

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;

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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:

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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 in full cooperation with state agencies
13 and local governments and make other resource use decisions
14 to facilitate land and natural resource use allocation
15 supporting the specific plans, programs, processes and
16 policies of state agencies and local governments. Multiple
17 use and sustained yield management is designed to produce
18 and provide the watersheds, food, fiber and minerals
19 necessary to meet future economic growth needs, community
20 expansion and meet the recreational needs of the citizens
21 of the state without permanent impairment of the
22 productivity of the land;

23

1 (iii) The waters of the state are the property
2 of the citizens of the state, subject to appropriation for
3 beneficial use, and are essential to the future prosperity
4 of the state and the quality of life within the state;

5

6 (iv) The state has the right to develop and use
7 its entitlement to interstate waters;

8

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

12

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

16

17 (vii) The state has outstanding opportunities
18 for outdoor recreation;

19

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

1

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

7

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

13

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

18

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

24

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) An area is suitable for designation as a
8 research natural area, as provided in 36 C.F.R. part
9 251.23, within federal land management plans when:

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11 (A) The appropriate federal agency
12 demonstrates the proposed area illustrates adequately or
13 typifies, for research or educational purposes, the
14 important forest and range types and demonstrates that the
15 area contains plant communities that have special or unique
16 characteristics of scientific interest and importance;

17

18 (B) The difference between special
19 management attention required for a research natural area
20 and normal multiple use management has been identified and
21 justified for short and long term horizons;

22

1 (C) The appropriate federal agency
2 demonstrates the proposed designation is not a substitute
3 for a wilderness suitability recommendation; and
4

5 (D) The conclusions of all studies are
6 submitted to the state for review and the results, in
7 support of or in opposition to, are included in all
8 planning documents.
9

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

17

18 (A) Clearly demonstrate peer reviewed
19 science is present before any species listing;
20

21

22 (B) Consult with the state planning
23 coordinator before any species listing;

24

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

4

5 (D) Recognize the importance of
6 agricultural operations in providing critical wildlife
7 habitat;

8

9 (E) Consult with the state planning
10 coordinator and appropriate state agencies in setting
11 population objectives and species habitat requirements
12 early in the planning process to ensure recovery and
13 delisting of any species.

14

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

23

1 (vi) Prime agricultural lands should continue to
2 produce the food and fiber needed by the citizens of the
3 state and the nation. The rural character and open
4 landscape of rural Wyoming should be preserved through a
5 healthy and active agricultural industry, consistent with
6 private property rights and state fiduciary duties;

7

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

17

18 (viii) The invasion of noxious weeds and
19 undesirable invasive plant species into Wyoming should be
20 reversed, their presence eliminated and their return
21 prevented;

22

23 (ix) Management and resource use decisions by
24 federal land management and regulatory agencies concerning

1 the vegetative resources within the state should reflect a
2 genuine consideration of the optimization of the yield of
3 water and the storage opportunities that exist within the
4 watersheds of Wyoming;

5

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

13

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

20

21 (xii) Off-highway vehicles should be used
22 responsibly, the management of off-highway vehicles should
23 be uniform across all jurisdictions and laws related to the

1 use of off-highway vehicles should be uniformly applied
2 across all jurisdictions;

3

4 (xiii) Rights-of-way granted under the
5 provisions of 43 U.S.C. § 932 should be preserved and
6 acknowledged;

7

8 (xiv) Transportation and access provisions for
9 all other existing routes, roads and trails across federal,
10 state trust lands within the state should be determined and
11 identified and agreements executed and implemented as
12 necessary to fully authorize and determine responsibility
13 for maintenance of all routes, roads and trails;

14

15 (xv) The reasonable development of new routes
16 and trails for motorized, human and animal powered
17 recreation should be implemented;

18

19 (xvi) Forests, rangelands and watersheds in a
20 healthy condition are necessary and beneficial for
21 wildlife, livestock, grazing and other multiple uses;

22

23 (xvii) Management programs and initiatives
24 implemented to increase forage for the mutual benefit of

1 the agricultural industry, livestock operations and
2 wildlife species should utilize generally acceptable
3 techniques and tools;

4

5 (xviii) The continued viability of livestock
6 operations and the livestock industry should be supported
7 on the federal lands within Wyoming by management of the
8 lands and forage resources, by the optimization of animal
9 unit months for livestock in accordance with the multiple
10 use provisions of the Federal Land Policy and Management
11 Act of 1976, 43 U.S.C. § 1701 et seq., the provisions of
12 the Taylor Grazing Act of 1934, 43 U.S.C. § 315 et seq. and
13 the provisions of the Public Rangelands Improvement Act of
14 1978, 43 U.S.C. § 1901 et seq.;

15

16 (xix) The provisions for predator control
17 initiatives or programs under the direction of state and
18 local authorities should be implemented; and

19

20 (xx) The resource use and management decisions
21 by federal land management and regulatory agencies should
22 support and partner in state sponsored initiatives or
23 programs designed to stabilize and support wildlife
24 populations in the state.

1

2 (d) That nothing contained in this resolution shall
3 be construed to restrict or supersede the planning powers
4 conferred upon state departments, agencies,
5 instrumentalities or advisory councils of the state or the
6 planning powers conferred upon political subdivisions by
7 any other existing law.

8

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

13

14 (f) That the Secretary of State of Wyoming transmit
15 copies of this resolution to the President of the United
16 States, to the President of the Senate and the Speaker of
17 the House of Representatives of the United States Congress,
18 the Secretary of the Interior of the United States, the
19 Secretary of Agriculture of the United States, the Wyoming
20 Congressional Delegation and the Governor of the State of
21 Wyoming.

22

23

(END)