities.

In 2003, the BLM and the State entered into a consent decree under which the BLM agreed to inventory and gather wild horses in accordance with a schedule to keep them in the HMAs and at their AMLs. [*State of Wyoming v. U.S. Dept. of the Interior*, Consent Decree]. The BLM declined to renew the 2003 Consent Decree in 2013 and has opposed the State's efforts to require the agency to maintain appropriate management levels. The State again sued BLM, and the government chose to oppose the litigation rather than address the excess number of wild horses in the HMAs. The District Court dismissed the case on jurisdictional grounds, and the Tenth Circuit Court of Appeals agreed.

In 2014, the State legislature funded a fecal monitoring program to document wild horse numbers and resource impacts, especially on sagebrush habitat. The data showed that the wild horse diet is overwhelmingly grasses and forbs. An earlier study found that wild horses eat less palatable brush, such as sagebrush, during drought.

From 1989 to 2011, the BLM failed, for a number of reasons, to keep wild horse numbers within the limits set by the 1981 court order and the land use plans. As a result, the wild horse numbers in Sweetwater County are substantially above the 1971 numbers and exceed the AMLs established in the land use plans. In 2010, the landowners within the Checkerboard withdrew their consent to allow wild horses on their land and requested the removal of all the wild horses. The BLM declined the request to gather wild horses, citing a lack of funds and the landowners' prior commitment to allowing them

to gather, so the landowners brought suit. *RSGA v. Salazar*, No. 11-263 NDF. The BLM and the landowners settled the case under a court-approved consent decree that required the BLM to remove all wild horses on private lands, including the Checkerboard. The number of wild horses allowed within the Checkerboard is now set at zero, except for within the White Mountain HMA. The BLM also agreed to consider revising the HMAs and AMLs in the Rock Springs Field Office.

Poor data collection practices and litigation have marred BLM's compliance with the RSGA consent decree. The federal courts held that the BLM environmental documents supporting the gathers were deficient in 2014 and 2018. BLM also took about a decade to revise the HMAs and AMLs within the Rock Springs Field Office. Still, the final 2023 revisions converted the Great Divide Basin and the Salt Wells Creek HMAs to Herd Areas managed for zero wild horses and removed the Checkerboard lands from the Adobe Town HMA, resulting in a similar reduction in AML. However, this revision was challenged, and the Tenth Circuit Court of Appeals held that the BLM failed to analyze "thriving natural ecological balance" when it changed the HMAs. As of the date of this Plan, it is unclear how BLM will remedy this flawed analysis and if the revisions to the HMAs in Sweetwater County will stand.

The populations of wild horses are increasing rapidly, with growth rates ranging from an average of 20% up to as high as 42% annually. These figures exceed the carrying capacity of rangeland resources, particularly given the heightened focus on sagebrush habitat preservation and rangeland health standards. Since 1971, the effectiveness of the wild horse program has hinged upon the Bureau of Land Management's (BLM) ability to transfer captured wild horses into private care within a reasonable timeframe and at an acceptable cost. After several decades, the market for adopted wild horses has become saturated. In 2004, Congress amended the law to grant BLM sale authority, thereby expanding the agency's options for managing wild horses. However, BLM has not utilized this sale authority.

In 2011, BLM adopted a new wild horse strategy that emphasized reproductive controls and better marketing of the adoption program. This program also failed due to budget and regulatory obstacles. The [*Porcina pellucida* vaccine] has not been successful because boosters must be given annually, and the immunization expires in 3 years. Surgical sterilization remains controversial, and the Rock Springs Field Office refused to study it.

Without active management, wild horse populations can negatively impact private, state, and federal land resources, compete with wildlife and big game for rangeland resources, soil, and water, resulting in less desirable wild horse herds. The U.S. Fish and Wildlife Service detailed the adverse impacts of wild horses (feral equids) in its conservation objectives report for the Greater sage-grouse. Wild horses have an outsize impact due to their grazing methods, which clip a year's growth, and their trailing and territorial defense behavior. It is imperative that the BLM fully comply with the limits on wild horse numbers established in court judgments, consent decrees, and plans, and promptly reduce numbers before resource damage occurs.

97. GOAL: Revise herd management areas and appropriate management levels to exclude sage-grouse habitat and to conform to the 1995 Range Health Standards.

98. GOAL: Manage wild horses within the revised AML numbers for each HMA as identified in the Resource Management Plans. The BLM must proceed to remove all other wild horses

outside the HMAs and, upon request, remove all wild horses found on private land, including within the Checkerboard.

Objective 98A: Oppose recommendations to increase the wild horse numbers over the numbers stated in the 2013 Consent Decree, or to establish new or expand HMAs, especially to areas where there were no wild horses in 1971.

Objective 98B: Support the removal and modification of HMAs and AMLs where the HMAs overlap sage grouse management areas to ensure reduced impacts on habitat.

Objective 98C: Participate in the annual hearings for the use of helicopters in the gathering of wild horses, and during the public input phase for the periodic preparation of environmental analysis for gathering plans. The District may present testimony and input based on the population status of the wild horses and the concerns of citizens and landowners/managers in Sweetwater County.

Objective 98D: Support modification of HMA boundaries and AML numbers to reduce resource conflicts and adverse effects on private lands or to ensure that wild horse numbers conform to current resource capacity, regulatory standards, and land uses.

Objective 98E: Support a new statewide Consent Decree between BLM and the State of Wyoming to ensure that BLM is required to meet the HMA objectives.

Objective 98F: Oppose any new HMAs and continue to enforce Section 4 of the WHA to ensure that wild horses remain off all private lands within or outside the Checkerboard.

99. GOAL: Oppose the continued maintenance of wild horses on private land without the consent of the landowner.

100. GOAL: Oppose the continued presence of wild horses outside the HMAs and require that BLM promptly remove all wild horse populations to zero outside of the established HMAs.

101. GOAL: Oppose the continued presence of wild horses within the Checkerboard, except for in the White Mountain HMA, and require that BLM promptly remove all wild horse populations within the Checkerboard.

102. GOAL: Manage wild horses for viable, healthy herds that will not adversely impact the rangeland resources, wildlife habitat, soil resources, or other approved multiple uses.

Objective 102A: Inform local, state, and national BLM offices of concerns regarding impacts of their wild horse management decisions on the citizens and resources of Sweetwater County.

103. GOAL: Encourage coordination, communication, and cooperation with local citizens and public agencies to address the impacts of wild horse management in Sweetwater County and adjoining areas.

Objective 103A: Be advised of and participate in all revisions and/or amendments to the Lander, Kemmerer, Pinedale, Rawlins, Rock Springs, and Little Snake Resource Area RMPs and all Wild Horse Herd Management Area Plans in and affecting the County.

Objective 103B: Participate actively in the annual inventory or count of wild horse populations in and affecting Sweetwater County. Facilitate a mutually acceptable methodology for wild horse inventories supported by the BLM, Wyoming Game and Fish, and local landowners. Annual inventories of wild horses are necessary to determine the status of the wild horses in relation to the AMLs. Such inventories must also account for foals born in the same calendar year, and GIS maps may be prepared and maintained to reflect the latest population data and migration patterns, and to enforce gathering and removal operations.

Objective 103C: Participate in the development or implementation of habitat management and monitoring plans.

104. GOAL: Support authority through rulemaking or Congress to give the BLM additional options for the disposal of wild horses so that the BLM can meet the terms of the Wild Horse Act and decisions that govern wild horse management in and affecting Sweetwater County.

Objective 104A: Maximize the assignment of wild horses into private care and ownership.

Objective 104B: Encourage wild horse management tools that will permit long-term, cost-effective solutions, but recommend the use of short-term remedies to ensure that the wild horses are not left on the public or private lands in numbers that exceed resources and impinge on other habitat needs or land uses.

Objective 104C: Encourage the BLM to develop new strategies that include, but are not limited to, marketing to supplement the Adopt-A-Horse program, and implement sound business practices in decisions to perform work in-house or by contract.

Objective 104D: Support new fertility control methods that address all of the mares in a herd, do not require annual booster shots, and will last sufficient time to be cost-effective.

105. GOAL: Educate the public on the need to manage the wild horse herds to maintain the health and natural dynamics of the herds, and their co-existence with wildlife, livestock, and other resources within their habitat.

Objective 105A: Support local community initiatives to promote the tourism industry to visit and view the wild horse resources in Sweetwater County.

Policy 105A: Revise wild horse numbers or appropriate management levels to take into account livestock grazing permits and preference, conform to sage-grouse habitat and rangeland health standards, and exclude private land unless the landowner agrees in writing to maintain wild horses.

Policy 105B: Develop monitoring to document wild horse use of the rangeland resources, including water and forage.

Policy 105C: It is essential that BLM promptly comply with all the consent decrees to maintain wild horse numbers within the established limits, to remove horses from private land, and to count wild horses so that BLM has accurate data when the wild horse herds exceed numbers. The BLM shall not allow wild horses in areas outside of the designated HMAs and shall not exceed the population levels stipulated in the Consent Decrees, RMPs, and other orders. The long-term adverse effects of excess wild horses on rangeland resources, soil, water, and wildlife are well-documented. Despite the cost of the program, BLM must be held to the rules, terms of the consent decrees, and its own management plans.

Policy 105D: Any wild horses returned to the HMAs after a gather should be spayed or gelded and adjusted by sex ratio to ensure that the next gather does not exceed allowable population numbers.

Policy 105E: Wild horses that are determined to be feral or abandoned shall be removed. If branded or otherwise marked, enforce trespass laws.

Policy 105F: Mark wild horses that are gathered and returned to the HMAs to control feral horses better.

Policy 105G: Require health testing of all wild horses at every gathering in cooperation with the state veterinarian.

Air Resources

The County's air quality is one of the area's most significant resources. The District is committed to protecting its air resources. Air quality problems do exist, but are usually site-specific. All counties in western Wyoming conform to the 2012 ozone attainment standards, including the Upper Green River Basin.

In July of 2012, the EPA designated the Upper Green River Basin (UGRB) area as marginal nonattainment for the 8-hour ozone NAAQS of 75 parts per billion. The UGRB area includes all of Sublette County, the northeast corner of Lincoln County, and the northwest corner of Sweetwater County. Wyoming Department of Environmental Quality (WDEQ) adopted a new policy, increased monitoring, and detailed emission inventory by the WDEQ Air Quality Division, and created a UGRB Air Quality Citizens Advisory Task Force. The WDEQ recently issued its UGRB Ozone Strategy on April 28, 2015, and the UGRB was attained for the 2008 and 2015 NAAQs. The EPA issued a formal Determination of Attainment for the UGRB in 2016, recognizing the UGRB had attained the 2008 Ozone NAAQS over three consecutive years. The WDEQ is actively working on the process to

redesignate the UGRB to attainment status, which includes compiling information, monitoring data, and developing a 20-year maintenance plan.

Winter air inversions do affect some areas of this region in relation to diesel and auto exhaust, mining, wood smoke, wildfire smoke, and prescribed burns. The elevated ozone levels in the UGRB were related to at least four winter ozone factors: adequate amounts of precursor chemicals, snow cover, temperature inversions and low winds, and sunlight. The WDEQ worked to lower the ozone levels, and Wyoming has continued to meet the ozone standards.

Wyoming's Regional Haze State Implementation Plan (SIP) addresses haze from Utah as well. The EPA partially approved and partially disapproved Wyoming's SIP revisions for the second implementation period in December 2024. The State of Wyoming has challenged the EPA's partial disapproval, [*Wyoming v. EPA*, Docket No. 25-9514 (10th Cir.)]. The EPA has also recently announced that it will be restructuring the Regional Haze Program, including a review and possible revision of its regulations.

