

## HOUSE JOINT RESOLUTION NO. HJ0009

State standards for federal resource management-2.

Sponsored by: Representative(s) Hageman and Luthi

A Bill

for

1 A JOINT RESOLUTION relating to state involvement in federal  
2 resource management.

3

4 WHEREAS, federal lands comprise a significant portion of  
5 the state of Wyoming;

6

7 WHEREAS, the administration and management of federal lands  
8 within the state of Wyoming affects the lives and  
9 livelihoods of most residents of the state;

10

11 WHEREAS, federal, state and local agencies regularly  
12 prepare and implement plans to manage federal, state and  
13 other lands; and

14

1 WHEREAS, federal, state and local planning is crucial to  
2 the continued viability and vitality of the state of  
3 Wyoming and its residents.

4

5 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE  
6 LEGISLATURE OF THE STATE OF WYOMING:

7

8 (a) That state agencies, under the direction of the  
9 governor, should vigorously and substantively participate  
10 in the preparation of plans, policies, programs and  
11 processes and should help to coordinate the:

12

13 (i) Development of general policies concerning  
14 the management and use of federal lands and natural  
15 resources on federal lands in Wyoming to promote maximum  
16 recognition of state and local interest in the federal land  
17 use management process;

18

19 (ii) Development, research and use of factual  
20 information, legal analysis and statements of desired  
21 future condition for the state, or region of the state, as  
22 necessary to support the plans, programs, processes and  
23 policies;

24

1           (iii) Establishment of agreements between the  
2 state and federal land management agencies, federal natural  
3 resource management agencies and federal natural resource  
4 regulatory agencies to facilitate state and local  
5 participation in the development, revision and  
6 implementation of land use plans, guidelines, regulations,  
7 other instructional memoranda or similar documents proposed  
8 or promulgated for lands and natural resources administered  
9 by federal agencies; and

10

11           (iv) Establishment of agreements with federal  
12 land management agencies, federal natural resource  
13 management agencies and federal natural resource regulatory  
14 agencies to provide a process for state and local  
15 participation in the preparation of, or coordinated state  
16 response to, environmental impact analysis documents and  
17 similar documents prepared pursuant to law by state or  
18 federal agencies.

19

20           (b) That state agencies, under the direction of the  
21 governor, should take into consideration and provide  
22 appropriate comments to federal agencies regarding the  
23 following findings in the preparation of any plans,

1 policies, programs or processes relating to federal lands  
2 and natural resources on federal lands:

3

4 (i) The citizens of the state are best served by  
5 the application of multiple use and sustained yield  
6 principles when making decisions concerning the management  
7 and use of the lands administered by the bureau of land  
8 management and the United States forest service;

9

10 (ii) Multiple use and sustained yield management  
11 means federal agencies shall develop and implement  
12 management plans and make other resource use decisions to  
13 facilitate land and natural resource use allocation  
14 supporting the specific plans, programs, processes and  
15 policies of state agencies and local governments. Multiple  
16 use and sustained yield management is designed to produce  
17 and provide the watersheds, food, fiber and minerals  
18 necessary to meet future economic growth needs, community  
19 expansion and meet the recreational needs of the citizens  
20 of the state without permanent impairment of the  
21 productivity of the land;

22

23 (iii) The waters of the state are the property  
24 of the citizens of the state, subject to appropriation for

1 beneficial use, and are essential to the future prosperity  
2 of the state and the quality of life within the state;

3  
4 (iv) The state has the right to develop and use  
5 its entitlement to interstate waters;

6  
7 (v) All water rights desired by the federal  
8 government shall be obtained through the state water  
9 appropriation system;

10  
11 (vi) Solid, fluid and gaseous mineral resources  
12 of the state are an important part of the economy of the  
13 state and of regions within the state;

14  
15 (vii) The state has outstanding opportunities  
16 for outdoor recreation;

17  
18 (viii) Wildlife constitutes an important  
19 resource and provides recreational and economic  
20 opportunities for the state's citizens. Proper stewardship  
21 of the land and natural resources is necessary to ensure a  
22 viable wildlife population within the state;

23

1           (ix) Forests, rangelands, timber and other  
2 vegetative resurces provide forage for livestock, forage  
3 and habitat for wildlife, contribute to the state's  
4 economic stability and growth, and are important for a wide  
5 variety of recreational pursuits;

6  
7           (x) Management programs and initiatives to  
8 improve watersheds and increase forage for the mutual  
9 benefit of the agricultural industry and wildlife species  
10 by utilizing proven techniques and tools are vital to the  
11 state's economy and the quality of life in the state; and

12  
13           (xi) Transportation and access routes to and  
14 across federal lands, including all rights-of-way vested  
15 under 43 U.S.C. § 932, are vital to the state's economy and  
16 to the quality of life in Wyoming.

