

Sublette County Federal and State Land Use Policy
June 2008

Purpose

Sublette County's character is defined by three primary economic influences: agriculture, recreation and the mineral extraction industry. All three are heavily dependent on public lands for viability. With 80 percent of Sublette County's nearly 5,000 square miles consisting of federal and state lands, what happens on these lands has significant impacts on residents of the county.

Management of federal and state lands, including lands administered by the USDI Bureau of Land Management and the USDA Forest Service, is governed by a system of laws and regulations. Portions of these laws and regulations also provide for involvement of local governments in the planning and decision-making processes. Federal land use plans are to be consistent with local land use plans, ordinances and policy. This land use policy represents Sublette County's recommendations and policies for land management and use on federal and state lands within the county.

Principles

Federal lands are to be managed in a way that protects and improves the health, safety, environment, and well being of our citizens, and improve the performance of the economy without imposing unacceptable or unreasonable costs or impacts to local social structure. Sublette County recognizes that the private sector and private markets are the best engine for economic growth; that regulatory policies should respect the role of state and local governments; and public lands policies and regulations should be effective, consistent, sensible, and understandable.

In adopting this federal and state land use policy, the Sublette County Commission intends to:

- Protect the integrity of environmental systems and natural resources;
- Preserve resource-based industries;
- Promote a robust, diverse and stable economy;
- Minimize conflicts between land uses;
- Protect public health, safety and welfare;
- Promote an understanding of the dynamics and benefits to and from agriculture and other multiple use activities and federal land concerning wildlife;
- Preserve culture, customs, heritage, and economic diversity; and
- Recognize and protect private rights in federal and state land resources including rights-of-way, grazing permits, water rights, special use permits, leases, contracts, and recreation use permits and licenses.

Revision

As conditions change and new issues arise, the Sublette County Commission's policies will continue to evolve and change, requiring periodic amendments to this document. The commission will conduct formal reviews of this document on a two-year basis, but amendments may be made at any time.

1 *Severability*

2 Should a court declare any part of this policy void, unenforceable or invalid, the
3 remaining provisions shall remain in full force and effect.

1 *General land use planning*

2 For purposes of land use planning efforts and management decisions on federal lands in
3 Sublette County, federal and state agencies shall develop and maintain cooperating
4 agency status for all major federal land management actions.

5
6 Sublette County expects to enter into a memorandum of understanding (with a two-year
7 term, automatically renewable) for all National Environmental Policy Act-related projects
8 or planning document amendments affecting federal lands in Sublette County.

9
10 Federal agencies shall coordinate with the county as required by federal law. Land
11 management agencies shall consider the effects proposed actions have on (1) community
12 stability; (2) maintenance of custom, culture and economic stability; (3) conservation and
13 use of the environment and natural resources in the county; and (4) on existing multiple
14 use.

15
16 Once a decision on a major federal action affecting federal lands is made, federal land
17 management agencies shall document and track follow-up actions to ensure
18 implementation and compliance with this federal and state land use policy.

19
20 Federal land management planners should review all future planning documents for
21 consistency with this Sublette County Federal and State Land Use Policy; identify any
22 inconsistencies or conflicts that may exist; and take practical measures to resolve the
23 conflicts to ensure consistency and compliance with this plan; and describe these findings
24 in the planning or other decision documents.

25
26 It is Sublette County's policy that federal land use planning should:

- 27 • Involve a high level of cooperation and coordination;
28 • Be multi-jurisdictional to the largest extent possible;
29 • Incorporate the principles of performance-based and adaptive management, while
30 respecting the legal interests and rights granted on federal lands;
31 • Involve a high level of cooperation and coordination with county agencies to identify,
32 disclose and monitor socio-economic effects;
33 • Include a large-scale cumulative analysis of effects, temporally and geographically;
34 • Be based on a holistic view of entire ecosystem, rather than a species-by-species or
35 resource-by-resource approach; and
36 • Use high quality data evaluated by rigorous scientific methodology and principles.

37
38 *Waivers*

39 Waivers, modifications, and exceptions of existing standards or guidelines should be
40 granted when waiver may result in less impact, reduce the overall footprint of
41 development or substantially reduce the costs of the project or when the conditions have
42 changed or the restriction is unnecessary to achieve the objectives.

43
44 *Cooperative conservation*

45 Sublette County supports federal land management that is based on cooperative
46 conservation, meaning actions that relate to use, enhancement, and enjoyment of natural

resources, protection of the environment, or both, and that involve collaborative activity among federal, state, local, and tribal governments, private for-profit and nonprofit institutions, other nongovernmental entities and individuals.

Federal land management must facilitate cooperative conservation by fully involving local governmental entities, including the Sublette County Commission and Sublette County Conservation District; take appropriate account of and respect the interests of persons with ownership or other legally recognized interests in land and other natural resources; properly accommodate local participation in federal decision-making; and provide that the programs, projects, and activities are consistent with protecting public health, safety and welfare. Sublette County will not support projects where the federal agency has excluded local government entities and landowners.

Information quality

Federal land managers shall take into account the best available unbiased science in planning efforts by:

- Documenting how high quality data evaluated by rigorous scientific methodology and principles was considered in the planning process within the context of the issues being considered;
- Evaluating and disclosing substantial uncertainties in that science;
- Evaluating and disclosing substantial risks associated with plan components based on that science; and
- Documenting that the science was appropriately interpreted and applied.

Consultation, coordination and cooperation

It is Sublette County's policy that federal land management agencies shall:

- Establish effective government-to-government relationships with Sublette County.
- Identify a county relations liaison to serve as the first point of contact with Sublette County Commission and as the person who will generally initiate agency contact with the county.
- Implement federal land management programs and activities consistent with and respecting the county's rights and fulfilling the federal government's legally mandated coordination responsibility with the county.
- Manage federal lands and resources in coordination with the county.
- Work to reduce or remove legal or administrative program impediments that inhibit the agency's and the county's capacity to work directly and effectively with each other.
- Consult with the county on matters that may affect the public's rights and interests.
- Promptly notify Sublette County at the earliest opportunity of proposed policy, plans, projects or actions that may affect the public's rights or interests in order to provide Sublette County an opportunity for meaningful dialogue on potential implications and effects.
- Develop, in consultation and collaboration with Sublette County, agreements and statements of relationships with the county that help clarify the county's rights and interests and set forth procedures and protocols for consultation, including the points of contact.

- 1 • Involve designated county representatives, including staff, consultants and technical
2 representatives, in the consultation process, including development of proposed policies,
3 plans, projects, or actions, where appropriate.
- 4 • Involve the county early in planning process in the preparation of in-depth socio-
5 economic information.
- 6 • Fully consider recommendations by Sublette County to address county concerns on
7 proposed decisions.
- 8 • Inform Sublette County how its information and recommendations were considered in
9 public land management decisions, including explanations particularly in the event that
10 county input was not adopted or incorporated.
- 11 • Document the process and actions taken to consult with Sublette County, the results of
12 those actions, and how the public land manager's final decision was communicated to the
13 county. This consultation review and monitoring process shall involve Sublette County
14 officials and representatives.
- 15 • Participate in a "cooperator working group," which would focus on implementation of
16 planning decisions on public lands.
- 17 • Conduct annual planning meetings for specific projects that include participation by
18 livestock permittee, affected adjacent landowners, and other multiple use interests in
19 affected area, as well as Sublette County representatives.

21 *Custom and culture*

22 Major land uses on federal and state lands in Sublette County include livestock grazing;
23 harvesting of forest products; oil and gas exploration and production and associated
24 development; and recreation, which includes a broad spectrum from primitive use to
25 developed-area recreation, both motorized and non-motorized. It is this myriad of land
26 use that forms the custom and culture of the citizens of the county. The traditions of its
27 citizens are based on continuing these land uses.

28 Other important components of federal and state land include the land's inherent value as
29 open space available for use by the public at large; providing habitat for flora and fauna;
30 and its role as a vessel for historical and cultural values associated with human use of the
31 land throughout history.

32
33 Sublette County will support the maintenance and enhancement of the custom and culture
34 of the county, and oppose any change in land use that does not evaluate, mitigate, and
35 minimize impacts to custom and culture and the economic stability of the county.

36
37 Federal land managers shall incorporate the social, cultural, and economic needs of the
38 county when developing plans or projects and making recommendations that affect the
39 custom and culture of the county. Furthermore, the consideration process used to assess
40 impacts to county custom and culture shall be cited in federal and state land management
41 plans and the steps taken to incorporate protection of the county's custom, culture and
42 heritage into each plan and project.