The State of Wyoming has the authority and responsibility to regulate air quality impacts within the state, including Class I air sheds. In accordance with Wyoming's Environmental Quality Act, the DEQ Air Quality Division is responsible for implementing the state's air quality standards and regulations. [Wyo. Stat. §§35-11-201-203]. The Division's air quality program is composed of three separate compliance areas:

a. A permit program for the construction of new sources and the modification of existing sources. The primary purpose of this program is to ensure compliance with ambient standards set to protect public health and to ensure that the best available control technology is utilized to reduce and eliminate air pollution emissions.

b. An operating permit program for all significant sources of air pollution, including primary sources of hazardous air pollution. This includes permitting operations after a given date, permit renewal every five years, and the annual payment of an emission fee sufficient to cover the program's costs.

c. A facility inspection and compliance program to ensure facilities maintain pollution control equipment at high collection efficiencies and maintain compliance with emissions standards and permit conditions. This includes compliance with state and federal asbestos removal standards, which protect the public from exposure to asbestos fibers in ambient air.

106. GOAL: Cooperate, coordinate, and consult with private, state, and federal landowners to reduce, eliminate, or mitigate any site-specific degradation of air quality.

Objective 106A: Request to be notified of any present and future air quality designations within the County.

Objective 106B: Assist business, industry, and land management agencies, including, but not limited to, the use of planting windbreaks and living snow fences to reduce or eliminate dust.

Objective 106C: Assist industry in obtaining accurate expert analysis of data concerning hydrocarbon emissions from oil field production facilities.

Policy 106A: Request to be notified of and participate, as appropriate, in any local, state, regional, and federal land planning processes that impact managing and monitoring air resources in and affecting the County.

Policy 106B: Support compliance with local, state, and federal air quality laws and regulations. The State of Wyoming DEQ is responsible for issuing appropriate air quality permits, determining Best Available Control Technology, and setting air quality standards in compliance with the Wyoming Environmental Quality Act, which implements the federal Clean Air Act. [Wyo. Stat. §§35-11-201], [Wyo. Stat. §§35-11-202], [Wyo. Stat. §§35-11-203]. The installation and operation of monitoring stations (if necessary) will require cooperation and funding from various federal, state, and local agencies.

Policy 106C: Support air quality compliance programs that address all of the causal factors affecting air quality.

Visual Resources

Visual resources in the County are a composite of landforms, human and animal life forms, water features, cultural features, terrain, geologic features, and vegetative patterns which create the visual environment. These visible physical features are essential to the landscape and the County's scenic quality.

The BLM defines [Visual Resource Management] (VRM) as naturalness, scenic qualities, and permitted land uses. BLM recognizes four classes, with Classes I and II having the most significant values. The planning process first inventories the viewshed or scenic qualities. Class I is a natural landscape, such as a national wilderness area or an Area of Critical Environmental Concern ("ACEC"), with scenic attributes. Classes II through IV are inventoried based on scenic quality, sensitivity (land use), and distance. These three factors are evaluated in light of land uses permitted under the land use plan. The combined evaluation leads to the designation of VRM classes.

There is a risk that BLM land use plans will use VRM classes to restrict land uses, rather than having the VRM class reflect the permitted land uses. When that occurs, the VRM classes may restrict energy development or livestock grazing by managing the viewshed to be natural or like wilderness, even though the land use plan otherwise permits energy development and livestock grazing. VRM classifications should be narrowly tailored to reflect past and current land-use decisions and appropriate land uses.

107. GOAL: Support the protection of the visual resource while maintaining economic stability and the underlying land use allocations.

Objective 107A: Request coordination with local, state, and federal planning actions that affect the visual resource and VRM classifications that involve land uses.

108. GOAL: Protect private land uses and state land rights and federal land use allocations by adjusting VRM classifications to be consistent with the current and reasonably foreseeable land uses.

Objective 108A: Oppose the use of VRM classifications that will impair or impede land uses on private and state lands.

Objective 108B: Oppose the use of VRM classifications that undercut the federal land use allocation, including grazing permits, special use permits, mining, rights of way, and oil and gas leases.

Waste Management

The disposal and cleanup of solid wastes are regulated by Wyoming DEQ pursuant to authority delegated in the Resource Conservation Recovery Act, [42 U.S.C. §§6901-6949a], [Wyo. Stat. §§35-11-101 to 35-11-103]. Waste management issues arise in the context of landfill sites for local governments and reclamation and site management for mining, oil, and gas operations. State and federal law govern the standards for managing landfill sites and industrial development that generates various waste products. The District, however, has a direct interest in protecting soil and water resources. To accomplish this objective, the District will actively participate in landfill and other waste management site issues, as well as related land management decisions regarding the management and cleanup of industrial sites.

109. GOAL: The District may communicate, coordinate, and consult with private landowners, local businesses, and local, state, and federal governments on issues relating to existing and future landfill sites.

Objective 109A: Utilize current Best Management Practices to protect water resources, inform, and achieve community awareness, and encourage the public to participate in waste management issues.

Objective 109B: Encourage the reuse and recycling of materials.

Objective 109C: Encourage municipal and county governments to provide levels of service adequate to meet the community's social, environmental, and economic needs and obligations.

Objective 109D: Research new markets for agricultural waste products.

110. GOAL: The District may participate in development decisions to ensure that soil and water resources are protected and conserved.

Policy 110A: Educate and inform local citizens concerning new markets for waste products.

Special Land Designations

Wilderness

In the Wilderness Act of 1964, Congress established a National Wilderness Preservation System to be composed of federally managed lands called "wilderness areas," which are only designated by Congress. [16 U.S.C. §§1131-1134]. The Act defines a wilderness as "an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain" . . . "in contrast with those areas where man and his own works dominate the landscape." [16 U.S.C. §1131(c)].

Land management of wilderness areas is very restrictive because the Wilderness Act prohibits the use of mechanized equipment and motorized vehicles and generally prohibits permanent structures. Mineral development is also forbidden, subject to valid rights that predate wilderness designation. Wilderness areas are not intensively managed, so fire suppression is rarely undertaken. While livestock grazing may continue, grazing management is difficult and expensive due to limited access, the use of mechanical and motorized equipment, and agency resistance to range improvements or increases in livestock numbers. Studies of livestock grazing in wilderness areas reveal that agencies exercise discretion to phase out grazing gradually.

Wilderness designation prohibits or hinders needed vegetation and watershed treatment. Wilderness management prohibits the use of any mechanical or motorized equipment. Vegetation and watershed treatments are more effectively carried out with modern equipment.

In 1976, FLPMA directed BLM to conduct a wilderness inventory and study of public land roadless areas greater than 5,000 acres. [43 U.S.C. §1782] FLPMA gave BLM 15 years to inventory, study, and make recommendations to Congress on public lands suitable for wilderness designation. *Id.* The BLM wilderness review and research also addressed the manageability of the areas and the potential mineral resources that could not be developed if the area were designated for wilderness.

In Wyoming, the BLM identified about 575,000 acres as wilderness study areas (WSAs) and recommended 240,364 acres for wilderness designation. The President forwarded these recommendations to Congress in 1992, but Congress has not acted. Pending congressional action, the 575,000 acres of WSAs have been managed to avoid impairing their suitability for wilderness under the BLM interim management policy. [43 U.S.C. §1782]

13 WSAs in Sweetwater County affect approximately 252,000 acres. [Special Designations and Management Area Map 8, Rock Springs RMP] While the WSAs are not withdrawn from mining or mineral leasing, federal law prohibits new mineral leasing. [30 U.S.C. §226-3(a)(2)(3)]. In addition, the no impairment management policy ("IMP") limits mineral development and all other uses to the levels that existed in 1976. [43 U.S.C. §182(c)]; *see also* H-6330-Management of Wilderness Study Areas (2012), available for review at the District office. Most mineral leases issued after 1976 and before 1987 included a stipulation that development was contingent on future designation. Livestock grazing activities are also restricted, so that range improvements are often not approved, and increases in grazing use are limited.

After the original wilderness inventory review period, the BLM has continued to take different positions on whether additional wilderness reviews should occur. In 2003, the Interior Department reversed the policy issued by the previous administration in January 2001, requiring BLM to conduct new wilderness reviews on public lands and establish new WSAs. [IM 2003-195 Rescission of National Level Policy Guidance on Wilderness Review and Land Use Planning (June 20, 2003)] Under the 2003 direction, no new WSAs are to be established. [BLM affirmed that only Congress could designate wilderness and that BLM could not undertake *de facto* wilderness for areas that were not already WSAs.

Also in 2003, the Wyoming federal court held that a federal agency has no authority to create WSAs or to manage such lands for *de facto* wilderness unless Congress has authorized it. [*Wyoming v. U.S. Dept. of Agriculture*, 570 F. Supp.2d 1309, 1350 (D. Wyo. 2008), *rev'd* 661 F.3d 1209 (10th Cir. 2011)]. The court set aside the Forest Service Roadless Rule that prohibited road construction in inventoried roadless areas, which were former WSAs, because: "Congress unambiguously established in the Wilderness Act that it had the sole authority to designate areas within the National Forest System as 'wilderness.' Allowing the Secretary of Agriculture and the Forest Service to establish their own de facto administrative wilderness through administrative rulemaking negates the wilderness designation system established by Congress. *Id.* The Tenth Circuit reversed, finding that the Roadless Rule and the Wilderness Act created two distinct areas with different restrictions that apply to each, and that the Roadless Rule therefore did not designate *de facto* wilderness. (Wyoming v. U.S. Dept. of Agriculture, 661 F.3d 1209, 1229-34 (10th Cir. 2011), cert. denied 133 S. Ct. 418 (2012)]

Congress has been at an impasse regarding the public land wilderness recommendations forwarded by the President in 1992. Some groups worked to develop compromise proposals at the local level to preserve high-value areas and protect historic land uses, such as ranching. One such example is the Owyhee Initiative in southern Idaho. [Owyhee Initiative, "The Owyhee Landscape Conservation Initiative Proposal."] The Owyhee Initiative was based on a consensus reached by a group of county commissioners, ranchers, and conservation groups that met for more than 2 years to reach a compromise. The compromise supports the designation of some WSAs as wilderness, releases other WSAs from no impairment management, drops all future R.S. 2477 assertions, and adopts a scientific review committee to guide future land management. The Owyhee Initiative was adopted into law under the 2009 Omnibus Public Land Management Act, Sections 1502-1508.

In December 2010, the Secretary of the Interior, Ken Salazar, announced Secretarial Order No. 3310 (SO 3310), titled "Protecting Wilderness Characteristics on Lands Managed by BLM," and the Bureau of Land Management (BLM) adopted guidelines to implement it. SO 3310 established the classification of [Lands With Wilderness Characteristics] (LWC) for lands that were inventoried and identified as possessing wilderness qualities but are not part of a wilderness area designated by Congress or a [Wilderness Study Area] (WSA). Should the BLM determine, during the land-use planning process or in the course of project-specific National Environmental Policy Act (NEPA) reviews, that an area warrants wilderness protection, it is required to designate these lands as Wild Lands or LWCs in the relevant Resource Management Plan (RMP).

Congress defunded SO 3310 from 2011 through 2018, and on January 19, 2021, the Secretary of the Interior rescinded SO 3310 through SO 3393. Despite the rescission of SO 3310, the Bureau of Land Management (BLM) continues to inventory public lands for their wilderness character and manages

those areas designated as Lands With Wilderness Characteristics (LWCs) to preserve their wilderness qualities, in accordance with its authority under the Federal Land Policy and Management Act (FLPMA) Sections 201 and 2002. Additionally, the BLM revised its manual in 2021 to guide consideration of LWCs during land use planning, and this guidance remains in effect. In the Southwestern Colorado (SWC) region, the BLM has evaluated approximately 32,000 acres for potential LWC designation. Other areas are still under consideration.

111. GOAL: Oppose efforts to use land use classifications, such as LWCs or WSAs, to establish new *de facto* wilderness management areas outside of the already-identified WSAs in Sweetwater County by participating in state and Federal land use planning processes.

Objective 111A: Uphold the legal requirements and qualifications outlined in FLPMA, including those providing for the continuation of existing uses in WSAs.

Objective 111B: Advocate the expeditious resolution of wilderness designation for the BLM WSAs in Sweetwater County.

Objective 111C: To review the prevailing wilderness recommendations concerning their impacts on industries dependent on natural resources, the economic stability within the County, the customs and cultural heritage of its citizens, the capacity for water resource development, and the comprehensive management of rangeland resources.

Objective 111D: Recommend the release of WSAs that were not recommended for wilderness from no impairment management and push for an end to the informal *de facto* wilderness management of all other "study areas."