17  
18           (c) That state agencies, under the direction of the  
19 governor, should consider the following findings in the  
20 preparation of any plan, policies, programs or processes  
21 relating to federal lands and natural resources on federal  
22 lands:

23

1           (i) A river segment is suitable for addition to  
2 the National Wild and Scenic Rivers System, 16 U.S.C. §  
3 1271 et seq., when:

4  
5           (A) The appropriate federal agency  
6 demonstrates water is present and flowing at all times;

7  
8           (B) The appropriate federal agency  
9 demonstrates the required water related value is considered  
10 outstandingly remarkable within a region of comparison and  
11 that the rationale and justification for the conclusions  
12 are disclosed to the state;

13  
14           (C) The effects of the addition upon the  
15 local and state economies, agricultural and industrial  
16 operations and interests, tourism, water rights, water  
17 quality, water resource planning and access to and across  
18 river corridors in both upstream and downstream directions  
19 from the proposed river segment have been evaluated in  
20 detail by the appropriate federal agency and disclosed to  
21 the state;

22  
23           (D) The appropriate federal agency  
24 demonstrates the provisions and terms of the process for

1 review of potential additions have been applied in a  
2 consistent manner by all federal agencies;

3

4 (E) The rationale and justification for the  
5 proposed addition, including a comparison with protections  
6 offered by other management tools, is analyzed within the  
7 multiple use mandate and the results disclosed to the  
8 state; and

9

10 (F) The conclusions of all studies related  
11 to potential additions to the National Wild and Scenic  
12 River System are submitted to the state for review and  
13 action by the legislature and the governor, and the results  
14 in support of or in opposition to, are included in any  
15 planning documents or other proposals for addition and are  
16 forwarded to the United States congress.

17

18 (ii) An area is suitable for designation as an  
19 area of critical environmental concern, as defined in 43  
20 U.S.C. § 1702, within federal land management plans  
21 appropriate when:

22

23 (A) The appropriate federal agency  
24 demonstrates the proposed area contains historic, cultural



1 or scenic values, fish or wildlife resources or natural  
2 processes unique or substantially significant on a regional  
3 basis, or contain natural hazards which significantly  
4 threaten human life or safety;

5  
6 (B) The regional values, resources,  
7 processes or hazards that have been analyzed by the  
8 appropriate federal agency for impacts resulting from  
9 potential actions are consistent with the multiple use  
10 sustained yield principles. This analysis describes the  
11 rationale for any special management attention required to  
12 protect or prevent irreparable damage to the values,  
13 resources, processes or hazards;

14  
15 (C) The difference between special  
16 management attention required for an area of critical  
17 environmental concern and normal multiple use management  
18 has been identified and justified and any determination of  
19 irreparable damage has been analyzed and justified for  
20 short and long term horizons;

21  
22 (D) The appropriate federal agency  
23 demonstrates the proposed designation is not a substitute  
24 for a wilderness suitability recommendation; and

1

2 (E) The conclusions of all studies are  
3 submitted to the state for review and the results, in  
4 support of or in opposition to, are included in all  
5 planning documents.

6

7 (iii) The Endangered Species Act serves an  
8 important function in preserving species of concern. The  
9 protections set forth in the Endangered Species Act have  
10 potential impacts on federal, state and private lands. As  
11 in recognition of these impacts, the United States fish and  
12 wildlife service and the United States marine fisheries  
13 service should be vigilant to:

14

15 (A) Clearly demonstrate peer reviewed  
16 science is present before any species listing;

17

18 (B) Consult with the state planning  
19 coordinator before any species listing;

20

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

24

1 (D) Recognize the importance of  
2 agricultural operations in providing critical wildlife  
3 habitat;

4  
5 (E) Consult with the state planning  
6 coordinator and appropriate state agencies in setting  
7 population objectives and species habitat requirements  
8 early in the planning process to ensure recovery and  
9 delisting of any species.