43
44 Sublette County will review federal and state land use and planning issues impacting the
45 county's custom and culture and make recommendations pertinent to the issue in
46 question. Responsible use of federal lands is use that benefits the custom, culture,

1 heritage and economic base of the county.

2
3 Federal and state agencies shall notify Sublette County of any actions, proposals,
4 policies, or regulations which may impact the custom and culture of Sublette County; and
5 Sublette County will review and comment on federal or state actions which impact the
6 custom and culture of the county.

7
8 Local governmental agencies (including county, towns, school districts, public health
9 care providers, and other local agencies) have important and useful data and other
10 information regarding economic and cultural trends that may not be available from state
11 or federal data sources. It is Sublette County's policy that federal and state land managers
12 seek out and take into full account data and information available from local sources
13 when developing plans and/or making recommendations.

14
15 Management of federal lands will recognize valid existing rights and interests in federal
16 land. Livestock grazing rights established by permit and preference, mineral leases,
17 mining claims, recreation permits and concessionaire contracts, and rights-of-way form
18 the backbone of the county's communities.

19
20 *Economics*

21 Sublette County supports efforts to maintain or improve the overall economic base of the
22 county through the judicious use and enjoyment of federal and state lands in the county.

23
24 It is Sublette County's policy that economic diversity and long-term stability are
25 beneficial to the welfare of county residents.

26
27 Sublette County will not support federal and state agencies on land management
28 decisions when economics is not carefully considered in the decision. In such cases,
29 Sublette County may be forced to appeal or seek other relief.

30
31 Any proposed change in land use must evaluate, mitigate, and minimize impacts to
32 custom and culture and the economic stability of the county.

33
34 Sublette County recommends federal and state agencies entertain and evaluate
35 opportunities for free trade and enterprise based on their merits and impacts to federal
36 and state lands. While economics should not always be the driving factor in decision-
37 making, it should be part of the balance of interests considered.

38
39 Federal land management agencies must work in tandem with Sublette County to
40 accurately provide socioeconomic impact analysis and provide socioeconomic impact
41 mitigation recommendations to both the agencies overseeing the development as well as
42 county government officials. Agencies overseeing the development should make every
43 reasonable attempt to implement the socioeconomic impact mitigation recommendations
44 while working with local government officials.

45
46 Any development that will require the employment of more than 250 workers for a period

1 of more than 90 days will incorporate mitigation to compensate for impacts on
2 community services and housing.

3
4 Sublette County recommends that socio-economic monitoring and analysis be performed
5 by experts familiar with the area's unique history, culture, economy and resources. It is
6 Sublette County's policy that such monitoring and analysis be paid for by the industry
7 creating the impact, and that this requirement be understood by all involved, early in the
8 process.

9
10 Large employers whose projects involve federal lands and have more than 50 employees
11 will provide housing facilities such as seasonal RV parks, unless such facilities are
12 readily available privately, for regular rotational workers at least for the period between
13 Memorial Day and Labor Day every year in order to reduce impacts to the tourism-
14 related sector of the county's economy. Large employers may also be required to pay
15 impact fees or provide supplemental services to reduce the impacts on county and other
16 services.

17
18 Mancamps shall be located, as much as possible, within the fields of industrial
19 development on federal lands in the county in order to reduce impacts to local
20 communities. If not on federal or state land, encourage bussing of employees to and from
21 mancamps located on private property.

22
23 Federal land management agencies shall notify Sublette County of any actions or
24 regulations that affect the economic base of the county; and Sublette County will review
25 and comment on proposed actions significant to the economic base of the county.

26
27 When a negative impact of a proposed action is unavoidable, provisions should be made
28 to mitigation or compensation for those impacts.

29
30 It is Sublette County's policy that analysis of proposed major federal actions must
31 include consideration of the following socioeconomic factors:

32 • An evaluation of the social and economic conditions in the area of site influence. The
33 social and economic conditions shall be inventoried and evaluated as they currently exist,
34 projected as they would exist in the future without the proposed industrial facility and as
35 they will exist with the facility.

36 • A study of the area economy including a description of methodology used. The study
37 may include, but is not limited to, the following factors:

38 Employment projections by major sector

39 Economic bases and economic trends of the local economy

40 Family and per capita income

41 Purchasing power of earnings within the area of site influence

42 Short and long term fluctuations in resource consumption and resource availability

43 Employment dislocation and skill obsolescence

44 Diversity of economy

45 Estimates of basic versus non-basic employment

46 Unemployment rates

1 Population, optionally including demographics and projections
2 Housing, including quantitative evaluations of the number of units in the area and
3 discussion of vacancy rates, costs, and rental rates of the units
4 Transportation
5 Governmental facilities
6 Sewer and water distribution and treatment facilities
7 Solid waste collection and disposal services
8 Health and medical care facilities and services
9 Human service facilities
10 Recreational facilities
11 Schools
12 Mental Health services
13 Problems due to the transition from temporary, construction employees to operating
14 workforces
15 Fiscal analysis over the projection period for all local governments, including
16 revenue structure, expenditure levels, mill levies, services provided through public
17 financing, and the problems in providing public services
18 Estimate of sales and use taxes and ad valorem taxes generated by the proposed
19 activity
20 Impact controls and mitigating measures proposed by the applicant to alleviate
21 adverse social and economic impacts associated with construction and operation of the
22 proposed industrial facility.
23

24 *Multiple use*

25 Federal lands in Sublette County should be managed for multiple use. Multiple use is the
26 management of the public lands and their various resource values so that they are utilized
27 in the combination that will best meet the present and future needs of the county citizens:
28 • Making the most judicious use of the land for some or all of these resources or related
29 services over areas large enough to provide sufficient latitude for periodic adjustments in
30 use to conform to changing needs and conditions;
31 • The use of some land for less than all of the resources;
32 • A combination of balanced and diverse resource uses that takes into account the long-
33 term needs of future generations for renewable and non- renewable resources, including,
34 but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and
35 natural scenic, scientific and historical values; and
36 • Harmonious and coordinated management of the various resources without permanent
37 impairment of the productivity of the land and the quality of the environment with
38 consideration being given to the relative values of the resources and not necessarily to the
39 combination of uses that will give the greatest economic return or the greatest unit output.
40

41 The prioritizing of any one multiple use should only occur after the impacts to other
42 multiple uses are fully quantified and mitigated. Any proposal to close the federal lands
43 to a multiple use must be approved by Sublette County after a public hearing.
44

45 The public will be fully informed of any land use management proposal and/or decision
46 which affects traditional multiple use status of federal lands in the county.

Sublette County will review federal and state land use and planning issues pertaining to natural resources, such as plan amendments, and make recommendations to applicable agencies and parties.

Sublette County recommends federal and state agencies promote public respect for private structures (corrals, fences, water development, etc.) on federal and state land in an effort to reduce vandalism, educate land users, and promote the multiple use concept.

Sublette County recommends federal and state agencies evaluate opportunities for commercial use of public lands for purposes of benefiting the custom and culture of Sublette County as well as the economic base of the county.

Federal Lands Committee

The Sublette County Commission may appoint a Federal Lands Committee to serve as an advisory committee to the county commission on federal land issues. Under the direction of the county commission, the committee will make recommendations to the commission as to management decisions and policies affecting federal and state lands; and participate in the development, coordination, and implementation of the provisions of Sublette County Federal and State Lands Policy.

The federal lands committee may:

- Develop an implementation plan for the Sublette County Public Lands Policy;
- Insure that all relevant provisions of this policy are followed by federal and state agencies in management of federal and state lands;
- Receive input from residents who are interested in, and directly impacted by, public land use decisions;
- Act as a public land issues clearinghouse;
- Insure that guidelines, protocols, and other policies used to direct any activity on public lands do not contain restrictions or protections not provided for by law or regulation; and
- Keep the county fully informed of management actions proposed or to be implemented on public land and allow the county commission adequate time to develop Sublette County's position of such action should it not be clearly defined in this policy or subsequent implementation plans.

Natural, Biological and Cultural Resources

Air

Air quality is one of Sublette County's primary concerns.

Sublette County supports the purpose of the Clean Air Act Amendments of 1990 which balance the need to ensure the highest level of environmental protection with the need to maintain economically viable and sustainable communities.

Sublette County supports the goals of the Wyoming Environmental Quality Act, which implements the Clean Air Act, as amended. The Wyoming Department of Environmental Quality establishes emission standards and permit procedures to protect the public health and welfare that are economically achievable.

Wyoming Department of Environmental Quality's recommendations should be followed when the agency documents a significant risk to human health from a proposed project on federal lands.