Objective 111E: Oppose the designation of LWCs within Sweetwater County and the protection of these areas to preserve the lands' wilderness characteristics, as such designations interfere with other permissible uses of the land (i.e., oil and gas development, mining, recreation, and livestock grazing) and exceed BLM's authority.

112. GOAL: Actively participate in all other proposals for special use designations to determine whether they are warranted and to assess the impacts on the District's mandates.

Objective 112A: Insist on coordination, consultation, and cooperation, as well as consistency with local land use plans about special land designations, such as areas of critical environmental concern, special recreation management areas, and visual resource management areas.

Objective 112B: Support special land use designations only when they are consistent with surrounding conservation management; do not preclude future conservation options for rangeland resources, soil conservation, and conservation, development, and utilization of water resources; and contribute to sound policy of multiple use, economic viability, and community stability.

113. GOAL: Protect Wyoming's water resources and water adjudication system from any claim of a federal reserved right arising out of a special use designation, including wilderness.

Objective 113A: Ensure that a wilderness designation does not affect state authority over water resources and that Wyoming's substantive and procedural laws controlling appropriation and allocation of water resources remain the primary authorities governing the waters in Sweetwater County, regardless of wilderness designation. Enforce the determination that wilderness designation does not create a reserved water right.

Objective 113B: Protect any interests in ditches, reservoirs, or water conveyance facilities and easements or rights-of-way associated with those interests from impairment or diminution by any wilderness or other special use designations.

Objective113C: Reaffirm that the rights to access, enter, repair, and maintain those interests are not affected by any future wilderness designation, including the use of mechanized vehicles and equipment for repairs and maintenance of such facilities.

114. Objective: To manage specific resources that provide protection within the established authority, serving as an alternative to wilderness designation, which significantly restricts land management activities for other resources and uses.

Policy 114A: The District shall collaborate with citizens and county governments to communicate its recommendations to Congress regarding wilderness proposals. These recommendations will be formulated based on the District's assessment of impacts on Sweetwater County and southwestern Wyoming, including neighboring regions. They may encompass proposals to Congress for modifications or adjustments to the boundaries of proposed areas.

Policy 114B: Acknowledge that wilderness, as well as the associated values of solitude and wilderness itself, are legitimate and significant. Contest the assertion that these values

can solely be achieved through statutory designations that restrict rather than expand the range of options available for landscape-level conservation.

Policy 114C: All wilderness designations should meet the requirements and qualifications set forth by the Wilderness Act of 1964.

Policy 114D: The District supports resolution of the wilderness issue by Congress and release of the remaining wilderness study areas to multiple-use management. The District also supports not allowing federal agencies to engage in endless, repetitive wilderness reviews or studies that expand lands managed as wilderness or de facto wilderness, while reducing the land base available for multiple uses.

Wild And Scenic Rivers

The Wild and Scenic Rivers Act provides for the identification and designation of individual river segments for study and the recommendation of river segments as a wild, scenic, or recreational river. [16 U.S.C. §§1271-1287]. The Act protects "certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values." [16 U.S.C. §1271].

Designation under the Wild and Scenic Rivers Act also withdraws a minimum of a ¼-mile corridor on each side of the river from mining and other appropriation laws and mineral leasing, subject to valid existing rights, contracts, and privileges. [16 U.S.C. §§ 1279(b)], [16 U.S.C. §§ 1283(b)]. Examples of valid existing rights would include mineral leases, mining claims, rights-of-way permits, and R.S. 2477 rights-of-way. Traditionally, grazing permits are called a privilege, since the right to graze is a privilege and does not convey any right, title, or interest in the land. [43 U.S.C. §315b]. Permits and contracts are also valid existing rights, but depending on the terms of the contract or permit, BLM may be able to modify the use. A mineral lease is recognized as a property right and is construed as a contract. A valid existing right, like a valid mining claim, may be subject to less regulation.

BLM and the Forest Service must assess whether to recommend waterways for wild or scenic designation as part of the land use planning process. [16 U.S.C. §1276(d)(1)].

115. GOAL: Participate in local, state, and federal land planning processes for the designation and management of any Wild and Scenic River segments or similar designations in and adjacent to Sweetwater County.

Objective 115A: Participate in proposals for Wild and Scenic River segment or similar designation in and adjacent to the County to protect the water resources in Sweetwater County and future opportunities to develop and utilize such resources.

Objective 115B: Uphold the legal requirements and qualifications set forth by the Wild and Scenic Rivers Act, including those providing for the continuation of existing uses, privileges, and contracts for designated rivers in and adjacent to or affecting Sweetwater County.

Objective 115C: Review any proposed Wild and Scenic River recommendations in relation to the impacts on natural resource-based industries, the economic stability of the County, and on the customs and culture of the citizens of Sweetwater County, and the ability to further develop and utilize water resources in the District.

Objective 115D: Ensure that agencies quantify existing water rights in the determination of both eligibility and suitability.

Policy 115A: The District will carefully evaluate Wild and Scenic River proposals to determine the impact on water rights and the ability to utilize water rights in the future, and will work closely with the BLM, the Forest Service, and the County to ensure that existing and future water development opportunities are protected and that unsuitable rivers are removed from consideration at the earliest opportunity.

Policy 115B: In considering proposed segments' eligibility and suitability, the District will evaluate and prepare comments using the criteria in Department Manual 6400 - *Wild And Scenic Rivers - Policy And Program Direction For Identification, Evaluation, And Management* and *Forest Service Manual 2354,* and specifically quantifying the existing water rights and the likely restrictions on the exercise of such water rights.

Areas Of Critical Environmental Concern

FLPMA defines an Area of Critical Environmental Concern (ACEC) follows "areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards." [43 U.S.C. §1802(a)]; [43 C.F.R. §1601.0-5(a)] (definitions).

The critical factor in management as an ACEC is the need to prevent irreparable harm to identified resources that meet importance and significance criteria. An ACEC designation is required to participate in the land-use planning process. As with other special designations, an ACEC designation may affect multiple uses of public lands.

116. GOAL: Oppose the designation of an Area of Critical Environmental Concern (ACEC), as defined in 43 U.S.C. Sec. 1802, within federal land management plans, will:

- It is clearly demonstrated that the proposed area satisfies all the definitional requirements of the Federal Land Policy and Management Act of 1976, [43 U.S.C. § 1802(a)];
    - it is clearly demonstrated that the area proposed for designation as an ACEC is limited in geographic size and that the proposed management prescriptions are limited in scope to the minimum necessary to specifically protect and prevent irreparable damage to the relevant and essential values identified, or limited in geographic size and management prescriptions to the minimum required to protect human life or safety from natural hazards specifically;

- It is clearly demonstrated that the proposed area is limited only to areas that are already developed or used, or to places where no development is required.

- It is clearly demonstrated that the proposed area encompasses relevant and significant historic, cultural, or scenic values, as well as fish or wildlife resources, natural processes of unique or substantial regional importance, or natural hazards that pose a significant threat to human life or safety.

- the federal agency has thoroughly analyzed regional values, resources, processes, or hazards for irreparable damage and its potential causes resulting from potential actions which are consistent with the multiple-use, sustained-yield principles, and the analysis describes the rationale for any special management attention required to protect, or prevent irreparable damage to the values, resources, processes, or hazards;

- It is clearly demonstrated that the proposed designation is consistent with the plans and policies of the district where the proposed designation is located.

- It is clearly demonstrated that the proposed ACEC designation will not be applied redundantly over existing protections provided by other state and federal laws for federal lands or resources on federal lands, and that the federal statutory requirement for exceptional management, in addition to those specified by the different state and federal laws.

- The difference between special management attention required for an ACEC and standard multiple-use management has been identified and justified, and any determination of irreparable damage has been analyzed and justified for short and long-term horizons.

117. GOAL: Support the removal of an ACEC designation if the area no longer contains relevant and essential criteria, or exceptional management is no longer required to protect and prevent irreparable damage to the resources. This includes supporting the removal of ACEC designations that overlap other special management areas, such as WSAs or special recreational management areas.

Threatened And Endangered / Sensitive Species

The keystone of good environmental stewardship lies in a healthy resource base. Endangered and threatened species, as well as all plants and all animals, depend on the intricate balance of stable ecological, economic, and social functions of the immediate local community.

The Endangered Species Act ("ESA"), [16 U.S.C. §§1531-1541], protects individual species of plants and animals wherever they occur when it is determined that their continued existence is threatened or endangered. [16 U.S.C. §1533]. The ESA provides for the listing of species through rulemaking and, within a year after listing, the identification of critical habitat for the species. [16 U.S.C. §§1533(a)(2)], [16 U.S.C. §§1533(a)(3)(A)]. The Interior Department, through the USFWS, administers the ESA,

except for certain marine mammals and anadromous fish, which are under the jurisdiction of the National Marine Fisheries Service.

Only biological evidence is relevant to the decision whether to list, but economic and social impacts are to be considered in the designation of critical habitat. [16 U.S.C. §1533(b)(2)]. Once a species is listed, it cannot be "taken," which is broadly defined to mean any direct harm to the species or harassment, including disruption of activities or loss of critical habitat. [50 C.F.R. §18.3]. If a 'take' is likely to occur on private land, the landowner must secure permits under Section 10 of the ESA, and often does so under a habitat conservation plan, which also requires compliance with NEPA.

The U.S. Fish and Wildlife Service must designate critical habitat when it lists a species. The scope of habitat must be limited to areas actually used and occupied by the listed species rather than areas that might become suitable habitat. *Weyerhaeuser Co. v. U.S. Fish & Wildlife Service*, 586 U.S. 9, 19-20 (2018).

For any federal project that may affect a listed species, the federal agency must first do a biological assessment and then refer the issue of the impact to the USFWS for actions that "may affect" the species. [16 U.S.C. §1536]. The USFWS must determine if the action will jeopardize the continued existence of the species and make conservation recommendations. The proposed action cannot go forward until the USFWS completes its review and concludes that the project will not jeopardize the species. If the USFWS makes a jeopardy finding, the project is essentially stopped, despite the right to appeal to the ESA Committee. [16 U.S.C. §1536].

The ESA is the basis for several planning mechanisms:

- Recovery plans for listed species that set population and viability goals and define when a species might be eligible for delisting;
- Reintroduction plans, which govern introductions of listed species as part of a recovery effort;
- Habitat conservation plans which allow land uses on private lands to go forward even when a 'take' of a listed species may occur; mitigation of adverse effects is usually part of the plan;
- Conservation plans or agreements, often between states and USFWS, adopt management actions to avoid listing the species;
- Candidate conservation agreements, under which a landowner commits private land to management for the species, may also have 'safe harbor' provisions that assure that the landowner need not take any additional mitigation measures if the species is listed.

All of the above plans and agreements require some form of NEPA process, which provides an opportunity for public involvement.

The management of the Canadian Gray Wolf, which remains listed as a species under the [Endangered Species Act] (ESA) in 44 states, presents a distinctive circumstance. In 1995, the U.S. Fish and Wildlife Service (USFWS) reintroduced 41 gray wolves into Wyoming. Since their reintroduction in Yellowstone and Grand Teton National Parks, the National Elk Refuge, and adjacent National Forest wilderness areas, the gray wolves have experienced rapid expansion in both territory and population. The Wyoming Game and Fish Department has documented over 41 packs as of December 31, 2024, within Wyoming. [Wyoming Game and Fish Department, National Park Service, USDA [Animal and Plant Health Inspection Service] (APHIS) - Wildlife Services, Eastern Shoshone and Northern Arapahoe Tribal Fish and Game Department, and U.S. Fish and Wildlife Service, Wyoming Gray Wolf Monitoring and Management: 2024 Annual Report, at 1.] Under the management plan of the Wyoming Game and Fish Department, the State of Wyoming commits to maintaining a minimum of 10 breeding pairs and a minimum of 100 wolves outside [Yellowstone National Park] ("YNP") and the [Wind River Reservation] ("WRR"). [Wyoming Gray Wolf Management Plan], Wyoming Game and Fish Commission-Update, at 6-7 (September 14, 2011)] [W.S. 23-1-301-303], [W.S. 23-1-401] Wolves within the Greater Teton National Park and the National Elk Refuge are counted towards the state's wolf population objectives. Id. The revised plan reflects a collaborative planning effort between the USFWS and the state of Wyoming. It incorporates Wyoming law, which designates wolves as predators outside the wolf introduction area. Both Wyoming law and the management plan are consistent with the substantial number of wolves reported south of the park. Wolf populations have increased significantly, and wolf predation results in damages amounting to hundreds of thousands of dollars annually to Wyoming livestock and wildlife populations.

