

# RESOLUTION 02-01

## ACTION SUPPORTING COUNTY CUSTOM, CULTURE AND HERITAGE

### IN DECISION MAKING REGARDING FEDERAL LANDS IN NIOBRARA COUNTY, STATE OF WYOMING

**WHEREAS**, the Niobrara County Commissioners recognize the ever increasing encroachment of the Federal Government, and its Federal 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 United States of America exercises control over a portion of the land and resources within the geographic boundaries of this County; and

**WHEREAS**, decisions governing federal 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 95-07, dated March 21, 1995; RESOLUTION 96-01, dated January 2, 1996; RESOLUTION 97-01, dated January 7, 1997; RESOLUTION 98-01, dated January 6, 1998; RESOLUTION 99-01, dated January 5, 1999; RESOLUTION 00-01, dated January 4, 2000; and RESOLUTION 01-01, dated January 16, 2001.

**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 federal entity within the Department of Interior, Department of Agriculture, or Environmental Protection Agency (hereinafter known as federal entities) that do or will have direct or indirect impact on federal 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 federal entity that either (i) are taken or are being proposed to be taken regarding federal lands located within Niobrara County, (ii) involves the listing, de-listing, or reclassification of a threatened or endangered species or critical habitat within Niobrara County, or (iii) involves any major federal action significantly affecting the quality of human environment within Niobrara County.
  - b. That any decision of federal 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 a critical habitat designation or federal policies or practices over federal 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 federal 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 environmental and other concerns of the federal 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 2<sup>nd</sup> day of January, 2002.

NIOBRARA COUNTY COMMISSIONERS

*Donna I. Ruffing*  
Donna I. Ruffing, Chairman

*Richard L. James*  
Richard L. James

*Richard A. Ladwig*  
Richard A. Ladwig

ATTEST:

*Suzanne R. Sturman*  
Suzanne R. Sturman, Clerk