Federal land management agencies shall conduct intensive analysis of any action proposed on federal lands that would, or could, have the effect of changing the quality of air resources in the county. Such actions shall be critically considered in relationship to the historic and current uses of air resources in the county by humans, vegetation, livestock and wildlife.

Federal agencies shall involve Sublette County in the development of mitigation strategies to reduce air quality impacts. Mitigations must be implemented to reduce or eliminate impacts of activities that are expected to impact air quality and that individually or cumulatively result in exceeding state or federal air quality standards.

Federal agencies shall involve Sublette County in the development of enforcement strategies and procedures to be implemented in the case of violations. These procedures and enforcement strategies shall be agreed upon before a permit or lease for a proposed activity or project is approved.

Federal land management agencies shall coordinate with the county when formulating permitting and leasing stipulations for proposed activities or projects that have any significant impacts to air quality. Permitting and leasing stipulations shall include: provisions for the implementation of agreed upon mitigation strategies to reduce or eliminate criteria pollutants where state or federal air quality standards are likely to be violated; and provisions for the implementation of agreed upon enforcement strategies to be implemented in the case of a violation.

Dust-suppression measures on roads traversing federal lands are required for industrial development projects in order to reduce air quality impacts from traffic. Sublette County strongly suggests any road serving more than 50 wells be surfaced to reduce particulates, with the cost paid by industry.

1 Maintaining the county's air quality below state and federal air quality standards is
2 critical to the health and well being of its residents. A high level of air quality is
3 important to future economic development as it reduces the possibility of development
4 restrictions as a result of air quality standards being exceeded.

5
6 Air quality baselines for the area must be established with the full participation of the
7 county and the Sublette County Conservation District.

8
9 To maintain high air quality, state and federal agencies will work to protect the area's air
10 from degradation from non-area sources. These non-area sources shall be identified and
11 quantified.

12
13 Certain criteria pollutants, such as ozone, are not generally emitted directly from a
14 specific source, but are formed from the combination of precursor compounds. Criteria
15 pollutants formed by this process may be in danger of violating air quality standards
16 while their precursor compounds may not be in danger of a violation. If the criteria
17 pollutant is likely to exceed Wyoming and/or National Ambient Air Quality Standards,
18 measures for the reduction of the precursor compounds shall be implemented even if they
19 are not likely to exceed standards in and of themselves.

20
21 All gas field development plans must provide for air quality monitoring. Data
22 development must be coordinated with, and the findings provided to, the county
23 commission and the Sublette County Conservation District.

24
25 Any development or expansion of an activity known to have an impact or have any
26 reasonably foreseeable impact on air quality shall occur in such a way as to avoid
27 exceeding Wyoming and/or National Ambient Air Quality Standards. The determination
28 of whether or not air quality standards will likely be exceeded will be based on
29 quantitative analysis of data gathered from monitoring and the expected emissions of that
30 development or expansion.

31
32 All air quality studies undertaken by or on behalf of a federal land management agency or
33 the Wyoming Department of Environmental Quality must be coordinated with the county
34 and the Sublette County Conservation District.

35
36 All air quality analyses for proposed federal projects that have any reasonably foreseeable
37 impacts to air quality shall be quantitative unless otherwise approved in writing by
38 Sublette County.

39
40 Study methods for air quality analysis shall be developed with, and agreed upon by the
41 county. If necessary, a third party consultant approved by the county may be enlisted to
42 complete the required air quality analysis so long as that consultant conforms to the
43 agreed upon methods.

44
45 Sublette County shall notify any federal land management agency, in writing, of
46 inconsistencies between county policies and procedures regarding air quality and those

1 policies and procedures of federal guidance, resource management plans and
2 amendments to management framework plans.

3
4 The individual and cumulative impacts to air quality and the significance thereof, of any
5 proposed actions on federal lands shall be analyzed thoroughly and quantitatively by the
6 federal agency proposing the activity. Analysis of individual and cumulative impacts
7 must be coordinated with, and the findings provided to, the county.

8
9 Alternatives for a proposed activity on federal lands must be developed with the
10 cooperation of the county.

11
12 *Cultural/Historic/Paleontology resources*

13 Sublette County supports the protection, study, and/or excavation of unique archeological
14 features that occur in the county, including the responsible stewardship of these resources
15 through balancing resource protection with visitor values.

16
17 Sublette County will be recognized by federal agencies as a consulting party as described
18 in Section 106 of the National Historic Preservation Act and subsequent amendments.

19 • Consulting party status will allow Sublette County to cooperate with federal agencies to
20 identify sites that do not offer unusual or special cultural and archeological values and
21 work to release these areas from restrictions which do not allow typical multiple use
22 activities enjoyed on surrounding areas.

23 • Consulting party status will allow Sublette County to cooperate with federal agencies to
24 more openly disclose locations of cultural and archeological sites not warranting special
25 protection.

26
27 Sublette County recommends that priority be given to retention and display of locally
28 collected artifacts in Sublette County.

29
30 Sublette County recommends federal, state, and local governmental offices cooperate to
31 identify significant cultural and archeological sites, make such sites known to the county,
32 and evaluate the significance of proposed land use actions and their impact on the sites.

33
34 As a consulting party, Sublette County will be consulted as cultural properties on federal
35 lands in the county are assessed and classified to use, including scientific use,
36 conservation for future use, traditional use, public use, experimental use, and discharge
37 from management.

38
39 Federal land management agencies should provide public visitation opportunities to
40 cultural and archeological sites while providing sufficient site protection.

41
42 Federal and state agencies will not jeopardize private property rights or existing land
43 uses, such as oil and gas exploration, mining, logging and harvesting of forest products,
44 road maintenance, and grazing, through the protection of cultural and archeological sites.
45 This can be accomplished by carefully assessing the sensitivity and importance of the site
46 relative to the economic and cultural impacts associated with land management decisions

1 based around cultural and archeological sites in the county. Sublette County realizes there
2 can be a balance of existing uses and the need to protect cultural sites.

3
4 Potential adverse effects to significant and high quality cultural resources will be
5 managed to the extent possible through avoidance and confidentiality of location before
6 other protections are considered.

7
8 Many sites represent a unique culture and are closely related to early agricultural
9 settlement of the area. They continue to have historical significance and are held by many
10 residents as reverent or consecrated sites. These sites must be preserved and remain
11 accessible.

12
13 The maintenance of the resources and their physical attributes such as trails, cabins,
14 livestock facilities, etc., is critical to present and future tourism development.

15
16 The land, its people, and their heritage form an inseparable trinity for the majority of the
17 area residents and this relationship must be considered in all proposed actions.

18
19 Livestock grazing, the resulting lifestyles and imprint on the landscapes of the West are
20 some of the oldest enduring and economically important cultural and heritage resources
21 in the West, and must be preserved and perpetuated.

22 23 *Soils*

24 The protection of soils from wind and water erosion and the maintenance of productivity
25 and fertility are critical to sustaining a viable agricultural economy, sustaining wildlife
26 populations, and high quality of air and water.

27
28 Soil-related activities will be based on all available survey data until a final survey is
29 published. Any deviation from this material and soil data development must be
30 coordinated with the USDA Natural Resources Conservation Service and Sublette
31 County Conservation District.

32
33 Sublette County supports the prioritization of soil survey mapping and the uniform use of
34 ecological site descriptions developed by the Natural Resources Conservation Service as
35 the foundation for the inventory, evaluation, settling of monitoring objectives, and
36 management of rangelands and forestlands because ecological sites are the basic units of
37 soils and associated plant communities and they provide the basis for setting vegetative
38 management objectives, monitoring and extrapolations of management impacts to other
39 areas.

40 41 *Vegetation*

42 Sublette County supports efforts to conduct plant surveys to validate existing data and
43 add new plant inventory data.

44
45 Recovery planning efforts for sensitive, threatened, and endangered plant species shall
46 evaluate, mitigate, and support the county's custom and culture and economic viability.

Sublette County supports locally driven efforts to identify desired plant communities that do not compromise the custom and culture and the economy of the county.

Visual

Sublette County recognizes that different levels of scenic values on federal lands in the county require different levels of management. While management of an area with high scenic value might be focused on preserving the existing character of the landscape, management of an area with little scenic value might allow for major modifications to the landscape.

Federal land management agencies shall conduct assessments of visual impacts in determining how an area should be managed, with the goal of protecting the visual resource while not burdening authorized land uses and maintaining economic stability.

Federal land management should provide for a wide array of visual resource management objectives on federal lands in the county, including: preserving the existing character of the landscape with very low levels of change; retaining the existing character of the landscape; partial retention of the existing character of the landscape, with moderate levels of change; and major modification of the existing character of the landscape, with high levels of change acceptable.