The Wyoming Game and Fish filed an addendum to the plan on March 22, 2012, to clarify the plan, and the applicable state statutes and regulations were revised. The USFWS approved the plan, ordinances, and rules on September 10, 2012, and the wolves were delisted in Wyoming on September 30, 2012. However, several non-governmental organizations challenged the USFWS delisting, and the Federal District Court vacated the decision. *Defenders of Wildlife, et al. v. Jewell*, 68 F. Supp. 3d 193 (D. D.C. 2014). This decision was reversed in 2018 by the U.S. Court of Appeals, and the gray wolves in Wyoming were delisted in 2018. *Defenders of Wildlife, et al. v. Zinke*, No. 14-5300 (D.C. Cir. March 3, 2018); 82 Fed. Reg. 20284 (May 1, 2018).

118. GOAL: Participate in local, state, and federal rulemaking and planning regarding the designation and management of any species designated in any category or classification for protection or consideration of protection, under the ESA in and adjacent to Sweetwater County.

Objective 118A: Encourage compliance with the applicable state and federal statutes, including preparation of an environmental impact statement when critical habitat is designated.

Objective 118B: Participate fully with local, state, and federal agencies to prepare an analysis of regional economic and social impacts that any such critical habitat designation will have on the County.

Objective 118C: Consider the information from the socio-economic impacts when developing a coordinated management plan with local, state, and federal agencies for the

management of any species designated for protection under the Endangered Species Act in and affecting the County.

Objective 118D: Investigate and oppose, when appropriate, any threatened or endangered species designation that may disrupt use of the land and is not consistent with the Plan.

Objective 118E: Enforce the requirement that critical habitat designations take local socio-economic impacts into account. Areas may be excluded from critical habitat designation based on economic impacts, unless failure to designate the area would result in the species' extinction. [16 U.S.C. §1533(b)(2)].

Objective 118F: Request cooperating agency status and participate in the coordinated preparation of recovery plans, reintroduction plans, habitat conservation plans, conservation plans or agreements, and candidate conservation agreements for species occurring within or adjacent to or affecting the County.

Objective 118G: Continue to provide education and information concerning state and federal wildlife agency purchases or leases of riparian easements and other land acquisitions for endangered species habitat based on the impacts these activities have on individual property rights and the ability to develop, utilize, and conserve the water resources.

Objective 118H: Encourage cooperation between private landowners and local, state, and federal governments to achieve protection of endangered and threatened species most effectively, rather than imposing land-use restrictions and penalties.

119. GOAL: Support participation in all decisions and proposed actions, including NEPA procedures for an Environmental Assessment ("EA") or Environmental Impact Statement ("EIS"), which affect the District, regarding sensitive, threatened, or endangered species recovery plans, introduction or reintroductions, habitat conservation plans, conservation agreements or plans, or candidate conservation agreements.

Objective 119A: Oppose the introduction or transplant of threatened and endangered species within the boundaries of the County unless the District and the County consent and it is done pursuant to specific terms and conditions that avoid disrupting existing land uses.

Objective 119B: Request more effective management of, including but not limited to, grizzly bear and Canadian gray wolf populations and their confinement to only Yellowstone National Park.

Objective 119C: Recommend that proponents of protection, recovery activities, and other threatened and endangered and sensitive species programs finance the activities, including public involvement and compensation to the affected landowners.

Objective 119D: Recommend that federal agencies respect distinctions between notable status species (state sensitive species, etc.) and those listed under the ESA.

Objective 119E: Participate in appropriate legislation and regulations directing management of threatened and endangered species and state-sensitive species.

120. GOAL: Support delisting of species once population goals set out in recovery plans are achieved.

Policy 120A: Recovery plans are required to explicitly articulate objectives and delineate the criteria for determining when recovery has been achieved. Nevertheless, the recovery criteria must not be subject to ongoing modification, as doing so would render the delisting of a species unfeasible.

Policy 120B: Support the State of Wyoming's efforts to delist the [Greater Yellowstone Ecosystem] (GYE) grizzly bear. They have fully recovered in the GYE, and the Wyoming Game and Fish Department has met all the obligations required to demonstrate this recovery.

121. GOAL: Explore alternatives to listing, including conservation plans and related conservation agreements with local, state, and federal agencies to address potential threats to species and their habitats and to avoid official listing.

Objective 121A: Support and participate in conservation plan initiatives as an alternative to listing the sage grouse, with the added condition that the respective conservation plan include criteria to evaluate existing data and science, and to evaluate the effectiveness of the proposed conservation measures.

Objective 121B: Support the use of candidate conservation agreements with assurances for private land and candidate conservation agreements for federal lands as a mechanism to provide habitat for candidate species while allowing current land uses to continue.

Policy 121A: Decisions to list a species as threatened or endangered need to be made based on sound data and research that accurately assess the species' status. When relatively little is known about the species and its history, the Interior Department should delay listing, since it is challenging to delist a species, even when it is later determined to have been erroneously listed as threatened or endangered.

Policy 121B: Recovery efforts and/or conservation plans for threatened or endangered species should consider impacts to local interests. These interests include resource use and development activities such as ranching, agriculture, mining, oil and gas exploration and production, sand and gravel, wood products, power development, and recreation.

Policy121C: The District supports recovery efforts for threatened and endangered species that evaluate, mitigate, and support Sweetwater County's culture, economic viability, and community stability.

Policy 121D: Any black-footed ferret introductions would be accomplished pursuant to the black-footed ferret introduction plan developed for the Vermillion Basin and the Coyote

Basin in Uintah County, Utah. [Black-footed Ferret Recovery Plan.] If any black-footed ferret enters Sweetwater County as a result of nonessential experimental black-footed ferret introductions on lands adjoining Sweetwater County, these animals would carry the same nonessential experimental designation that they carried on the lands into which they were initially introduced.

Policy 121E: When planned introductions affect Sweetwater County, the planning process will include NEPA analysis that considers the appropriate number of animals to be introduced, the location and distribution of the target population, impacts on other multiple uses, and the recreational opportunities to be provided.

Policy 121F: Wildlife introductions and existing populations on non-BLM lands that "spill over" or migrate to BLM lands will be considered trespass and removed unless those populations and specific habitat boundaries are provided for in this Plan.

Policy 12IG: Recommend that endangered fish recovery efforts continue only when based on a balance of scientific justification, conserving past and future adjudicated water rights, economic viability, and community stability of the County.

Policy 121H: Support the [Joint Resolutions of the 2002 Mega Ag Convention][2002 Mega Ag Convention Joint Resolutions, Wyoming Association of Conservation Districts, Wyoming Stock Growers Association, and Wyoming Wool Growers Association].

Policy 121I: Promote the interpretation of the ESA that the economic consequences must be considered with respect to the following actions: the jeopardy review to ensure that no proposed federal action will jeopardize the continued existence of a listed species, any approval of takings permits, and designation of critical habitat. In addition, the USFWS must also include actions to mitigate the effects of the designation of critical habitat.

Policy 121J: Request that the USFWS follow the holding of the U.S. Supreme Court and acknowledge that economic consequences and/or a potential for a taking of private property are explicit concerns of the ESA. Moreover, USFWS evaluation of proposed federal actions under the ESA will carefully weigh the potential jeopardy to the species against other factors, including the species' use of private lands, ongoing conservation or management efforts on private and state lands, and the existence of scientific controversies regarding the species' status. Any reasonable alternatives will also take into account the social and economic factors. The USFWS will also communicate, coordinate, and consult with the District, Sweetwater County, and potentially impacted property owners.

Policy 121K: It is recommended that management activities aimed at the habitat of endangered, threatened, or sensitive species be designed to promote the well-being of these species through habitat enhancement initiatives. Present BLM policy designates candidate species and special-status species (including state-sensitive species) as equivalent to federally listed threatened and endangered species. This policy should be reconsidered until a comprehensive NEPA analysis is conducted for each such

candidate or sensitive species, or until they are officially listed pursuant to [16 U.S.C. §1533], as referenced in the district's preferred strategy, which involves developing conservation plans or agreements that prevent the federal listing of these species.

Policy 121L: To the greatest extent possible, any introductions or reintroductions of threatened or endangered species into the County or on lands adjacent to the County will be designated as nonessential experimental populations, and none will be introduced without NEPA compliance and public input. The County's boundaries would also serve as the boundaries for such nonessential experimental designated introductions. Public involvement, including the District, would be involved in developing plans for such introductions and in deciding whether to implement them. Such introductions will not impose an undue burden on other resource uses, including, but not limited to, livestock grazing, oil and gas, recreation, and mining.

Greater Sage-Grouse

In December 2007, the Idaho federal court set aside the decision of the USFWS not to list the sage grouse. [Western Watersheds Project v. Fish & Wildlife Service20], [535 F. Supp. 2d 1183 (D. Id. 2007)]. The decision was remanded to the Service for a second review. In 2010, the USFWS announced its conclusion that, while the sage grouse warranted listing, other priorities precluded listing at that time. [75 Fed. Reg. 13910 (Mar. 23, 2010)] The USFWS concluded that existing direction in the BLM's Land Use Plans (LUPs) was inadequate to protect the sage grouse and its habitat.

The USFWS notice cited habitat conversion to irrigated fields and other land uses, energy development, changes in wildfire, roads, and power lines, livestock grazing, feral equines, and, significantly, the lack of adequate regulatory mechanisms on federal land to protect sage grouse. The USFWS largely discounted the role of predators and disease, although locally it is believed that West Nile Virus has played a significant role in influencing sage grouse populations. However, due to the conservation efforts in Wyoming, sage grouse numbers have increased dramatically in recent years.

The Wyoming BLM and the Forest Service began Wyoming Sage-grouse Land Use Plan Amendments in 2010 to revise the sage grouse and sagebrush management for the Rawlins, Rock Springs, Kemmerer, Pinedale, Casper, and Newcastle RMPs, and the Bridger-Teton and Medicine Bow National Forests and Thunder Basin National Grasslands. In August of 2011, the BLM convened the [Sage Grouse National Technical Team] (NTT) to develop conservation measures for use in the land-use planning process. The NTT issued a report that formed the basis for the BLM's Land Use Plan Amendments. The NTT Report has been substantially discredited as a scientific or management document. The BLM Washington Office also issued an instruction memorandum that provided BLM direction on considering the conservation measures identified in the NTT's Report. WO BLM 2012-044.

In September 2015, the Bureau of Land Management (BLM) issued its Record of Decision, adopting 98 resource management plans (RMPs) and revising the Forest Service's land use plans. See, for example, 80 Fed. Reg. 57332 (September 23, 2015). These RMPs were amended to incorporate various land-use restrictions, habitat objectives, and management actions to conserve sage-grouse populations. The Plan Amendments further reclassified Core and Connectivity Areas as [Priority Habitat Management Areas] (PHMA), while Non-Core Sage-Grouse Habitat was designated as [General

Habitat Management Areas] (GHMA). The amendments impose limits on disturbances within PHMA (core), permitting no more than one energy or mining facility per 640 acres and capping total disturbance at 5%. In PHMA (core), surface occupancy and activities that disturb the surface are prohibited within a 0.6-mile radius of occupied sage-grouse leks, with this buffer reduced to .25 miles outside of PHMA (core). Within PHMAs, permits and leases for livestock grazing undergoing NEPA analysis for renewal or modification must meet specific management thresholds aligned with sage-grouse habitat objectives; otherwise, the use will be adjusted accordingly. Additionally, the BLM advocates for the retirement of grazing permits when permittees voluntarily relinquish them. The amendments also introduced a new management approach by identifying [Sagebrush Focal Areas] (SFA), intended to be managed as priority habitat areas, recommended for withdrawal from the [General Mining Law of 1872], and prioritized for conservation and management initiatives.