10

11 (iv) Government to government exchanges of land  
12 with the state should be based on a fair process of  
13 valuation to meet the fiduciary obligations of both the  
14 state and federal governments toward trust lands  
15 management, and assure that revenue authorized by federal  
16 statute to the state from mineral or timber production,  
17 present or future, is not diminished in any manner during  
18 valuation, negotiation or implementations processes;

19

20 (v) Prime agricultural lands should continue to  
21 produce the food and fiber needed by the citizens of the  
22 state and the nation. The rural character and open  
23 landscape of rural Wyoming should be preserved through a

1 healthy and active agricultural industry, consistent with  
2 private property rights and state fiduciary duties;

3

4 (vi) The resources of the forests and rangelands  
5 of Wyoming should be integrated as part of viable, robust  
6 and sustainable state and local economies. Available  
7 forage should be evaluated for the full complement of  
8 herbivores the rangelands can support in a sustainable  
9 manner. Forests should contain a diversity of timber  
10 species, and disease or insect infestations in forests  
11 should be controlled using logging or other best management  
12 practices;

13

14 (vii) The invasion of noxious weeds and  
15 undesirable invasive plant species into Wyoming should be  
16 reversed, their presence eliminated and their return  
17 prevented;

18

19 (viii) Management and resource use decisions by  
20 federal land management and regulatory agencies concerning  
21 the vegetative resources within the state should reflect a  
22 genuine consideration of the optimization of the yield of  
23 water and the storage opportunities that exist within the  
24 watersheds of Wyoming;

1

2           (ix) The development of the solid, fluid and  
3 gaseous mineral resources of the state should be  
4 encouraged, the waste of fluid and gaseous minerals within  
5 developed areas should be prohibited and requirements to  
6 mitigate or reclaim mineral development projects should be  
7 based on credible evidence of impacts to natural or  
8 cultural resources;

9

10           (x) Motorized, human and animal powered outdoor  
11 recreation should be integrated into a fair and balanced  
12 allocation of resources within the historical and cultural  
13 framework of multiple uses in Wyoming. Outdoor recreation  
14 should be supported as part of a balanced plan of state and  
15 local economic support and growth;

16

17           (xi) Off-highway vehicles should be used  
18 responsibly, the management of off-highway vehicles should  
19 be uniform across all jurisdictions and laws related to the  
20 use of off-highway vehicles should be uniformly applied  
21 across all jurisdictions;

22

23           (xii) Rights-of-way granted under the provisions  
24 of 43 U.S.C. § 932 should be preserved and acknowledged;

1

2           (xiii) Transportation and access provisions for  
3 all other existing routes, roads and trails across federal,  
4 state trust lands within the state should be determined and  
5 identified and agreements executed and implemented as  
6 necessary to fully authorize and determine responsibility  
7 for maintenance of all routes, roads and trails;

8

9           (xiv) The reasonable development of new routes  
10 and trails for motorized, human and animal powered  
11 recreation should be implemented;

12

13           (xv) Forests, rangelands and watersheds in a  
14 healthy condition are necessary and beneficial for  
15 wildlife, livestock, grazing and other multiple uses;

16

17           (xvi) Management programs and initiatives  
18 implemented to increase forage for the mutual benefit of  
19 the agricultural industry, livestock operations and  
20 wildlife species should utilize generally acceptable  
21 techniques and tools;

22

23           (xvii) The continued viability of livestock  
24 operations and the livestock industry should be supported

1 on the federal lands within Wyoming by management of the  
2 lands and forage resources, by the optimization of animal  
3 unit months for livestock in accordance with the multiple  
4 use provisions of the Federal Land Policy and Management  
5 Act of 1976, 43 U.S.C. § 1701 et seq., the provisions of  
6 the Taylor Grazing Act of 1934, 43 U.S.C. § 315 et seq. and  
7 the provisions of the Public Rangelands Improvement Act of  
8 1978, 43 U.S.C. § 1901 et seq.;

9  
10 (xviii) The provisions for predator control  
11 initiatives or programs under the direction of state and  
12 local authorities should be implemented; and

13  
14 (xix) The resource use and management decisions  
15 by federal land management and regulatory agencies should  
16 support and partner in state sponsored initiatives or  
17 programs designed to stabilize and support wildlife  
18 populations in the state.

19  
20 (d) That nothing contained in this resolution shall  
21 be construed to restrict or supersede the planning powers  
22 conferred upon state departments, agencies,  
23 instrumentalities or advisory councils of the state or the

1 planning powers conferred upon political subdivisions by  
2 any other existing law.

3

4 (e) That nothing in this resolution shall be  
5 construed to affect any lands withdrawn from the public  
6 domain for military purposes if the lands are administered  
7 by the United States department of defense.

8

9 (f) That the Secretary of State of Wyoming transmit  
10 copies of this resolution to the President of the United  
11 States, to the President of the Senate and the Speaker of  
12 the House of Representatives of the United States Congress,  
13 the Secretary of the Interior of the United States, the  
14 Secretary of Agriculture of the United States, the Wyoming  
15 Congressional Delegation and the Governor of the State of  
16 Wyoming.

17

18 (END)