It is Sublette County's policy that in considering visual resource management objectives, federal and state land management agencies shall recognize the importance of communications sites to the security, health and welfare of Sublette County's citizens.

Water

Baseline water quality sampling and cataloging of that data shall be required for all industrial water wells (including injection wells) drilled on federal or state lands. This information shall be shared with Sublette County.

It is Sublette County's policy that protection of the county's groundwater quality and quantity is an issue of utmost importance.

Sublette County shall be officially notified, as in interested party, of all voluntary remediation of contaminated sites on federal and state lands in the county.

All field development plans must provide for water quality monitoring. The Sublette County Commission and Sublette County Conservation District shall be directly involved in developing monitoring protocol for air quality and water quality. Development must be coordinated with, and the findings provided to the county.

Weed and pest

Federal and state land management agencies shall participate in cooperative efforts with federal, state, county and private land managers to enhance cooperative weed management efforts in Sublette County.

Early detection and control of noxious weed and insect infestations are essential to the public health, welfare and economy of the citizens of Sublette County.

Mosquito control on federal and state lands in the county should be permitted in order to reduce the risk of transmission of West Nile Virus and other diseases that pose a threat to the health of humans, livestock and wildlife.

Wildland fire

Fire management strategies shall consider firefighter and public safety and protects human life, property and communities. There shall be a high level of cooperation between agencies and firefighter organizations in the county.

Federal agencies will incorporate local fire department plans and policies into fire suppression and control plans.

Wildlife

Recovery planning efforts for sensitive, threatened, and endangered species shall evaluate, mitigate, and support Sublette County's custom and culture and economic viability.

Wildlife management efforts shall reduce predation of sensitive species, increase hunting and fishing opportunities within appropriate carrying capacities, decrease game damage conflicts, and generally balance wildlife numbers with other factions representing the custom and culture and multiple use values of the county.

Sublette County supports responsible wildlife habitat preservation, development, and management.

It is Sublette County's policy that federal agencies shall fully quantify and cause mitigation measures to be adopted that would effectively mitigate impact to Sublette County wildlife populations as a result of energy development.

In carrying out animal damage management activities, public land managers shall:

- Allow currently recognized methods of predator control, including aerial gunning of predators, as viable options for predator control on public lands in the county.
- Rely upon the USDA Animal and Plant Health Inspection Service, Wyoming Game and Fish Department and Sublette County Predator Management Board to provide the expertise and conduct predator control on public lands, to determine livestock losses, and to determine methodology for animal damage management.
- Conduct non-predator animal damage management, such as controlling small mammal populations, and necessary environmental analysis and disclosure on public lands.
- Coordinate with other federal and state agencies to improve effectiveness of control program activities conducted on federal and state lands.
- Use an integrated approach to the prevention of animal damage and management of animal damage control programs. Consider a full range of methods, including physical

1 barriers, repellents, habitat manipulation, biological controls, silvicultural methods (for
2 example, fertilizing to improve soil fertility), pesticides, and hunting and trapping. Use
3 licensed hunting, fishing, and trapping as a control technique where practicable.
4

5 Federal and state land management agencies shall allow the continuation of the state's elk
6 feedground program on federal and state lands, as well as approve the implementation of
7 the recommendations of the Wyoming Brucellosis Coordination Team that pertain to
8 federal and state lands in order to reduce brucellosis in wildlife populations and to reduce
9 the risk of transmitting the disease to cattle herds.
10

11 It is Sublette County's policy to support the goal of eliminating brucellosis in the Sublette
12 County elk population as a means to reduce and/or eliminate Brucellosis in the livestock
13 population in the county.
14

15 There shall be no imposition of land use restrictions on federal lands for the purpose of
16 protecting species classified as predators under state statute.
17

18 It is Sublette County's policy that land management agencies consider wildlife use in the
19 context of healthy range standards.
20

21 Sublette County supports "Executive Order 20070817: Facilitation of Hunting Heritage
22 and Wildlife Conservation" and the provisions requiring federal agencies to:

23 (a) Evaluate the effect of agency actions on trends in hunting participation and, where
24 appropriate to address declining trends, implement actions that expand and enhance
25 hunting opportunities for the public;

26 (b) Consider the economic and recreational values of hunting in agency actions;

27 (c) Manage wildlife habitats on public lands in a manner that expands and enhances
28 hunting opportunities, including through the use of hunting in wildlife management
29 planning; and

30 (d) Work collaboratively with state governments to manage and conserve game species
31 and their habitats in a manner that respects private property rights and state management
32 authority over wildlife resources.
33

34 *Wild Horses*

35 Designation of any wild horse management areas in Sublette County is inappropriate and
36 federal land managers shall provide for the removal of wild horses from federal lands in
37 the county.

Resource Uses

Forestry

The private use of timber products from federal and state lands in Sublette County for fuel, posts and poles, Christmas trees, etc., shall be continued as an allowable use.

A sustainable wood products industry on federal and state lands in the county is an important aspect of economic diversity.

Fire, timber harvesting, and treatment programs are managed in a way to promote forest health, reduce disease and insect infestation and prevent waste of forest products while providing opportunities for local businesses and small business.

Federal land management agencies should participate in the National Forest County Partnership Restoration Program to formulate a multi-year plan that encompasses: a) Community-based cooperation with stakeholders; b) Integration of best management practices that incorporate peer reviewed science; c) Expedited implementation of forest and watershed enhancement projects at the stand and landscape levels; and d) flexibility in authorities and planning.

Conservation forestry conclusions and proposals for action should be consistent with the following: (1) avoid management scenarios that result in a static forest condition; (2) not restrict management actions to a particular size or age of wood material; (3) concentrate activities on current condition as compared to desired condition; (4) contains an aggressive time table for management implementation; (5) uses a systemic, diagnostic approach to anticipate forest health problem; (6) works with and not against nature; (7) accurately accounts for forest health costs and uses a long term risk analysis; (8) prepares the forest for inevitable periods of drought and encourages research into climate/forest health relationship and the aforementioned forest management scenarios utilize silviculturally sound harvest of forest products and materials to finance non-commercial management prescriptions to meet desired condition or funded in conjunction with local, state or federal programs.

Lands and realty

Federal land management agencies shall make suitable lands available for disposal under the Recreation and Public Purposes Act and Special User Act in resource management plans and upon request by an appropriate entity in accordance with the acts.

Federal and stae land management agencies shall consider local government needs for local resources such as rock, gravel, road base, etc.

Federal lands shall be available for disposal when such disposal meets the important public objective of community expansion or economic development, or when the disposal would serve the public interest.

1 The design and development of all federal land disposals, including land adjustments and
2 exchanges, shall be carried out to the benefit of the citizens of Sublette County in an
3 expeditious manner.

4
5 There shall be no net loss of private lands in Sublette County. Federal land management
6 agencies shall not acquire any private lands or rights in private lands in Sublette County
7 without first ensuring: that at a minimum, parity in land ownership is maintained; and
8 that private property interests are protected and enhanced. Net loss shall be measured in
9 acreage and fair market value.

10
11 Federally managed lands that are difficult to manage or which lie in isolated tracts shall
12 be targeted for disposal.

13
14 Sublette County shall be notified of, consulted with, and otherwise involved in all federal
15 and state land adjustments in Sublette County. Sublette County's concurrence shall be
16 required prior to such adjustments.

17
18 *Law enforcement*

19 Sublette County and the State of Wyoming have primary jurisdiction for law enforcement
20 throughout Sublette County.

21
22 All federal law enforcement activities will be fully coordinated with the Sublette County
23 Sheriff's Office.

24
25 Sublette County will maximize the use of a cooperative law enforcement program, to
26 improve protection of persons and their property when visiting federal and state lands,
27 and to utilize the opportunity to cooperate with land management agencies in carrying out
28 their specific responsibilities related to the land management.

29
30 It is Sublette County's policy to provide protection to the public and their property
31 through cooperation with other law enforcement agencies.

32
33 Federal and state land management agencies will make available sites for the strategic
34 location of communications towers to aid in law enforcement activities.

35
36 *Livestock Grazing*

37 Livestock grazing on federal and state lands in the county shall continue, at levels
38 consistent with customs and culture and proper stewardship of the resource.

39
40 The continued viability of livestock operations and the livestock industry should be
41 supported on the federal and state lands within the county by management of land and
42 forage resources, by the proper optimization of animal unit months for livestock, in
43 accordance with supportable science and the multiple use provisions of federal and state
44 law.

45
46 Federal land management agencies will not adjust animal unit months (AUMs) on federal

lands without scientifically based justification and full consultation between the permittee and administering agency.

