

Other Laws

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

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

NEPA provides that each federal agency shall:

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on:

(I) the environmental impact of the proposed action,

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

(iii) alternatives to the proposed action,

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

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

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

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

The **Wyoming Environmental Quality Act** [Wyo. Stat. §§35-11-101 -103] declares the following purpose. “Whereas pollution of the air, water and land of this state will imperil public health and welfare, create public or private nuisances, be harmful to wildlife, fish and aquatic life, and impair domestic, agricultural, industrial, recreational and other beneficial uses; it is hereby declared to be the policy and purpose of this act to enable the state to prevent, reduce and eliminate pollution; to preserve, and enhance the air, water and reclaim the land of Wyoming; to plan the development, use, reclamation, preservation and enhancement of the air, land and water resources of the state; to

preserve and exercise the primary responsibilities and rights of the state of Wyoming; to retain for the state the control over its air, land and water and to secure cooperation between agencies of the state, agencies of other states, interstate agencies, and the federal government in carrying out these objectives.”