

RESOLUTION 01-02

ACTION SUPPORTING COUNTY CUSTOM, CULTURE AND HERITAGE IN DECISION MAKING REGARDING STATE OR PRIVATE LANDS IN NIOBRARA COUNTY, STATE OF WYOMING

WHEREAS, the Niobrara County Commissioners recognize the ever increasing encroachment of the State government, and its State agencies, upon the fundamental rights of the citizens of Niobrara County and the sovereignty of the Government of Niobrara County; and

WHEREAS, the government of Niobrara County has the constitutional power to protect the fundamental rights of the citizens of Niobrara County as guaranteed by the Constitution of the United States; and

WHEREAS, the government of the State of Wyoming exercises control over a portion of the land and resources within the geographic boundaries of this County; and

WHEREAS, decisions governing state or private land in Niobrara County, State of Wyoming, have a direct and broadly based impact on the interrelated heritage of cultural, environmental, and economic well-being and stability of the residents; and

WHEREAS, this Resolution is identical to RESOLUTION 96-24, dated November 12, 1996; RESOLUTION 98-02, dated January 6, 1998; RESOLUTION 99-02, dated January 5, 1999; and RESOLUTION 00-02, dated January 4, 2000.

NOW, THEREFORE, BE IT RESOLVED that the following procedural protections shall be followed to ensure that there is full and complete information and cooperation provided in the decision making processes regarding management of lands located within Niobrara County and that the impact of those decisions shall preserve the interrelated heritage of cultural, custom, environmental and economic well-being and stability of Niobrara County:

1. These procedural provisions are intended to apply to all decisions undertaken by any agency, department or other state entity within the State of Wyoming (hereinafter known as state entities) that do or will have direct or indirect impact on state and private lands within the geographic confines of Niobrara County, State of Wyoming.

2. Within thirty (30) days of adoption of this resolution and at the beginning of each calendar year thereafter, the Chairman of the Niobrara County Commissioners, as executive officer of this County, or his designee, shall give written notice to federal entities as follows:

a. The Niobrara County Commissioners desire to have full and complete notice and opportunity for involvement in the decision making processes of the state entity that either

(i) are taken or are being proposed to be taken regarding state or private lands located within Niobrara County, or

(ii) involves any major state action significantly affecting the quality of human environment within Niobrara County.

b. That any decision of state entities to not afford the government of Niobrara County either

(i) complete notice,

(ii) opportunity for involvement beyond that afforded each citizen, or

(iii) limit the role of county government to a local public hearing is presumed as a matter of law to reduce the role that Niobrara County has in the planning process and be prejudicial to the government of Niobrara County and its residents.

c. That all zoning and land use plans lawfully in force are expressions of interrelated environmental, cultural and economic policies that this County deems to be critical to the maintenance of the well-being and stability of the residents of this County and their government.

3. If proposed implementation of state policies or practices over state or private lands located within the geographic boundaries of this County will likely result in either

(a) the alteration of present County and local zoning regulations without being previously voluntarily initiated by this County, or

(b) make it infeasible for existing businesses to continue their present operations, the proposed state action is presumed to both create a negative impact on the interrelated environmental, cultural and economic well-being and stability of this County and its residents and not be the preferred alternative to resolve the concerns of the state entities.

4. Nothing herein is intended to conflict with any existing federal or state statute or applicable regulation that governs lands within Niobrara County, State of Wyoming. Any section, paragraph, sentence, phrase or word that is found to do so as matter of law may be severed from this Resolution without limiting the enforceability of the non-conflicting portion.

DATED this 16th day of January, 2001.

NIOBRARA COUNTY COMMISSIONERS

Donna J. Ruffing
Donna J. Ruffing, Chairman

Richard L. James
Richard L. James

Richard A. Ladwig
Richard A. Ladwig

ATTEST:

Suzanne R. Sturman
Suzanne R. Sturman, Clerk