Federal land management agencies will not permit the relinquishment, transfer or retirement of livestock grazing AUMs in favor of conservation, wildlife or other uses besides livestock grazing.

Federal land management agencies will promote public respect for private structures (corrals, fences, water development, etc.) on federal land in an effort to reduce vandalism, educate land users, and promote the multiple-use concept.

The use of categorical exclusions for issuance or renewal of livestock grazing permits on federal lands should be allowed, if the new grazing permit/lease is consistent with the use specified on the previous permit/lease, such that the same kind of livestock is grazed, this does not exceed the active use previously authorized, and grazing does not occur more than 14 days earlier or later than as specified on the previous permit/lease; and the grazing allotment(s) is meeting land health standards, or not meeting standards due to factors that do not include existing livestock grazing.

AUMs should not be placed 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 AUMs that are placed in a suspended use category be returned to active use when range conditions improve.

Sublette County supports and encourages joint cooperative monitoring programs based on the monitoring Memorandums of Understanding developed between the National Public Lands Council, USDA Forest Service and USDI BLM.

State-of-the-art monitoring data should be the basis for grazing management decisions on BLM and Forest Service grazing allotments.

Proper Functioning Condition Assessment (PFC) will be used as intended by the National Riparian Team that developed PFC: ie proper monitoring protocol and objectives shall be developed and monitoring shall be implemented when PFC indicates the need for further action.

Minerals

Sublette County supports future mineral exploration, extraction and development that is conducted in an environmentally responsible manner (taking into consideration land, air, and water quality and quantity, as well as other resource values) and utilizing public involvement.

Sublette County encourages industry companies to conduct science-based research applicable to mineral and mining industry expansion and new development.

1
2 Federal and state land managers should provide consideration to the needs of public and
3 private enterprises relative to gravel, rock for stabilization projects and other material
4 resources. New gravel pit excavation possibilities should be available on federal and state
5 lands dispersed throughout the county, as well as opportunities for year-round gravel
6 crushing and screening operations, in areas where the materials are needed and where it is
7 economically feasible to extract them.

8
9 Federal and state agencies shall consider the potential economic impact of any proposed
10 land management changes or natural-resource related plans to the minerals industry, and
11 on the residents of the county, through in-depth economic impact descriptions in planning
12 documents.

13
14 Federal lands shown to have reasonable mineral potential should be open to oil and gas
15 leasing with stipulations and conditions that will protect the lands against undue and
16 unnecessary degradation to other significant resource values. This should include
17 reasonable and effective mitigation and reclamation measures and bonding for such
18 where necessary.

19
20 Mineral development proposals shall not be approved without complete and proper
21 scientific analysis of the development in compliance of federal environmental laws,
22 regulations and guidelines. The analysis must quantify and disclose all reasonable and
23 foreseeable adverse impacts, offer possible mitigations both on-site and off-site, of the
24 development to all other existing multiple use activities including but not limited to
25 livestock grazing, recreation opportunities, timber harvest, outfitting, hunting, fishing,
26 and to the county's natural, economic, socio-economic, and cultural resources.

27
28 The ability of private mineral owners to access, extract and transport their mineral
29 resource shall not be limited or infringed upon by federal land managers, including in
30 areas determined set aside for no mineral leasing on federal lands.

31
32 An accurate analysis of full-field development scenarios needs be disclosed at the earliest
33 feasible stage in the planning process.

34
35 Impacts from the pace of mineral development, cumulative impact from all mineral
36 developments in the area, and the impact from a sharp decline in development levels will
37 be fully considered in federal land management decisions involving mineral
38 development.

39
40 Federal and state agencies shall analyze and consider all fiscal and economic impacts to
41 the minerals industry, the county and other local governments, and to the residents of the
42 county from any proposed land management changes or natural-resource related plans.

43
44 Planning shall consider up-to-date mineral potential reports.

45
46 Mitigation plans must include monitoring and incorporation of county and other local

1 governmental roles in the monitoring program and it must be a condition of approving
2 mineral development proposals.

3
4 Each mineral company operator should designate a contact person to handle concerns of
5 Sublette County, livestock permittees and other stakeholders, and share that contact
6 information with county and its representatives.

7
8 Sublette County opposes the waste of fluid and gaseous minerals, and recommends such
9 waste be prohibited.

10
11 Federal land managers shall routinely monitor drilling areas to ensure compliance with
12 existing regulations and assist in determining the impacts to air, water, public health and
13 wildlife.

14
15 Federal land managers shall aggressively inspect and enforce operating conditions for oil
16 and gas operations since this is critical to the protection of the environment, public health
17 and safety, proper accounting of production, and to ensure oil and gas resources are
18 developed in a manner that maximizes recovery while minimizing waste.

19
20 Wastewater disposal pits, wastewater disposal/reinjection wells, and other mineral
21 industry infrastructure shall be located within industrialized areas of federal lands and
22 away from fresh water sources.

23
24 Disposal of garbage and other wastes, as well as roadkilled-animals, shall be provided for
25 in development planning documents, with the goal to reduce the risk of attracting and
26 expanding populations of ravens and other predators.

27
28 Transportation planning for industrial projects should occur at the project level rather
29 than at the individual wellpad level.

30
31 Frontage roads longer than half-mile should be discouraged.

32
33 Coordination/cooperation with local government will occur at the project level.

34
35 Federal land managers shall require the use of environmental best management practices,
36 lease stipulations and other restrictions for oil and gas operations, energy-related
37 activities, and other industrial developments, including, but not limited to:

- 38 • Interim reclamation of well locations and access roads soon after the well is put into
39 production;
40 • Painting of all new facilities a color that best allows the facility to blend with the
41 background;
42 • Design and construction of all new roads to a safe and appropriate standard, “no higher
43 than necessary” to accommodate their intended use unless a higher standard is
44 appropriate to control dust and soil erosion; and
45 • Final reclamation recontouring of all disturbed areas, including access roads, to the
46 original contour or a contour that blends with the surrounding topography.

1 Other environmental BMPs, lease stipulations or restrictions should be on a case-by-case
2 basis, depending on their effectiveness; the balancing of increased operating costs vs. the
3 benefit to the public and resource values; the availability of less restrictive mitigation
4 alternatives that accomplish the same objective; and other site-specific factors.

5 Examples of typical, case-by-case BMPs, lease stipulations or restrictions include, but are
6 not limited to, the following:

- 7 • Seasonal drilling restrictions;
- 8 • Avoidance or prohibitions on surface disturbance of sensitive areas (near homes, visual
9 areas, developed recreation sites, migration corridors, grouse leks, rare plant areas,
10 wetlands, crucial winter range, etc.);
- 11 • Paced development and zone development;
- 12 • Clustering of new infrastructure to minimize footprint;
- 13 • Installing raptor perch avoidance;
- 14 • Burying of distribution power lines and/or flow lines in or adjacent to access roads;
- 15 • Centralizing production facilities;
- 16 • Installing submersible pumps;
- 17 • Directional/horizontal drilling;
- 18 • Drilling multiple wells from a single pad/clustered development;
- 19 • Using noise reduction techniques and designs to reduce noise from compressors;
- 20 • Monitoring wildlife;
- 21 • Avoiding placement of production facilities on hilltops and ridgelines;
- 22 • Screening facilities from view or siting facilities to reduce visibility;
- 23 • Use of remote monitoring of wells;
- 24 • Minimizing the footprint of development in overall energy infrastructure;
- 25 • Bioremediating oil field wastes and spills; and
- 26 • Using common utility or right-of-way corridors.

27
28 The use of best available technologies will be required in energy development projects to
29 reduce all pollution impacts during all stages of development.

30
31 The analysis, monitoring of air and water, and identification of health risks associated
32 with energy development will be required, with the costs to be paid for by industry.

33
34 Except for Congressional withdrawals, public lands shall remain open and available for
35 mineral exploration and development unless withdrawal or other administrative actions
36 are clearly justified in the national interest and withdrawal procedures are followed.

37
38 Certain areas of federal land may be withdrawn from mineral leasing in an administrative
39 process, so long as such designation is for the term of a resource planning document, and
40 not a permanent designation.

41 42 *Mitigation*

43 Mitigation and other conditions established in an environmental impact statement or
44 during its review and committed as part of a decision shall be implemented by the lead
45 agency or other appropriate consenting agency.

46

1 The lead agency shall condition funding of actions on mitigation, and upon request,
2 inform cooperating agencies on progress in carrying out mitigation measures which they
3 have proposed and which were adopted by the agency making the decision.