The State of Wyoming previously developed a [Core Area Strategy] that identified "core" sage-grouse habitat and implemented buffer zones, noise restrictions, and other stipulations. *See* E.O. 2008-2 (revised and replaced by the current version: [(E.O. 2019-3)]. Previously, the Wyoming BLM adopted the [Wyoming Core Area Strategy] through an instruction memorandum and by reference in the sage grouse land use plan amendments. *See* [WY BLM 2010-12]; [WY BLM 2012-019]. However, the Wyoming Core Area Strategy and the BLM's 2015 sage grouse amendments are not entirely consistent. [E.O. 2019-3] does not identify nor place any restrictions on those acres identified as GHMA in the BLM sage grouse amendments. Nor does E.O. 2019-3 identify or add restrictions on those acres identified by the BLM as SFA. In total, the BLM sage grouse amendments restrict nearly twice as many acres.

On September 22, 2015, the U.S. Fish and Wildlife Service issued a decision that the Greater Sage Grouse did not warrant protection under the Endangered Species Act. *See* [80 Fed. Reg. 59858 (Oct. 2, 2015)]. One of the major factors leading to the unwarranted finding was the increased regulatory protection provided by federal and state plans.

The BLM initiated an environmental analysis for the proposed SFA mineral withdrawal in 2015, but by October of 2018, the BLM had cancelled the withdrawal process. [82 Fed. Reg. 47248]. In October 2018, BLM also announced a planned revision to the [Greater Sage Grouse Plans] in light of a court order remanding the Plan due to post-draft and comment period changes made in 2014 and 2015. *Western* [Exploration, LLC v. Dept. of the Interior], 250 F. Supp. 3d 718, 748-50 (D. Nev. 2018). Interior completed revisions in the RMP amendments in 2019, primarily removing the sagebrush focal areas as unnecessary, reducing restrictions within general habitat management areas, and modifying habitat standards. The Idaho District Court enjoined the BLM from implementing the 2019 Amendments due to the failure to comply with NEPA. [Western Watersheds Proj. v. Schneider], 418 F. Supp. 3d 1319, 1331-35 (D. Idaho 2019). The Court also set aside the BLM's decision to cancel the SFA mineral withdrawal for failure to explain its reversal in position and to consider the benefits of the withdrawal. [Western Watersheds Proj. v. Bermhardt, 519 F. Supp. 3d 763, 789-801 (D. Idaho 2021). As a result of the Idaho District Court's decision, the BLM initiated another Greater Sage Grouse land use plan amendment process in 2021. [86 Fed. Reg. 66331 (Nov. 22, 2021)]. This process is ongoing, with only the final record of decisions issued in Oregon and Colorado. [90 Fed. Reg. 5986 (Jan. 18, 2025)] Secretarial Order 3418, dated February 3, 2025, also directs the BLM to review and revise the Proposed Resource Management Plan Amendment and Final Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning to ensure they comply with the new Administration's direction.

122. GOAL: Participate in local, state, and federal rulemaking and planning regarding the management of sage-grouse in and adjacent to Sweetwater County.

Objective 122A: Oppose federal government sage-grouse conservation plans and RMP Amendments that are inconsistent with the Wyoming Executive Order 2019-3 and its revisions. Object to the federal government applying sage-grouse habitat protections to more federal land, restrictions on livestock grazing, failure to manage other impacts, increased restrictions for surface-disturbing activities, and limitations or closures on existing access routes.

Objective 122B: Encourage the federal government to make any sage-grouse conservation plans, RMP Amendments, or any other planning documents consistent with Wyoming Executive Order 2019-3 and any revisions that are made to that Executive Order.

123. GOAL: Explore alternatives to listing, such as conservation plans and related agreements with local, state, and federal agencies, to address potential threats to species and habitats and to prevent official listing.

Objective 122A: Support the use of candidate conservation agreements with assurances for private land and candidate conservation agreements for federal lands as a mechanism to provide habitat for candidate species while allowing current land uses to continue.

Cultural, Archeological, Geological, And Paleontological Resources

Balancing the need for existing land uses with the classification, recording, and protection of cultural and archeological sites presents a significant challenge for local, state, and federal agencies that manage state and federal lands in the County. Although the [Archaeological Resources Protection Act of 1979] ("ARPA")provides strict and meaningful penalties against vandals who destroy sites on land, local, state, and federal land managers do not have the resources to record and protect all sites warranting special care. [16 U.S.C. §§470aa-470mm]. However, most sites in the County are open-lithic scatters with a few tools and flakes that are unlikely to be noticed by the general public. The District recognizes the need to develop public education and stewardship programs to increase awareness of cultural sites in the County. Public education programs should focus on responsible visitation, the history and meaning of various sites found on public lands, and the impacts of surface collecting and excavating existing sites. Site protection strategies need to be balanced with other current and future land uses.

The County contains many special features, which, due to their remote and rugged nature, are mainly self-protected. When an imminent threat to these special features is identified, the necessary mitigation efforts to protect significant scientific, educational, and recreational values will be implemented. Many other special features are susceptible to damage by recreation seekers.

The District is also entitled to participate in proceedings and actions taken under the [Advisory Council on Historical Preservation] ("ACHP"). The District may not always need to be a party to the consultation. Still, it will be when the archeological and cultural resource reviews directly affect the District's mandate to conserve rangeland, soil, and water resources, and to stabilize the ranching and agricultural industries, as well as the mining, oil, and gas industries.

124. GOAL: Encourage the preservation of all parts of our cultural heritage.

Objective 124A: Facilitate the recognition of special features in the County, which may include mines, mills, expedition routes, stage stops, livestock trail routes, horse corrals, campsites, buffalo jumps, pictographs, and quarries.

125. GOAL: Support expansion of opportunities for scientific study, educational, and interpretive uses of cultural and paleontological resources.

Objective 125A: Support monitoring of local, state, and federal agencies in the provision of public visitation opportunities to cultural and archeological sites while providing sufficient site protection. This can be accomplished through local, state, and federal agencies dedicating resources to identify and mark select cultural sites in the County.

Objective 125B: Request the right to be a consulting party with respect to local, state, and federal actions that involve the protection and preservation of significant cultural and paleontological resources and/or their historic record for future generations, including but not limited to, congressionally-designated historic trails and associated historic sites.

Objective 125C: Recognize the unique archeological features that occur on private, state, and federal lands across the County. The District supports the protection of private property owners' rights.

Objective 125D: Support responsible stewardship on cultural sites, balancing resource protection with multiple uses.

126. GOAL: Support balancing the current and future land uses dictated by custom and culture with the protection of cultural sites.

Objective 126A: Request notification and opportunity to comment on lands within Sweetwater County that the Wyoming Commission and Department of State Parks and Cultural Resources may propose for inclusion under [Wyo. Stat. §§36-4-101-123], (governing the acquisition of suitable lands for Wyoming state parks, public recreation grounds, historic parks, and historical, archeological, geological, and ecological sites).

Objective 126B: Support the resolution of conflicts between cultural or paleontological resources and other resource uses.

Objective 126C: Request that local, state, and federal agencies notify the District of any actions or regulations that may impact cultural and archeological resources on state and federal land within the County. The District will review and comment on state or federal actions or changes significant to cultural and archeological resources in the County.

Policy 126A: Management of roads and trails that may be eligible for the NHRP but are not Congressionally designated, should not be managed as if they were designated roads

and trails and should not be included in the ¼ mile protective setback on either side of the trail including, but not limited to, the [Overland Trail], the [Cherokee Trail], and the [Point of Rocks to South Pass Wagon Road]. [Wyoming BLM Historic Trails Map]. Any trail designation needs to respect private property rights.

Policy 126B: Recommend local, state, and federal agencies not jeopardize existing land uses, such as oil and gas exploration, mining, road maintenance, grazing, and recreation, through the protection of cultural and archeological sites. Compliance can be achieved through mitigation measures that balance existing uses with the need to protect cultural sites.

Policy 126C: Acknowledge that sites eligible for or listed on the NHRP will be managed for their local, regional, and national significance, under the guidelines of the National Historic Preservation Act (especially sections 106 and 110) and ARPA. [54 U.S.C. §§ 300101 et seq.] and [16 U.S.C. §§470aa-470mm].

Policy 126D: Request to be recognized by federal agencies as a consulting party under Section 106 of the National Historic Preservation Act and subsequent amendments. Consulting party status will allow the District to work with local, state, and federal agencies to facilitate typical multiple-use activities when sites do not offer unusual or exceptional cultural and archeological values.

Policy126E: At least one representative for the District or the LRAC should be included in any team-based decision-making process by local, state, or federal agencies that affects archeological or cultural resources in the County.

Policy 126F: Sites eligible for or listed on the NHRP will be managed to ensure against adverse effects through proper mitigation if disturbance or destruction is unavoidable. Management prescriptions for sites that are not eligible for the NHRP will be determined on a case-by-case basis, based on the values and impacts involved.

Policy 126G: Support development, including, but not limited to, roads, pipelines, and power lines that may cross trails in areas where previous disturbance has occurred and/or where the trail segment has lost the characteristics that contribute to its National Register significance.

Policy 126H: Preserve evidence of historic farming and ranching as essential resources to the state and area.

Policy 126I: Oppose historical trail management of roads that are used by the public and were established by public use.

Communication / Technology

127. GOAL: Support working with other counties within the region to ensure that the County's telecommunications and informational highway interests are heard and addressed to protect and promote the health, safety, and general welfare of the citizens of the County.

Objective 127A: Support increasing the number of adequate broadband T1-lines available for government, business, and non-profit organizations.

Objective 127B: Encourage the introduction of the latest accessibility technology across all areas of the County. Such technology should include, but not be limited to:

Hyper Spectral Imagery

Cellular Telephone Coverage

Infra-Red Imagery

Remote Location Access

Geographic Information Systems ("GIS") mapping

Digitized Soil Survey

Global Positioning Systems ("GPS")

Electricity

Policy 127A. Communications and associated technologies are essential to the County's long-term vitality. Construction of communication and technology infrastructure requires rights-of-way across federal land. Recent proposals to restrict new rights-of-way across public land threaten the County's ability to develop the necessary technological infrastructure to support communication and other services.

Policy 127B: Recognize and provide for the fact that some communication equipment is site sensitive and should have priority over other uses.

The Continuing Process

The District recognizes that the Plan is dynamic and adaptive and will be updated as needed. It will require the cooperation, work, and dedication of many county residents. The ongoing planning will include consideration of historic, current, and future land uses in Sweetwater County.

128. GOAL: This Land Resource Plan and Policy shall be the basis for enforcing the FLPMA consistency requirements for public land management.

Policy 128A: Land and natural resources are essential to local industry and residents. It is the policy of the District that the design and development of all federal and state land dispositions and acquisitions, including boundary adjustments or land exchanges, be carried out for the benefit of individual property owners and to the benefit of the citizens of Sweetwater County.

Terms Glossary

Access – A way of admittance, approach, entrance, passage, or ingress and egress.

Activity Plans – [Allotment Management Plans] ("AMPs"), Habitat Management Plans ("HMPs"), Watershed Management Plans ("WMPs"), Wild Horse Management Plans ("WHMPs"), and other plans developed at the local level to address specific concerns and accomplish particular objectives.

Agriculture – The art and science of cultivating crops as well as raising and breeding livestock. According to this Plan, activities that traditionally characterize agriculture in Sweetwater County encompass, but are not limited to, cattle and sheep ranching; the production of hay, grain, and other small and large grain crops; and alternative livestock, including both domestic and wild varieties.

Air Quality – The amount of pollutants in the atmosphere determines the area's air quality. Federal and state law regulate particulates, carbon dioxide, sulfur dioxide, nitrogen oxides, ozone, and other toxic air pollutants. National Ambient Air Quality Standards, "NAAQs," set maximum levels of contaminants.

Management systems include abatement and other measures to improve and maintain air quality within a defined range. Ultimately, the desired levels of air quality and the measures to be implemented are a political choice. This choice is usually based on subjective assessments of economic and social costs, benefits, feasibility, and other considerations. Air quality management strategies are not linear processes. Feedback is essential to refine the strategy and help align it with circumstances, capabilities, and needs.

