



CARBON COUNTY NATURAL RESOURCE MANAGEMENT PLAN PUBLIC MEETING



Presented by:
Bree Burton
&
Conner Nicklas



This meeting is to draw the public's attention to the draft Natural Resource Management Plan that Carbon County is currently developing.



The plan will be adopted by the Carbon County Board of County Commissioners.



The goal is to acquire community input regarding the plan before publishing it.



The document will be released for official public comment period in February 2021.

**WHY
ARE WE
HERE?**

WHAT IS A COUNTY RESOURCE MANAGEMENT PLAN?

■ It is not

- Zoning or regulations that is traditionally seen adopted by counties (examples include ag or residential zoning)
- A plan that requires federal managers to take specific actions
 - Local governments do not have jurisdiction over the federal government
 - The plan cannot for example, then dictate to the BLM how many grazing AUMs will be allocated for a given area

■ It is

- A plan ensuring that the federal decisions consider relevant data and information when they make decisions that impact local resources and the economy
- A tool that informs federal agencies on what issues Carbon County wants to be a cooperating agency for
- A tool that can be used to influence local federal decisions through consistency review and coordination

WHY ADOPT A RESOURCE MANAGEMENT PLAN?

- Federal statutes give local governments the ability to substantially influence federal decisions and specifically interact with federal agencies beyond those that are available to the general public.
 - The 3 Cs
 - Consistency review
 - Coordination
 - Cooperating agency status
- Understanding and using these processes further the statutory mandates of Wyoming counties to protect the health, safety and welfare of their constituents

CONSISTENCY REVIEW

- Consistency review requires a federal agency to review plans, policies, or laws adopted by a local government and explain why there are differences between the federal government's action and the local plan, policy or law.
- Consistency review is a powerful tool to ensure that local voices are heard and considered during the decision-making process

CONSISTENCY REVIEW IN NEPA

- Consistency review is required under the National Environmental Policy Act (NEPA)
 - A federal agency must discuss inconsistencies between the proposed federal action and any approved State or local plan and laws. Where an inconsistency exists, the document should describe the extent to which the agency would reconcile its proposed action with the local plan or law.
 - All major federal actions must undergo NEPA analysis
 - Some courts have said that when the federal government spends any amount of money, and for almost every federal decision requires NEPA compliance

CONSISTENCY REVIEW IN FLPMA

- The Federal Land Management Policy Act (FLPMA) also requires consistency review
 - FLPMA is the federal law that gives the BLM its power
 - BLM land use plans shall be consistent with state and local plans to the maximum extent consistent with federal law and the purposes of this FLPMA.

COOPERATING AGENCY STATUS

- Cooperating agency status gives a local government the ability to participate as part of an agency decision making process
- A cooperating agency must be both
 - A locally elected body
 - Possess special expertise
 - Special expertise is defined as the authority granted to a local governing body by state statute
 - Wyoming's county commissions are authorized to participate as cooperating agencies and have the special expertise regarding the "health, safety, welfare, custom, culture and socio-economic viability of the county."
 - Wyo. Stat. §§ 18-3-504(v); 18-5-208(a)

BLM COORDINATION

- **FLPMA (the BLM's governing law) gives four requirements for coordinating with a local land use plan**
 - **The BLM must stay apprised of local land use plans**
 - **The BLM must assure that local land use plans that are relevant to the development of BLM land use plans are given consideration**
 - **To the extent practical, the BLM must assist in resolving inconsistencies between local and BLM land use plans**
 - **The BLM must provide for the meaningful involvement of local governments in the development of BLM land use programs regulations and decision**
 - **Including early notification of proposed decisions that may impact non-federal lands**

FOREST SERVICE COORDINATION

- **The National Forest Management Act (NFMA) also requires coordination**
 - **The Forest Service must develop, maintain, and revise land and resource management plans that are coordinated with the land and resource management planning processes of local governments**
 - **Coordination means more than simply “considering” the plan. The Forest Service must attempt to achieve compatibility between Forest Service plans and local land use plans.**

THE MORAL OF THE STORY

- Federal statutes have given local governments a voice in federal decisions that affect local resources.
 - Consistency review is required for all major federal actions
 - Cooperating Agency Status is granted to all local governments who have “special expertise”
 - The BLM and Forest Service are specifically required to coordinate with local land use plans
- Having a natural resource management plan laying out local land use policy is a way to ensure that the county can utilize these federal statutes and guarantee that the county’s voice is heard and considered

PROCESS FOR ADOPTION

■ Authority

- The County developed this plan in public meetings in accordance with Wyo. Stat. §§ 16-4-401 through 16-4-408
- Counties are specifically authorized to coordinate with federal agencies
 - Wyo. Stat. §§ 18-3-5004(a)(v); 18-5-208(b)

■ Process

- NRMP is being developed through consolidation of existing policy documents
 - County resolutions
 - Policies
 - 2010 (amended 2012) Carbon County Comprehensive Land Use Plan
 - SER, Medicine Bow, and Little Snake River Conservation District Long Range Plans
- Developed and vetted through a steering committee selected by the Board of County Commissioners
- Public meetings will be scheduled when document goes out for public comment (likely in multiple locations within the County)
- Official public comment period is anticipated to begin in early February 2012
- The NRMP will then be taken to the Board of County Commissioners, during one of their regularly scheduled meetings who will ultimately decide whether to adopt the plan.

Finalizing Draft Document with Steering Committee between now and end of January 2021. Any questions or comments on the plan now can be submitted via email to CarbonCoNRMP@y2consultants.com

Public Comment period starting in early February 2021. 30-day public comment period with public meetings. All comments must be provided in writing or handwritten and submitted to the County Clerk's Office or one of the Conservation District Offices.

Analyze those comments and review with steering committee and commissioners and incorporate as appropriate into final document. (All public comments received will be placed in an appendix of the document)

Provide final document to steering committee and Board of County Commissioners for final review and adoption.

NEXT STEPS

ANY GENERAL QUESTIONS REGARDING THE PLAN?

- Any questions please feel free to contact us:

Bree Burton
Y2 Consultants
180 S. Willow St.
Jackson, WY 83001
307-733-2999
bree@y2consultants.com

Conner Nicklas
Falen Law Offices, LLC
300 E. 18th Street
P.O. Box 346
Cheyenne, WY 82003
307-632-5105 (Telephone)
307-637-3891 (Facsimile)
conner@buddfalen.com