4
5 Mitigation includes avoiding the impact altogether by not taking a certain action or parts
6 of an action; minimizing impacts by limiting the degree or magnitude of the action and its
7 implementation; rectifying the impact by repairing, rehabilitating, or restoring the
8 affected environment; reducing or eliminating the impact over time by preservation and
9 maintenance operations during the life of the action; and compensating for the impact by
10 replacing or providing substitute resources or environments.

11
12 When considering mitigation measures, land managers must consider the range of
13 impacts of the proposal, and must include such things as design alternatives that would
14 decrease pollution emissions, construction impacts, esthetic intrusion, as well as
15 relocation assistance, possible land use controls that could be enacted, and other possible
16 efforts. Mitigation measures must be considered even for impacts that by themselves
17 would not be considered "significant." Once the proposal itself is considered as a whole
18 to have significant effects, all of its specific effects on the environment (whether or not
19 "significant") must be considered, and mitigation measures must be developed where it is
20 feasible to do so.

21
22 Mitigation measures which could reduce adverse impacts or enhance beneficial impacts
23 and which have not been incorporated into the proposed action or an alternative must be
24 identified and analyzed. The analysis should address the anticipated effectiveness of these
25 mitigation measures in reducing adverse impacts or enhancing beneficial impacts.
26 Analyze any residual impacts or unavoidable adverse impacts which remain after
27 mitigation measures have been applied as well as any further impacts caused by the
28 mitigation measures themselves.

29
30 Federal land managers shall identify and adopt measures that may reduce or avoid
31 potential adverse economic or social effects of the alternatives considered, and maximize
32 their positive effects.

33
34 For the development of all new management plans (or revisions or amendments to
35 existing plans), it is Sublette County's policy that federal land managers host at least one
36 economic strategies workshop to provide an opportunity for local government officials,
37 community leaders, and other citizens to discuss regional economic conditions, trends,
38 and strategies.

39 Such workshops shall provide for imparting skills on analyzing local and regional
40 economic and social conditions and trends; assisting community members to identify
41 desired economic and social conditions; and collaborating with agency staff to identify
42 opportunities to advance local economic and social goals through planning and policy
43 decisions within the authority of BLM, its cooperating agencies, or other partners.

44
45 Any initiative, mitigation or compensatory mitigation programs or studies must be
46 coordinated with, and provide for full participation of the county and other local

1 government agencies, including the Sublette County Conservation District.

2
3 All disturbances of surface resources, including fish and wildlife habitats, must be
4 reclaimed as soon as feasible after impacts have been created.

5
6 All mitigation of surface disturbances must be accomplished on or adjoining the site of
7 disturbance. No off-site mitigation may be considered until onsite opportunities have
8 been exhausted or until proper analysis shows that habitat losses cannot be mitigated on
9 site.

10
11 Off-site mitigation should be required, if on-site mitigation is not sufficient.)

12
13 Off-site mitigation must provide for the full involvement of the county.

14
15 Off-site mitigation should be of duration appropriate to the anticipated impacts being
16 mitigated.

17
18 The most cost-effective method of mitigation or habitat improvement is to pool
19 committed mitigation funds to address mitigation on a county-wide landscape scale, so
20 long as the county and other local agencies are directly involved in the approval and
21 management of a compensatory mitigation fund.

22
23 Sublette County supports the use of a mitigation banking system that provides for the
24 banking of dollars or mitigation credits.

25
26 Sublette County favors habitat improvement projects that are jointly sponsored by
27 various resource interests and involve treatments such as disking and seeding, removal of
28 decadent vegetation, logging, seeding, burning, and other direct soil and vegetation
29 prescriptions that are demonstrated to restore forest and rangeland health, increase forage,
30 and improve watersheds for the mutual benefit of domestic livestock, wildlife, and
31 watersheds.

32
33 In order to mitigate impacts from energy development on federal and state lands in
34 Sublette County, it is the county's policy that:

- 35 • Annual operator meetings be held with permittees.
36 • Compensation for cattle lost to oil and gas activities, including deaths from pits and
37 animals hit on roads) be provided.
38 • A fund be established to develop range improvement projects away from industrial
39 activity, or in the alternate, a commitment to fund these projects as development is
40 proposed.
41 • Cattle movement corridors shall not be impacted to the point livestock can't get through
42 the area.
43 • Pipeline projects shall be coordinated to lessen the impact cattle's natural movement
44 through the field, including leaving gaps in the trenches to allow cows to move, or
45 completion of pipeline work while cattle are not on allotments.

- 1 • Standardized fencing of pits shall be required to prevent wildlife and livestock from
- 2 drinking contaminated water. This should include wooden H braces, a fence support
- 3 structure to keep hoses from knocking down fence, and the closure of gates.
- 4 • Maintenance of cattle guards on all roads shall be required to keep cattle from getting
- 5 onto highways, drill pads or other allotments.
- 6 • Speed limits be enforced to lessen the chance of animals getting hit on roads.
- 7 • A provision that when/if the level of industrial activity dominates the field to a point
- 8 that it is uneconomical for the permittees to continue grazing these allotments, operator
- 9 mitigation may include replacement of feed, provide for spring grazing pasture, hay, etc,
- 10 for the duration of the impact period.

11 *Recreation*

12 Federal lands offer a broad range of recreational opportunities on public lands, including,

13 but not limited to, hunting, fishing, horseback riding, camping, nature appreciation,

14 interpretive trips, wildlife watching, boating, and other tourism-related activities. Public

15 lands also support businesses that offer such opportunities to the public, including

16 outfitters and guides, outdoor camps, wilderness/survival schools, dude ranches, etc.

17

18

19 Federal and state land management shall support recreation and tourism and associated

20 businesses in Sublette County, including the broad range of activities included, from off-

21 road vehicle use to primitive outdoor adventures.

22

23 Federal land outdoor recreational access shall not discriminate in favor of one particular

24 mode of recreation to the exclusion of others.

25

26 Existing levels of motorized public access to traditional outdoor recreational designations

27 in the county shall be continued, including both snowmachine and off-highway vehicle

28 use.

29

30 Traditional levels of group camping, group day use and all other forms of outdoor

31 recreation – motorized and non-motorized, shall be continued.

32

33 The permitting process for commercial recreational permits on federal lands in the county

34 shall be streamlined and expedited.

35

36 Permitting of commercial business enterprises on federal lands that reflect the custom and

37 culture of the county in terms of recreation and outdoor lifestyles/uses shall be

38 encouraged.

39

40 Motorized, human, and animal-powered outdoor recreation should be integrated into a

41 fair and balanced allocation of resources within the historical and cultural framework of

42 multiple-uses in rural Wyoming, and outdoor recreation should be supported as part of a

43 balanced plan of state and local economic support and growth.

44

45 Potential developments should include family oriented activities and developments that

46 are accessible to the general public and not limited to special interest groups.

Recreational facility development that supports and cultivates maintenance partnerships with other entities, agencies and special interest groups shall be encouraged.

Outfitting and lodge operations are an important part of local history and tradition as well as contribute substantially to the local economies. Management decisions must provide for the continuation or expansion of these activities and fully disclose the impacts to them.

Recreational residences

Existing recreational residences, and access to them, on federal lands in Sublette County shall continue to be reauthorized.

Search and rescue

Search and rescue (SAR) efforts on federal and state lands will be closely coordinated between the local SAR organization, Sublette County Sheriff's Office and public land managers and other agencies; be outlined through mutual aid and assistance agreements as much as possible; and be facilitated by access.

Transportation and Access

Access to or across federal lands shall not entail encumbrances or restrictions on private property rights or privileges.

There shall be no closure of existing roads or R.S. 2477 rights-of-way without scientific justification, support of the Sublette County Commission, and support of the citizens of the affected area.

Prior to any road closures on federal land within the county, the deciding officer shall conduct full consultation with the county and local citizens.

The development of multiple use trail systems on federal lands in the county shall provide a wide range of recreational opportunities and experiences for all users and shall be permitted, with emphasis on looped trails.

Federal land managers shall provide for the development of access areas on federal lands for the elderly and physically impaired.

No roads, trails, rights-of-way, corridors, easements or other traditional access for the transportation of people, products, recreation, energy or livestock may be closed, abandoned, withdrawn, or have a change of use without full public disclosure and analysis.

County roads on federal lands shall remain open unless it has been determined by the county that the subject road is no longer needed as part of the county's transportation system.

1 *Water use*

2 It is Sublette County's policy that the Wyoming Constitution and Wyoming statutes are
3 the legal basis for all water use in the county and all planning efforts need to reflect this
4 reality.