Airshed – A geographic area that, due to topography, meteorology, and climate, shares the same air.

Animal Unit Month ("AUM") – The quantity of forage required by one mature cow and her calf (or equivalent, in sheep or horses, for instance) for one month. The amount of forage needed to sustain one cow, five sheep, or five goats for a month. In the United States, a full AUMs fee is charged for each month of grazing by adult animals if the grazing animal (1) is weaned, (2) is 6 months old or older when entering public land, or (3) will become 12 months old during the period of use.

Archeology – The art and science of studying history from the remains of early human cultures as discovered chiefly by systematic excavations. Cultural resources are evidence of the patterns of a specific period, race, or people's way of life. As per this Plan, items and activities which traditionally define archeological and cultural resources in the County include, but are not limited to, arrowheads, petroglyphs, pictographs, medicine wheels, bone hunting, rock hounding, and historic trails.

Areas of critical environmental concern or ACEC – Defined as "areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards." [43 U.S.C. §1802(a)].

Archeological Resources Protection Act of 1979 – Protects "archaeological resources and sites which are on public lands and Indian lands." The Act also promotes cooperation and information sharing between federal and state governments, the professional archaeological community, and individuals. [16 U.S.C. § 470aa(b)].

Archeological Resources – "Any material remains of past human life or activities which are of archaeological interest, as determined under uniform regulations promulgated pursuant to this chapter. Such regulations containing such determination shall include, but not be limited to, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Non-fossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources under the regulations under this paragraph, unless found in an archaeological context. No item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least 100 years of age." [16 U.S.C. §470bb(1)].

Candidate Conservation Agreement – The USFWS, by policy, may agree with a state agency, local government, or private landowner to protect or manage habitat for a species proposed for listing but not yet listed. Under the terms of the agreement, a generally agreed-upon amount of land is set aside for the conservation of the candidate species. The landowner may also receive compensation and assurances that if the species is listed, the landowner will not be required to adopt additional conservation measures.

Communication – The exchange or transfer of information using the technology of transmission systems.

Community Stability – A Combination of factors to promote and sustain the viability of a community, including local economy, customs, and culture.

Conservation – The preservation or efficient use of resources, or the conservation of various quantities under physical laws.

Conservation Plan – This term refers to situations in which a state or states develops a management plan to protect a species proposed for listing under the ESA to persuade the USFWS not to list it. The plan may be based on a memorandum of agreement between federal and state agencies and may involve more than one state.

Cooperation – "[T]o act jointly or concurrently toward a common end." [Black's Law 5th Ed. At 302].

Coordinated Resource Management ("CRM") – A group of people working together to develop common resource goals and resolve natural resource concerns. CRM is a people process that seeks win-win outcomes through consensus-based decision-making.

Coordination – "[A]dusted to, in harmony with." *Id*. at 303.

Consistency – "[H]aving agreement with itself or something else; harmonious; congruous; compatible; not contradictory." *Id*. at 279.

Consultation – A conference between two or more people to consider a particular question.

Core Area – The regions with the most significant numbers of communal sage-grouse breeding grounds or leks, and sage grouse.

Culture – The body of customary beliefs, social forms, and material traits, including the traditions of racial, religious, and social groups; their morals, knowledge, customs, religions, law, beliefs, superstitions, and art.

Custom – As used in this Plan, custom is defined as the usage or practice of the people, which by common adoption and acquiescence, and by long and unvarying habit, has become compulsory, and has acquired the force of a law with respect to the place or subject-matter to which it relates, and a habitual practice, more or less widespread, which prevails within a geographic or sociological area.

Customs – The way people implement their culture—the way they traditionally use the land, make a living, and act toward each other. Customs are the visible and tangible manifestations of the shared beliefs that bind a group of people into a community. In law, customs consist of "long established practice or usage, which constitutes the unwritten law, and long consent to which gives it authority. Customs are general, which extend over a state or kingdom, and particular, which are limited to a city or district."

***de facto* Wilderness Management** – Land management policy that is imposed without congressional direction or authority that mirrors or is similar to the management of areas designated by Congress as wilderness pursuant to the 1964 Wilderness Act. The management restrictions and prohibitions include: the ban on construction of new roads; limitation or prohibition on reconstruction or maintenance of existing roads; ban on mining or mineral development; restrictions on activities that would require permanent structures or facilities, or restrictions on motorized vehicle use or the use of mechanical tools or means of travel.

Desired Plant Community – A plant community which produces the kind, proportion, and amount of vegetation necessary for meeting or exceeding the land use plan/activity plan objectives established for an ecological site(s). The desired plant community must be consistent with the site's capability to produce the desired vegetation through management, land treatment, or a combination of the two.

Disruptive Activities – Human activities that directly interfere with key biological processes, such as breeding, and which will have measurable and long-term impacts.

Ditch Easement – A right-of-way across land granting the right to construct and maintain a ditch. On public land, a right-of-way was granted across unreserved public lands when a ditch or a canal was constructed pursuant to [R.S. 2339 and 2340], Act of July 26, 1866, [Ch. 262, Sec. 9, 14 Stat.253], [Ch. 262, Sec. 9, 14 Stat.254]. These laws were repealed when Congress enacted FLPMA in 1976.

Ecological Site – An area of land with specific physical characteristics that differs from other areas both in its ability to produce distinctive kinds and amounts of vegetation and in its response to management.

Economics – Of the development and management of the material wealth of a government or community.

Erosion – (v.) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity. (n.) The land surface is worn away by running water, wind, ice, and other geological agents, including gravitational creep.

Flora – The wild plants of a particular region, district, or geographical period; a description of such plants.

Forestland – Land that is now, or is capable of becoming, at least 10% stocked with forest trees and that has not been developed for non-timber use ("BLM"). As defined by the USDA Forest Service, forested land is land that is at least ten percent covered with trees (Forested Landscapes in Perspective, 1998).

Forest Health – A measure of the robustness of forest ecosystems. Aspects of forest health include biological diversity, air and water productivity, natural disturbances, and the capacity of forests to sustain a flow of goods and services for people.

This term is often used to express a collection of concerns – with respect to the alleged deterioration in the forest conditions, including both current problems and (*e.g.* – insect and disease infestations, wildfires, and related tree mortality) and risks of future problems (*e.g.* – too many small-diameter trees) (overstocking), excess biomass in an unnatural mix of tree species in mixed stands.

Forms of Production – The forms of production component includes the things you have or need to produce to retain or attain the desired quality of life.

The derived forms of production statement of the District reads as follows: "The quality of life we strive for will be achieved by continuing to maintain and enhance sustainable and optimum production of renewable and non-renewable resources and to encourage and support the motive and means to enhance economic opportunity and education."

Future Resource Base – The future resource base component includes the people, land, and community we live in, the services available, and what we will need to sustain and enhance our quality of life and forms of production.

The derived future resource base statement of the District reads as follows: "Through the efforts of cooperation and communication among the local people, our community will have a beneficial impact on sustaining a strong and viable multiple-use of our lands, including agricultural, industrial, mineral production, commercial, recreational and historical uses, which together will provide the continued ability to generate wealth and growth and needs of our community."

General Habitat Management Areas – Sage-grouse habitat that is occupied (seasonal or year-round) habitat outside of priority habitat.

Geophysical Exploration – The use of geological and geochemical techniques, including, but not limited to, core and test drilling, well logging techniques, and various sampling methods, to produce information and data in support of possible mineral resource exploration and development activities, including pipelines. It also includes any operation using gravity, magnetic, and seismic

survey methods to produce geologic information and data in support of possible mineral resource exploration and development activities.

Grazing Management Practices – These include grazing systems (rest-rotation, deferred rotation, etc.), timing and duration of grazing, herding, salting, and other practices. They do not include physical range improvements.

Guidelines (For Grazing Management) – Guidelines provide for and guide the development and implementation of reasonable, responsible, and cost-effective management actions at the allotment and watershed levels, moving rangelands toward statewide standards or maintaining existing desirable conditions. Appropriate guidelines will ensure that the resulting management actions reflect the watershed's potential, consider other uses and natural influences, and balance resource goals with social, cultural/historic, and economic opportunities to sustain viable local communities. Guidelines, and, therefore, the management actions they engender, are based on sound science, past and present management experience, and public input.

The Habitat Conservation Plan shall be approved by the U.S. Fish and Wildlife Service (USFWS) to safeguard the habitat of a species listed under the Endangered Species Act (ESA) situated on private property. This plan permits private landowners to utilize or develop their land notwithstanding the potential adverse impacts on listed species. Furthermore, the plan shall encompass a "takings permit" to address incidental habitat loss or possible harm to a listed species.

Habitat Fragmentation – An event that creates a greater number of habitat patches that are smaller in size than the original contiguous tract(s) of habitat.

Habitat Loss – The permanent or effectively permanent removal of habitat cover needed by a particular wildlife species.

Highway – Includes, but is not limited to, pedestrian trails, horse paths, livestock trails, wagon roads, jeep trails, logging roads, homestead roads, mine-to-market roads, alleys, tunnels, bridges, dirt or gravel roads, paved roads, and all other ways and their attendant access for maintenance, reconstruction, and construction.

Indicator – An indicator is a component of a system whose characteristics (e.g., presence, absence, quantity, and distribution) can be measured based on sound scientific principles. An indicator can be measured (monitored and evaluated) at a site- or species-specific level. Measurement of an indicator must show change within timeframes acceptable to management and demonstrate how the ecosystem's health is changing in response to specific management actions. Selecting appropriate indicators to monitor within a particular allotment is a critical aspect of early communication among parties on the ground. The most useful indicators are those for which change or trend can be easily quantified and for which agreement on the indicator's significance is broad-based.

Intention – A determination to act in a certain way: resolve. Synonyms for intention/intent are purpose, design, aim, end, objective, goal, mean or what one proposes to accomplish or attain.

Irreversible and Irretrievable Commitment of Resources – NEPA requires that each EIS address the resources that will be permanently lost or committed as a result of the project. When oil is produced from a well, it is lost or committed and cannot be later developed. Vegetation

resources associated with a well pad are not irretrievably committed because the site can be reclaimed.

Jeopardy Review – The USFWS, pursuant to the ESA, must evaluate all federal actions that may adversely affect a listed species to determine whether the proposed action is likely to jeopardize the continued existence of the species. [16 U.S.C. §1536]. As part of the jeopardy review, also known as a "Section 7 review," USFWS prepares a biological opinion, determines whether jeopardy exists, and recommends additional conservation measures to mitigate impacts on the species. If the USFWS makes a finding of jeopardy, the proposed federal action may not proceed.

Land Designation – The classification of tracts of land by Congress or a land management agency to recognize distinctive and unique characteristics or uses.

"Let it Burn" – A land management policy (and philosophy) that limits or ends fire suppression to reintroduce the role of natural wildfire into an ecosystem. This policy is most often used in wilderness areas, where the use of firefighting equipment and tools is generally prohibited, or in the more remote areas of the National Park System. It also substitutes wildfire for logging or grazing to recreate pre-settlement environments.

Litter – The uppermost layer of organic debris on the soil surface, essentially the freshly fallen or slightly decomposed vegetal material.

Locatable Minerals – Minerals subject to exploration, development, and disposal by staking mining claims as authorized by the Mining Law of 1872 (as amended). This includes valuable deposits of gold, silver, and other uncommon minerals that are not subject to lease or sale.

Management Actions – Management actions are the specific actions prescribed by the BLM to achieve resource objectives, land use allocations, or other program or multiple-use goals. Management actions include both grazing management practices and range improvements.

Memoranda of Understanding ("MOU") – An instrument setting forth the terms of an informal agreement, most often between a state or local government and a federal agency to establish operational arrangements or information sharing. It may also regulate technical or detailed matters, such as terms for mutual maintenance of roads or other facilities. It is typically presented as a single instrument and may not require ratification.

Memorandum of Agreement ("MOA") – It bears a close resemblance to a Memorandum of Understanding (MOU); however, it will be articulated as an agreement rather than a mere general understanding. Similar to an MOU, it will serve to document an informal accord between federal agencies, divisions or units within an agency or department, or between a federal entity and a state agency or a local government unit. It will explicitly delineate tasks, jurisdiction, standard operating procedures, or other matters that the respective agencies or units are duly authorized and mandated to address conduct.