5 Specifically, the county recognizes:

6 • A water right is a right to use the water of the state, when such use has been acquired by
7 the beneficial application of water under the laws of the state;

8 • Beneficial use shall be the basis, the measure and limit of the right to use water at all
9 times;

10 • Water being always the property of the state, rights to its use shall attach to the land for
11 irrigation, or to such other purposes or object for which acquired in accordance with the
12 beneficial use made; and

13 • Preferred water uses shall have preference rights in the following order:

14 (i) Water for drinking purposes for both man and beast;

15 (ii) Water for municipal purposes;

16 (iii) Water for the use of steam engines and for general railway use, water for culinary,
17 laundry, bathing, refrigerating (including the manufacture of ice), for steam and hot water
18 heating plants, and steam power plants; and

19 (iv) Industrial purposes.

20
21 Sublette County supports additional water storage facilities on public lands in the county
22 that assure future growth and protection of Wyoming's water rights pursuant to the
23 Colorado River Compact.

24
25 All water rights desired by the federal government must be obtained through the state
26 water appropriations system.

27
28 Management and resource-use decisions by federal land management and regulatory
29 agencies concerning the vegetative resources within the county should reflect serious
30 consideration of the proper optimization of the yield of water within the watersheds of the
31 county.

32
33 Proper management of public land watersheds that supply the majority of the agricultural,
34 domestic, and industrial water use in this water-short area is critical.

35
36 An adequate supply of clean water is essential to the health of county residents and the
37 continued growth of its economy.

38
39 Agencies must analyze the effect of decisions on water quality, yields, and timing of
40 those yields. Any action, or lack of action, or permitted use that results in a significant or
41 long-term decrease in water quality or quantity will be opposed.

42
43 Agency actions must analyze impacts on facilities such as dams, reservoirs, delivery
44 systems, monitoring facilities, etc., located on or down stream from land covered by any
45 water related proposal.

46

1 Movement toward nationalization or federal control of Wyoming's water resources or
2 rights will be opposed.

3
4 Privately held water rights should be protected from federal and/or state encroachment
5 and/or coerced acquisition.

6
7 The quality and quantity of water shall not be reduced below current levels.

8
9 Sublette County will support projects that improve water quality and increases quantity
10 and dependability of the water supply.

11
12 *Wind Energy*

13 Sublette County encourages development of wind energy in acceptable areas, consistent
14 with the National Energy Policy of 2001 and the Energy Policy Act of 2005.

Special designations

General

Sublette County will only support special designations of federal or state lands where there is substantial local input and support, and the designation is documented by sound, scientifically based research to support their need.

Sublette County supports special land designations that coincide (rather than conflict) with multiple use concepts, and the custom and culture of Sublette County.

Areas of Critical Environmental Concern (ACEC)

It is Sublette County's policy that ACECs must meet relevance and importance criteria and must require special management to protect the area and prevent irreparable damage to resources or natural systems.

The county's support for designation of an Area of Critical Environmental Concern within federal land management plans will be withheld until:

- It is clearly demonstrated that the proposed area satisfies all the definitional requirements of the Federal Land Policy and Management Act of 1976;
- 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 important values identified, or limited in geographic size and management prescriptions to the minimum required to specifically protect human life or safety from natural hazards;
- It is clearly demonstrated that the proposed area is limited only to areas that are already developed or used or to areas where no development is required;
- It is clearly demonstrated that the proposed area contains relevant and important historic, cultural or scenic values, fish or wildlife resources, or natural processes which are unique or substantially significant on a regional basis, or contain natural hazards which significantly threaten human life or safety;
- The federal agency has fully 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 county 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 special management addition to those specified by the other state and federal laws;
- The difference between special management attention required for an ACEC and normal multiple-use management has been identified and justified, and that any determination of irreparable damage has been analyzed and justified for short- and long-term horizons.

1
2 *Byways*

3 The intrinsic qualities of the Wyoming Centennial Scenic Byway as it traverses federal
4 lands in the county.

5
6 *Critical habitat*

7 Preparation of an environmental impact statement is necessary to consider impacts of
8 proposed critical habitat designations, including a detailed analysis of local economic and
9 social impacts of such designations on the local community.

10
11 Where analysis indicates economic impacts or socio-economic impacts will be
12 substantial, these areas shall be excluded from critical habitat designations.

13
14 *Historic Trails*

15 With the exception of a proposed pipeline adjacent to existing pipelines, federal and state
16 land management agencies shall provide for a quarter-mile protective buffer for
17 designated historic trails on public lands in the county in which no new disturbance
18 would be allowed except where existing improved roads and pipelines currently cross the
19 trail, and no construction activities would be allowed unless screened from the trail by
20 topography.

21
22 *Special status species*

23 There shall be no introduction or reintroduction of threatened or endangered species into
24 the county unless the county is involved in the effort as a cooperating agency and the
25 county is satisfied with the analysis and mitigation measures.

26
27 Federal land planning efforts shall differentiate between special status species and those
28 formally listed pursuant to the Endangered Species Act because special status species do
29 not require the same levels of protection.

30
31 Once population goals set out in recovery plans have been reached, species shall be
32 delisted.

33
34 Sublette County supports alternatives to listing under the ESA, including conservation
35 plans, initiatives or agreements to address threats to species and their habitats.

36
37 Decisions to list any species shall be based on quantifiable monitoring data that proves
38 the threat to the species supports listing.

39
40 *Wild & Scenic*

41 No waterways in Sublette County are suitable for designation pursuant to the Wild and
42 Scenic Rivers Act and Sublette County opposes any further such designations in the
43 county.

44
45 Wild and Scenic River classifications and recommendations must be appropriate and
46 reflect the existing conditions and uses of bordering lands and must meet all the criteria

1 for listing contained in enabling legislation.

2
3 Sublette County must be provided an opportunity to participate in the management and/or
4 administration of any river proposed or designated in the Wild and Scenic River system.

5
6 *Wilderness*

7 The legal requirements and qualifications of the Wilderness Act of 1964 and the
8 Wyoming Wilderness Act of 1984 shall be upheld, including those providing for the
9 continuation of existing uses and the regulation of existing uses only so as to prevent
10 necessary or undue degradation of the environment.

11
12 No additional federal lands in Sublette County are suitable for wilderness designation
13 other than the vast expanse of existing wilderness areas in the county. Sublette County
14 opposes any such further designations.

15
16 Sublette County supports the expeditious resolution of pending congressional wilderness
17 designation proposals for BLM Wilderness Study Areas in Sublette County and supports
18 the release of Wilderness Study Areas not recommended for wilderness designation from
19 non-impairment management.

20
21 There shall be no protective perimeters or buffer zones around wilderness areas. The fact
22 that non-wilderness activities or uses can be seen or heard from within any wilderness
23 area should not, of itself, preclude such activities or uses up to the boundary of the
24 wilderness area.

APPENDIX 1
Statutory framework

General authority

This Sublette County Federal and State Land Use Policy is adopted pursuant to the county's authority under state law and recognition of its role in federal land use planning under federal law. Wyoming law {including Titles 18 & 24} confers broad authority on the counties to provide governmental services, to regulate land uses, and to control the construction of buildings and facilities on unincorporated land within the county. Wyoming counties are also authorized to provide important local government services.

BLM

The Federal Land Policy Management Act ("FLPMA") was passed by Congress in 1976 and applies to lands administered by the US Secretary of Interior through the Bureau of Land Management. This federal law commands that public lands be managed under the principles of multiple use and sustained yield.

These are some of the specific planning provisions of FLPMA:
Sec. 202. [43 U.S.C. 1712]

"(a) The Secretary shall, with public involvement and consistent with the terms and conditions of this Act, develop, maintain, and, when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands. Land use plans shall be developed for the public lands regardless of whether such lands previously have been classified, withdrawn, set aside, or otherwise designated for one or more uses.

(b) In the development and revision of land use plans, the Secretary of Agriculture shall coordinate land use plans for lands in the National Forest System with the land use planning and management programs of and for Indian tribes by, among other things, considering the policies of approval tribal land resource management programs.

(c) In the development and revision of land use plans, the Secretary shall –

- (1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law;
- (2) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences;
- (3) give priority to the designation and protection of areas of critical environmental concern;
- (4) rely, to the extent it is available, on the inventory of the public lands, their resources, and other values;
- (5) consider present and potential uses of the public lands;
- (6) consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values;
- (7) weigh long-term benefits to the public against short-term benefits;
- (8) provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementation plans; and
- (9) to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management activities of or for such

lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located, including, but not limited to, the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended [16 U.S.C. 460l-4 et seq. note], and of or for Indian tribes by, among other things, considering the policies of approved State and tribal land resource management programs. In implementing this directive, the Secretary shall, to the extent he finds practical, keep apprised of State, local, and tribal land use plans; assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall provide for meaningful public involvement of State and local government officials, both elected and appointed, in the development of land use programs, land use regulations, and land use decisions for public lands, including early public notice of proposed decisions which may have a significant impact on non-Federal lands. Such officials in each State are authorized to furnish advice to the Secretary with respect to the development and revision of land use plans, land use guidelines, land use rules, and land use regulations for the public lands within such State and with respect to such other land use matters as may be referred to them by him. Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.”

The law defined the term “multiple use” to mean “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 non-renewable 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.”

The BLM’s regulations for instituting the law are found in the Code of Federal Regulations. 43CFR1610.3-2 relates to BLM’s resource management planning.

“(a) Guidance and resource management plans and amendments to management framework plans shall be consistent with officially approved or adopted resource related plans, and the policies and programs contained therein, of other Federal agencies, State and local governments and Indian tribes, so long as the guidance and resource management plans are also consistent with the purposes, policies and programs of Federal laws and regulations applicable to public lands, including Federal and State pollution control laws as implemented by applicable Federal and State air, water, noise,

1 and other pollution standards or implementation plans.

2
3 (b) In the absence of officially approved or adopted resource-related plans of other
4 Federal agencies, State and local governments and Indian tribes, guidance and resource
5 management plans shall, to the maximum extent practical, be consistent with officially
6 approved and adopted resource related policies and programs of other Federal agencies,
7 State and local governments and Indian tribes. Such consistency will be accomplished so
8 long as the guidance and resource management plans are consistent with the policies,
9 programs and provisions of Federal laws and regulations applicable to public lands,
10 including, but not limited to, Federal and State pollution control laws as implemented by
11 applicable Federal and State air, water, noise and other pollution standards or
12 implementation plans.

13
14 (c) State Directors and District and Area Managers shall, to the extent practicable, keep
15 apprised of State and local governmental and Indian tribal policies, plans, and programs,
16 but they shall not be accountable for ensuring consistency if they have not been notified,
17 in writing, by State and local governments or Indian tribes of an apparent inconsistency.

18
19 (d) Where State and local government policies, plans, and programs differ, those of the
20 higher authority will normally be followed.

21
22 (e) Prior to the approval of a proposed resource management plan, or amendment to a
23 management framework plan or resource management plan, the State Director shall
24 submit to the Governor of the State(s) involved, the proposed plan or amendment and
25 shall identify any known inconsistencies with State or local plans, policies or programs.
26 The Governor(s) shall have 60 days in which to identify inconsistencies and provide
27 recommendations in writing to the State Director. If the Governor(s) does not respond
28 within the 60-day period, the plan or amendment shall be presumed to be consistent. If
29 the written recommendation(s) of the Governor(s) recommend changes in the proposed
30 plan or amendment which were not raised during the public participation process on that
31 plan or amendment, the State Director shall provide the public with an opportunity to
32 comment on the recommendation(s). If the State Director does not accept the
33 recommendations of the Governor(s), the State Director shall notify the Governor(s) and
34 the Governor(s) shall have 30 days in which to submit a written appeal to the Director of
35 the Bureau of Land Management. The Director shall accept the recommendations of the
36 Governor(s) if he/she determines that they provide for a reasonable balance between the
37 national interest and the State's interest. The Director shall communicate to the
38 Governor(s) in writing and publish in the Federal Register the reasons for his/her
39 determination to accept or reject such Governor's recommendations.”

40
41 US Forest Service

42 The National Forest Management Act of 1976, [16 U.S.C. §§1600 et seq.] (“NFMA”)
43 requires the USDA Forest Service to develop management plans that “provide for
44 multiple use and sustained yield of the products and services obtained therefrom in
45 accordance with the Multiple-Use, Sustained-Yield Act of 1960, and in particular,
46 include coordination of outdoor recreation, range, timber, watershed, wildlife and fish,

1 and wilderness; and timber, watershed, wildlife and fish, and wilderness.”

2
3 NFMA requires the Forest Service to consult with other interested governmental
4 departments and agencies on certain actions, and calls for public participation in the
5 “development, review, and revision of land management plans.”

6
7 The National Forest System is in the process of revising its regulations regarding
8 planning processes. What role local governments may have in planning remains unclear.
9 The federal regulations for implementing the NFMA are found at 36 CFR Part 219. The
10 proposed revisions to the regulations were published August 23, 2007 and do include the
11 following pertinent provisions concerning collaboration:

12
13 “The responsible official must use a collaborative and participatory
14 approach to land management planning, in accordance with this subpart
15 and consistent with applicable laws, regulations, and policies, by engaging
16 the skills and interests of appropriate combinations of Forest Service staff,
17 consultants, contractors, other Federal agencies, federally recognized
18 Indian Tribes, State or local governments, or other interested or affected
19 communities, groups, or persons.”

20
21 “The responsible official must provide opportunities for the coordination
22 of Forest Service planning efforts undertaken in accordance with this
23 subpart with those of other resource management agencies. The
24 responsible official also must meet with and provide early opportunities
25 for other government agencies to be involved, collaborate, and participate
26 in planning for National Forest System lands. The responsible official
27 should seek assistance, where appropriate, from other State and local
28 governments, Federal agencies, and scientific and academic institutions to
29 help address management issues or opportunities.”

30 31 32 Other Laws

33 There are a myriad of other federal laws that call for cooperation between governments
34 on specific actions – from protection of cultural and historic resources, to implementing
35 the Clean Water Act and Clean Air Act, and consultations on determinations of critical
36 habitats for endangered species. Administration of the National Trail System is to occur
37 in consultation with various governments.

38
39 In addition, the National Environmental Policy Act [42 U.S.C. §4331, 40 C.F.R. §1506.6]
40 (“NEPA”) established federal policy to promote public input into federal decision-
41 making. This is the law that established the environmental impact statement process for
42 major federal actions. Local governments like county commissions can be named
43 cooperating agencies in preparation of federal environmental documents.

44 NEPA provides that each federal agency shall:

45 (C) include in every recommendation or report on proposals for legislation and other
46 major Federal actions significantly affecting the quality of the human environment, a

1 detailed statement by the responsible official on:

2 (I) the environmental impact of the proposed action,

3 (ii) any adverse environmental effects which cannot be avoided should the proposal be
4 implemented,

5 (iii) alternatives to the proposed action,

6 (iv) the relationship between local short-term uses of man's environment and the
7 maintenance and enhancement of long-term productivity, and

8 (v) any irreversible and irretrievable commitments of resources which would be involved
9 in the proposed action should it be implemented.

10
11 NEPA established the Environmental Quality Council, which issued regulations for
12 implementing provisions of the law. Some of these provisions require the identification
13 of "possible conflicts between the proposed action and the objectives of Federal, regional,
14 State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and
15 controls for the area concerned." [40 C.F.R. §1502.16].
16

17 The Wyoming Constitution and state laws also address certain matters pertinent to this
18 planning process. The Constitution declares, "Water being essential to industrial
19 prosperity, of limited amount, and easy of diversion from its natural channels, its control
20 must be in the state, which, in providing for its use, shall equally guard all the various
21 interests involved."
22

23 The Wyoming Environmental Quality Act [Wyo. Stat. §§35-11-101 -103] declares the
24 following purpose. "Whereas pollution of the air, water and land of this state will imperil
25 public health and welfare, create public or private nuisances, be harmful to wildlife, fish
26 and aquatic life, and impair domestic, agricultural, industrial, recreational and other
27 beneficial uses; it is hereby declared to be the policy and purpose of this act to enable the
28 state to prevent, reduce and eliminate pollution; to preserve, and enhance the air, water
29 and reclaim the land of Wyoming; to plan the development, use, reclamation,
30 preservation and enhancement of the air, land and water resources of the state; to
31 preserve and exercise the primary responsibilities and rights of the state of Wyoming; to
32 retain for the state the control over its air, land and water and to secure cooperation
33 between agencies of the state, agencies of other states, interstate agencies, and the federal
34 government in carrying out these objectives."
35

36 Wyoming Conservation District statute states: "Agencies of the state, county or any
37 political subdivision of the state which have jurisdiction over or are charged with the
38 administration of any state, county or other publicly owned lands lying within the
39 boundaries of any district organized hereunder, shall cooperate to the fullest extent with
40 the supervisors of the district to effect the programs and operations undertaken by the
41 supervisors under this act and may lease such lands to a district. The supervisors of the
42 districts shall be given free access to enter and perform work upon the publicly owned
43 lands. The provisions of conservation ordinances have the force and effect of law over all
44 publicly owned lands, and shall be in all respects observed by the agencies administering
45 the lands."