Minerals – Naturally occurring homogeneous substances formed by organic or inorganic processes found on the surface or in the earth; deposits having some resource values such as coal, sand and gravel, precious and semi-precious metals, fossils, and gemstones.

Multiple Land Use – Use of land for more than one purpose, for example, grazing of livestock, recreation, and timber production. The term may also apply to the use of associated bodies of water for recreational purposes, fish, and water supply. (UN).

Multiple-use – Multiple uses of the national forests means the "harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output." Multiple Use and Sustained Yield Act of 1960, [16 U.S.C. § 531(a)] [(P.L. 86-518, June 12, 1960)] as amended. Multiple use implies a sustained yield of outdoor recreation, range, timber, watershed, wildlife, and fish values.

Multiple use of the public lands managed by the Bureau of Land Management means: "the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output." Federal Land Policy and Management [Act, 43 U.S.C. §1702(c)].

Multiple-use land – A combination of balanced and diverse resource uses that considers long-term needs for renewable and nonrenewable resources, including recreation, rangeland, timber, minerals, watershed, and wildlife, along with scenic, scientific, and cultural values.

Multiple-use Management – The management of all of the various renewable surface resources of national forest lands, for a variety of purposes such as recreation, range, timber, wildlife and fish habitat, and watershed.

Non-Core Areas – Those areas outside of core areas but inside the sage-grouse habitat range.

Non-impairment management – The standard for determining whether to allow actions or activities on public lands that have been classified as wilderness study areas either by Congress or the Bureau of Land Management. The action or activity may be allowed so long as the impacts do not impair the area's suitability for wilderness or degrade wilderness values to the point of precluding its inclusion in the National Wilderness Preservation System.

No surface occupancy ("NSO") – This term refers to a condition attached to a mineral lease that prohibits surface occupancy or development activities on the land. NSO is not a recognized term for other land uses or permits.

Objective – A site-specific statement of the desired rangeland condition. It may contain qualitative (subjective) elements, but it must have quantitative (objective) elements so that it can be measured. Objectives frequently speak to change. They may measure the avoidance of negative changes or the accomplishment of positive changes. They are the focus of local-level monitoring and evaluation activities. Objectives may measure the products of an area rather than their ability to produce them, but if they do, it must be kept in mind that the lack of a product may not mean the standards have not been met. Instead, the lack of a particular product may reflect other factors such as political or social constraints. Objectives often focus on indicators of the most significant interest to the area in question.

Open Space – Any parcel or area of land or water that is essentially unimproved and is set aside, dedicated or reserved for public or private use for the enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets, and off street parking and other improvements that are designed to be incidental to the natural openness of the land. An area of a lot, either left in a natural state or receiving permeable vegetative landscape treatment, such as ponds and lakes, either natural or artificial; and water features, grass, shrubs, flowers, trees, ground cover, etc.

Prescribed burn – The deliberate use of fire to improve vegetation conditions or to reduce fuel loads in forests, grassland, or rangeland areas.

Priority Habitat Management Areas – Areas that have been identified as having the highest conservation value for maintaining sustainable sage grouse populations. These areas include breeding, late brood-rearing, and winter concentration areas.

Public lands – The term "public lands" means "any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except-- (1) lands located on the Outer Continental Shelf; and (2) lands held for the benefit of Indians, Aleuts, and Eskimos." [43 U.S.C. §1702(e)]

Range – Rangelands, forests, woodlands, and riparian zones that support an understory or periodic cover of herbaceous or shrubby vegetation amenable to rangeland management principles or practices. Land on which 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 suitable for wildlife or domestic livestock grazing, including grasslands, woodlands, shrublands, and forest lands.

Range Condition – The current productivity of a rangeland relative to what the land could naturally produce based on the site's soil type, precipitation, geographic location, and climate.

Range Improvements – Range improvements include corrals, fences, water developments (reservoirs, spring developments, pipelines, wells, etc.), and land treatments (prescribed fire, herbicide treatments, mechanical treatments, etc.).

Range Management – The art and science of planning and directing range use intended to sustain the maximum animal production and perpetuation of the natural resources.

Rangeland – Land on which the native vegetation (climax or natural potential) is predominantly grasses, grass-like plants, forbs, or shrubs. This includes lands revegetated naturally or artificially, for which routine management of that vegetation is mainly achieved through manipulation of grazing. Rangelands include natural grasslands, savannas, shrublands, most deserts, tundra, alpine communities, coastal marshes, and wet meadows.

The United States has 399 million acres of non-federal rangeland, about 30% of all non-federal rural lands, according to the 1992 National Resources Inventory**.** The BLM manages approximately 167 million acres of federal rangelands, and the Forest Service manages approximately 95 million acres of federal rangelands.

Rangeland Health – The degree to which the integrity of the soil and ecological processes of rangeland ecosystems is sustained.

Recovery Plan – The ESA requires the USFWS to prepare a plan to improve the status of a listed species to the point where the species no longer needs to be listed. A recovery plan typically sets population goals, identifies tasks to reverse or arrest the decline of a species, and sets criteria for delisting the species.

Recreation – An action or lack thereof, which results in relaxation, entertainment, and is enjoyed by those who participate.

Reintroduction Plan – Under the ESA, a reintroduction plan is a specialized recovery plan designed to restore a threatened or endangered species to its historical habitat. A reintroduction plan will document the habitat area to be occupied and specific management actions to be taken to ensure the successful reintroduction of the listed species. Alternatively, a reintroduction plan by a state wildlife agency will return fish, game, or other wildlife to an area where they have been extirpated.

Research Natural Area ("RNA") – A type of area of critical environmental concern or ACEC under the BLM land use planning process where natural ecological and physical processes are allowed to occur, and human activities are prohibited if they will interfere with the natural processes. Under Forest Service land use policy, an RNA is an area identified as a reference area to evaluate the impacts of management in similar environments, including areas for research and areas to be protected for biodiversity or threatened, endangered, and sensitive species.

Resource Advisory Committee – As used in this Plan, the Resource Advisory Committee refers to any committee established by the District to provide advice on various land and conservation issues. The term also refers to advisory committees established by the Bureau of Land Management to provide the BLM with advice on public land management issues, especially those related to livestock grazing, pursuant to 43 C.F.R. Subpart 1884.

Rights-of-way – This term generally refers to "an easement, lease, permit, or license to occupy, use, or traverse lands," and such right may be created by federal or state statute, deed, contract, or agreement, or permit. A right-of-way may also include: Any road, trail, access, or way upon which construction has been carried out to the standard in which public rights-of-way were built within a historic context. These rights-of-way may include, but not be limited to, horse paths, cattle trails, irrigation canals, waterways, ditches, pipelines, or other means of water transmission and their

attendant access for maintenance, wagon roads, jeep trails, logging roads, homestead roads, mine to market roads, and all other ways.

Riparian – An area of land directly influenced by permanent water. It has visible vegetation or physical characteristics reflective of permanent water influence. Lakeshores and streambanks are typical riparian areas. Excluded are sites such as ephemeral streams or washes that lack vegetation dependent on free water in the soil.

Riparian Area – An area along a watercourse or around a lake or pond.

"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. USDA NRCS.

"Riparian areas have one or both of the following characteristics: 1) distinctively different vegetative species than adjacent areas, and 2) species similar to adjacent areas but exhibiting more vigorous or robust growth forms. Riparian areas are usually transitional between [river or] wetland and upland." US FWS.

Riparian landscapes occur in the saturated soils along the County's streams. Riparian or streamside areas are valuable natural resources, and impacts to them should be avoided whenever possible. Riparian vegetation plays a vital role in protecting streams, reducing erosion and sedimentation, improving water quality, maintaining the water table, controlling flooding, and providing shade and cover.

Riparian Zone – Those terrestrial areas where the vegetation complex and microclimate conditions are products of the combined presence and influence of perennial and or intermittent water, associated with high water tables and soils that exhibit some wetness characteristics. It is commonly used to refer to the zone within which plants rooted in the water table of rivers, streams, lakes, ponds, reservoirs, springs, marshes, seeps, bogs, and wet meadows grow. (BLM). "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 the floodplain. At the largest scale, the riparian zone is the land band that has significant influence on the stream ecosystem, and/or is significantly influenced by the stream." Malcomb Hunter.

Significantly – This term is used in the National Environmental Policy Act [42 U.S.C. § 4332(2)(C)] to define when a proposed action may significantly affect the human environment.

Significantly, as used in NEPA, requires considerations of both context and intensity:

a) Context. This means that the significance of an action must be analyzed in several contexts, including society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a significant action. The following should be considered in evaluating intensity:

1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes, on balance, that the effect will be beneficial.

2) The degree to which the proposed action affects public health or safety.

3) Unique characteristics of the geographic area, such as proximity to historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

6) The degree to which the action may establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporarily or by breaking it down into small parts.

8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

Sagebrush Focal Areas – Areas identified by the USFWS that represent recognized "strongholds" for sage grouse that have been noted and referenced by the conservation community as having the highest density of sage grouse and other criteria necessary for the persistence of sage grouse.

Site Condition – This term describes existing soil, vegetation, wildlife, and the physical site, in the context of precipitation and climate.

Special Land Use Designations – Refers to the classification or designation of tracts of land by Congress or a federal agency to recognize and protect distinctive or unique characteristics. Designations by Congress are permanent and may include national monuments, national parks, national park preserves, national wildlife refuges, national recreation areas, national seashores, wild and scenic rivers, national forests, and wilderness areas. The President may also establish national monuments, which are permanent unless modified by another President or Congress. Federal law may delegate authority to various federal agencies to make special land-use

designations. The Interior Department Secretary may designate wildlife refuges; the Bureau of Land Management, through its land use plans, may establish special recreation areas, areas of critical environmental concern, resource natural areas, and, until 1991, wilderness study areas. The Forest Service, through its land-use plans, establishes special-interest areas and research natural areas.

There are more than 40 recognized special land designations that exist nationwide. Pursuant to this Plan, multiple use is not a special land designation; rather, it is a concept and management practice for most lands in Sweetwater County not assigned a special land designation.

Species of Concern or Special Status Species – This term includes species that have been proposed for listing under the Endangered Species Act or have already been listed as threatened or endangered, as well as species that are on the candidate list published in the *Federal Register*. The term also includes any state-listed species or any "sensitive species" identified by the BLM State Director, which consist of the above categories and may also include species undergoing downward trends due to changes in habitat capability or population, or which occupy specialized habitats.

Spill Over – This term refers to the movement of introduced or reintroduced wildlife into areas where they were not intended to be in the plan. The presence of such species will significantly limit land use, especially when they are protected under the ESA or other federal and state laws.

Split Estate – A tract of land where title to the surface estate is separate from title to some or all of the mineral rights. Split estates are common in the western United States because private land conveyed under the Homestead or Stock Raising Homestead Acts reserved the mineral rights to the United States. Under common law, the mineral estate is dominant and can be developed despite the surface owner's objections. Modern statutes and case decisions have modified the rule but still recognize the mineral owner's right to acquire the mineral estate, even when the surface owner objects. If the United States owns the surface, it will require the mineral owner to reclaim the surface, secure permits to build roads and other facilities, and post reclamation bonds. If a private landowner owns the surface, then federal reclamation laws do not apply, but state laws will.

Standards – Standards are synonymous with goals and are observed on a landscape scale. Standards apply to rangeland health and not to the essential by-products of healthy rangelands. Standards relate to the current capability or realistic potential of a specific site to produce these by-products, not to the presence or absence of the products themselves. It is the sustainability of the processes, or rangeland health, which makes these by-products.

Surface disturbing activity – Refers to development activities that involve the removal of vegetation, topsoil, or overburden where there is a physical change to the surface, such as activities associated with mineral or energy development, rights-of-way, road construction, or reconstruction. It does not include incidental disturbances related to the building, reconstruction, or maintenance of fences or corrals, or stock tanks; livestock or wildlife grazing; or recreation uses.

Sustainable Yield – The yield from a renewable resource that can be produced continuously at a given intensity of management.

Sustained Yield – A "high-level" output of renewable resources that does not impair the productivity of the land. The continuation of a healthy desired plant community.

Takings in the context of the Endangered Species Act – Includes harm to a protected species when an act actually kills or injures wildlife. Such an act may include significant habitat modification or degradation, which can kill or injure wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. [50 C.F.R. §18.3].

Takings in context of property and right to compensation – A 'taking' of property is generally defined as the deprivation of the right of use and enjoyment of the property. Property ownership is often described as a "bundle of sticks," which includes mineral rights, rights of access, rights to use the surface, and rights to use the fruits raised from the surface, such as crops or grass. When land use regulation by federal, state, or local government interferes with one of those rights in the bundle of sticks, a taking occurs only if it deprives the owner of all of his bundle of sticks or "investment-backed expectations." More recent decisions will find a taking when the deprivation is total but temporary, or when it precludes an essential element of the property right, such as the right to exclude others. Federal land agencies enjoy a much greater presumption of authority to limit the exercise of private property rights, and successful takings cases more often involve disputes with a local government or state agency.

Terms and Conditions – Terms and conditions are very specific land-use requirements that are made part of the land-use authorization to assure maintenance or attainment of the standard. Terms and conditions may incorporate or reference the appropriate portions of activity plans (e.g., Allotment Management Plans). In other words, where an activity plan exists that contains objectives focused on meeting the standards, compliance with the plan may be the only term and condition necessary in that allotment.

Thoroughfare – Term means, according to its derivation, a street or passage through which one can fare (travel); that is, a street or highway affording an unobstructed exit at each end into another street or public passage. If the passage is closed at one end, admitting no exit, it is called a "cul-de-sac."

Title V of FLPMA – In 1976, Congress repealed almost all laws granting rights-of-way for various purposes and established a single title under which rights-of-way would be granted across public lands for any purpose, including power transmission lines, roads, and pipelines.

Tracea – In old English law, the track or trace of a felon, by which he was pursued with the hue and cry; a footstep, hoof-print, or wheel track.

Trails – A trace is a pathway made by the passage of a man-animal, the routing of extended travel. Vestiges of an established pathway by which man has persistently walked or trailed game or sought the most straightforward traverse of land, establishing right-of-way access of natural law by horseback, travois, etc.

Trailshed – This term refers to the elements of managing historic trails, including linear landscapes, visual resources (viewshed), historic context, and the trail corridor itself.

Tread Lightly – A BLM program to encourage recreation users to avoid damage to natural resources by leaving no or little evidence of recreation use.

Undue and unnecessary degradation – This term applies to activities on public lands managed by the Bureau of Land Management, which is required to ensure that surface activities do not cause 'undue or unnecessary degradation.' BLM defines those impacts as greater than those typically expected from an activity conducted in compliance with current standards and regulations and in accordance with sound practices, including the use of the best reasonably available technology.

Upland – Those portions of the landscape that do not receive additional moisture for plant growth from run-off, streamflow, etc. Typically, these are hills, ridgetops, valley slopes, and rolling plains.

Visibility Protection Plan – A plan that implements the requirements of the Clean Air Act.

Visibility or Visibility Impairment – Visibility refers to the amount or lack of haze that obscures the ability to see great distances. Visibility impairment measures the extent of haze composed of various air pollutants, which manifests as a white or brown haze. This is a significant issue for national parks and wilderness areas, which are Class I air quality areas and receive the highest level of protection.

View – The sight or prospect from a particular point, typically an appealing sight.

Viewshed – The geographic area surrounding the visual area to be inventoried and managed.

Visual Condition Class – The Clean Air Act recognizes four air quality classes, with Class I applying to national parks and wilderness areas and Class II applying to all other federal land areas, such as National Forests, National Wildlife Refuges, and public lands. Visual conditions are affected by particulates, emissions including ozone, sulfur oxides, nitrogen oxides, and carbon dioxide, and chemical reactions driven by humidity and sunlight.

Visual Quality or Visual Resource Management Objective – Standards established in land use plans prepared by the Forest Service or the Bureau of Land Management to apply to specific land areas based on the scenic qualities and land uses. The land use plans may require modifications to facilities to reduce the visual impacts.

Visual Resource – A part of the landscape important for its scenic quality. It may include a composite of landforms, water features, cultural features, terrain, geologic features, OR vegetative patterns which create the visual environment. 2. The visible physical features of a landscape. (BLM).

Visual Resource Management ("VRM") – The designation of BLM surface lands for visual resource protection and management as part of the land use planning process. The VRM classification takes into account scenic values and sensitivity based on land uses permitted and distance or remoteness. *See* [BLM H8410-1].

Visual Resource Management Classes – The BLM handbook recognizes four VRM classes: Class I, to preserve nationally designated wilderness areas; Class II, to protect scenic values, including areas of critical environmental concern; Class III, to permit some change in landscape character; and Class IV, to allow moderate to significant changes in the landscape.

Waste – Refuse; worthless or useless matter.

Water – All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies of water above or below ground which are partially or wholly in the state, border on the state, or are within the jurisdiction of the state. Private waters that do not combine with, connect to, or infiltrate into natural surface or underground waters are not included (for example, an isolated farm pond that does not infiltrate into groundwater or connect to surface water). All springs, streams, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State are subject to its jurisdiction.

Watershed – The total land area, regardless of size, above a given point on a waterway that contributes runoff water to the flow at that point. It is a major subdivision of a drainage basin. The United States is generally divided into 18 major drainage areas and 160 principal river drainage basins, which contain about 12,700 smaller watersheds. The entire region or land area that contributes water to a drainage system or stream, collects and drains water into a stream or stream system, or is drained by a waterway (or into a lake or reservoir). More specifically, a watershed is an area of land above a given point on a stream that contributes water to the streamflow at that point. A region or area where surface runoff and groundwater drain to an ordinary watercourse or body of water. Drainage divides enclose the area drained by a river or river system. An area of land that drains to a single water outlet. A watershed is also known as a sub-basin.

Weed – Any plant growing where it is not desired; a plant out of place, or unwanted plants, which may be growing in a variety of situations.

"**Declared weed**" – Any plant, which the board and the Wyoming Weed and Pest Council have found, either by virtue of its direct effect, or as a carrier of disease or parasites, to be detrimental to the general welfare of persons residing within a district.

[Wyo. Stat. § 11-5-102(a)(viii)].

Noxious weed – A weed that is recognized as a threat to native plants due to its invasive character.

Wetlands – Permanently wet or intermittently water-covered land areas, such as swamps, marshes, bogs, muskegs, potholes, swales, and glades. Areas that are inundated by surface or ground water with a frequency sufficient to support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, wet meadows, river overflows, mud flats, and natural ponds.

Although federal agencies, states, and textbook authors vary in the way in which they define wetlands, in general terms, wetlands are lands where water covers the soil or is present either at or near the surface of the soil or within the root zone, all year or for varying periods of time during the year, including during the growing season. The recurrent or prolonged presence of water (hydrology) at or near the soil surface is the dominant factor determining the nature of soil development and the types of plant and animal communities living in the soil and on its surface. Wetlands can be identified by the presence of plants (hydrophytes) adapted to life in soils formed under flooded or saturated conditions (hydric soils), characteristic of wetlands (NAS 1995; Mitsch and Gosselink 1993). Some wetlands lack hydric soils and hydrophytic vegetation, but support other organisms indicative of recurrent saturation (NAS 1995).

The federal regulations implementing Section 404 of the Clean Water Act define wetlands as:

"Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas." [(40 C.F.R. §120.2(c)(1))]

Jurisdictional wetlands, which are regulated by the U.S. Army Corps of Engineers ("US COE" or "Corps") under Section 404, must exhibit all three characteristics: hydrology, hydrophytes, and hydric soils (US ACOE 1987). It is essential to understand that some areas that function as wetlands ecologically, but exhibit only one or two of the three characteristics, do not currently qualify as Corps jurisdictional wetlands and thus activities in these wetlands are not regulated under the Section 404 program. Such wetlands, however, may perform valuable functions.

Another federal agency, the U.S. Fish and Wildlife Service, defines wetlands as: lands that are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water, and that have one or more of the following attributes:

1. At least periodically, the land supports predominantly hydrophytes;
2. The substrate is predominantly an undrained hydric soil, and
3. The substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year [(Cowardin *et al*. 1979)].

This definition differs from the EPA and U.S. Army Corps of Engineers definition used for [jurisdictional wetlands], which requires that all three attributes (hydrophytes, hydric soils, and hydrology) be evident. [The 1987 Corps of Engineers Manual on Wetland Delineation] does not consider unvegetated aquatic sites such as mudflats and coral reefs or vegetated shallow water to be wetland areas. In contrast, the [Cowardin Classification] does (US ACOE 1987).

Wilderness Act of 1964 – Congress established the National Wilderness Preservation System to protect and preserve those areas deemed to be wilderness, which is defined as:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this chapter an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value. [16 U.S.C. §1131(c)].

Wilderness Area – Tracts of land designated by an act of Congress to be part of the [National Wilderness Preservation System].

Wilderness Study Area or WSA – An area of land identified by Congress or a federal agency pursuant to Congressional direction to be evaluated for its suitability for designation by Congress

as part of the National Wilderness Preservation System. With respect to public lands managed by the Bureau of Land Management, it refers to tracts of public land determined to meet the definition of wilderness based on the Bureau of Land Management's wilderness inventory and review conducted pursuant to [Section 603 of the Federal Land Policy and Management Act, 43 U.S.C. §1782]. A WSA typically meets the definition of wilderness in that it is "an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value." [16 U.S.C. §1131(c.)].

Wildlife – Populations, variety, and distribution of birds, mammals, reptiles, amphibians, invertebrates, and plants.

Woodland Products – Harvestable items from [Piñon] – [Juniper] woodlands. These include fuel wood, posts, pine nuts, and Christmas trees.

Woody – Consisting of wood plants such as trees or bushes– i.e., [Sagebrush]

Wood Fiber Production – The growing, tending, harvesting, and regeneration of harvestable trees.

Glossary Of Acronyms

AFO/CAFO	Animal Feeding Operation/Confined Animal Feeding Operation
ACEC	Area of Critical Environmental Concern
Ag	Agriculture
AML	Appropriate Management Level
AMP	Allotment Management Plan
ANILCA	Alaska National Interest Lands Conservation Act
APA	Wyoming Administrative Procedures Act
ARPA	Archaeological Resources Protection Act
APHIS	Animal and Plant Health Inspection Service
AUM	Animal Unit Month
BLM	Bureau Of Land Management
BMP	Best Management Practice
CBM	Coalbed Methane
CEQ	Council on Environmental Quality
CRC	Colorado River Compact
DPC	Desired Plant Communities
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FLPMA	Federal Land Policy And Management Act, Or The "BLM Organic Act"
GIS	Geographic Imaging System
GR/RS/SCJPWB	Green River/Rock Springs/Sweetwater County Joint Powers Water Board
GRBAG	Green River Basin Advisory Group
GRBP	Green River Basin Plan
HMA	Herd Management Areas
LRAC	Land and Resource Advisory Committee
LRUP	Land And Resource Use Plan And Policy
NEPA	National Environmental Policy Act
NRA	National Recreation Area
NRCS	Natural Resources Conservation Service
NRHP	National Register Of Historic Places
RMP	Resource Management Plan
SCWP	Sweetwater County Weed and Pest
SWCCD	Sweetwater County Conservation District
UGRBJPWA	Upper Green River Basin Joint Powers Water Agreement
U.S.C.	United States Congress
USDA	United States Department of Agriculture
USDOI	United States Department of the Interior
USFS	United States Forest Service
USFWS or FWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WACD	Wyoming Association Of Conservation Districts
WDA	Wyoming Department of Agriculture
WDEQ or DEQ	Wyoming Department of Environmental Quality
WGFD	Wyoming Game and Fish Department

WHIP	Wildlife Habitat Incentives Program
WSA	Wilderness Study Area
WSGA	Wyoming Stock Growers Association
WWDC	Wyoming Water Development Commission
WWGA	Wyoming Wool Growers Association

Public Comments And Response